

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. 38:291(R)(1) and (Y)(1)(a), 330.12(B)(2), and 330.12.1(C)(1)
3 as added by Acts 2010, No. 1014, Section 2, of the 2010 Regular Session of the
4 Legislature and as amended by Acts 2010, No. 1014, Section 4 of the 2010 Regular
5 Session of the Legislature and to enact R.S. 38:291(Y)(7), relative to levee districts;
6 to provide relative to the territorial jurisdiction of the West Jefferson Levee District
7 and the Lafitte Area Independent Levee District; to provide relative to the proceeds
8 from the sale of non-flood assets; to provide for membership of the Non-Flood
9 Protection Asset Management Authority; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 38:291(R)(1) and (Y)(1)(a) and 330.12(B)(2) are hereby amended
12 and reenacted and R.S. 38:291(Y)(7) is hereby enacted to read as follows:

13 §291. Naming; limits of districts; composition of boards

14 * * *

15 R. West Jefferson Levee District. (1) The West Jefferson Levee District as
16 it existed on January 1, 2007, is reorganized as provided by this Paragraph and as
17 provided by Paragraph (Y)(1) of this Section. All lands in the parish of Jefferson
18 lying north of Latitude ~~29° 17' 52" N~~ 29° 47' 40" N and on the west side of the
19 Mississippi River, except that area of land contained in the Lafitte Area Independent
20 Levee District, shall constitute a levee district to be known as the West Jefferson

1 Levee District. These lands and all property thereon situated, not exempt from
2 taxation, shall be subject to the provisions of this Chapter.

3 * * *

4 Y. Lafitte Area Independent Levee District. (1)(a) The West Jefferson
5 Levee District as it existed on January 1, ~~2007~~ 2011, is reorganized as provided by
6 this Paragraph and as provided by Paragraph (R)(1) of this Section. The Lafitte Area
7 Independent Levee District as it existed on January 1, 2011, is reorganized as
8 provided by this Paragraph shall be comprised of all of the lands in the parish of
9 Jefferson ~~located in Townships 15 South—Range 23 East, Township 16 South—~~
10 ~~Range 24 East, Township 16 South—Range 23 East and Township 16 South—Range~~
11 ~~24 East, Parish of Jefferson, State of Louisiana. More fully described as follows:~~

12 ~~Beginning at a point having a Latitude of 29 degrees 47 minutes 25 seconds~~
13 ~~North and a Longitude of 90 degrees 08 minutes 30 seconds West; Thence along the~~
14 ~~Northern boundary N 89 degrees 23 minutes 16 seconds E for a distance of~~
15 ~~20,794.06 feet to a point having a Latitude of 29 degrees 47 minutes 25 seconds~~
16 ~~North and a Longitude of 90 degrees 04 minutes 34 seconds West; Thence along the~~
17 ~~Eastern boundary S 00 degrees 37 minutes 43 seconds E for a distance of 54,446.53~~
18 ~~feet to a point having a Latitude of 29 degrees 38 minutes 26 seconds North and a~~
19 ~~Longitude of 90 degrees 04 minutes 34 seconds West; Thence along the southern~~
20 ~~boundary S 89 degrees 23 minutes 16 seconds W for a distance of 20,825.20 feet to~~
21 ~~a point having a Latitude of 29 degrees 38 minutes 26 seconds North and a~~
22 ~~Longitude 90 degrees 08 minutes 30 seconds West; Thence along the western~~
23 ~~boundary N 00 degrees 35 minutes 45 seconds W for a distance of 54,446.53 feet to~~
24 ~~the Point of Beginning. , lying north of Latitude 29/ 17' 52" N and lying south of 29/~~
25 ~~47' 40" N. These lands and all property thereon situated, not exempt from taxation,~~
26 shall be subject to the provisions of this Chapter.

27 * * *

28 (7) Any books, records, documents, movable property, lands, or immovable
29 property owned by the West Jefferson Levee District situated within the Lafitte Area

1 Independent Levee District, that are owned by or in the possession of the West
2 Jefferson Levee District and that are situated in or pertain to the operations in the
3 jurisdiction of the Lafitte Area Independent Levee District shall, upon the effective
4 date of this Act, become property of and shall be transferred to the Lafitte Area
5 Independent Levee District without the necessity of any other act, instrument, or
6 deed.

7 * * *

8 §330.12. Ownership and management of non-flood protection functions and
9 activities

10 * * *

11 B.

12 * * *

(2) The authority may sell, lease, or otherwise transfer any such property and perform any and all things necessary to carry out the objects of this Section, provided that any such sale or transfer be for full and adequate consideration and any proceeds ~~therefrom be used to pay outstanding debts., and any proceeds therefrom be paid~~ within thirty days following the sale or transfer in a ratio of eighty percent of the proceeds to the Authority and twenty percent of the proceeds to the members of the class established in the matter of "Haspel and Davis, Milling and Planting, Co., Ltd., et al. vs. Board of Levee Commissioners" Docket No. 31-357 of the Twenty-fifth Judicial District Court for the Parish of Plaquemines, to satisfy the outstanding debt of the Orleans Levee District pursuant to the judgment dated December 11, 2000, and the settlement agreement homologated therein. If the authority determines that the sale, lease, or transfer of such property is appropriate, it shall first offer the property to political subdivisions 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. If any such public entity is interested in acquiring the property, the authority shall evaluate proposals submitted by those entities. 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.

* * *

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

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

* * *

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

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

* * *

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

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

* * *

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

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

* * *

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

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

1 Section 5. This Act shall become effective upon signature by the governor or, if not
2 signed by the governor, upon expiration of the time for bills to become law without signature
3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
4 vetoed by the governor and subsequently approved by the legislature, this Act shall become
5 effective on the day following such approval.

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)]

Lorusso

HB No. 475

Abstract: Deletes the requirement for the SLFPA-East to pay outstanding debts from certain sale proceeds. Further provides for an additional board member on the Non-Flood Protection Asset Management Authority.

Present law provides for the reorganization and creation of the West Jefferson Levee District as it existed on January 1, 2007.

Proposed law retains present law except that it changes the boundary lines for the West Jefferson Levee District.

Present law provides for the reorganization and creation of the Lafitte Area Independent Levee District and its territorial jurisdiction.

Proposed law retains present law except that it changes the territorial boundary lines of the levee district and further provides that the lands and property are not exempt from taxation.

Proposed law requires the transfer of any books, records, documents, movable property, lands or immovable property owned by the West Jefferson Levee District but are situated in and pertain to the operations in the jurisdiction of the Lafitte Area Independent Levee District to be transferred to the Lafitte Area Independent Levee District without the necessity of any other act, instrument, or deed.

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 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. 38:291(R)(1) and (Y)(1)(a), 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.; Adds R.S. 38:291(Y)(7))

Summary of Amendments Adopted by House

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

1. Adds 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 December 11, 2000.

House Floor Amendments to the engrossed bill.

1. Changes the territorial jurisdictional of the West Jefferson Levee district.
2. Changes the territorial jurisdiction for the Lafitte Area Independent Levee District.
3. Requires the transfer of any books, records, documents, movable property, lands or immovable property owned by the West Jefferson Levee District but are situated in and pertain to the operations in the jurisdiction of the Lafitte Area Independent Levee District.