

SENATE BILL NO. 8

BY SENATORS BOASSO, ADLEY, AMEDEE, BAJOIE, BARHAM, BROOME, CAIN, CHAISSON, CHEEK, CRAVINS, DARDENNE, DUPLESSIS, DUPRE, ELLINGTON, FONTENOT, B. GAUTREAUX, N. GAUTREAUX, HEITMEIER, HINES, HOLLIS, JACKSON, JONES, KOSTELKA, LENTINI, MALONE, MARIONNEAUX, MCPHERSON, MICHOT, MOUNT, MURRAY, NEVERS, QUINN, ROMERO, SCHEDLER, SHEPHERD, SMITH AND THEUNISSEN AND REPRESENTATIVES K. CARTER, DORSEY, JACKSON, JEFFERSON, SALTER, SCALISE, ALEXANDER, ANSARDI, ARNOLD, BADON, BALDONE, BARROW, BAUDOIN, BAYLOR, BEARD, BOWLER, BRUCE, BRUNEAU, BURNS, BURRELL, CAZAYOUX, CRANE, CRAVINS, CROWE, CURTIS, DAMICO, DANIEL, DOVE, DOWNS, DURAND, ERDEY, FANNIN, FARRAR, FAUCHEUX, FRITH, GALLOT, GLOVER, GRAY, GREENE, E. GUILLORY, M. GUILLORY, HEATON, HILL, HONEY, JOHNS, KATZ, KENNARD, KENNEY, KLECKLEY, LABRUZZO, LAFLEUR, LAFONTA, LAMBERT, LANCASTER, MARCHAND, MARTINY, MCDONALD, MCVEA, MONTGOMERY, MORRELL, PIERRE, PITRE, M. POWELL, T. POWELL, QUEZAIRE, RICHMOND, RITCHIE, SCHNEIDER, SMILEY, GARY SMITH, JACK SMITH, JANE SMITH, ST. GERMAIN, STRAIN, THOMPSON, TOOMY, TRAHAN, TRICHE, TUCKER, WADDELL, WALSWORTH, WHITE AND WINSTON

1 AN ACT

2 To amend and reenact R.S. 38:291(D)(2), (G)(2), (K)(2), and (R)(2), 301(B), 304(A) and
3 (B), 305, and 313(C), R.S. 42:808(A)(10), and R.S. 49:213.1(C), 213.4(A)(2),
4 213.5(A)(10), and 213.6(A)(2)(b), to enact R.S. 38:291(V) and (W), 304(D), Part 3-
5 A of Chapter 4 of Title 38 of the Louisiana Revised Statutes of 1950, comprised of
6 R.S. 38:330.1 through 330.13, and R.S. 49:213.1(E) and 213.4(A)(7), and to repeal
7 R.S. 38:291(D)(3), 304.2, and 304.3, relative to flood protection; to establish the
8 Southeast Louisiana Flood Protection Authority-East; to establish the Southeast
9 Louisiana Flood Protection Authority-West Bank; to provide for its powers, duties,
10 jurisdiction, and members; to provide for appointments to the board of
11 commissioners of each authority; to provide for qualifications of commissioners; to
12 provide for meetings of the board; to provide for the management of certain levee
13 districts in areas of southeast Louisiana; to retain the territorial limits of such levee
14 districts; to terminate the terms of commissioners on certain levee boards and to
15 reorganize the governance of such levee districts; to transfer authority, duties,

1 powers, functions, and responsibilities from such levee boards to an authority; to
 2 provide for obligations, tax proceeds, and property of the district; to provide for a
 3 regional director for each authority; to create and provide for the St. Tammany Levee
 4 District; to create and provide for the Tangipahoa Levee District; to provide for the
 5 inclusion of parishes and portions of parishes in the authority; to provide for funding;
 6 to transfer and provide for the management and control of certain facilities and
 7 improvements of levee districts within an authority that are not related to flood
 8 protection and to provide for the allocation of revenue derived therefrom; to provide
 9 for applicability; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 38:291(D)(2), (G)(2), (K)(2), and (R)(2), 301(B), 304(A) and (B),
 12 305, and 313(C) are hereby amended and reenacted and R.S. 38:291(V) and (W), 304(D),
 13 and Part 3-A of Chapter 4 of Title 38 of the Louisiana Revised Statutes of 1950, comprised
 14 of R.S. 38:330.1 through 330.13, are hereby enacted to read as follows:

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

16 * * *

17 D. East Jefferson Levee District.

18 * * *

19 ~~(2) In accordance with the provisions of R.S. 38:304 the governor shall~~
 20 ~~appoint five persons to serve as levee commissioners.~~ **On and after January 1,**
 21 **2007, the district shall be governed by the board of commissioners of the**
 22 **Southeast Louisiana Flood Protection Authority-East pursuant to authority**
 23 **granted by Article VI, Sections 38 and 38.1 of the Constitution of Louisiana and**
 24 **as provided in this Chapter.**

25 * * *

26 G. Lake Borgne Basin Levee District.

27 * * *

28 ~~(2) The governor shall appoint in accordance with the provisions of R.S.~~
 29 ~~38:304 three persons from the parish of St. Bernard.~~ **On and after January 1, 2007,**
 30 **the district shall be governed by the board of commissioners of the Southeast**

1 Louisiana Flood Protection Authority-East pursuant to authority granted by
2 Article VI, Sections 38 and 38.1 of the Constitution of Louisiana and as
3 provided in this Chapter.

4 * * *

5 K. Orleans Levee District.

6 * * *

7 ~~(2) The board shall consist of eight members. The governor shall appoint six~~
8 ~~persons to serve as levee commissioners, who shall possess the qualifications~~
9 ~~provided in R.S. 38:304. The terms of all such commissioners whether heretofore or~~
10 ~~hereafter appointed, shall, after July 10, 1986, be subject to Senate confirmation and~~
11 ~~serve at the pleasure of the governor making the appointment. Two commissioners~~
12 ~~shall be ex officio the mayor of the city of New Orleans, or his designee and one~~
13 ~~member appointed by the mayor from a list of three city councilmen selected by the~~
14 ~~members of the city council of New Orleans.~~ **On and after January 1, 2007, the**
15 **district shall be governed by the board of commissioners of the Southeast**
16 **Louisiana Flood Protection Authority-East for the territory on the east side of**
17 **the Mississippi River and by the board of commissioners of the Southeast**
18 **Louisiana Flood Protection Authority-West Bank for the territory on the west**
19 **side of the Mississippi River, pursuant to authority granted by Article VI,**
20 **Sections 38 and 38.1 of the Constitution of Louisiana and as provided in this**
21 **Chapter.**

22 * * *

23 R. West Jefferson Levee District.

24 * * *

25 ~~(2) The governor shall appoint in accordance with the provisions of R.S.~~
26 ~~38:304 nine persons to serve as levee commissioners.~~ **On and after January 1,**
27 **2007, the district shall be governed by the board of commissioners of the**
28 **Southeast Louisiana Flood Protection Authority-West Bank pursuant to**
29 **authority granted by Article VI, Sections 38 and 38.1 of the Constitution of**
30 **Louisiana and as provided in this Chapter.**

* * *

V. St. Tammany Levee District. (1) All territory contained within the parish of St. Tammany within the boundaries of the coastal zone pursuant to R.S. 49:214.24 shall be embraced in the limits of a levee district to be known as the St. Tammany Levee District. These lands and all property thereon situated, not exempt from taxation, shall be subject to the provisions of this Chapter.

(2) The district shall be governed by the board of commissioners of the Southeast Louisiana Flood Protection Authority-East.

W. Tangipahoa Levee District. (1) All territory contained within the parish of Tangipahoa within the boundaries of the coastal zone pursuant to R.S. 49:214.24 shall be embraced in the limits of a levee district to be known as the Tangipahoa Levee District. These lands and all property thereon situated, not exempt from taxation, shall be subject to the provisions of this Chapter.

(2) The district shall be governed by the board of commissioners of the Southeast Louisiana Flood Protection Authority-East.

* * *

§301. Construction and maintenance of levees and drainage; care and inspection of levees; measure of compensation; right of entry; bicycle paths and walkways

* * *

B. ~~The~~ Except as provided in R.S. 38:330.2(I), the care and inspection of levees shall devolve on resident commissioners, assisted by such inspectors and watchmen as may be appointed pursuant to regulations, which the boards are hereby authorized to adopt. Each resident commissioner and any inspector or watchman who may be appointed shall attend once during his term of office an educational training program conducted by the ~~office of public works or its successor~~ Department of Transportation and Development.

* * *

§304. Appointment of members; residency requirements; filling of vacancies

A. Any person appointed a levee commissioner or levee and drainage

1 commissioner must have resided in this state the preceding two years, resided in the
2 levee district the preceding year, be a qualified voter of one of the parishes included
3 in the district, and reside in the district while serving as a member of the board;
4 ~~except as provided in R.S. 38:304.1.~~

5 B.(1) Notwithstanding any law to the contrary, every vacancy now or
6 hereafter created whether by reason of death, resignation, expiration of term, or any
7 other cause occurring in any levee district or levee and drainage district shall be
8 filled by the governor from panels of names submitted as follows: each member of
9 the House of Representatives representing a parish or part of a parish lying within
10 a levee district or levee and drainage district shall submit one name for each vacancy
11 to be filled from the parish, which he represents in the legislature within said levee
12 district or levee and drainage district, and each member of the Senate shall submit
13 one name for each vacancy to be filled from the parish or parishes, which he
14 represents in the legislature within said levee district or levee and drainage district,
15 except as provided in R.S. 38:291(P); **and** 291(T), ~~304.2 and 304.3.~~

16 (2) In making appointments the governor shall not appoint any person to the
17 board of commissioners to represent a specific parish who was not recommended by
18 one or more of the legislators who represent that specific parish in the legislature
19 except as provided in R.S. 38:291(P); **and** 291(T), ~~304.2 and 304.3.~~ All members of
20 the boards of commissioners of levee districts or levee and drainage districts shall
21 be appointed by the governor to serve at the pleasure of the governor making the
22 appointment.

23 * * *

24 **D. This Section shall not apply to the Southeast Louisiana Flood**
25 **Protection Authority-East and the Southeast Louisiana Flood Protection**
26 **Authority-West Bank.**

27 * * *

28 §305. Employment of attorney

29 Each **Except as provided in R.S. 38:330.5,** each levee board and levee and
30 drainage board for a levee district or levee and drainage district may employ one or

1 more attorneys to represent it and to offer advice and assistance of a legal nature and
2 one or more engineers. The salary of each attorney shall be determined by the board.

3 * * *

4 §313. Cessation of activities

5 * * *

6 C. The provisions of this Section shall not apply to districts created with
7 multiple objectives listed as conservation, levee, and drainage districts. The
8 provisions of this Section shall not apply to the West Jefferson Levee District, the
9 Lafourche Levee Basin District, the Pontchartrain Levee Basin District, Red River,
10 Atchafalaya, and Bayou Beouf Levee District, Orleans Levee District, Amite River
11 Basin Drainage and Water Conservation District, Grand Isle Independent Levee
12 District, ~~and the Atchafalaya Levee District, the St. Tammany Levee District, the~~
13 Tangipahoa Levee District, the Southeast Louisiana Flood Protection Authority
14 -East, and the Southeast Louisiana Flood Protection Authority-West Bank.

15 * * *

16 **PART 3-A. SOUTHEAST LOUISIANA**

17 **FLOOD PROTECTION AUTHORITIES**

18 **§330.1. Southeast Louisiana Flood Protection Authority-East and Southeast**
19 **Louisiana Flood Protection Authority-West Bank; territorial**
20 **jurisdiction; board of commissioners; appointments; terms;**
21 **compensation; vacancy; officers; meetings; domicile**

22 **A.(1) The Southeast Louisiana Flood Protection Authority-East and**
23 **Southeast Louisiana Flood Protection Authority-West Bank, referred to herein**
24 **as "flood protection authority" or "authority," are established as levee districts**
25 **pursuant to Article VI, Sections 38 and 38.1 of the Constitution of Louisiana.**

26 **(2) The authority shall be subject to Part II of Chapter 2 of Title 49 of**
27 **the Louisiana Revised Statutes of 1950.**

28 **(3) It shall be the position of the authority that the Mississippi River**
29 **Gulf Outlet navigability is no longer necessary and the value associated with it**
30 **remaining open is far outweighed by the danger it poses to the citizens of St.**

1 Bernard Parish, the Lower Ninth Ward of Orleans Parish, New Orleans East
2 and surrounding areas.

3 B. On and after January 1, 2007, each flood protection authority,
4 through its board of commissioners as provided for in this Section, shall
5 exercise all authority over and have management, oversight, and control of the
6 following territories as provided by law for the boards of commissioners of such
7 levee districts to which the authority is a successor and to the extent provided
8 for in this Part:

9 (1)(a) The following levee districts and parts of levee districts and
10 parishes shall be included within the Southeast Louisiana Flood Protection
11 Authority-East:

12 (i) East Jefferson Levee District.

13 (ii) Lake Borgne Basin Levee District.

14 (iii) That portion of the Orleans Levee District on the east side of the
15 Mississippi River.

16 (iv) St. Tammany Levee District.

17 (v) Tangipahoa Levee District.

18 (vi) That portion of St. Charles Parish lying east of the Mississippi River.

19 (vii) That portion of St. John the Baptist lying east of the Mississippi
20 River.

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

23 (2)(a) The following levee districts and parts of levee districts and
24 parishes shall be included within the Southeast Louisiana Flood Protection
25 Authority-West Bank:

26 (i) West Jefferson Levee District.

27 (ii) That portion of the Orleans Levee District on the west side of the
28 Mississippi River.

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

1 C.(1) There is hereby created a board of commissioners of each flood
2 protection authority.

3 (a) The board of commissioners of the Southeast Louisiana Flood
4 Protection Authority-East shall be composed of eleven members, of whom there
5 shall be at least, and not more than, one member from each parish within the
6 territorial jurisdiction of the authority. The members shall be appointed by the
7 governor from nominations submitted by the nominating committee as follows:

8 (i) Five members who shall either be an engineer or a professional in a
9 related field such as geotechnical, hydrological, or environmental science. Of the
10 five members, one member shall be a civil engineer, and one member shall be
11 a geologist or a hydrologist.

12 (ii) Three members who shall be a professional in a discipline other than
13 that occurring in (i) with at least ten years of professional experience in that
14 discipline. One of these members shall be a resident of a parish as provided for
15 in (B)(1)(a)(vi) or (vii) of this Section.

16 (iii) Three members who shall be at-large. One of these members shall
17 be a resident of a parish as provided for in (B)(1)(a)(vi) and (vii) of this Section.

18 (b) The board of commissioners of the Southeast Louisiana Flood
19 Protection Authority-West Bank shall be composed of seven members of whom
20 there shall be at least, and not more than, two members from each parish within
21 the territorial jurisdiction of the authority. The members shall be appointed by
22 the governor from nominations submitted by the nominating committee as
23 follows:

24 (i) Three members who shall be either an engineer or a professional in
25 a related field such as geotechnical, hydrological, or environmental science. Of
26 the three members, one member shall be a civil engineer and one shall be a
27 geologist or a hydrologist.

28 (ii) Two members who shall be a professional in a discipline other than
29 that occurring in (i) with at least ten years of professional experience in that
30 discipline. One of these members shall be a person residing in Orleans Parish

1 on the west side of the Mississippi River.

2 (iii) Two members who shall be at-large. One of these members shall be
3 a person residing in Orleans Parish on the west side of the Mississippi River.

4 (2)(a) The nominating committee for each board shall be composed as
5 follows:

6 (i) A member designated by the Public Affairs Research Council of
7 Louisiana.

8 (ii) A member designated by the Council for A Better Louisiana.

9 (iii) A representative of the Louisiana Geological Survey at Louisiana
10 State University.

11 (iv) A member of the Association of State Floodplain Managers
12 designated by the association.

13 (v) A member of the National Academy of Engineering designated by the
14 academy.

15 (vi) A member of the National Society of Black Engineers designated by
16 the society.

17 (vii) A member of the American Institute of Hydrology designated by
18 the institute.

19 (viii) The dean of the College of Engineering at the University of New
20 Orleans, or his designee.

21 (ix) The dean of the School of Science and Engineering at Tulane
22 University, or his designee.

23 (x) The dean of the College of Engineering at Southern University and
24 Agricultural and Mechanical College, or his designee.

25 (xi) The dean of the College of Engineering at Louisiana State University,
26 or his designee.

27 (xii) A member of the National Society of Professional Engineers
28 designated by the society.

29 (xiii) A member of the American Society of Civil Engineers designated
30 by the society.

1 **(b) Notwithstanding the provisions of Subparagraph (a) of this**
2 **Paragraph for the purpose of nominating persons to serve on the Southeast**
3 **Louisiana Flood Protection Authority-West Bank, the committee shall also**
4 **include, a member of the Harvey Canal Industrial Association and the president**
5 **of Our Lady of Holy Cross College, or his designee.**

6 **(c) The secretary of state shall be the custodian of the records of the**
7 **nominating committee. The chairman of the committee, or in his absence, the**
8 **secretary of state, shall call the meeting of the nominating committee. The**
9 **secretary of state or his designee shall serve as secretary for the nominating**
10 **committee.**

11 **(3)(a) Within ten days after the effective date of this Section, the**
12 **governor shall advise the secretary of state of the vacancies on a board. Within**
13 **ten days after the occurrence of a vacancy on a board, the authority shall advise**
14 **the secretary of state of the vacancy. Within fourteen days after being advised**
15 **of a vacancy on a board, the secretary of state shall publish notice of the**
16 **vacancy in the official journal of the state and of each parish within the**
17 **territorial jurisdiction of the authority.**

18 **(b) No sooner than thirty days after the latest date of publication in any**
19 **of the journals set forth in (a) of this Paragraph nor later than sixty days after**
20 **that date, the nominating committee shall meet to determine the nominations**
21 **to send to the governor to fill each vacancy. The committee shall consider each**
22 **name submitted to the committee from whatever source and the committee**
23 **members may propose names of persons to be considered. After review, the**
24 **committee shall select the nominees for each vacancy who meet the**
25 **requirements of this Section. The committee shall submit one nominee for a**
26 **vacancy in a position provided for in R.S. 38:330.1(C)(1)(a)(i) or (b)(i) and shall**
27 **submit two nominees for each vacancy in a position provided for in R.S.**
28 **38:330.1(C)(1)(a)(ii) or (iii) or (b)(ii) or (iii). A majority vote of the total**
29 **membership of the nominating committee shall be required to nominate persons**
30 **to positions on the board. The committee shall submit its nominations for each**

1 vacancy to the governor for consideration no later than ninety days after the
2 occurrence of the vacancy. The governor shall appoint one of the nominees
3 submitted by the committee.

4 (c) If the nominating committee fails to submit a nominee within ninety
5 days after the occurrence of a vacancy, the governor shall appoint a person
6 meeting the requirements of this Section.

7 (4) Each appointment made to the board shall be subject to
8 confirmation by the Senate.

9 D.(1) The members of each board initially appointed shall at their first
10 meeting determine by lot their terms of office, which terms shall commence
11 immediately upon their appointment and shall expire, respectively, as follows:

12 (a) For the board of the Southeast Louisiana Flood Protection
13 Authority-East: two members in one year, three members in two years, three
14 members in three years, and three members in four years, from the first day of
15 July immediately succeeding such appointment.

16 (b) For the board of the Southeast Louisiana Flood Protection
17 Authority-West Bank: one member in one year, two members in two years, two
18 members in three years, and two members in four years, from the first day of
19 July immediately succeeding such appointment.

20 (2) All commissioners thereafter appointed, except a commissioner
21 appointed to fill an unexpired term, shall be appointed as provided in
22 Subsection C of this Section for staggered terms of four years. No member shall
23 serve more than two consecutive four-year terms.

24 E. Immediately after the members of the board of commissioners have
25 been appointed, or as soon as thereafter is practicable, they shall meet and
26 organize by electing from their number a president, vice president, and
27 secretary who shall perform the duties normally required of such officers. In
28 case of death or resignation of the president, the vice president shall call the
29 board together to fill the vacancy. In case of absence, inability, or failure to act
30 of the president, the vice president shall perform all the duties of the president.

1 F.(1) A majority of the commissioners of the board shall constitute a
2 quorum to do business. They shall designate the time and select the place for
3 holding their regular sessions, which shall be convened each month. Special
4 meetings may be convened at any time upon the call of the president. Regular
5 monthly meetings of the board shall be convened on a rotating basis at a place
6 to be determined by the board in a levee district under the jurisdiction of the
7 authority.

8 (2)(a) In recognition that the primary purpose of the authority is
9 regional coordination of flood protection and in order to promote such
10 coordination over parochial concerns, approval of a proposed project shall
11 require the favorable vote of at least two-thirds of the total voting membership
12 of the board, regardless of whether the project is limited to one or more levee
13 districts within the territorial jurisdiction of the authority.

14 (b) As used in this Paragraph, "project" means a program or
15 engineering activity, either new or continuing that will be planned and
16 implemented with the primary goal being the reduction of existing flood
17 damages. "Program" means the flood control system which may include, but
18 not be limited to, floodproofing, waterproofing, ring dikes, relocation assistance,
19 information programs, formulation of codes, and engineering studies.
20 "Engineering activities" means functions which may include, but not be limited
21 to, dams, reservoirs, levees, dikes, floodwalls, diversions, channel alterations
22 such as snagging and channel straightening, on site detention, spillways, and
23 land treatment.

24 (3) Except as provided in Paragraph (2) of this Subsection, a favorable
25 vote of a majority of the total voting membership of the board shall be required
26 to take action.

27 (4) The members of the board of the Southeast Louisiana Flood
28 Protection Authority-East appointed as residents of St. Charles or St. John the
29 Baptist parishes from the east side of the Mississippi River shall be nonvoting
30 except for any project which includes the parish or a portion of the parish.

1 When these members are eligible to vote, they shall be included in the total
2 voting membership for such purposes.

3 (5) The members of the board of the Southeast Louisiana Flood
4 Protection Authority-West Bank appointed as residents of Orleans Parish from
5 the west side of the Mississippi River shall be nonvoting except for any project
6 which includes Orleans Parish or a portion of the parish. When these members
7 are eligible to vote, they shall be included in the total voting membership for
8 such purposes.

9 G. In case of neglect of duty by any board member or of his failure,
10 without good cause, to attend three successive regular meetings, on request of
11 the board, the governor shall remove the commissioner.

12 H. A vacancy created by reason of death, resignation, expiration of
13 term, removal, or any other cause shall be filled in the same manner as the
14 original appointment.

15 I.(1) The official domicile of an authority shall be determined by the
16 board. An authority shall maintain an office at its domicile for the transaction
17 of its business.

18 (2) A flood protection authority may also maintain branch offices within
19 the territorial jurisdiction of the authority.

20 J. No member of a board, or any of the immediate family of the member,
21 shall own or have any interest or part in any business, company, or entity
22 conducting business of any kind with the authority or levee district within the
23 territorial jurisdiction of the authority or any of the facilities controlled by the
24 authority or any such district. "Immediate family" as used in this Subsection
25 means his children, the spouses of his children, his brothers and their spouses,
26 his sisters and their spouses, his parents, his spouse, the parents of his spouse,
27 his spouse's brothers and their spouses, his spouse's sisters and their spouses,
28 and his spouse's children.

29 K.(1) No former board member may qualify as a candidate for any
30 elected office within twelve months of the termination of his term on the board.

1 (2) No elected official or former elected official may serve as a member
2 of the board within twenty-four months of the termination of his term.

3 (3) No public employee or former public employee shall serve as a
4 member of the board within twelve months of the termination of his
5 employment other than as a member of the board.

6 (4) No person shall be eligible for selection who has been registered as a
7 lobbyist before the legislature within two calendar years of the date of
8 appointment. Should any member serving on the board thereafter register as
9 a lobbyist, he shall immediately resign his position on the board.

10 (5) No member of a board and no officer or employee of a board shall
11 participate or engage in an effort to support or oppose the election of a
12 candidate for political office or to support a particular party or issue in an
13 election; be a member of any national, state, or local committee of any political
14 party or faction; make or solicit contributions for any political party, faction,
15 candidate, or issue; or take active part in the management of the affairs of a
16 political party, faction, candidate, or any political campaign, except to exercise
17 his right as a citizen to express his opinion privately and to cast his vote as he
18 desires.

19 (6) Notwithstanding any provision of law to the contrary, no member of
20 a board shall serve at the same time on any other board or commission, the
21 membership of which is appointed in whole or in part by an elected official or
22 by a public body the majority of the membership of which consists of elected
23 officials. "Elected official" as used in this provision means any person holding
24 an office in a governmental entity which is filled by the vote of the appropriate
25 electorate and includes any person appointed to fill a vacancy in such offices.

26 (7) No person shall be eligible for selection who is a party to any contract
27 with an authority established by this Part or levee district within the territorial
28 jurisdiction of an authority.

29 L. In lieu of the compensation provided in R.S. 38:308, the members of
30 the board shall receive a per diem equal to the rate allowable for per diem

1 deduction under Section 162(h)(1)(B)(ii) of Title 26 of the United States Code
2 for its official domicile during their attendance on that body. In addition to the
3 per diem, each member shall be paid a mileage allowance for going to and from
4 meetings and for other travel authorized by the board equal to the rate
5 established as the standard mileage rate for business travel for purposes of
6 Section 162(a) of Title 26 of the United States Code.

7 §330.2. Board of commissioners, powers and duties

8 A.(1) A flood protection authority shall be governed by a board of
9 commissioners.

10 (a) The board of commissioners of the Southeast Louisiana Flood
11 Protection Authority-East shall be the successor to the boards of commissioners
12 of the East Jefferson Levee District, Lake Borgne Basin Levee District, and, for
13 territory in Orleans Parish on the east side of the Mississippi River, the Orleans
14 Levee District. The board shall also be the governing authority of the St.
15 Tammany Levee District, and the Tangipahoa Levee District.

16 (b) The board of commissioners of the Southeast Louisiana Flood
17 Protection Authority-West Bank shall be the successor to the board of
18 commissioners of the West Jefferson Levee District and, for territory in Orleans
19 Parish on the west side of the Mississippi River, the Orleans Levee District.

20 (2)(a) Each board may, in addition to any other powers and duties
21 provided by law for the boards of commissioners of levee districts, establish on
22 its own behalf or for the areas or the levee districts under its authority adequate
23 drainage, flood control, and water resources development, including but not
24 limited to the planning, maintenance, operation, and construction of reservoirs,
25 diversion canals, gravity and pump drainage systems, erosion control measures,
26 marsh management, coastal restoration, and other flood control works as such
27 activities, facilities, and improvements relate to tidewater flooding, hurricane
28 protection, and saltwater intrusion. Neither the authority nor any levee district
29 within the territorial jurisdiction of the authority shall own, operate, or control
30 any facility or improvement not directly related to such purposes, except as

1 provided in R.S. 38:330.12.

2 (b) Nothing in this Paragraph shall transfer authority to operate flood
3 control pump operations from any public entity authorized by law to conduct
4 such activities.

5 B. Each board may enter into contracts and agreements of any nature
6 on behalf of the authority or on behalf of any levee districts within the
7 territorial jurisdiction of the authority for the purposes of this Chapter with any
8 person or persons, corporation, association, or other entity, including public
9 corporations, port authorities, the state and agencies thereof, levee districts,
10 parishes, other political subdivisions, the United States government and
11 agencies thereof, or any combination thereof, or with instrumentalities of any
12 kind to carry out the purposes of and the powers granted in this Chapter.

13 C. Each board may enter into contracts or other agreements on behalf
14 of the authority or on behalf of any levee districts within the territorial
15 jurisdiction of the authority with any person or entity concerning the providing
16 of lands, servitudes, rights-of-way, and relocations, and may engage the levee
17 districts under its authority jointly with any person or entity in the exercise of
18 any power to include the construction, operation, and maintenance of any
19 facilities and improvements for the purpose of the projects under this Chapter.

20 D. Each board on behalf of the authority or on behalf of any levee
21 district within the territorial jurisdiction of the authority may construct and
22 maintain drainage works of all types as such works relate to tidewater flooding,
23 hurricane protection, and saltwater intrusion, either in cooperation with one or
24 more parishes, municipalities, drainage districts, or other special districts
25 within its territorial jurisdiction, or upon its own undertaking.

26 E. Each board may buy and sell property of the authority or of any levee
27 district within its territorial jurisdiction, make and execute all contracts on
28 behalf of the authority or on behalf of any such levee district, and perform any
29 and all things necessary to carry out the objects of this Chapter, subject to the
30 limitations and duties provided in this Section.

1 F. Subject to any local ordinance for the construction, erection, and
2 maintenance of back and side levees to protect any area or portion of a levee
3 district within the territorial jurisdiction of the authority from tidal overflow,
4 a board shall work in conjunction with the appropriate parish governing
5 authority to manage the construction and maintenance of the levees, pursuant
6 to R.S. 38:143.

7 G. Each board shall adopt bylaws for the management and regulation
8 of its affairs, for the governance of the board and its officers and employees, and
9 for the operation and governance of the flood protection authority in
10 accordance with the Administrative Procedure Act and subject to legislative
11 rule oversight by the Senate and House committees on transportation,
12 highways, and public works. It shall devise and adopt rules and regulations for
13 the carrying into effect and perfecting of a comprehensive levee system, having
14 for its object the protection of the entire territory of the authority from
15 overflow. Such bylaws may include the establishment of any standing
16 committees of the board as may be necessary to carry out the functions of the
17 board.

18 H. The authority and each levee district within the territorial
19 jurisdiction of the authority shall comply with all applicable federal and state
20 law and regulations, particularly regarding federal rehabilitation assistance for
21 flood control works damaged by flood or coastal storm.

22 I.(1) For each levee district within the territorial jurisdiction of the
23 authority, care and inspection of levees shall devolve on commissioners and
24 assisted by such inspectors and watchmen as may be appointed pursuant to
25 regulations, which the board is hereby authorized to adopt. Each commissioner
26 and any inspector or watchman who may be appointed shall attend once during
27 his term of office an educational training program conducted by the
28 Department of Transportation and Development.

29 (2) Each commissioner and appointed inspector or watchman, upon
30 presenting appropriate credentials, may enter any private premises within the

1 territorial jurisdiction of the authority to care for and inspect levees. If the
2 owner of the premises or his agent refuses to admit the commissioner, inspector,
3 or watchman, the authority may obtain from any state court of competent
4 jurisdiction and venue an appropriate order to submit the premises to entry for
5 such purpose.

6 §330.3. Levee district and board reorganization; transfer of authority;
7 obligations; taxes; lands

8 A.(1)(a) Any legal proceeding to which the East Jefferson Levee District,
9 Lake Borgne Basin Levee District, Orleans Levee District, or West Jefferson
10 Levee District is a party and which is filed, initiated, or pending before any
11 court on January 1, 2007, and all documents involved in or affected by said legal
12 proceeding, shall retain its effectiveness and shall be continued in the name of
13 the district. Other than the district or districts originally named as party to the
14 proceedings, neither an authority or district within the territorial jurisdiction
15 of the authority shall have any liability for actions pending or claims arising
16 prior to the effective date of this Section.

17 (b) Neither an authority nor any district within the territorial
18 jurisdiction of the authority shall have any liability for actions or claims other
19 than the district against which the actions or claims arise.

20 (c) No provision of law providing the Southeast Louisiana Flood
21 Protection Authority-East or Southeast Louisiana Flood Protection Authority-
22 West Bank with any authority over and management, oversight, and control of
23 the areas and levee districts provided for in R.S. 38:330.2(A) shall be construed
24 or interpreted to make the taxes levied by, or other revenue of, a levee district
25 within the territorial jurisdiction of the authority payable for the liability of
26 another levee district, or for any liability of the authority when acting on behalf
27 of another levee district.

28 (2) All obligations and unfinished business of the East Jefferson Levee
29 District, Lake Borgne Basin Levee District, Orleans Levee District, and West
30 Jefferson Levee District shall be managed on behalf of the districts by the

1 appropriate authority.

2 (3) All outstanding indebtedness of the East Jefferson Levee District,
3 Lake Borgne Basin Levee District, Orleans Levee District, and West Jefferson
4 Levee District shall remain with the district and shall not be a liability of any
5 authority.

6 B.(1) The proceeds of all taxes collected on all property taxed in the
7 parishes of Jefferson, Orleans, and St. Bernard for the purpose of constructing
8 and maintaining levees, levee drainage, flood protection, hurricane flood
9 protection and for all other purposes incidental thereto, by or on behalf of the
10 East Jefferson Levee District, Lake Borgne Basin Levee District, Orleans Levee
11 District, or West Jefferson Levee District and, except as provided in R.S.
12 38:330.12, any other revenue from operations of such districts shall be
13 administered by the board of commissioners of the applicable flood protection
14 authority; however, the taxes and other revenues of each such levee district shall
15 only be used and expended for the purposes of such district.

16 (2) The proceeds from a tax levied, or revenue received, by an authority
17 or a levee district may only be used or expended for a purpose of the authority
18 or levee district where the tax is levied and revenue is collected.

19 (3) The proceeds of such taxes collected shall be deposited into a separate
20 account established in the name of the authority or district in which the taxes
21 are levied and collected. There shall be no commingling of funds in such
22 accounts.

23 C.(1) Any books, records, documents, funds, movable property, lands
24 or immovable property owned by the East Jefferson Levee District, Lake
25 Borgne Basin Levee District, Orleans Levee District, and West Jefferson Levee
26 District shall be retained as property of the respective levee district in which
27 such property is situated, but shall be managed by the applicable flood
28 protection authority, except as provided in R.S. 38:330.12.

29 (2) Except as provided in R.S. 38:330.12, any property acquired or
30 improvements constructed with funds of a levee district within the territorial

1 jurisdiction of the authority and all income derived from property or
2 improvements owned by the levee district shall belong to the levee district, but
3 shall be managed by the authority.

4 §330.4. Regional directors

5 A. Each board may employ a regional director who shall serve at the
6 pleasure of the board. The board shall fix the qualifications, duties, and salary
7 of the regional director.

8 B. In addition to the qualifications fixed by the board pursuant to
9 Subsection A of this Section, the regional director shall:

10 (1) No later than ninety days after and for the remainder of his
11 appointment, reside within the territorial jurisdiction of the authority.

12 (2) Have a bachelor's degree, at a minimum, in the area of business,
13 engineering, geology, hydrology, natural sciences, environmental sciences,
14 renewable resources, or any similar academic field.

15 (3) Have a minimum of ten years senior executive experience in business,
16 engineering or hydrology, or in the performance of public works functions,
17 related to flood and drainage control, flood plain management, water resources,
18 soil conservation, land surveying and mapping, disaster relief, or any related
19 function.

20 C. In addition to the duties prescribed by the board, the regional
21 director shall keep records of all proceedings, preserve all books, maps,
22 documents, papers, records, and reports entrusted to its care, and keep them
23 open for public inspection.

24 §330.5. Employees

25 A. An authority may employ such employees as it deems necessary for
26 its proper functioning. All employees of the authority and each levee district
27 within the territorial jurisdiction of the authority shall be considered civil
28 service employees for the purpose of Article X of the Constitution of Louisiana.
29 Each employee of a levee district within the territorial jurisdiction of the
30 authority who is in the unclassified civil service on December 31, 2006 shall

1 remain in the unclassified civil service as long as the employee remains in the
2 same position.

3 B. Any person employed by the East Jefferson Levee District, the Lake
4 Borgne Basin Levee District, the Orleans Levee District, or the West Jefferson
5 Levee District on January 1, 2007, may, insofar as practicable, continue as an
6 employee of the levee district at the pleasure of the flood protection authority
7 created in this Part and may, insofar as practicable, retain all rights, privileges,
8 and benefits.

9 §330.6. Counsel to authority

10 The state attorney general and his assistants shall be and are hereby
11 designated as counsel for each flood protection authority in the execution of the
12 purposes of this Chapter and are hereby charged with the responsibility of
13 representing each authority in any and all matters when called upon to do so.

14 §330.7. Police officers

15 Each authority shall not directly employ police security personnel.
16 However, the authority may enter into cooperative endeavor agreements with
17 appropriate local law enforcement agencies or local governmental subdivisions
18 to provide necessary police security services for levees, or the authority may
19 assume the rights and responsibilities of any existing cooperative endeavor
20 agreements for police security services.

21 §330.8. Funding; appropriations

22 A. An authority or levee district within the territorial jurisdiction of the
23 authority, for the purpose of constructing and maintaining levees, levee
24 drainage, flood protection, hurricane flood protection, or for any other purpose
25 incidental thereto, or for any other purpose related to its authorized powers and
26 functions as specified by law, may levy or increase a tax. However, the
27 necessity, purpose, and the rate of the levy or increase shall be submitted to the
28 electors of the authority or district within which the levy or increase will apply,
29 and the levy or tax increase shall take effect only if approved by (1) a majority
30 of the electors voting thereon within that authority, and (2) each of the parishes

1 in that authority, by a majority of the electors voting thereon in each parish, in
 2 an election held for that purpose. Proceeds from taxes levied and collected
 3 pursuant to this Subsection shall only be used as provided in the tax proposition
 4 and only within the authority or district in which the tax is levied.

5 B. An authority may seek, accept, and expend funds from any source,
 6 including private business, industry, foundations, and other groups as well as
 7 any federal or other governmental funding available for any of the purposes set
 8 forth in Subsection A.

9 §330.9. Defense and indemnification of commissioners, officers, or employees

10 A. An authority may defend, indemnify against loss or liability and save
 11 harmless any of its commissioners, officers or employees whenever a claim or
 12 demand is made or threatened, or whenever proceeded against in any
 13 investigation or before any court, board, commission or other public body to
 14 defend or maintain his official position or a position taken in the course of the
 15 execution of his duties or because of any act or omission arising out of the
 16 performance of his official duties if it is determined that the commissioner,
 17 officer or employee acted in good faith and in a manner he reasonably believed
 18 to be in or not opposed to the best interests of the authority. Such
 19 determination shall be made by the board of commissioners by a majority vote
 20 of the board who were not parties to such action, suit, proceeding, investigation
 21 or claim. The provisions of this Subsection shall not apply in each event a
 22 commissioner, officer or employee is adjudged liable for malfeasance in office
 23 or an intentional tort.

24 B. To the extent that a commissioner, officer or employee of the
 25 authority has been successful on the merits or otherwise in defense of any
 26 action, suit, or proceeding referred to in or in defense of any claim, issue or
 27 matter therein, he shall be indemnified against expenses, including attorneys'
 28 fees, actually and reasonably incurred by him in connection therewith.

29 C. Expenses, including attorneys' fees, incurred in defending a civil
 30 action, suit or proceeding may be paid by an authority in advance of the final

1 disposition of such action, suit, or proceeding as authorized in the manner
 2 provided in this Section upon receipt of an undertaking by or on behalf of the
 3 commissioner, officer or employee, to repay such amount unless it shall
 4 ultimately be determined that he is entitled to be indemnified by the authority
 5 as authorized in this Section.

6 D. The indemnification provided by this Section shall not be deemed
 7 exclusive of any other rights to which those indemnified may be entitled, both
 8 as to action in his official capacity and as to action in another capacity while
 9 holding such office, and shall continue as to a person who has ceased to be a
 10 commissioner, officer or employee, and shall inure to the benefit of the heirs,
 11 executors and administrators of such a person.

12 E. An authority may purchase and maintain insurance on behalf of any
 13 person who is or was a commissioner, officer or employee of the authority
 14 against any liability asserted against him and incurred by him in any such
 15 capacity or arising out of his status as such, whether or not the authority would
 16 have the power to indemnify him against such liability under the provisions of
 17 this Section.

18 §330.10. Statutory reference

19 A. Subject to the limitations of liability as set forth in R.S. 38:330.3,
 20 whenever a reference to the "board of commissioners," "levee board" or
 21 "board of levee commissioners" of the East Jefferson Levee District, Lake
 22 Borgne Basin Levee District, Orleans Levee District, or West Jefferson Levee
 23 District appears in any statute, or in a contract, or a legal pleading, or in any
 24 other document, that reference shall be deemed to be a reference to the board
 25 of commissioners of the Southeast Louisiana Flood Protection Authority -East
 26 or the board of commissioners of the Southeast Louisiana Flood Protection
 27 Authority-West Bank, as applicable.

28 B. Subject to the limitations of liability as set forth in R.S. 38:330.3,
 29 whenever a reference to the "board of commissioners," "levee board" or
 30 "board of levee commissioners" or "levee district" appears in any statute, that

1 reference shall be deemed to include the board of commissioners of the
2 Southeast Louisiana Flood Protection Authority-East and Southeast Louisiana
3 Flood Protection Authority-West Bank.

4 §330.11. Exception to jurisdiction of authorities

5 Notwithstanding any provision of law to the contrary, this Part shall not
6 apply to any levee district or board that has been reorganized, merged into, or
7 consolidated with a parish pursuant to Article VI, Sections 16 and 38 of the
8 Constitution of Louisiana. Such levee district shall continue to have any rights,
9 revenues, resources, jurisdiction, powers, authority, functions, and duties,
10 including the levy and collection of any local assessment or forced contribution,
11 authorized by law at the time of the reorganization, merger, and consolidation
12 with a parish.

13 §330.12. Management of non-flood protection functions and activities

14 A. On and after the effective date of this Section, any facility or
15 improvement within a levee district within the territorial jurisdiction of an
16 authority, which facility or improvement is not directly related to providing
17 adequate drainage, flood control, or water resources development pertaining to
18 tidewater flooding, hurricane protection, or saltwater intrusion, that is owned
19 or operated by a board of commissioners of the levee district, including all land,
20 rights-of-way, servitudes, and improvements situated thereon, or connected
21 therewith, for such purpose, shall be managed and controlled by the state,
22 through the division of administration, without the necessity of any other act or
23 instrument. For the purpose of this Section only, the division of administration
24 shall be the successor to the board of commissioners of such levee district. The
25 levee district shall continue the routine maintenance of all properties or
26 facilities within its jurisdiction until the division of administration receives
27 responsibility for such maintenance.

28 B.(1) The division of administration may enter into contracts,
29 agreements, or cooperative endeavors of any nature, on behalf of the state with
30 a state agency, political subdivision, or other legal entity or person, or any

1 combination thereof, for the operation and maintenance of any facility or
2 improvement, which it manages or controls pursuant to Subsection A of this
3 Section.

4 (2) The division of administration may sell, lease, or otherwise transfer
5 any such property and perform any and all things necessary to carry out the
6 objects of this Section. If the division of administration determines that the sale,
7 lease or transfer of such property is appropriate, it shall first offer the property
8 to political subdivisions in the parish in which the property is located and state
9 agencies conducting operations in that parish, other than levee districts,
10 political subdivisions, or agencies responsible for flood control. If any such
11 public entity is interested in acquiring the property, the division of
12 administration shall evaluate proposals submitted by those entities. If no such
13 proposal is received, or if such proposals are not determined to be in the best
14 interest of the state, the property may be offered for sale or lease as otherwise
15 provided by law.

16 C. Except as required by federal law or regulation or state constitution,
17 the expense of operating any facility or improvement referred to in Subsection
18 A of this Section, which produces revenue for the levee district shall be collected
19 by the division of administration and, after deducting an amount for the
20 expense of managing and controlling such facility or improvement, the
21 remaining revenues therefrom shall be disbursed to the authority to the credit
22 of the levee district in which the facility or improvement is located.

23 D. The division of administration may otherwise provide for the
24 implementation of this Section by the adoption of rules and regulations
25 pursuant to the Administrative Procedure Act.

26 E. No action taken pursuant to this Section or to any provision of this
27 Part shall do any of the following:

28 (1) Impair the obligation of outstanding bonded indebtedness or of any
29 other contract of any levee district.

30 (2) Impair the ability of any levee district to satisfy any legal action or

1 claim pending against the district on the effective date of this Section.

2 §330.13. Public contracts; Louisiana Initiative for Small Entrepreneurship

3 The board of commissioners of the Southeast Louisiana Flood Protection
4 Authority-East and Southeast Louisiana Flood Protection Authority-West Bank
5 shall comply with the provisions of R.S. 39:2001 et seq., when advertising and
6 letting public works contracts and procurement contracts.

7 Section 2. R.S. 42:808(A)(10) is hereby amended and reenacted to read as follows:

8 §808. Eligibility in group programs

9 A. For the purposes of participating in life, health, or other programs
10 sponsored by the Office of Group Benefits, an employee is defined as:

11 * * *

12 (10) Notwithstanding any other provision of law to the contrary, any official
13 holding an appointed position with the West Jefferson Levee District for more than
14 eight years prior to January 1, 2007.

15 * * *

16 Section 3. R.S. 49:213.1(C), 213.4(A)(2), 213.5(A)(10), and 213.6(A)(2)(b) are
17 hereby amended and reenacted and R.S. 49:213.1(E) and 213.4(A)(7) are hereby enacted to
18 read as follows:

19 §213.1. Statement of intent

20 * * *

21 C. The state must act to develop, implement, and enforce a comprehensive
22 coastal protection plan. The state must act to ensure that the plan integrates hurricane
23 protection and coastal restoration efforts in order to achieve long-term and
24 comprehensive coastal protection. Comprehensive coastal protection must proceed
25 in a manner that recognizes that the proper functioning of each protective element
26 is critical to the overall success of the plan and that without such proper functioning
27 the safety of the state and its citizens and the viability of the entire plan are
28 threatened. Further, comprehensive coastal protection must further proceed in a
29 manner that recognizes the powers and duties of political subdivisions, including
30 flood protection authorities, and levee districts, to fund and manage local activities

1 that are consistent with the goals of a comprehensive coastal protection plan. The
 2 state must act to conserve, restore, create, and enhance wetlands and barrier
 3 shorelines or reefs in coastal Louisiana while encouraging use of coastal resources
 4 and recognizing that it is in the public interest of the people of Louisiana to establish
 5 a responsible balance between development and conservation. Management of
 6 renewable coastal resources must proceed in a manner that is consistent with and
 7 complementary to the efforts to establish a proper balance between development and
 8 conservation.

* * *

10 **E. Notwithstanding any other provision of state law and in accordance**
 11 **with the requirements of the Department of Defense, Emergency Supplemental**
 12 **Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic**
 13 **Influenza Act of 2006, the Coastal Protection and Restoration Authority is**
 14 **established, authorized, and empowered to carry out any and all functions**
 15 **necessary to serve as the single entity responsible to act as the local sponsor for**
 16 **construction, operation and maintenance of all of the hurricane, storm damage**
 17 **reduction and flood control projects in areas under its jurisdiction, including**
 18 **the greater New Orleans and southeast Louisiana area.**

* * *

20 §213.4. Powers and duties

21 A. The authority shall:

22 * * *

23 (2) Develop, coordinate, make reports on, and provide oversight for a
 24 comprehensive coastal protection master plan and annual coastal protection plans,
 25 working in conjunction with state agencies, political subdivisions, including **flood**
 26 **protection authorities**, levee districts, and federal agencies. The master plan shall
 27 include a comprehensive strategy addressing the protection, conservation, and
 28 restoration of the coastal area through the construction and management of hurricane
 29 protection projects and coastal restoration projects and programs, all consistent with
 30 the legislative intent as expressed in R.S. 49:213.1. The annual coastal protection

1 plan shall be developed as the annual implementation of the comprehensive master
 2 plan and shall be submitted to the legislature for approval as set forth in R.S.
 3 49:213.6. The annual coastal protection plan shall include a description and status
 4 of all projects and programs pertaining to hurricane protection and coastal
 5 restoration, including privately funded wetland enhancement projects or plans, and
 6 addressing those activities requiring a coastal use permit which significantly affect
 7 projects set forth in the plan, all consistent with the legislative intent as expressed in
 8 R.S. 49:213.1.

* * *

10 (7) Enter into any contract with the federal government or any federal
 11 agency or any political subdivision of the state or private individual for the
 12 construction, operation, or maintenance of any coastal restoration, hurricane,
 13 storm damage reduction, or flood control project and to this end, may contract
 14 for the acceptance of any grant of money upon the terms and conditions,
 15 including any requirement of matching the grants in whole or part, which may
 16 be necessary.

* * *

18 §213.5. Coastal Protection and Restoration Authority; members

19 A. The Coastal Protection and Restoration Authority shall consist of the
 20 following members:

* * *

22 (10) ~~Three~~ **Four** members selected from among and by the presidents of the
 23 ~~twelve~~ **following** levee districts in the Louisiana coastal zone grouped in ~~three~~ **four**
 24 regions as follows: Region 1 - ~~Pontchartrain Levee District, Orleans Levee District~~
 25 ~~and East Jefferson Levee District.~~ Region 2 - ~~Atchafalaya Levee District, Lafourche~~
 26 ~~Basin Levee District, North Lafourche Conservation, Levee and Drainage District,~~
 27 ~~Terrebonne Levee and Conservation District, and South Lafourche Levee District.~~
 28 Region 3 - ~~Lake Borgne Basin Levee District, West Jefferson Levee District, Grand~~
 29 ~~Isle Independent Levee District, and the Plaquemine Parish Government~~ **Southeast**
 30 **Louisiana Flood Protection Authority- East. Region 2- The Southeast Louisiana**

1 Flood Protection Authority-West Bank. Region 3- Pontchartrain Levee District,
 2 Atchafalaya Levee District, Lafourche Basin Levee District, North Lafourche
 3 Conservation, Levee and Drainage District. Region 4- Terrebonne Levee and
 4 Conservation District, South Lafourche Levee District, Grand Isle Independent
 5 Levee District, and the Plaquemines Parish Government. The member from each

6 region shall serve as a member for a term of one year. The members serving under
 7 the provisions of this Paragraph may designate a person to serve as a proxy.

8 * * *

9 §213.6. Coastal protection annual plans; development; priorities

10 A. * * *

11 (2) The authority shall develop the plans in accordance with the following
 12 procedure:

13 * * *

14 (b) At least two weeks prior to each public hearing the authority shall contact
 15 the parish governing authorities, regional flood protection authorities, levee
 16 districts, and the state legislators of the parishes in the coastal zone for the purpose
 17 of soliciting their comments and recommendations and notifying them of the public
 18 hearing to be held in their area.

19 * * *

20 Section 4. R.S. 38:291(D)(3), 304.2, and 304.3 are hereby repealed.

21 Section 5. The terms of the boards of commissioners of the East Jefferson Levee
 22 District, the Lake Borgne Basin Levee District, the Orleans Levee District, and the West
 23 Jefferson Levee District serving on December 31, 2006 shall terminate on that date.

24 Section 6. The board of commissioners of the Southeast Louisiana Flood Protection
 25 Authority-East and the board of commissioners of the Southeast Louisiana Flood Protection
 26 Authority-West Bank shall conduct a study of pump drainage systems operated by entities
 27 within the territorial boundaries of the authority to determine the challenges, benefits, and
 28 opportunities of developing a plan to fully coordinate the systems and shall submit a written
 29 report of its findings and recommendations to the Senate and House committees on
 30 transportation, highways and public works by April 1, 2007.

1 Section 7. R.S. 38:330.1(A)(1), (B), (C), (D), (E), (F), (G), (H), (I), (J), (K), and (L),
2 330.2(G), 330.4, 330.5, 330.6, 330.8(B), 330.9, and 330.12 as amended and reenacted or
3 enacted in Section 1 of this Act and Sections 5, 6, 7, and 8 of this Act shall take effect and
4 become operative if and when the proposed constitutional amendment of Article VI,
5 Sections 38(A)(1) and 39(A) and the addition of Article VI, Section 38.1 of the Constitution
6 of Louisiana contained in the Act, which originated as Senate Bill No. 9 of the 2006 First
7 Extraordinary Session of the Legislature is adopted at the statewide election to be held on
8 September 30, 2006, and at the same time that the amendment becomes effective.

9 Section 8. Except as provided in Section 7 of this Act, Sections 1, 2, 3, and 4 of this
10 Act shall take effect and become operative on January 1, 2007, if and when the proposed
11 constitutional amendment of Article VI, Sections 38(A)(1) and 39(A) and the addition of
12 Article VI, Section 38.1 of the Constitution of Louisiana contained in the Act, which
13 originated as Senate Bill No. 9 of the 2006 First Extraordinary Session of the Legislature is
14 adopted at the statewide election to be held on September 30, 2006.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____