
The original instrument was prepared by Jerry J. Guillot. The following digest, which does not constitute a part of the legislative instrument, was prepared by Riley Boudreaux.

DIGEST

Murray (SB 699)

Present law [R.S. 38:330.12] provided that any facility or improvement within levee districts which compose the Southeast Flood Protection Authority - East and Southeast Flood Protection Authority-West which was not directly related to providing adequate drainage, flood control, or water resources development pertaining to tidewater flooding, hurricane protection, or saltwater intrusion, and which is owned or operated by a board of commissioners of the levee district must be managed and controlled by the Non-Flood Asset Management Authority, except that for purposes of the Orleans Levee District, any such facilities or improvement were to be continued to be owned by such levee district.

The authority was authorized to enter into contracts, agreements, or cooperative endeavors of any nature with a state agency, political subdivision, or other legal entity or person, or any combination thereof, for the operation and maintenance of the facilities or improvements.

The authority was further authorized to sell, lease, or otherwise transfer any such property and perform any and all things necessary to carry out the objects of the present law, provided that the sale or transfer would have been for full and adequate consideration, and any proceeds therefrom be paid in a ratio of 80% to the authority and 20% 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 25th JDC 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.

The Authority was first required to 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 no such proposal was received, or if the proposals were not determined to be in the best interest of the Authority, the property may have been offered for sale or lease as otherwise provided by law.

The Authority was required to disburse revenues collected from the operation of the non-flood assets remaining after deducting the expenses of managing and controlling them to the Flood Protection Authority, to the credit of the levee district in which the facility or improvement was located except as otherwise required by federal law or regulation or state constitution.

The Authority was forbidden to do any of the following:

1. Impair the obligation of outstanding bonded indebtedness or of any other contract of any levee district.

2. Impair the ability of any levee district to satisfy any outstanding judgment, any legal action, or claim pending against the district on the effective date of this Section.

The Authority was authorized to adopt rules and regulations to implement the law pursuant to the APA and the Authority was not subject to the rules and regulations of the DOTD.

Present law terminated on January 1, 2012.

Proposed law re-enacts present law R.S. 38:330.12 as set forth above.

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

(Adds R.S. 38:330.12)

Summary of Amendments Adopted by Senate

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

1. Deleted provisions that the airport was to be owned, managed, maintained, and controlled by the New Orleans Aviation Board.