

2021 Regular Session

HOUSE BILL NO.626

BY REPRESENTATIVE GAROFALO

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

LEVEES/BDS & DISTRICTS: Authorizes flood protection authority spending across various levee districts

1 AN ACT

2 To amend and reenact R.S. 38:330, relative to levee districts; to require pro rata payments
3 for flood control, flood protection, or drainage projects that encompass multiple
4 levee districts; to provide for development of a formula to determine cost shares; to
5 authorize the establishment of accounts; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 38:330 is hereby amended and reenacted to read as follows:

8 §330. Grant of authority to levee districts to act jointly; costs of projects across
9 multiple districts

10 A. Any two or more contiguous levee districts may make agreements ~~and/or~~
11 and cooperative endeavors between or among themselves to engage jointly in the
12 construction, acquisition, or improvement of any public flood control or drainage
13 project or improvement, the promotion and maintenance of any undertaking related
14 to flood control or drainage projects, or the exercise of any power related to such
15 projects, provided that at least one of the participants to the agreement is authorized
16 under a provision of general or special law to perform such activity or exercise such
17 power as may be necessary for completion of the undertaking. Such arrangements
18 may provide for the joint use of funds, facilities, personnel, or property or any
19 combination thereof necessary to accomplish the purposes of the agreement.

1 B. The provisions of ~~this~~ Subsection A of this Section shall be retroactive to
2 January 1, 1997.

3 C. The costs of management, planning, design, construction, operation and
4 maintenance, repair, replacement, and rehabilitation of any flood control, flood
5 protection, or drainage project that impacts multiple levee districts shall be borne
6 collectively by the districts impacted and apportioned by mutual agreement of the
7 districts within six months from when the project is first proposed.

8 D. If the districts are unable to reach a mutual agreement as provided in
9 Subsection C of this Section, then the Coastal Protection and Restoration Authority
10 Board as created by R.S. 49:214.5.1, hereinafter known as "the board", shall develop
11 a formula to determine each levee district's proportionate share of such costs.

12 (1) The board shall use, at a minimum, the value of the property protected
13 within each levee district as a criteria in developing the formula for any flood control
14 or flood protection project.

15 (2) The board shall use, at a minimum, the value of the property protected
16 or the proportionate volumetric flows contributed to each levee district's jurisdiction
17 as a criteria in developing the formula for any drainage project. However, payment
18 for the cost of any drainage project under the jurisdiction of an individual levee
19 district shall be borne by the district in which the project is physically located.

20 E. Each levee district may establish individual accounts to deposit funds for
21 the joint costs of management, planning, design, construction, operation and
22 maintenance, repair, replacement, and rehabilitation for any flood control, flood
23 protection, or drainage project under the jurisdiction of multiple levee districts, as
24 determined by this Section.

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)]

HB 626 Original

2021 Regular Session

Garofalo

Abstract: Requires payment for flood control, flood protection, or drainage projects that encompass multiple levee districts be paid proportionately as determined by mutual agreement of the districts impacted. Develops a formula, using certain criteria, to determine the proportionate share of the costs to be paid by each district.

Present law authorizes two or more contiguous levee districts to make agreements for the purpose of engaging jointly in the construction, acquisition, or improvement of any public flood control or drainage project or improvement, the promotion and maintenance or the exercise of any power related to such projects provided that at least one of the districts is authorized by law to undertake such projects. Present law makes the agreements retroactive to Jan. 1, 1997.

Proposed law maintains present law.

Proposed law requires payment of the joint costs of management, planning, design, construction, operation and maintenance, repair, replacement, and rehabilitation of any flood control or flood protection project that impacts multiple levee districts to be shared by the districts and apportioned by mutual agreement of the districts within six months of when the projects are first proposed.

Proposed law requires the Coastal Protection and Restoration Authority Bd. (CPRA Bd.), in the absence of a timely mutual agreement by the districts, to develop a formula to apportion the costs of the project to the districts impacted.

Proposed law requires the CPRA Bd. to use, at a minimum, the value of the property being protected as criteria for developing the formula for any flood control or protection project, or drainage project; or to use the proportionate volumetric flows contributed to each levee district's jurisdiction as a criteria in developing the formula for any drainage project.

Proposed law further provides that payment for the cost of any drainage project under the jurisdiction of an individual levee district will be borne by the levee district within which the project is physically located.

Proposed law authorizes each levee district to establish individual accounts to deposit funds for the joint costs of management, planning, design, construction, operation and maintenance, repair, replacement, and rehabilitation for any flood control, flood protection, or drainage project, under the jurisdiction of multiple levee districts, proportionate to methods created by proposed law.

(Amends R.S. 38:330)