

Regular Session, 2014

SENATE BILL NO. 342

BY SENATORS DONAHUE AND NEVERS AND REPRESENTATIVES CROMER,  
TIM BURNS, HOLLIS, PEARSON, RITCHIE AND SIMON

LEVEES. Provides relative to the St. Tammany Levee, Drainage, and Conservation District.  
(gov sig)

1 AN ACT

2 To amend and reenact R.S. 38:291(V) and 330.2(A)(1)(a), to enact R.S. 38:329.6, and to  
3 repeal R.S. 38:330.1(B)(1)(a)(iv), relative to levees; and to provide for related  
4 matters.

5 Notice of intention to introduce this Act has been published.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 38:291(V) and 330.2(A)(1)(a) are hereby amended and reenacted and  
8 R.S. 38:329.6 is hereby enacted to read as follows:

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

10 \* \* \*

11 V. St. Tammany Levee, **Drainage, and Conservation** District. (1) All  
12 territory contained within the parish of St. Tammany within the boundaries of the  
13 coastal zone pursuant to R.S. 49:214.24 shall be embraced in the limits of a levee  
14 district to be known as the St. Tammany Levee, **Drainage, and Conservation**  
15 District. These lands and all property thereon situated, not exempt from taxation,  
16 shall be subject to the provisions of this Chapter.

17 (2)**(a)** The district shall be governed by ~~the~~ **a** board of commissioners ~~of the~~

1 Southeast Louisiana Flood Protection Authority-East. Beginning September 1,  
2 2014, the governor shall appoint a board of commissioners consisting of nine  
3 persons from St. Tammany Parish who meet the requirements of R.S. 38:304(A)  
4 as follows:

5 (i) Each member of the legislative delegation representing any part of the  
6 district shall submit one nomination in writing, and the governor shall appoint  
7 four members from such nominees.

8 (ii) The president of St. Tammany Parish shall submit a list of three  
9 nominations in writing, subject to ratification by the Parish Council of St.  
10 Tammany, and the governor shall appoint two members from such list of  
11 nominees.

12 (iii) The mayor of the city of Slidell shall submit a list of three  
13 nominations in writing, and the governor shall appoint one member from such  
14 list of nominees.

15 (iv) The mayor of the city of Mandeville shall submit a list of three  
16 nominations in writing, and the governor shall appoint one member from such  
17 list of nominees.

18 (v) The mayor of the town of Madisonville shall submit a list of three  
19 nominations in writing, and the governor shall appoint one member from such  
20 list of nominees.

21 (b) All members appointed shall be subject to confirmation by the  
22 Senate.

23 (3)(a) On and after August 1, 2014, a vacancy created whether by reason  
24 of death, resignation, expiration of term, or any other cause of a member of the  
25 board shall be filled in the same manner as provided in Paragraph (2) of this  
26 Subsection, provided that a member appointed to fill a vacancy shall serve only  
27 for the unexpired term of his predecessor.

28 (b) If any official responsible for submitting a nominee fails to submit  
29 such nominees within ninety days after the occurrence of a vacancy, the

1 governor shall appoint a person meeting the requirements of this Section.

2 (4)(a) Commissioners shall serve concurrently with the governor and  
3 shall serve at the pleasure of the governor.

4 (b) Commissioners shall be subject to term limitations as provided in  
5 R.S. 42:3.2, except that a person who is appointed to fill more than one-half of  
6 an unexpired term may serve consecutively no more than three terms in  
7 addition to such partial term.

8 \* \* \*

9 §329.6. St. Tammany Levee, Drainage and Conservation District; powers and  
10 duties

11 A.(1) The St. Tammany Levee, Drainage, and Conservation District shall  
12 constitute a political subdivision of the state of Louisiana within the meaning of  
13 Article VI, Section 44 of the Constitution of Louisiana, and may issue bonds and  
14 levy taxes for the payment of principal and interest thereon as provided in this  
15 Subsection.

16 (2) The district may levy taxes, incur debt, and otherwise raise revenue  
17 as provided in Article VI, Sections 39 and 40 of the Constitution of Louisiana  
18 and in any manner provided by law for levee districts.

19 (3)(a) The district may levy a sales and use tax at a rate not to exceed one  
20 percent upon the sale at retail, the use, the lease or rental, the consumption, and  
21 the storage for use or consumption of tangible personal property and on sales  
22 of services, all as defined and provided in the Uniform Local Sales Tax Code,  
23 R.S. 47:337.1 et seq., if approved by a majority of electors voting thereon in an  
24 election held for that purpose.

25 (b) The tax authorized by this Paragraph shall not be subject to the  
26 combined rate limitation established in Article VI, Section 29(A) of the  
27 Constitution of Louisiana or any other provision of law, nor shall any governing  
28 authority be subject to the rate limitation provided for in R.S. 47:338.54 because  
29 of any tax levied pursuant to the provisions of this Section. The authority

1 granted in this Paragraph shall not limit any taxing authority granted to any  
2 other political subdivision by any other provision of law.

3 (c) Nothing shall prohibit the district from expending tax funds directly  
4 for tidal flood control projects within the district.

5 (4) The district may issue general obligation bonds as defined in Article  
6 VI, Section 33 of the Constitution of Louisiana in the manner set forth in R.S.  
7 39:551 et seq., and may issue sales tax revenue bonds as provided for in R.S.  
8 39:698.1 et seq.

9 B. The district shall have all the rights and powers conferred by Chapter  
10 4 of Title 38 of the Louisiana Revised Statutes of 1950, as amended, together  
11 with such additional rights and powers as may be granted by the legislature.

12 C. The management and control of the district shall be vested in the  
13 board of commissioners of the St. Tammany Levee, Drainage, and Conservation  
14 District. In addition to any other powers and duties provided by law, the  
15 primary duty of the board shall be to establish, construct, operate, or maintain  
16 flood control works related to hurricane protection, tidewater flooding,  
17 saltwater intrusion, and conservation. Additionally, the board may establish  
18 flood control, adequate drainage relating to tidal or riverine flooding, and water  
19 resources development including the construction of reservoirs, diversion  
20 canals, gravity and pump drainage systems, erosion control measures, and  
21 marsh management. The board may construct and maintain drainage works of  
22 all types related to tidewater flooding, hurricane protection, conservation, and  
23 saltwater intrusion, either in cooperation with one or more parishes,  
24 municipalities, levee districts, drainage districts, or other special districts within  
25 its jurisdiction, or upon its own undertaking.

26 D.(1) The board may enter into contracts and agreements of any nature  
27 for the purposes of this Chapter with any person, corporation, association, or  
28 other entity, including a public corporation, a port authority, the state and its  
29 agencies, a levee district, a parish, another political subdivision, the United

1 States and its agencies, or any combination thereof, or with an instrumentality  
2 of any kind to carry out the purposes of and the powers granted in this Chapter.

3 (2) In seeking any request for proposals for professional engineering  
4 services, the board shall make every effort to utilize engineering companies  
5 located in St. Tammany Parish.

6 E. The board may enter into contracts or other agreements with any  
7 person or entity concerning the providing of lands, servitudes, rights-of-way,  
8 and relocations, and may engage jointly in the exercise of any power to include  
9 the construction, operation, and maintenance of any facilities and  
10 improvements for the purpose of the projects under this Chapter.

11 F. The board may construct and maintain drainage works of all types  
12 related to tidewater flooding, hurricane protection, conservation, and saltwater  
13 intrusion, either in cooperation with one or more parishes, municipalities,  
14 drainage districts, or other special districts within its jurisdiction, or upon its  
15 own undertaking.

16 G. The board may buy and sell property, make and execute contracts,  
17 and perform any and all things necessary to carry out the objects of this  
18 Chapter, subject to the limitations and duties provided in this Section.

19 \* \* \*

20 §330.2. Board of commissioners; powers and duties

21 A.(1) A flood protection authority shall be governed by a board of  
22 commissioners.

23 (a) The board of commissioners of the Southeast Louisiana Flood Protection  
24 Authority-East shall be the successor to the boards of commissioners of the East  
25 Jefferson Levee District, Lake Borgne Basin Levee District, and Orleans Levee  
26 District. The board shall also be the governing authority of the ~~St. Tammany Levee~~  
27 ~~District, and the~~ Tangipahoa Levee District.

28 \* \* \*

29 Section 2. All initial nominees for membership on the board of commissioners of the

1 St. Tammany Levee, Drainage and Conservation District shall be submitted to the governor  
2 by August 1, 2014. If any official responsible for submitting a nominee fails to submit such  
3 nominees by such date, the governor shall appoint a person meeting the requirements of this  
4 Section.

5 Section 3. R.S. 38:330.1(B)(1)(a)(iv) is hereby repealed.

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

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Sharon F. Lyles.

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#### DIGEST

Donahue (SB 342)

Present law creates the St. Tammany Levee District in St. Tammany Parish within the boundaries of the coastal zone and provides for its governance by the board of commissioners of the Southeast Louisiana Flood Protection Authority-East.

Proposed law changes present law to rename the district as the St. Tammany Levee, Drainage, and Conservation District and to provide for its governance by a board of commissioners of nine persons appointed by the governor, subject to Senate confirmation, who shall serve concurrently with and at the pleasure of the governor as follows:

- (1) Four members appointed from the nominees submitted by each member of the legislative delegation representing any part of the district.
- (2) Two members appointed from a list of three nominees submitted by the president of St. Tammany Parish, subject to ratification by the Parish Council of St. Tammany.
- (3) One member appointed from a list of three nominees submitted by the mayor of the city of Slidell.
- (4) One member appointed from a list of three nominees submitted by the mayor of the city of Mandeville.
- (5) One member appointed from a list of three nominees submitted by the mayor of the town of Madisonville.

Proposed law provides for vacancies to be filled in the same manner as the original appointments provided in proposed law.

Proposed law provides that commissioners are subject to term limitations provided in R.S. 42:3.2 except that a commissioner appointed to fill more than one-half of an unexpired term may serve no more than three additional consecutive terms in addition to such partial term.

Proposed law authorizes tax and bond authority.

Proposed law provides for the powers and duties of board and provides that its primary duty is to establish, construct, operate, or maintain flood control works related to hurricane protection, tidewater flooding, saltwater intrusion, and conservation. Authorizes the board to buy and sell property, make and execute contracts, and perform any and all things necessary to carry out the objects as provided by law.

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

(Amends R.S. 38:291(V) and 330.2(A)(1)(a); adds R.S. 38:329.6; repeals R.S. 38:330.1(B)(1)(a)(iv))