

SENATE BILL NO. 342

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

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~~
18 ~~Southeast Louisiana Flood Protection Authority-East.~~ Beginning September 1,
19 2014, the governor shall appoint a board of commissioners consisting of nine
20 persons from St. Tammany Parish who meet the requirements of R.S. 38:304(A)
21 as follows:

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

25 (ii) The president of St. Tammany Parish shall submit a list of three
26 nominations in writing, subject to ratification by the Parish Council of St.

1 Tammany, and the governor shall appoint two members from such list of
2 nominees.

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

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

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

12 (b) The governor shall appoint from the nominations at least four
13 members who are residents of the unincorporated areas of the district.

14 (c) All members appointed shall be subject to confirmation by the
15 Senate.

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

21 (b) If any official responsible for submitting a nominee fails to submit
22 such nominees within ninety days after the occurrence of a vacancy, the
23 governor shall appoint a person meeting the requirements of this Section.

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

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

30 (5) Notwithstanding any provisions of law to the contrary, no

1 commissioner whose term is expired shall be allowed to continue to serve or to
 2 vote.

3 (6) The governor or the nominating entity may remove a commissioner
 4 for neglect of his duties, which shall include a violation of state law or public
 5 policy of the state.

6 * * *

7 §329.6. St. Tammany Levee, Drainage and Conservation District; powers and
 8 duties

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

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

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

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

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

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

7 B. The district shall have all the rights and powers conferred by Chapter
8 4 of Title 38 of the Louisiana Revised Statutes of 1950, as amended, together
9 with such additional rights and powers as may be granted by the legislature.

10 C. The management and control of the district shall be vested in the
11 board of commissioners of the St. Tammany Levee, Drainage, and Conservation
12 District. In addition to any other powers and duties provided by law, the
13 primary duty of the board shall be to establish, construct, operate, or maintain
14 flood control works related to hurricane protection, tidewater flooding,
15 saltwater intrusion, and conservation. Additionally, the board may establish
16 flood control, adequate drainage relating to tidal or riverine flooding, and water
17 resources development including the construction of reservoirs, diversion
18 canals, gravity and pump drainage systems, erosion control measures, and
19 marsh management. The board may construct and maintain drainage works of
20 all types related to tidewater flooding, hurricane protection, conservation, and
21 saltwater intrusion, either in cooperation with one or more parishes,
22 municipalities, levee districts, drainage districts, or other special districts within
23 its jurisdiction, or upon its own undertaking, provided that no action or work
24 undertaken by the district shall violate the master plan of the Coastal Protection
25 and Restoration Authority or any statewide drainage and flood control plan
26 administered by the Department of Transportation and Development.

27 D.(1) The board may enter into contracts and agreements of any nature
28 for the purposes of this Chapter with any person, corporation, association, or
29 other entity, including a public corporation, a port authority, the state and its
30 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 (3)Any contract or agreement entered into by the board shall comply
7 with state law and public policy of the state.

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

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

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

21 H. No action or work undertaken by the board or contract or agreement
22 entered into by the board shall violate the master plan of the Coastal Protection
23 and Restoration Authority or any statewide drainage and flood control plan
24 administered by the Department of Transportation and Development.

25 * * *

26 §330.2. Board of commissioners; powers and duties

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

29 (a) The board of commissioners of the Southeast Louisiana Flood Protection
30 Authority-East shall be the successor to the boards of commissioners of the East

1 Jefferson Levee District, Lake Borgne Basin Levee District, and Orleans Levee
2 District. The board shall also be the governing authority of the ~~St. Tammany Levee~~
3 ~~District, and the~~ Tangipahoa Levee District.

4 * * *

5 Section 2. All initial nominations for membership on the board of commissioners of
6 the St. Tammany Levee, Drainage and Conservation District shall be submitted to the
7 governor by August 1, 2014. If any official responsible for submitting nominations fails to
8 submit such nominations by such date, the governor shall appoint a person meeting the
9 requirements of this Section.

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

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

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____