

2017 Regular Session

HOUSE BILL NO. 438

BY REPRESENTATIVE ZERINGUE

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

LEVEES/BDS & DISTRICTS: Authorizes flood protection authority spending across the various levee districts

1 AN ACT

2 To amend and reenact R.S. 38:330.1(F)(1), 330.3(A)(1)(c) and (B), and 330.8(B)(1), relative
3 to flood protection authority board meetings; to provide relative to flood protection
4 authority spending across the various levee districts; to provide relative to flood
5 protection authority spending for joint costs of management, planning, design,
6 construction, operation and maintenance, repair, replacement, and rehabilitation of
7 the Hurricane and Storm Damage Risk Reduction System and the Mississippi River
8 levees in Orleans, Jefferson, and St. Bernard parishes; and to provide for related
9 matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 38:330.1(F)(1), 330.3(A)(1)(c) and (B), and 330.8(B)(1) are hereby
12 amended and reenacted to read as follows:

13 §330.1. Southeast Louisiana Flood Protection Authority-East and Southeast
14 Louisiana Flood Protection Authority-West Bank

15 * * *

16 F.(1) A majority of the sitting commissioners of the board shall constitute
17 a quorum to do business. They shall designate the time and select the place for
18 holding their regular sessions, which shall be convened each month. Special
19 meetings may be convened at any time upon the call of the president. Regular
20 monthly meetings of the board ~~shall~~ may be convened on a rotating basis at a place

1 to be determined by the board in a levee district under the jurisdiction of the
2 authority.

3 * * *

4 §330.3 Levee district and board reorganization; transfer of authority; obligations;
5 taxes; lands

6 A.(1)

7 * * *

8 (c) Except for payment of the joint costs of management, planning, design,
9 construction, operation and maintenance, repair, replacement, and rehabilitation of
10 the Hurricane and Storm Damage Risk Reduction System and the Mississippi River
11 levees in Orleans, Jefferson, and St. Bernard parishes, ~~No~~ no provision of law
12 providing the Southeast Louisiana Flood Protection Authority-East or Southeast
13 Louisiana Flood Protection Authority-West Bank with any authority over and
14 management, oversight, and control of the areas and levee districts provided for in
15 R.S. 38:330.2(A) shall be construed or interpreted to make the taxes levied by, or
16 other revenue of, a levee district within the territorial jurisdiction of the authority
17 payable for the liability of another levee district, or for any liability of the authority
18 when acting on behalf of another levee district.

19 * * *

20 B.(1) The proceeds of all taxes collected on all property taxed in the parishes
21 of Jefferson, Orleans, and St. Bernard for the purpose of constructing and
22 maintaining levees, levee drainage, flood protection, hurricane flood protection, and
23 for all other purposes incidental thereto, by or on behalf of the Algiers Levee
24 District, East Jefferson Levee District, Lake Borgne Basin Levee District, Orleans
25 Levee District, or West Jefferson Levee District and, except as provided in R.S.
26 38:330.12, any other revenue from operations of such districts shall be administered
27 by the board of commissioners of the applicable flood protection authority; ~~however~~
28 However, the taxes and other revenues of each such levee district shall only be used
29 and expended for the purposes of such district; except for payment of the joint costs

1 of management, planning, design, construction, operation and maintenance, repair,
2 replacement, and rehabilitation of the Hurricane and Storm Damage Risk Reduction
3 System and the Mississippi River levees in Orleans, Jefferson, and St. Bernard
4 parishes.

5 (2) Except for payment of the joint costs of management, planning, design,
6 construction, operation and maintenance, repair, replacement, and rehabilitation of
7 the Hurricane and Storm Damage Risk Reduction System and the Mississippi River
8 levees in Orleans, Jefferson, and St. Bernard parishes, ~~The~~ the proceeds from a tax
9 levied, or revenue received, by an authority or a levee district may only be used or
10 expended for a purpose of the authority or levee district where the tax is levied and
11 revenue is collected.

12 (3) The proceeds of such taxes collected shall be deposited into a separate
13 account established in the name of the authority or district in which the taxes are
14 levied and collected. There shall be no commingling of funds in such accounts.
15 However, the Southeast Louisiana Flood Protection Authority-East and Southeast
16 Louisiana Flood Protection Authority-West Bank shall be allowed to establish
17 separate accounts to deposit funds to provide for the joint costs of management,
18 planning, design, construction, operation and maintenance, repair, replacement, and
19 rehabilitation of the Hurricane and Storm Damage Risk Reduction System and the
20 Mississippi River levees in Orleans, Jefferson, and St. Bernard parishes.

21 * * *

22 §330.8. Funding; appropriations

23 * * *

24 B.(1) Except as provided in R.S. 38:330.3, ~~Proceeds~~ proceeds from taxes
25 levied and collected pursuant to this Subsection shall be used only as provided in the
26 tax proposition if a proposition is required and only within the authority or district
27 in which the tax is levied.

28 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 438 Original

2017 Regular Session

Zeringue

Abstract: Authorizes multi-jurisdictional spending across multiple levee districts.

Present law provides that flood protection authority board meetings must be convened on a rotating basis.

Proposed law modifies present law by specifying that flood protection authority board meetings may be convened on a rotating basis.

Present law provides that no taxes or other revenue of any levee district may be used for the liabilities of another levee district or authority.

Proposed law modifies present law by allowing taxes or other revenue of a levee district to be used for the liabilities of other levee districts or authorities when used for the payment of the joint costs of management, planning, design, construction, operation and maintenance, repair, replacement, and rehabilitation of the Hurricane and Storm Damage Risk Reduction System and the Mississippi River levees in Orleans, Jefferson, and St. Bernard parishes.

Present law provides that no taxes or other revenue of any levee district may be expended for any other purpose than that of the authority or levee district where the tax was collected.

Proposed law modifies present law by allowing taxes or other revenue of a levee district to be expended for purposes other than that of the authority or levee district where the tax was collected when used for the payment of the joint costs of management, planning, design, construction, operation and maintenance, repair, replacement, and rehabilitation of the Hurricane and Storm Damage Risk Reduction System and the Mississippi River levees in Orleans, Jefferson, and St. Bernard parishes.

Present law provides that the proceeds of taxes shall be deposited into separate accounts in the name of the levee district or flood protection authority. Present law further provides that there shall be no commingling of funds.

Proposed law allows the Southeast Louisiana Flood Protection Authority-East and Southeast Louisiana Flood Protection Authority-West Bank to establish separate accounts for the joint costs of management, planning, design, construction, operation and maintenance, repair, replacement, and rehabilitation of the Hurricane and Storm Damage Risk Reduction System and the Mississippi River levees in Orleans, Jefferson, and St. Bernard parishes.

(Amends R.S. 38:330.1(F)(1), 330.3(A)(1)(c) and (B), and 330.8(B)(1))