

Regular Session, 2011

HOUSE BILL NO. 475

BY REPRESENTATIVE LORUSSO

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

LEVEES: Provides relative to membership of the Non-Flood Protection Asset Management Authority and the sale of non-flood assets

1 AN ACT

2 To amend and reenact R.S. 38:330.12(B)(2) and 330.12.1(C)(1) as added by Acts 2010, No.
3 1014, Section 2, of the 2010 Regular Session of the Legislature and as amended by
4 Acts 2010, No. 1014, Section 4 of the 2010 Regular Session of the Legislature,
5 relative to non-flood assets; to provide relative to the proceeds from the sale of non-
6 flood assets; to provide for membership of the Non-Flood Protection Asset
7 Management Authority; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 38:330.12(B)(2) is hereby amended and reenacted to read as follows:

10 §330.12. Ownership and management of non-flood protection functions and
11 activities

12 * * *

13 B.

14 * * *

15 (2) The authority may sell, lease, or otherwise transfer any such property and
16 perform any and all things necessary to carry out the objects of this Section, provided
17 that any such sale or transfer be for full and adequate consideration ~~and any proceeds~~
18 ~~therefrom be used to pay outstanding debts., and any proceeds therefrom be paid~~
19 within thirty days following the sale or transfer in a ratio of eighty percent of the
20 proceeds to the Authority and twenty percent of the proceeds to the members of the
21 class established in the matter of "Haspel and Davis, Milling and Planting, Co., Ltd.,

1 et al. vs. Board of Levee Commissioners" Docket No. 31-357 of the Twenty-fifth
2 Judicial District Court for the Parish of Plaquemines, to satisfy the outstanding debt
3 of the Orleans Levee District pursuant to the judgment dated December 11, 2000,
4 and the settlement agreement homologated therein. If the authority determines that
5 the sale, lease, or transfer of such property is appropriate, it shall first offer the
6 property to political subdivisions in the parish in which the property is located and
7 state agencies conducting operations in that parish, other than levee districts, political
8 subdivisions, or agencies responsible for flood control. If any such public entity is
9 interested in acquiring the property, the authority shall evaluate proposals submitted
10 by those entities. If no such proposal is received, or if such proposals are not
11 determined to be in the best interest of the authority, the property may be offered for
12 sale or lease as otherwise provided by law.

13 * * *

14 Section 2. R.S. 38:330.12.1(C)(1) as added by Acts 2010, No. 1014, Section 2, of
15 the 2010 Regular Session is hereby amended and reenacted as follows:

16 §330.12.1. Non-Flood Protection Asset Management Authority; creation;
17 composition; powers, duties, functions

18 * * *

19 C. The authority shall be composed of the following members who shall be
20 subject to Senate confirmation, provided that no elected official shall be appointed
21 to serve as a member of the authority:

22 (1) ~~One member~~ Two members appointed by the Southeast Louisiana Flood
23 Protection Authority East.

24 * * *

25 Section 3. R.S. 38:330.12.1(C)(1) as amended by Acts 2010, No. 1014, Section 4,
26 of the 2010 Regular Session is hereby amended and reenacted to read as follows:

27 §330.12.1. Non-Flood Protection Asset Management Authority; creation;
28 composition; powers, duties, functions

29 * * *

1 C. The authority shall be composed of the following members who shall be
2 subject to Senate confirmation, provided that no elected official shall be appointed
3 to serve as a member of the authority:

4 (1) ~~One member~~ Two members appointed by the Southeast Louisiana Flood
5 Protection Authority East.

6 * * *

7 Section 4.(A) The provisions of law contained in Section 2 of this Act shall become
8 effective upon signature of the governor, and shall cease to be effective on January 1, 2012.

9 (B) The provisions of law contained in Section 3 of this Act shall become effective
10 on January 1, 2012.

11 Section 5. 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.

Lorusso

HB No. 475

Present law authorizes the SLFPA-East to sell, lease, or otherwise transfer any of the non-flood assets and perform any and all things necessary to carry out the objects of present law, provided that any sale or transfer be for full and adequate consideration and any proceeds therefrom be used to pay outstanding debts.

Proposed law provides that and any proceeds from the sale or transfer of non-flood protection assets, be paid within 30 days following the sale or transfer in a ratio of 80% of the proceeds to the Authority to satisfy the outstanding debt of the Orleans Levee District pursuant to the judgment dated Dec. 11, 2000, and the settlement agreement homologated therein.

Proposed law deletes the requirement that any proceeds from the sale of non-flood assets be used to pay outstanding debts.

Present law requires the authority to first offer the non-flood asset to political divisions in the parish in which the property is located and state agencies conducting operations in that parish, other than levee districts, political subdivisions, or agencies responsible for flood control, and to evaluate any proposal submitted by those public entities. Further provides that if no such proposal is received, or if such proposals are not determined to be in the best interest of the authority, the property may be offered for sale or lease as otherwise provided by law.

Proposed law retains present law.

Present law creates the Non-Flood Protection Asset Management Authority within DOTD to manage and control any non-flood protection facility or improvement asset or function

within a levee district within the jurisdiction of a flood protection authority and further provides for its composition of the board.

Proposed law adds a member to the board to be appointed by the SLFPA-East.

Present law creates the Non-flood Protection Asset Management Authority as a political subdivision with the power to manage and control any non-flood protection facility or improvement asset or function within a levee district within the jurisdiction of a flood protection authority and further provides for the board composition.

Proposed law adds a member to the board to be appointed by the SLFPA-East.

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

(Amends R.S. 38:330.12(B)(2) and 330.12.1(C)(1) as added by Acts 2010, No. 1014, §2, of the 2010 R.S. and as amended by Acts 2010, No. 1014, §4 of the 2010 R.S.)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Transportation, Highways and Public Works to the original bill.

1. Added a provision to require that following the sale or transfer, the proceeds of such shall be paid in a ratio of 80% to the Authority and 20% to the members of the class, to satisfy the outstanding debt of the OLD pursuant to a judgment dated Dec. 11, 2000.