

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(C)(1)(b)(ii), 330.1(F)(1), 330.3(A)(1)(c) and (B), and

3 330.8(B)(1), relative to flood protection authorities; to provide for the qualifications

4 for appointment to the board of commissioners of the Southeast Louisiana Flood

5 Protection Authority-West Bank; to provide relative to flood protection authority

6 spending across the various levee districts; to provide relative to flood protection

7 authority spending for joint costs of management, planning, design, construction,

8 operation and maintenance, repair, replacement, and rehabilitation of the Hurricane

9 and Storm Damage Risk Reduction System; to provide relative to funding for

10 drainage projects outside the Hurricane and Storm Damage Risk Reduction System;

11 and to provide for related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 38:330.1(C)(1)(b)(ii), 330.1(F)(1), 330.3(A)(1)(c) and (B), and

14 330.8(B)(1) are hereby amended and reenacted to read as follows:

1 §330.1. Southeast Louisiana Flood Protection Authority-East and Southeast
2 Louisiana Flood Protection Authority-West Bank; territorial jurisdiction;
3 board of commissioners; appointments; terms; compensation; vacancy;
4 officers; meetings; domicile

5 * * *

6 C.(1)

7 * * *

8 (b)

9 * * *

10 (ii) Three members, each of whom shall be a professional in a discipline
11 other than those identified in Item (i) of this Subparagraph ~~who shall at a minimum~~
12 ~~hold a baccalaureate degree from an accredited institution of higher learning with at~~
13 least ten years of professional experience in that discipline.

14 * * *

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

22 * * *

23 §330.3 Levee district and board reorganization; transfer of authority; obligations;
24 taxes; lands

25 A.(1)

26 * * *

27 (c) Except for payment of the joint costs of management, planning, design,
28 construction, operation and maintenance, repair, replacement, and rehabilitation of
29 the Hurricane and Storm Damage Risk Reduction System on a proportional basis

1 determined by the value of the property in each levee district, ~~No~~ no provision of
 2 law providing the Southeast Louisiana Flood Protection Authority-East or Southeast
 3 Louisiana Flood Protection Authority-West Bank with any authority over and
 4 management, oversight, and control of the areas and levee districts provided for in
 5 R.S. 38:330.2(A) shall be construed or interpreted to make the taxes levied by, or
 6 other revenue of, a levee district within the territorial jurisdiction of the authority
 7 payable for the liability of another levee district, or for any liability of the authority
 8 when acting on behalf of another levee district.

9 * * *

10 B.(1) The proceeds of all taxes collected on all property taxed in the parishes
 11 of Jefferson, Orleans, and St. Bernard for the purpose of constructing and
 12 maintaining levees, levee drainage, flood protection, hurricane flood protection, and
 13 for all other purposes incidental thereto, by or on behalf of the Algiers Levee
 14 District, East Jefferson Levee District, Lake Borgne Basin Levee District, Orleans
 15 Levee District, or West Jefferson Levee District and, except as provided in R.S.
 16 38:330.12, any other revenue from operations of such districts shall be administered
 17 by the board of commissioners of the applicable flood protection authority; ~~however~~
 18 However, the taxes and other revenues of each such levee district shall only be used
 19 and expended for the purposes of such district; including payment for the cost of
 20 drainage projects not included within the Hurricane and Storm Damage Risk
 21 Reduction System, except for payment of the joint costs of management, planning,
 22 design, construction, operation and maintenance, repair, replacement, and
 23 rehabilitation of the Hurricane and Storm Damage Risk Reduction System on a
 24 proportional basis determined by the value of the property in each levee district.

25 (2) Except for payment of the joint costs of management, planning, design,
 26 construction, operation and maintenance, repair, replacement, and rehabilitation of
 27 the Hurricane and Storm Damage Risk Reduction System on a proportional basis
 28 determined by the value of the property in each levee district, ~~The~~ the proceeds from
 29 a tax levied, or revenue received, by an authority or a levee district may only be used

1 or expended for a purpose of the authority or levee district where the tax is levied
2 and revenue is collected. However, the cost of any drainage project that is not
3 included within the Hurricane and Storm Damage Risk Reduction System shall be
4 borne by the levee district within which the project is physically located.

5 (3) The proceeds of such taxes collected shall be deposited into a separate
6 account established in the name of the authority or district in which the taxes are
7 levied and collected. There shall be no commingling of funds in such accounts.
8 However, the Southeast Louisiana Flood Protection Authority-East and Southeast
9 Louisiana Flood Protection Authority-West Bank shall each be allowed to establish
10 their own separate accounts to deposit funds to provide for the joint costs of
11 management, planning, design, construction, operation and maintenance, repair,
12 replacement, and rehabilitation of the Hurricane and Storm Damage Risk Reduction
13 System on a proportional basis determined by the value of the property in each levee
14 district.

15 * * *

16 §330.8. Funding; appropriations

17 * * *

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

22 * * *

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 Reengrossed 2017 Regular Session Zeringue

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

Present law provides that members of the board of commissioners of the Southeast Louisiana Flood Protection Authority-West Bank must hold a baccalaureate degree from an institution of higher learning and ten years of professional experience in that discipline.

Proposed law removes the requirement that members of the board of commissioners hold a baccalaureate degree.

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 on a proportional basis determined by the value of the property in each levee district.

Present law provides that no taxes or other revenue, including the proceeds of all taxes on property in Jefferson, Orleans, and St. Bernard parishes of any levee district may be expended for any other purpose than that of the authority or levee district where the tax was levied or collected.

Proposed law modifies present law by allowing taxes or other revenue, including the proceeds of all taxes on property in Jefferson, Orleans, and St. Bernard parishes of a levee district to be expended for purposes other than that of the authority or levee district where the tax was collected, including payment of costs of drainage projects not included in the Hurricane and Storm Damage Risk Reduction System, 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 on a proportional basis determined by the value of the property in each levee district.

Present law provides that the proceeds of taxes must be deposited into separate accounts in the name of the levee district or flood protection authority. Present law further provides that there cannot be any commingling of funds.

Proposed law provides that the cost of any drainage project not included in the Hurricane and Storm Damage Risk Reduction System must be borne by the levee district where that project is physically located.

Proposed law allows the Southeast Louisiana Flood Protection Authority-East and Southeast Louisiana Flood Protection Authority-West Bank to each establish their own 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 on a proportional basis determined by the value of the property in each levee district.

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

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Make technical changes.
2. Remove requirement that members of the board of commissioners of the Southeast Louisiana Flood Protection Authority-West Bank hold a baccalaureate degree from an institution of higher learning.

3. Add that the Southeast Louisiana Flood Protection Authority-East and West-Bank may use taxes levied in one levee district for the liabilities of other levee districts within the authority or for liabilities of the authority on a proportional basis determined by the value of the property in each levee district.
4. Add that the Southeast Louisiana Flood Protection Authority-East and West-Bank is allowed to expend taxes or other revenue of a levee district for purposes other than that of the authority or levee district where the tax was collected, including payment of costs of drainage projects not included in the Hurricane and Storm Damage Risk Reduction System, on a proportional basis determined by the value of the property in each levee district.
5. Add that the levee district where a project is physically located will bear the cost of any drainage project not included in the Hurricane and Storm Damage Risk Reduction System.
6. Add that the Southeast Louisiana Flood Protection Authority-East and Southeast Louisiana Flood Protection Authority-West Bank may each establish their own separate accounts on a proportional basis determined by the value of the property in each levee district.