

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) The governor shall appoint from the nominations at least four**  
22 **members who are residents of the unincorporated areas of the district.**

23 **(c) All members appointed shall be subject to confirmation by the**  
24 **Senate.**

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



1 of services, all as defined and provided in the Uniform Local Sales Tax Code,  
2 R.S. 47:337.1 et seq., if approved by a majority of electors voting thereon in an  
3 election held for that purpose provided that any election shall be held only  
4 within the district.

5 (b) The tax authorized by this Paragraph shall not be subject to the  
6 combined rate limitation established in Article VI, Section 29(A) of the  
7 Constitution of Louisiana or any other provision of law, nor shall any governing  
8 authority be subject to the rate limitation provided for in R.S. 47:338.54 because  
9 of any tax levied pursuant to the provisions of this Section. The authority  
10 granted in this Paragraph shall not limit any taxing authority granted to any  
11 other political subdivision by any other provision of law.

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

14 (4) The district may issue general obligation bonds as defined in Article  
15 VI, Section 33 of the Constitution of Louisiana in the manner set forth in R.S.  
16 39:551 et seq., and may issue sales tax revenue bonds as provided for in R.S.  
17 39:698.1 et seq.

18 B. The district shall have all the rights and powers conferred by Chapter  
19 4 of Title 38 of the Louisiana Revised Statutes of 1950, as amended, together  
20 with such additional rights and powers as may be granted by the legislature.

21 C. The management and control of the district shall be vested in the  
22 board of commissioners of the St. Tammany Levee, Drainage, and Conservation  
23 District. In addition to any other powers and duties provided by law, the  
24 primary duty of the board shall be to establish, construct, operate, or maintain  
25 flood control works related to hurricane protection, tidewater flooding,  
26 saltwater intrusion, and conservation. Additionally, the board may establish  
27 flood control, adequate drainage relating to tidal or riverine flooding, and water  
28 resources development including the construction of reservoirs, diversion  
29 canals, gravity and pump drainage systems, erosion control measures, and

1 marsh management. The board may construct and maintain drainage works of  
2 all types related to tidewater flooding, hurricane protection, conservation, and  
3 saltwater intrusion, either in cooperation with one or more parishes,  
4 municipalities, levee districts, drainage districts, or other special districts within  
5 its jurisdiction, or upon its own undertaking, provided that no action or work  
6 undertaken by the district shall violate the master plan of the Coastal Protection  
7 and Restoration Authority or any statewide drainage and flood control plan  
8 administered by the Department of Transportation and Development.

9 D.(1) The board may enter into contracts and agreements of any nature  
10 for the purposes of this Chapter with any person, corporation, association, or  
11 other entity, including a public corporation, a port authority, the state and its  
12 agencies, a levee district, a parish, another political subdivision, the United  
13 States and its agencies, or any combination thereof, or with an instrumentality  
14 of any kind to carry out the purposes of and the powers granted in this Chapter.

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

18 (3) Any contract or agreement entered into by the board shall comply  
19 with state law and public policy of the state.

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

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



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The original instrument and the following digest, which does not constitute a part of the legislative instrument, was prepared by was 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 requires the governor to appoint from the nominations at least four members who are residents of the unincorporated areas of the district.

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 provides that notwithstanding any provisions of law to the contrary, a commissioner whose term is expired shall not be allowed to continue to serve or to vote.

Proposed law provides that the governor or the nominating entity may remove a commissioner for neglect of duty which includes a violation of state law or public policy of the state.

Proposed law authorizes tax and bond authority.

Proposed law provides that a tax election shall be held only within the district.

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.

Proposed law provides no action or work undertaken or contract or agreement entered into by the board shall violate the master plan of the Coastal Protection and Restoration Authority or any statewide drainage and flood control plan administered by the Department of Transportation and Development.

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))

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Transportation, Highways, and Public Works to the original bill

1. Requires the governor to appoint from the nominations at least four members who are residents of the unincorporated areas of the district.
2. Provides that no commissioner whose term is expired shall be allowed to continue to serve or vote.
3. Authorizes the governor or the nominating entity to remove a commissioner for neglect of duty, which includes a violation of state law or public policy of the state.
4. Requires that any election to levy a sales and use tax be held only within the district.
5. Requires any contract or agreement entered into by the board to comply with state law and public policy of the state.
6. Provides that no action or work undertaken or contract or agreement entered into by the board shall violate the master plan of the Coastal Protection and Restoration Authority or any statewide drainage and flood control plan administered by the Department of Transportation and Development.