

2022 Regular Session

HOUSE BILL NO. 519

BY REPRESENTATIVE GAROFALO

LEVEES/BDS & DISTRICTS: Authorizes flood protection authority spending across various levee districts

1 AN ACT

2 To amend and reenact R.S. 38:330, relative to levee districts; to require pro rata payments
3 for flood control, flood protection, or drainage projects that encompass multiple
4 levee districts; to provide for the development of a formula to determine cost shares;
5 to authorize the establishment of accounts; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 38:330 is hereby amended and reenacted to read as follows:

8 §330. Grant of authority to levee districts to act jointly; costs of projects across
9 multiple districts

10 A. Any two or more contiguous levee districts may make agreements ~~and/or~~
11 and cooperative endeavors between or among themselves to engage jointly in the
12 construction, acquisition, or improvement of any public flood control or drainage
13 project or improvement, the promotion and maintenance of any undertaking related
14 to flood control or drainage projects, or the exercise of any power related to such
15 projects, provided that at least one of the participants to the agreement is authorized
16 under a provision of general or special law to perform such activity or exercise such
17 power as may be necessary for completion of the undertaking. Such arrangements
18 may provide for the joint use of funds, facilities, personnel, or property or any
19 combination thereof necessary to accomplish the purposes of the agreement.

1 B. The provisions of ~~this~~ Subsection A of this Section shall be retroactive to
2 January 1, 1997.

3 C. The costs of management, planning, design, construction, operation and
4 maintenance, repair, replacement, and rehabilitation of any flood control, flood
5 protection, or drainage project that impacts multiple parishes shall be borne
6 collectively and apportioned equitably among the levee districts impacted. Equitable
7 apportionment shall be determined by mutual agreement between the governing
8 authorities of each district and parish impacted.

9 D. If the districts and parishes impacted are unable to reach mutual
10 agreement as provided in Subsection C of this Section within six months after the
11 project is first proposed, then the Coastal Protection and Restoration Authority Board
12 as created by R.S. 49:214.5.1, referred to in this Subsection as "the board", shall
13 develop a formula to determine each levee district's proportionate share of such
14 costs.

15 (1) The board shall use, at a minimum, the value of the property protected
16 within each levee district as a criteria in developing the formula for any flood control
17 or flood protection project.

18 (2) The board shall use, at a minimum, the value of the property protected
19 or the proportionate volumetric flows contributed to each levee district's jurisdiction
20 as a criteria in developing the formula for any drainage project. However, payment
21 for the cost of any drainage project under the jurisdiction of an individual levee
22 district shall be borne by the district in which the project is physically located.

23 E. Each levee district may establish individual accounts to deposit funds for
24 the joint costs of management, planning, design, construction, operation and
25 maintenance, repair, replacement, and rehabilitation for any flood control, flood
26 protection, or drainage project under the jurisdiction of multiple levee districts, as
27 determined by this Section.

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 519 Original

2022 Regular Session

Garofalo

Abstract: Requires payment for flood control, flood protection, or drainage projects that impact multiple levee districts be paid proportionately as determined by mutual agreement of the districts and parishes impacted.

Present law authorizes two or more contiguous levee districts to make agreements for the purpose of engaging jointly in the construction, acquisition, or improvement of any public flood control or drainage project or improvement, the promotion and maintenance or the exercise of any power related to such projects provided that at least one of the districts is authorized by law to undertake such projects. Present law makes this authority retroactive to Jan. 1, 1997.

Proposed law maintains present law.

Proposed law requires payment of the joint costs of any flood control, flood protection, or drainage project that impacts multiple parishes to be shared by the levee districts impacted and apportioned equitably among the districts, as determined by mutual agreement between the districts and parishes impacted.

Proposed law requires the Coastal Protection and Restoration Authority Bd. (CPRA Bd.), in the absence of timely mutual agreement between the parishes and districts, to develop a formula to apportion the costs of the project among the districts impacted.

Proposed law requires the CPRA Bd. to use, at a minimum, the value of the property being protected as criteria for developing the formula for any flood control or protection project; or to use the proportionate volumetric flows contributed to each levee district's jurisdiction as a criteria in developing the formula for any drainage project.

Proposed law further provides that payment for the costs of any drainage project under the jurisdiction of an individual levee district will be borne by the levee district within which the project is physically located.

Proposed law authorizes each levee district to establish individual accounts to deposit funds for the joint costs of management, planning, design, construction, operation and maintenance, repair, replacement, and rehabilitation for any flood control, flood protection, or drainage project, under the jurisdiction of multiple levee districts, proportionate to methods created by proposed law.

(Amends R.S. 38:330)