

Regular Session, 2011

ACT No. 363

HOUSE BILL NO. 475

BY REPRESENTATIVE LORUSSO

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

1 AN ACT

2 To amend and reenact R.S. 38:291(R)(1) and (Y)(1), 330.8(B)(2), 330.12(B)(2), and
3 330.12.1(C) as added by Acts 2010, No. 1014, Section 2, of the 2010 Regular
4 Session of the Legislature and as amended by Acts 2010, No. 1014, Section 4 of the
5 2010 Regular Session of the Legislature and to enact R.S. 38:291(Y)(7), relative to
6 levee districts; to provide relative to the territorial jurisdiction of the West Jefferson
7 Levee District and the Lafitte Area Independent Levee District; to provide relative
8 to funding and appropriations for the Non-Flood Asset Protection Management
9 Authority; to provide relative to the proceeds from the sale of non-flood assets; to
10 provide for membership of the Non-Flood Protection Asset Management Authority;
11 and to provide for related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 38:291(R)(1) and (Y)(1), 330.8(B)(2), and 330.12(B)(2) are hereby
14 amended and reenacted and R.S. 38:291(Y)(7) is hereby enacted to read as follows:

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

16 * * *

17 R. West Jefferson Levee District. (1) The West Jefferson Levee District as
18 it existed on January 1, 2007, is reorganized as provided by this Paragraph and as
19 provided by Paragraph (Y)(1) of this Section. All lands in the parish of Jefferson

lying north of Latitude ~~29° 17' 52" N~~ 29° 47' 00" N and on the west side of the Mississippi River, except that area of land contained in the Lafitte Area Independent Levee District, shall constitute a levee district to be known as the West Jefferson Levee District. These lands and all property thereon situated, not exempt from taxation, shall be subject to the provisions of this Chapter.

* * *

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

Beginning at a point having a Latitude of 29 degrees 47 minutes 25 seconds North and a Longitude of 90 degrees 08 minutes 30 seconds West; Thence along the Northern boundary N 89 degrees 23 minutes 16 seconds E for a distance of 20,794.06 feet to a point having a Latitude of 29 degrees 47 minutes 25 seconds North and a Longitude of 90 degrees 04 minutes 34 seconds West; Thence along the Eastern boundary S 00 degrees 37 minutes 43 seconds E for a distance of 54,446.53 feet to a point having a Latitude of 29 degrees 38 minutes 26 seconds North and a Longitude of 90 degrees 04 minutes 34 seconds West; Thence along the southern boundary S 89 degrees 23 minutes 16 seconds W for a distance of 20,825.20 feet to a point having a Latitude of 29 degrees 38 minutes 26 seconds North and a Longitude 90 degrees 08 minutes 30 seconds West, Thence along the western boundary N 00 degrees 35 minutes 45 seconds W for a distance of 54,446.53 feet to the Point of Beginning. lying north of Latitude 29/ 17' 52" N and lying south of 29/ 47' 00N.

(b) These ~~land~~ lands and all property thereon situated, not exempt from taxation, shall be subject to the provisions of this Chapter.

* * *

(7) Any books, records, documents, movable property, lands, or immovable property owned by the West Jefferson Levee District situated within the Lafitte Area Independent Levee District, that are owned by or in the possession of the West Jefferson Levee District and that are situated in or pertain to the operations in the jurisdiction of the Lafitte Area Independent Levee District shall, upon the effective date of this Act, become property of and shall be transferred to the Lafitte Area Independent Levee District without the necessity of any other act, instrument, or deed.

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§330.8. Funding; appropriations

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B.

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(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.

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

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B.

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(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.

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Section 2. R.S. 38:330.12.1(C) 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:

* * *

(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.

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Section 3. R.S. 38:330.12.1(C) 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:

* * *

(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.

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(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.

* * *

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.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____