

First Extraordinary Session, 2005

SENATE BILL NO. 95

BY SENATORS BOASSO, ADLEY, AMEDEE, BARHAM, CAIN, CHAISSON, CRAVINS, DARDENNE, DUPLESSIS, ELLINGTON, FONTENOT, B. GAUTREAUX, N. GAUTREAUX, HOLLIS, KOSTELKA, LENTINI, MALONE, MCPHERSON, MICHOT, MOUNT, MURRAY, NEVERS, QUINN, ROMERO, SCHEDLER, SMITH AND THEUNISSEN AND REPRESENTATIVES ALEXANDER, BEARD, BOWLER, BRUNEAU, BURNS, CROWE, DOVE, DOWNS, ERDEY, GEYMANN, GREENE, JOHNS, KATZ, KENNARD, KLECKLEY, LABRUZZO, LAMBERT, LANCASTER, MARTINY, MCVEA, MORRISH, PITRE, M. POWELL, T. POWELL, SCALISE, SCHNEIDER, SMILEY, JANE SMITH, STRAIN, TRAHAN, TUCKER, WADDELL, WALSWORTH, WHITE AND WINSTON

LEVEES. Reorganizes certain levee boards and creates and provides for the Southeast Louisiana Levee Authority. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 38:291 (D)(2) and (3), (G)(2), (K)(2), (R)(2), 304(A) and (B),

3 326.2(A), to enact R.S. 38:291(G)(3), (K)(3), (R)(3), (V), and (W), and 306.1

4 through 306.7, and to repeal R.S. 38:304.2 and 304.3, relative to levees; to establish

5 the Southeast Louisiana Levee Authority; to provide for its powers, duties,

6 jurisdiction, and members; to provide for appointments to the board of

7 commissioners of the authority; to provide for qualifications of commissioners; to

8 provide for meetings of the board; to provide for jurisdiction over certain levee

9 districts in areas of southeast Louisiana; to reorganize the powers, duties, and

10 functions of certain levee boards; to retain the territorial limits of such levee districts;

11 to transfer all authority, obligations, duties, powers, functions, and responsibilities

12 from such levee boards to the authority; to provide for the jurisdiction of the board

13 of commissioners; to provide for qualifications of an executive director; to create a

14 levee district for St. Tammany Parish and provide for the authority powers, duties,

15 functions, and responsibilities of the district to be exercised by the authority; to

16 provide for funding; to provide for applicability; and to provide for related matters.

17 Be it enacted by the Legislature of Louisiana:

1 Section 1. R.S. 38:291 (D)(2) and (3), (G)(2), (K)(2), (R)(2), 304(A) and (B),
2 326.2(A) are hereby amended and reenacted, and R.S. 38:291(G)(3), (K)(3), (R)(3), (V), and
3 (W), and 306.1 through 306.7 are hereby enacted to read as follows:

4 §291. Naming; limits of districts; composition of boards

5 * * *

6 D. East Jefferson Levee District.

7 * * *

8 ~~(2)(a)~~ **In Except as provided in Paragraph (3) of this Subsection, in**
9 accordance with the provisions of R.S. 38:304 the governor shall appoint five
10 persons to serve as levee commissioners.

11 ~~(3)(b)~~ All appointments to the board shall be submitted to the Senate for
12 confirmation.

13 **(3)(a) The board appointed pursuant to Paragraph (2) of this Subsection**
14 **shall be reorganized and the term of office of each commissioner thereof shall**
15 **terminate on December 31, 2005. All authority granted to the board of**
16 **commissioners shall be transferred to the Southeast Louisiana Levee Authority**
17 **pursuant to authority granted under Article VI, Section 38(A)(1) of the**
18 **Constitution of Louisiana.**

19 **(b) Beginning January 1, 2006 and thereafter, the district shall be**
20 **governed by the board of commissioners of the Southeast Louisiana Levee**
21 **Authority. Members of the board shall be appointed in accordance with R.S.**
22 **38:306.1, two of which shall represent Jefferson Parish.**

23 * * *

24 G. Lake Borgne Basin Levee District.

25 * * *

26 ~~(2)(a)~~ **The Except as provided in Paragraph (3) of this Subsection, the**
27 governor shall appoint in accordance with the provisions of R.S. 38:304 three
28 persons from the parish of St. Bernard.

29 **(3)(a) The board appointed pursuant to Paragraph (2) of this Subsection**

1 shall be reorganized and the term of office of each commissioner thereof shall
 2 terminate on December 31, 2005. All authority granted to the board of
 3 commissioners shall be transferred to the Southeast Louisiana Levee Authority
 4 pursuant to authority granted under Article VI, Section 38(A)(1) of the
 5 Constitution of Louisiana.

6 (b) Beginning January 1, 2006 and thereafter, the district shall be
 7 governed by the board of commissioners of the Southeast Louisiana Levee
 8 Authority. Members of the board shall be appointed in accordance with R.S.
 9 38:306.1, two of which shall represent St. Bernard Parish.

10 * * *

11 K. Orleans Levee District.

12 * * *

13 (2) The ~~Except as provided in Paragraph (3) of this Subsection,~~ the board
 14 shall consist of eight members. The governor shall appoint six persons to serve as
 15 levee commissioners, who shall possess the qualifications provided in R.S. 38:304.
 16 The terms of all such commissioners whether heretofore or hereafter appointed,
 17 shall, after July 10, 1986, be subject to Senate confirmation and serve at the pleasure
 18 of the governor making the appointment. Two commissioners shall be ex officio the
 19 mayor of the city of New Orleans, or his designee and one member appointed by the
 20 mayor from a list of three city councilmen selected by the members of the city
 21 council of New Orleans.

22 (3)(a) The board appointed pursuant to Paragraph (2) of this Subsection
 23 shall be reorganized and the term of office of each commissioner shall terminate
 24 on December 31, 2005. All authority granted to the board of commissioners
 25 shall be transferred to the Southeast Louisiana Levee Authority pursuant to
 26 authority granted under Article VI, Section 38(A)(1) of the Constitution of
 27 Louisiana.

28 (b) Beginning January 1, 2006 and thereafter, the district shall be
 29 governed by the board of commissioners of the Southeast Louisiana Levee

1 **Authority. Members of the board shall be appointed in accordance with R.S.**
2 **38:306.1, two of which shall represent Orleans Parish.**

3 * * *

4 R. West Jefferson Levee District.

5 * * *

6 (2) **The Except as provided in Subparagraph (3) of this Subsection, the**
7 governor shall appoint in accordance with the provisions of R.S. 38:304 nine persons
8 to serve as levee commissioners.

9 **(3)(a) The board appointed pursuant to Paragraph (2) of this Subsection**
10 **shall be reorganized and the term of office of each commissioner shall terminate**
11 **on December 31, 2005. All authority granted to the board of commissioners**
12 **shall be transferred to the Southeast Louisiana Levee Authority pursuant to**
13 **authority granted under Article VI, Section 38(A)(1) of the Constitution of**
14 **Louisiana.**

15 **(b) Beginning January 1, 2006 and thereafter, the district shall be**
16 **governed by the board of commissioners of the Southeast Louisiana Levee**
17 **Authority. Members of the board shall be appointed in accordance with R.S.**
18 **38:306.1, two of which shall represent Jefferson Parish.**

19 * * *

20 **V. St. Tammany Levee District. (1) All the territory contained within the**
21 **parish of St. Tammany shall be embraced in the limits of a levee district to be**
22 **known as the St. Tammany Levee District. These lands and all property thereon**
23 **situated, not exempt from taxation, shall be subject to the provisions of this**
24 **Chapter.**

25 **(2) Beginning January 1, 2006 and thereafter, the district shall be**
26 **governed by the board of commissioners of the Southeast Louisiana Levee**
27 **Authority. Members of the board shall be appointed in accordance with R.S.**
28 **38:306.1, two of which shall represent St. Tammany Parish.**

29 **W. Southeast Louisiana Levee Authority. (1) Beginning January 1, 2006,**

1 the Southeast Louisiana Levee Authority, hereinafter referred to as "southeast
2 levee authority," shall be comprised of the following territorial limits:

3 (a) The East Jefferson Levee District, comprised of the lands described
4 in Paragraph (D)(1) of this Section.

5 (b) The Lake Borgne Basin Levee District, comprised of the lands
6 described in Paragraph (G)(1) of this Section.

7 (c) The Orleans Levee District, comprised of the lands described in
8 Paragraph (K)(1) of this Section.

9 (d) St. Tammany Levee District, comprised of the lands described in
10 Paragraph (V)(1) of this Section.

11 (e) West Jefferson Levee District, comprised of the lands described in
12 Paragraph (R)(1) of this Section.

13 (f) Plaquemines Parish, comprising those lands and levee districts within
14 the parish boundaries.

15 (2)(a) The board of commissioners of the southeast levee authority shall
16 consist of members which shall be appointed in accordance with the provisions
17 of R.S. 38:306.1.

18 * * *

19 §304. Appointment of members; residency requirements; filling of vacancies

20 A. Any person appointed a levee commissioner or levee and drainage
21 commissioner must have resided in this state the preceding two years, resided in the
22 levee district the preceding year, be a qualified voter of one of the parishes included
23 in the district, and reside in the district while serving as a member of the board;
24 except as provided in R.S. 38:304.1.

25 B.(1) Notwithstanding any law to the contrary, every vacancy now or
26 hereafter created whether by reason of death, resignation, expiration of term, or any
27 other cause occurring in any levee district or levee and drainage district shall be
28 filled by the governor from panels of names submitted as follows: each member of
29 the House of Representatives representing a parish or part of a parish lying within

1 a levee district or levee and drainage district shall submit one name for each vacancy
 2 to be filled from the parish which he represents in the legislature within said levee
 3 district or levee and drainage district, and each member of the Senate shall submit
 4 one name for each vacancy to be filled from the parish or parishes which he
 5 represents in the legislature within said levee district or levee and drainage district,
 6 except as provided in R.S. 38:291(P); and 291(T), ~~304.2, and 304.3.~~

7 (2) In making appointments the governor shall not appoint any person to the
 8 board of commissioners to represent a specific parish who was not recommended by
 9 one or more of the legislators who represent that specific parish in the legislature
 10 except as provided in R.S. 38:291(P); and 291(T), ~~304.2, and 304.3.~~ All members
 11 of the boards of commissioners of levee districts or levee and drainage districts shall
 12 be appointed by the governor to serve at the pleasure of the governor making the
 13 appointment.

14 **(3) The provisions of this Subsection shall not apply to any appointments**
 15 **made to the Southeast Louisiana Levee Authority pursuant to R.S. 38:306.1.**

16 * * *

17 **§306.1. Southeast Louisiana Levee Authority; board of commissioners;**

18 **appointments; terms, vacancy; officers; meetings; domicile**

19 **A. Establishment. Beginning January 1, 2006, the Southeast Louisiana**
 20 **Levee Authority, referred to herein as "southeast levee authority," shall be**
 21 **comprised of the territorial limits coextensive with the East Jefferson Levee**
 22 **District, Lake Borgne Basin Levee District, Orleans Levee District, and the**
 23 **West Jefferson Levee District and the parishes of Plaquemines and St.**
 24 **Tammany.**

25 **B. Board of commissioners. There is hereby created a board of**
 26 **commissioners of the southeast levee authority. Except as provided for initial**
 27 **appointments in Subsection C of this Section, the board shall be composed of**
 28 **the following members:**

29 **(1) Two members representing Jefferson Parish; one person shall be**

1 appointed by the governing authority of Jefferson Parish, and one person shall
2 be appointed by the legislative delegation representing Jefferson Parish.

3 (2) Two members representing Orleans Parish; one person shall be
4 appointed by the governing authority of Orleans Parish, and one person shall
5 be appointed by the legislative delegation representing Orleans Parish.

6 (3) Two members representing St. Bernard Parish; one person shall be
7 appointed by the governing authority of St. Bernard Parish, and one person
8 shall be appointed by the legislative delegation representing St. Bernard Parish.

9 (4) Two members representing St. Tammany Parish; one person shall be
10 appointed by the governing authority of St. Tammany Parish, and one person
11 shall be appointed by the legislative delegation representing St. Tammany
12 Parish.

13 (5) One person shall be appointed to serve as an at-large member by the
14 secretary of the Department of Transportation and Development. Such person
15 shall have a minimum of twenty years of experience in engineering or hydrology
16 or in the performance of public works functions, related to flood and drainage
17 control, flood plain management, water resources, soil conservation, land
18 surveying and mapping, disaster relief, and related functions.

19 (6) Two persons shall be appointed by the governing authority of
20 Plaquemines Parish to serve as ex-officio and nonvoting members.

21 C. Initial Appointments. The initial board of commissioners of the
22 southeast levee authority shall be composed of each president of the East
23 Jefferson Levee Board, Lake Borgne Basin Levee Board, Orleans Levee Board,
24 West Jefferson Levee Board; a member shall be appointed by the governing
25 authority of St. Tammany Parish; three members, one of which shall be
26 appointed by each of the legislative delegations representing the parishes of
27 Orleans, St. Bernard and St. Tammany; two members shall be appointed by the
28 governing authority of Plaquemines Parish to serve as ex-officio members; and
29 one member shall be appointed by the secretary of the Department of

1 **Transportation and Development.**

2 **D. Terms. The members initially appointed shall at their first meeting**
3 **determine by lot their terms of office, which shall commence immediately upon**
4 **their appointment and shall expire respectively twelve months, sixteen months,**
5 **twenty months, twenty-four months, and thirty months, from the first day of**
6 **January in 2006, immediately succeeding such appointment. All commissioners**
7 **thereafter appointed, except a commissioner appointed to fill an unexpired**
8 **term, shall be appointed for staggered terms of four years. No member shall**
9 **serve more than two consecutive terms.**

10 **E. Qualification of commissioners. Any person appointed as a**
11 **commissioner shall:**

12 **(1) Have resided in this state the preceding ten years, at a minimum.**

13 **(2) Have resided in the respective levee district the preceding ten years**
14 **to which he is appointed, at a minimum.**

15 **(3) Be a qualified voter of the parish included in the district to which he**
16 **is appointed.**

17 **(4) Reside in the district while serving as a commissioner.**

18 **(5) Have a minimum of a bachelor's degree from a college or university**
19 **that was, at the time the degree was granted, accredited by a regional or**
20 **national higher education accrediting agency recognized by the United States**
21 **Department of Education.**

22 **F. Officers. Immediately after the members of the board of**
23 **commissioners have been appointed, or as soon as thereafter is practicable, they**
24 **shall meet and organize by electing from their number a president,**
25 **vice-president and secretary who shall perform the duties normally required of**
26 **such officers. In case of death or resignation of the president, the vice-president**
27 **shall call the board together to fill the vacancy. In case of absence, inability, or**
28 **failure to act of the president, the vice-president shall perform all the duties of**
29 **the president.**

1 **G. Meetings. (1) A majority of the commissioners of the board shall**
2 **constitute a quorum to do business. They shall designate the time and select the**
3 **place for holding their regular sessions which shall be convened each month.**
4 **Special meetings may be convened at any time upon call of the president.**
5 **Regular monthly meetings of the board shall be convened on a rotating basis at**
6 **a place to be determined by the board in a district under the jurisdiction of the**
7 **southeast levee authority.**

8 **(2) In case of neglect of duty by any board member or of his failure,**
9 **without good cause, to attend three successive regular meetings, on request of**
10 **the board, the appointing authority shall remove the commissioner and appoint**
11 **his successor.**

12 **H. A member of the board of commissioners of the southeast levee**
13 **authority shall serve at the pleasure of the appointing authority.**

14 **I. A vacancy created by reason of death, resignation, expiration of term,**
15 **or any other cause of the member appointed shall be filled in the same manner**
16 **as the original appointment.**

17 **J. The official domicile of the southeast levee authority shall be in the**
18 **parish of Orleans. The authority shall maintain an office at its domicile for the**
19 **transaction of its business, and where it may employ an executive director and**
20 **such other employees as it deems necessary for its proper functioning. It may**
21 **also maintain any branch office located in any levee district in which the**
22 **southeast levee authority has jurisdiction.**

23 **K. No member of the board shall own or have any interest or part in any**
24 **business, company, or entity conducting business of any kind with the authority**
25 **or any of the facilities controlled by the authority.**

26 **§306.2. Southeast Louisiana Levee Authority; board of commissioners, powers**
27 **and duties**

28 **A. The management and control of the East Jefferson Levee District,**
29 **Lake Borgne Basin Levee District, Orleans Levee District, St. Tammany Levee**

1 District and the West Jefferson Levee District shall be vested in the board of
2 commissioners of the Southeast Louisiana Levee Authority. In addition to any
3 other powers and duties provided by law, the board shall have the authority to
4 establish adequate drainage, flood control, and water resources development,
5 including but not limited to the planning, maintenance, operation, and
6 construction of reservoirs, diversion canals, gravity and pump drainage
7 systems, erosion control measures, marsh management, coastal restoration, and
8 other flood control works as they relate to tidewater flooding, hurricane
9 protection, and saltwater intrusion.

10 B. The board may enter into contracts and agreements of any nature for
11 the purposes of this Chapter with any person or persons, corporation,
12 association, or other entity, including public corporations, port authorities, the
13 state and agencies thereof, levee districts, parishes, other political subdivisions,
14 the United States government and agencies thereof, or any combination thereof,
15 or with instrumentalities of any kind to carry out the purposes of and the
16 powers granted in this Chapter.

17 C. The board may enter into contracts or other agreements with any
18 person or entity concerning the providing of lands, servitudes, rights-of-way,
19 and relocations, and may engage jointly in the exercise of any power to include
20 the construction, operation, and maintenance of any facilities and
21 improvements for the purpose of the projects under this Chapter.

22 D. The board shall have the authority to construct and maintain
23 drainage works of all types as they relate to tidewater flooding, hurricane
24 protection, and saltwater intrusion, either in cooperation with one or more
25 parishes, municipalities, drainage districts, or other special districts within its
26 territorial jurisdiction, or upon its own undertaking.

27 E. The southeast levee authority may buy and sell property, make and
28 execute all contracts by affirmation of both commissioners representing a
29 district in which such transaction may occur, and perform any and all things

1 necessary to carry out the objects of this Chapter, subject to the limitations and
2 duties provided in this Section.

3 F. Subject to any local ordinance for the construction, erection, and
4 maintenance of back and side levees to protect any portion of the levee district
5 under the jurisdiction of the southeast levee authority from tidal overflow, the
6 board of commissioners shall work in conjunction with the parish governing
7 authority to manage the construction and maintenance of the levees, pursuant
8 to R.S. 38:143.

9 G. The board shall adopt bylaws for the management and regulation of
10 its affairs, for the governance of the board and its officers and employees, and
11 for the operation and governance of the Authority in accordance with the
12 Administrative Procedure Act. It shall devise and adopt rules and regulations
13 for the carrying into effect and perfecting of a comprehensive levee system,
14 having for its object the protection of the entire district from overflow. Such
15 bylaws may include the establishment of any standing committees of the board
16 as may be necessary to carry out the functions of the board.

17 §306.3. Southeast Louisiana Levee Authority; transfer of authority;
18 obligations; taxes; employees; lands

19 A. The boards of commissioners for the East Jefferson Levee District,
20 Lake Borgne Basin Levee District, Orleans Levee District, and West Jefferson
21 Levee District are hereby reorganized, and the board of commissioners for the
22 southeast levee authority shall hereby be the successor entity to and shall govern
23 the East Jefferson Levee District, Lake Borgne Basin Levee District, Orleans
24 Levee District, St. Tammany Levee District and West Jefferson Levee District.
25 All unfinished business, documents, funds, movable property, and books and
26 records shall be transferred and become the property of the southeast levee
27 authority to administer and distribute on behalf of each levee district under its
28 jurisdiction. Any legal proceeding to which the East Jefferson Levee District,
29 Lake Borgne Basin Levee District, Orleans Levee District, or West Jefferson

1 Levee District is a party and which is filed, initiated, or pending before any
2 court on January 1, 2006, and all documents involved in or affected by said legal
3 proceeding, shall retain their effectiveness and shall be continued in the name
4 of the Southeast Louisiana Levee Authority pursuant to the powers of the
5 authority over the district as set forth by law; provided, however, that other
6 than the district or districts originally named as party to the proceedings, the
7 authority shall have no liability for actions pending or claims arising prior to
8 January 1, 2006. All obligations of the East Jefferson Levee District, Lake
9 Borgne Basin Levee District, Orleans Levee District, and West Jefferson Levee
10 District shall be managed on behalf of the districts by the southeast levee
11 authority on behalf of such districts.

12 B.(1) The proceeds of all taxes collected, for the purpose of constructing
13 and maintaining levees, levee drainage, flood protection, hurricane flood
14 protection and for all other purposes incidental thereto, by the East Jefferson
15 Levee District, Lake Borgne Basin Levee District, Orleans Levee District, and
16 West Jefferson Levee District for the calendar year 2005 and the proceeds of
17 such taxes collected thereafter on all property taxed in Orleans, Jefferson, St.
18 Bernard by such levee districts shall be retained for such purposes in the
19 districts in which the taxes are collected and shall be administered by the board
20 of commissioners of the southeast levee authority.

21 (2) The proceeds of such taxes collected shall be deposited into a separate
22 account established in the name of each district in which the taxes are collected.
23 There shall be no commingling of funds in such accounts.

24 C. Any lands or immovable property owned by the East Jefferson Levee
25 District, Lake Borgne Basin Levee District, Orleans Levee District, and West
26 Jefferson Levee District shall be retained as property of the respective levee
27 district in which such property is situated. Any new property improvements,
28 acquisitions, and potential income shall be retained by the levee district in
29 which such may occur, but shall be managed by the southeast levee authority.

1 D. Any employee heretofore engaged in the performance of the functions
2 of a former levee board may, insofar as practicable, continue as an employee of
3 their respective levee district at the pleasure of the southeast levee authority
4 created in this Chapter and may, insofar as practicable, retain all rights,
5 privileges, and benefits enjoyed by each under the former board.

6 §306.4. Southeast Louisiana Levee Authority; employment of executive director

7 A. The southeast levee authority may employ an executive director whose
8 qualifications, duties, and salary shall be fixed by the board of commissioners.
9 Such employee shall serve at the pleasure of the board.

10 B. In addition to the qualifications prescribed pursuant to Subsection A
11 of this Section, the board may also elect to consider as minimum requirements
12 the following qualifications for an executive director:

13 (1) Be a resident who lives within the territorial boundaries of the
14 southeast levee authority.

15 (2) Have an advanced college degree in the area of business, engineering,
16 geology, hydrology, natural sciences, environmental sciences, renewable
17 resources, or similar academic field.

18 (3) Have a minimum of ten years experience in business, engineering or
19 hydrology, or in the performance of public works functions, related to flood and
20 drainage control, flood plain management, water resources, soil conservation,
21 land surveying and mapping, disaster relief, or any related function.

22 C. In addition to the duties prescribed by the board, the executive
23 director shall keep records of all proceedings, preserve all books, maps,
24 documents, papers, records, and reports entrusted to its care, and keep them
25 open for public inspection.

26 §306.5. Funding of authority operations

27 A. The southeast levee authority shall receive no direct funding from the
28 state for its operations, but may receive incidental services from state agencies
29 in order to carry out its purpose.

1 **B. The southeast levee authority may seek, accept, and expend funds**
2 **from any source, including private business, industry, foundations, and other**
3 **groups as well as any federal or other governmental funding available for such**
4 **purpose.**

5 **C. No levee district shall contribute more than two and three-tenths**
6 **percent of the annual revenue of the district to the southeast levee authority to**
7 **fund its operations.**

8 **§306.6. Statutory reference**

9 **Subject to the limitations of liability as set forth in R.S. 38:306.3,**
10 **whenever a reference to the "board of commissioners", "levee board" or**
11 **"board of levee commissioners" of the East Jefferson Levee District, Lake**
12 **Borgne Basin Levee District, Orleans Levee District, and West Jefferson Levee**
13 **District appears in any statute, or in a contract, or a legal pleading, or in any**
14 **other document, that reference shall be deemed to be a reference to the board**
15 **of commissioners of the Southeast Louisiana Levee Authority.**

16 **§306.7. Applicability**

17 **A. Notwithstanding any provision of law to the contrary, the provisions**
18 **herein relative to the authority of the southeast levee authority shall not apply**
19 **to any local levee district or board that has been reorganized, merged into, or**
20 **consolidated with a parish pursuant to Article VI, Section 16 and 38 of the**
21 **Constitution of Louisiana. Such levee district shall continue to have any rights,**
22 **revenues, resources, jurisdiction, powers, authority, functions, and duties,**
23 **including the levy and collection of any local assessment or forced contribution,**
24 **authorized by law at the time of the reorganization, merger, and consolidation**
25 **with a parish.**

26 **B. Notwithstanding any provision of law to the contrary, the provisions**
27 **of R.S. 49:213.1 et. seq. relative to the authority of the Coastal Protection and**
28 **Restoration Authority shall not apply to nor conflict in any way with the**
29 **authority of the Southeast Louisiana Levee Authority as provided herein.**

1 Section 2. R.S. 38:304.2 and 304.3 are hereby repealed.

2 Section 3. This Act shall become effective upon signature by the governor or, if not
3 signed by the governor, upon expiration of the time for bills to become law without signature
4 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
5 vetoed by the governor and subsequently approved by the legislature, this Act shall become
6 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Sherri H. Breaux.

DIGEST

Present law establishes, names, and provides for the territorial boundaries of levee districts, including the East Jefferson Levee District, Lake Borgne Basin Levee District, Orleans Levee District, and West Jefferson Levee District. Further provides for each district to be managed and controlled by a board of commissioners to perform any and all acts necessary to insure the thorough and adequate protection of the lands of the district from damage by flood, and for the adequate drainage control of the district.

Proposed law retains such levee districts and the boundaries of each; however, reorganizes each board of commissioners of such districts and terminates the terms of each commissioner on December 31, 2005.

Proposed law creates and provides for the Southeast Louisiana Levee Authority. Transfers all authority granted to the board of commissioners of such levee districts pursuant to present law to the southeast levee authority. Provides, beginning January 1, 2006 and thereafter, for the levee districts shall be governed by the board of commissioners of the southeast levee authority. Provides for the authority to be comprised of the territorial limits coextensive with the East Jefferson Levee District, Lake Borgne Basin Levee District, Orleans Levee District, and the West Jefferson Levee District and the parishes of Plaquemines and St. Tammany. Provides for membership of the board of commissioners of the authority to be comprised of two members Jefferson Parish, two members from St. Bernard Parish, two members from Orleans Parish, two members from St. Tammany Parish, one at-large member to serve as voting members, and two members from Plaquemines to serve as ex-officio and nonvoting members. Provides for the manner in which such members are appointed, initial appointments, terms of such members, and qualifications. Provides for vacancies to be filled in the manner as the original appointment.

Proposed law provides for the board of commissioners of the southeast levee authority to be domiciled in Orleans Parish. Requires the board to adopt bylaws. Provides for the powers and duties of the board, and authorizes the board to employ an executive director. Provides for the responsibilities of the executive director and qualification requirements for such position.

Proposed law provides for the transfer of obligations, movable property, unfinished business, books and records from the boards existing in present law to the southeast levee authority to be administered on behalf of each levee district. Provides that all lands or immovable property owned by the districts will remain the property of the levee districts in which such is situated. Provides for employees.

Proposed law provides that any legal proceeding to which the East Jefferson Levee District, Lake Borgne Basin Levee District, Orleans Levee District, or West Jefferson Levee District

is a party and which is filed, initiated, or pending before any court on January 1, 2006, and all documents involved in or affected by said legal proceeding, shall retain their effectiveness and shall be continued in the name of the southeast levee authority pursuant to the powers of the authority over the district as set forth by law; provided, however, that other than the district or districts originally named as party to the proceedings, the authority shall have no liability for actions pending or claims arising prior to January 1, 2006.

Proposed law provides for the proceeds of all taxes collected, for the purpose of constructing and maintaining levees, levee drainage, flood protection, hurricane flood protection and for all other purposes by each levee district and for the proceeds of such taxes collected thereafter on all property taxed in the applicable parishes by such levee districts to be retained for such purposes in the districts in which the taxes are collected and be administered by the board of commissioners of the southeast levee authority.

Proposed law repeals certain provisions relative to the appointment of members and the filling of vacancies on the boards of commissioners of the East Jefferson and West Jefferson Levee Districts.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 38:291 (D)(2) and (3), (G)(2), (K)(2), (R)(2), 304(A) and (B), 326.2(A); adds R.S. 38:291(G)(3), (K)(3), (R)(3), (V), and (W), and 306.1 through 306.7; repeals R.S. 38:304.2 and 304.3)