

CONFERENCE COMMITTEE REPORT
House Bill No. 475 By Representative Lorusso

June 23, 2011

To the Honorable Speaker and Members of the House of Representatives and the Honorable President and Members of the Senate.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 475 by Representative Lorusso, recommend the following concerning the Reengrossed bill:

1. That Senate Committee Amendments Nos.1 through 4 proposed by the Senate Committee on Transportation, Highways, and Public Works and adopted by the Senate on June 20, 2011, be adopted.
2. That Senate Floor Amendments Nos. 1 and 2 proposed by Senator Morrell and adopted by the Senate on June 20, 2011, be adopted.
3. That Senate Floor Amendments Nos. 3 through 6 proposed by Senator Morrell and adopted by the Senate on June 20, 2011, be rejected.
4. That Senate Floor Amendment No. 1 proposed by Senator Heitmeier and adopted by the Senate on June 20, 2011, be rejected.
5. In Senate Floor Amendment No. 1 proposed by Senator Morrell and adopted by the Senate on June 20, 2011, on page 1, line 2, change "330.12.1(C)(1)" to "330.12.1(C)" and delete the remainder of the line.
6. In Senate Floor Amendment No. 1 proposed by Senator Morrell and adopted by the Senate on June 20, 2011, on page 4, line 4, change "(C)(1)" to "(C)" and delete the remainder of the line.
7. That the following amendments to the engrossed bill be adopted:

AMENDMENT NO. 1

On page 1, line 2, after "(Y)(1)(a)," and before "330.12(B)(2)," insert "330.8(B)(2),"

AMENDMENT NO. 2

On page 1, line 7, after "District;" and before "to" insert "to provide relative to funding and appropriations for the Non-Flood Asset Protection Management Authority;"

AMENDMENT NO. 3

On page 1, line 11, after "(Y)(1)(a)," and before "330.12(B)(2)," insert ",330.8(B)(2),"

AMENDMENT NO. 4

On page 3, between lines 7 and 8, insert the following:

"§330.8. Funding; appropriations

* * *

B.

* * *

(2)(a) The proceeds from the annual ad valorem taxes levied by the Orleans Levee District and the Algiers Levee District shall be delivered by the tax collector for Orleans Parish to the Orleans Levee District.

(b) From the first proceeds of such taxes received by the Orleans Levee District, provision shall be made and all funds necessary shall be set aside for the payment of all debt service or other requirements due on all outstanding bonds, notes, or other evidences of indebtedness during such calendar year relating to the outstanding bonds of the Orleans Levee District issued and outstanding as of January 1, 2007, in accordance with the terms of such instruments and the resolutions and agreements providing for their insurance and security.

(c) The net amount of such taxes remaining shall be paid by the Orleans Levee District to the Algiers Levee District in such amount as the proportion that the dollar amount of the taxes collected within the Algiers Levee District bears to the total amount of such taxes collected within the parish of Orleans for that tax year.

(d) Said payment of ad valorem tax proceeds by the Orleans Levee District to the Algiers Levee District shall be made on or before the fifteenth day of April in each year beginning in the year 2008.

(e) After the payments made under Subparagraphs (b) and (c) of this Paragraph: (i) Seven hundred thousand dollars shall be paid to the Non-Flood Protection Asset Management Authority on or before the thirtieth day of July beginning in the year 2011 and on or before the fifteenth day of April thereafter to be used for the operation and maintenance of Lakeshore Drive.

(ii) Sufficient funds shall be allocated for purposes of maintaining an Orleans Levee District police force to be made up of not less than twenty-four police officers who shall provide security for Lakeshore Drive and other flood assets located within the jurisdiction of the Orleans Levee District.

(iii) The provisions of Subparagraph (e) of this Paragraph shall expire on December 31, 2012.

(f) Any additional ad valorem taxes received by the Orleans Levee District for the same tax year after said payment shall be paid to the Algiers Levee District in the same proportion set forth in Subparagraph (c) of this Paragraph not later than thirty days after receipt thereof by the Orleans Levee District.

* * *

AMENDMENT NO. 5

On page 4, delete lines 12 and 13 in their entirety and insert in lieu thereof the following:

"* * *

(2) One member appointed by ~~each the~~ state senator representing Senate District No. 3 and Senate District No. 4, and each by the state representative in whose district any non-flood asset is located: representing House District No. 97, House District No. 94, House District No. 99, and by the Congressional Representative representing Congressional District No. 1 and Congressional District No. 2. At least one member appointed shall be a lawyer, at least one member shall be a certified public accountant and at least one member shall be a realtor."

AMENDMENT NO. 6

On page 4, delete lines 23 and 24 in their entirety and insert in lieu thereof the following:

"* * *

(2) One member appointed by ~~each the~~ state senator representing Senate District No. 3 and Senate District No. 4, and each by the state representative in whose district any non-flood asset is located: representing House District No. 97, House District No. 94, House District No. 99, and by the Congressional Representative representing Congressional District No. 1 and Congressional District No. 2. At least one member appointed shall be a lawyer, at least one member shall be a certified public accountant and at least one member shall be a realtor."

* * *

- (6) One member appointed by the secretary of the Department of Transportation and Development.
- (7) One member appointed by the Lake Pontchartrain Basin Foundation.
- (8) One member appointed by the board for the New Orleans City Park."

Respectfully submitted,

Representative Nita Rusich Hutter

Senator Joe McPherson

Representative Nick Lorusso

Senator Jean-Paul J. Morrell

Representative George G. Cromer

Senator Edwin R.Murray

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)]

CONFERENCE COMMITTEE REPORT DIGEST

House Bill No. 475 by Representative Lorusso

Keyword and oneliner of the instrument as it left the House

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

Report adopts Senate amendments to:

1. Provides that only lands and property that is not exempt from taxation shall be subject to the provisions of present law.

Report rejects Senate amendments which would have:

1. Added one member to be appointed to the Non-Flood Protection Asset Management Authority by the state senator representing Senate District Nos. 2, 3, 4, 5, and 7 and by the House District No. 94, 97, 100, and 101, and the Congressional District No. 2.

Report amends the bill to:

1. Provides that \$700,000 shall be paid to the Authority on or before the thirtieth day of July beginning in the year 2011 and on or before the fifteenth day of April thereafter for purposes of operation and maintenance of Lakeshore Drive on or before the thirtieth day of July beginning in the year 2011 and on or before the fifteenth day of April thereafter. This provision shall sunset on December 31, 2012.
2. Provides that sufficient proceeds shall be allocated for purposes of maintaining an OLD Police force to be made up of not less than 24 police officers who shall provide security for Lakeshore Drive and other flood property located within the jurisdiction of the OLD. This provision shall sunset on December 31, 2012.
3. Removes the additional member to be appointed by the SLFPA-East.
4. Adds one member to be appointed to the Authority by the state senator representing Senate District Nos. 3 and 4 and the state representative representing House District Nos. 94, 97, and 99 and the congressional representative representing Congressional District Nos. 1 and 2. Provides that at least one member shall be a lawyer, one member shall be a CPA, and one member shall be a realtor.
5. Adds one member to be appointed to the Authority by each of the following: the secretary of DOTD, the Lake Pontchartrain Basin Foundation, and the board for the New Orleans City Park.

Digest of the bill as proposed by the Conference Committee

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 provides that after payments are made by the Orleans Levee District pursuant to present law, \$700,000 of the 1983 Special Levee Improvement Fund Tax, shall be paid to the Authority for purposes of operation and maintenance of Lakeshore Drive on or before the thirtieth day of July beginning in the year 2011 and on or before the fifteenth day of April thereafter.

Proposed law further provides that funds shall be allocated for purposes of maintaining an OLD Police force to be made of not less than 24 police officers who shall provide security for Lakeshore Drive and other flood property located within the jurisdiction of the OLD. Further provides that the provisions of proposed law shall sunset on December 31, 2012.

Proposed law deletes the requirement that any proceeds from the sale of non-flood assets be used to pay outstanding debts. Proposed law further provides that any proceeds be paid within 30 days following the sale or transfer in a ratio of 80% of the proceeds to the Authority and 20% of the proceeds to satisfy the outstanding debt of the Orleans Levee District pursuant to a judgment dated 12/11/00 and the settlement homologated therein.

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 provides for the addition of one member to the board to be appointed by the state senators representing Senate Districts Nos. 3 and 4, and House District Nos. 94, 97, and 99, and the congressman representing Congressional District No. 1 and 2. Provides that at least one member shall be a lawyer, a CPA, or a realtor.

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 provides for the addition of one member to the board to be appointed by the state senators representing Senate Districts Nos. 3 and 4, and House District Nos. 94, 97, and

99, and the congressman representing Congressional District No. 1 and 2. Provides that at least one member shall be a lawyer, a CPA, or a realtor.

Proposed law provides for one member to be appointed to the Authority by each of the following: the secretary of DOTD, the Lake Pontchartrain Basin Foundation, and the board for the New Orleans City Park.

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

(Amends R.S. 38:291(R)(1) and (Y)(1), 330.8(B)(2), 330.12(B)(2) and 330.12.1(C)(1) and (2) 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))