

Regular Session, 2012

HOUSE BILL NO. 702

BY REPRESENTATIVE ARNOLD

LEVEES: Provides relative to funding from tax proceeds for the Algiers Levee District and Orleans Levee District

1 AN ACT

2 To amend and reenact R.S. 38:330.8(B), relative to authority of levee districts; to provide
3 relative to the funding of the Algiers Levee District and the Orleans Levee District;
4 and to provide for related matters.

5 Notice of intention to introduce this Act has been published
6 as provided by Article III, Section 13 of the Constitution of
7 Louisiana.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 38:330.8(B) is hereby amended and reenacted to read as follows:

10 §330.8. Funding; appropriations

11 * * *

12 B.(1) Proceeds from taxes levied and collected pursuant to this Subsection
13 shall ~~only be used~~ be used only as provided in the tax proposition if a proposition is
14 required and only within the authority or district in which the tax is levied.

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

18 (b) From the first proceeds of such taxes received by the Orleans Levee
19 District and the Algiers Levee District, provision shall be made and all funds
20 necessary shall be set aside by each respective district for the payment of all debt

1 service or other requirements due on all outstanding bonds, notes, or other evidences
2 of indebtedness of each respective district during such calendar year ~~relating to the~~
3 ~~outstanding bonds of the Orleans Levee District issued and outstanding as of January~~
4 ~~1, 2007~~, in accordance with the terms of such instruments and the resolutions and
5 agreements providing for their ~~insurance~~ issuance and security.

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

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

13 ~~(e)(c)~~ After the payments made by the Orleans Levee District under
14 Subparagraphs Subparagraph (b) and (c) of this Paragraph:

15 (i) Seven hundred thousand dollars shall be paid to the Non-Flood Protection
16 Asset Management Authority on or before the thirtieth day of July beginning in the
17 year 2011 and on or before the fifteenth day of April thereafter to be used for the
18 operation and maintenance of Lakeshore Drive.

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

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

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

1 (3) The tax proceeds received by the Southeast Louisiana Flood Protection
 2 Authority-West Bank pursuant to Paragraph (2) of this Subsection shall be used for
 3 the operation and maintenance of levees and for other flood control activities in the
 4 West Bank of Orleans Parish.

5 (4) In addition to the taxing authority authorized by Article VI, Section
 6 39(A) and (B) of the Constitution of Louisiana and other applicable provisions of
 7 law, the district shall have the same taxing authority as the Orleans Levee District
 8 on July 12, 2007, to include but not limited to the taxing authority authorized by
 9 Article VI, Section 39(A) and (B) and Article VII, Section 23 of the Constitution of
 10 Louisiana, and the Special Levee Improvement Tax reauthorized by the Special
 11 Election held in Orleans Parish on November 19, 1983.

12 ~~(5) The governing authority of the Orleans Levee District shall, by July 1,~~
 13 ~~2008, refinance all of the district's issued and outstanding debt as of January 1, 2007.~~

14 * * *

15 Section 2. This Act shall become effective upon signature by the governor or, if not
 16 signed by the governor, upon expiration of the time for bills to become law without signature
 17 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 18 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 19 effective on the day following such approval.

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)]

Arnold HB No. 702

Abstract: Provides relative to funding from tax proceeds for the Algiers Levee District and the Orleans Levee District.

Present law provides for proceeds from taxes levied and collected from annual ad valorem taxes by the Orleans Levee District and the Algiers Levee District shall be delivered by the Orleans Parish tax collector to the Orleans Levee District.

Proposed law requires the Orleans Parish tax collector to deliver such proceeds to each district, not just the Orleans Levee District.

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

Present law requires the Orleans Levee District to set aside funds for payment of all debt service and other requirements due on all outstanding debt during each calendar year.

Proposed law retains present law and adds such requirement to the Algiers Levee District.

Present law required the Orleans Levee District to remit payment of the Algiers Levee District's proportional share of the net amount of such taxes remaining after payment of the Orleans Levee District indebtedness on or before April 15 of each calendar year.

Proposed law deletes present law requirement.

Present law requires the Orleans Levee District to remit payment of \$700,000 to the Non-Flood Protection Asset Management Authority on or before July 30 each year and on or before April 15 thereafter for the operation and maintenance of Lakeshore Drive. Further provides funding for 24 police officers for security and flood assets within the jurisdiction of the Orleans Levee District. Further provides such provisions to expire on Dec. 31, 2012.

Proposed law retains present law.

Proposed law deletes present law requirement that any additional ad valorem taxes received by the Orleans Levee District after all payments required are remitted in same tax year shall be paid to the Algiers Levee District no later than 30 days after receipt by Orleans Levee District.

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

(Amends R.S. 38:330.8(B))