SLS 14RS-567

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

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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	<u>as follows:</u>
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	<u>Senate.</u>
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	(b) If any official responsible for submitting a nominee fails to submit
2	such nominees within ninety days after the occurrence of a vacancy, the
3	governor shall appoint a person meeting the requirements of this Section.
4	(4)(a) Commissioners shall serve concurrently with the governor and
5	shall serve at the pleasure of the governor.
6	(b) Commissioners shall be subject to term limitations as provided in
7	R.S. 42:3.2, except that a person who is appointed to fill more than one-half of
8	an unexpired term may serve consecutively no more than three terms in
9	addition to such partial term.
10	(5) Notwithstanding any provisions of law to the contrary, no
11	commissioner whose term is expired shall be allowed to continue to serve or to
12	<u>vote.</u>
13	(6) The governor or the nominating entity may remove a commissioner
14	for neglect of his duties, which shall include a violation of state law or public
15	policy of the state.
16	* * *
17	§329.6. St. Tammany Levee, Drainage and Conservation District; powers and
18	<u>duties</u>
19	A.(1) The St. Tammany Levee, Drainage, and Conservation District shall
20	constitute a political subdivision of the state of Louisiana within the meaning of
21	Article VI, Section 44 of the Constitution of Louisiana, and may issue bonds and
22	levy taxes for the payment of principal and interest thereon as provided in this
23	Subsection.
24	(2) The district may levy taxes, incur debt, and otherwise raise revenue
25	as provided in Article VI, Sections 39 and 40 of the Constitution of Louisiana
26	and in any manner provided by law for levee districts.
27	(3)(a) The district may levy a sales and use tax at a rate not to exceed one
28	percent upon the sale at retail, the use, the lease or rental, the consumption, and
29	the storage for use or consumption of tangible personal property and on sales

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	<u>39:698.1 et seq.</u>
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

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1	<u>marsh management. The board may construct and maintain drainage works of</u>
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	<u>undertaken by the district shall violate the master plan of the Coastal Protection</u>
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 hoard may construct and maintain drainage works of all types

25F. The board may construct and maintain drainage works of all types26related to tidewater flooding, hurricane protection, conservation, and saltwater27intrusion, either in cooperation with one or more parishes, municipalities,28drainage districts, or other special districts within its jurisdiction, or upon its29own undertaking.

1	G. The board may buy and sell property, make and execute contracts,
2	and perform any and all things necessary to carry out the objects of this
3	Chapter, subject to the limitations and duties provided in this Section.
4	H. No action or work undertaken by the board or contract or agreement
5	entered into by the board shall violate the master plan of the Coastal Protection
6	and Restoration Authority or any statewide drainage and flood control plan
7	administered by the Department of Transportation and Development.
8	* * *
9	§330.2. Board of commissioners; powers and duties
10	A.(1) A flood protection authority shall be governed by a board of
11	commissioners.
12	(a) The board of commissioners of the Southeast Louisiana Flood Protection
13	Authority-East shall be the successor to the boards of commissioners of the East
14	Jefferson Levee District, Lake Borgne Basin Levee District, and Orleans Levee
15	District. The board shall also be the governing authority of the St. Tammany Levee
16	District, and the Tangipahoa Levee District.
17	* * *
18	Section 2. All initial nominees for membership on the board of commissioners of the
19	St. Tammany Levee, Drainage and Conservation District shall be submitted to the governor
20	by August 1, 2014. If any official responsible for submitting a nominee fails to submit such
21	nominees by such date, the governor shall appoint a person meeting the requirements of this
22	Section.
23	Section 3. R.S. 38:330.1(B)(1)(a)(iv) is hereby repealed.
24	Section 4. This Act shall become effective upon signature by the governor or, if not
25	signed by the governor, upon expiration of the time for bills to become law without signature
26	by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
27	vetoed by the governor and subsequently approved by the legislature, this Act shall become
28	effective on the day following such approval.

Page 6 of 8 Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions. 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.

Donahue (SB 342)

DIGEST

<u>Present law</u> 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.

<u>Proposed law</u> changes <u>present law</u> 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.

<u>Proposed law</u> requires the governor to appoint from the nominations at least four members who are residents of the unincorporated areas of the district.

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

<u>Proposed law</u> 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.

<u>Proposed law</u> 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.

<u>Proposed law</u> 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.

<u>Proposed law</u> provides that a tax election shall be held only within the district.

<u>Proposed law</u> 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.

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<u>Proposed law</u> 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

- 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.

<u>Committee Amendments Proposed by Senate Committee on Transportation,</u> <u>Highways, and Public Works to the original bill</u>