

To repeal that portion of act 33 of 1879, creating the Fourth Levee District, and to create a new district to be known and styled, "The Atchafalaya Basin Levee District;" to define the limits of said district, and specify the property subject to taxation, local assessment and contribution; to provide for appointment of commissioners, the qualifications, mode of removal and filling vacancies, and salaries of commissioners and officers to constitute said commissioners as a levee board, styled, "The Board of Commissioners for the Atchafalaya Basin Levee District;" to make the said board a body politic, invested with corporate powers and prohibitions; to regulate legal proceedings by and against said board and to fix its domicile; to require a record of its proceedings to be kept and published; to provide a mode of certifying to the copies of said records and to establish their admissibility and weight as evidence; to require said board to provide rules and regulations for the construction and maintenance of levees, and to establish a comprehensive levee system within said district; to prescribe the duties of the State Engineers in relation to said board; to provide a revenue for levee purposes; to authorize the levy of a forced contribution or special assessment on cotton, sugar, rice, syrup, molasses and esculents produced upon the lands subject to taxation under the provisions of this act; to require the levy of a ten mill tax, on all property subject to taxation, and prescribe the duty of assessors, tax collectors, Auditor and State Treasurer in reference thereto; to authorize the board under certain circumstances to levy a special assessment or contribution on lands and railroads in said district and providing for its collection; to grant certain lands for levee purposes, and prescribe the duty of the Auditor in relation thereto; to exempt said lands from taxation until sold by the board; to authorize the board to mortgage and sell said lands and apply the proceeds to levee purposes; to authorize the board to issue and negotiate its bonds; to provide the mode of issuing, security and paying same, for enforcing payment in case of default; to authorize the board to buy, to sell, to make contracts for building, repairing and maintaining levees, and pay for same in bonds or otherwise; to fix the proportion of General Engineer Fund to be allotted to said district, and prescribe the duty of the Board of Engineers in reference thereto; to provide for the care and police of the levees, and authorize the board to appoint inspectors and watchmen, and in certain cases to call out road hands to work on levees; to provide penalties for neglect of hands to serve; to provide the mode of depositing, keeping and disbursing all funds of the board; to specify by whom and in what manner warrants shall be drawn against the said funds; to define misappropriations of funds and property of the board by president, commissioner or officer, and provide a penalty therefor; to put this act in force and repeal all laws in conflict therewith.

SECTION 1. "Be it enacted by the General Assembly of the State of Louisiana," That that portion of Act 33 of 1879 creating the fourth Levee District be repealed and in lieu thereof it be enacted as follows: That all the parishes and parts of parishes south of Old river and between the Mississippi river and the Lafourche on the East, and a line down to Atchafalaya river to the north boundary of St. Martin; along this line to the Teche, thence down the Teche, and thence down the Atchafalaya to its mouth, viz: The parishes of Pointe Coupee, West Baton Rouge, and Terrebonne, and parts of the parishes of Iberville, Ascension, St. Martin, Iberia, St. Mary, Assumption and Lafourche shall be embraced in the limits of a levee district to be known and styled The Atchafalaya Basin Levee District, and all lands and other property of every description whatsoever upon said lands, shall be subject to taxation, local assessment and forced contribution, for the purpose of raising funds to construct and maintain levees in said district and protect the lands thereof from overflow.

SECTION 2. "Be it further enacted, etc.," That the Governor shall appoint from among the qualified voters of said district seven persons to serve as levee commissioners for said district, three of said commissioners shall be appointed from the Mississippi river parishes, three from the interior parishes and one in the district at large on the recommendation of the railroads of said district; said commissioners shall hold their office for the term of four years, and until their successors are appointed and qualified.

Said commissioners shall constitute a board styled Board of Commissioners for the Atchafalaya Basin Levee District; and they shall have supervision of the location, erection, repairs and maintenance of levees in said district.

SECTION 3. "Be it further enacted, etc.," That said commissioners shall convene and hold their first meeting at New Orleans on the fourth day of August, 1890, a majority of said commissioners shall constitute a quorum to do business; they shall organize by electing one of their number president and they shall appoint a secretary and fix his salary; they shall designate the time and select the place for holding their regular sessions, and may be convened at any time upon call of their president, or upon call of two of the commissioners. In case of death or resignation of the president, the secretary shall call the board together to fill the vacancy; in case of the absence, inability or failure to act of the president the board shall appoint one of their number chairman, who shall perform all the duties of the president; in case of neglect of duty by any commissioner, or of his failure without good cause to attend regular meetings for three times successively, it shall be the duty of the Governor, on request of the board, to remove such commissioner and appoint his successor. The commissioners shall receive a salary of five dollars per day each, during the period they are in actual attendance upon the board, and their actual traveling expenses, to be paid out of the funds of the levee district on the warrant of the president, attested by the secretary, and a like salary shall be paid for each day the president and other commissioners shall serve in supervising the location, construction and repairs of the levees, as may be provided by said board.

SECTION 4. "Be it further enacted, etc.," That said board shall adopt by-laws for their own government and for the government of their employees; they shall adopt rules or regulations for a comprehensive levee system; they shall keep a record of their proceedings which shall be published after each meeting in a journal to be selected by them. It shall be the duty of the board at each regular session, to examine all accounts or operations of the board and determine what work shall be undertaken; provided that all work shall be advertised to be let out by means of sealed proposals to the lowest responsible bidder, reserving to the board authority to reject all bids; that in case of emergency, or when it is evidently to the best advantage of said district, then the board shall have authority to make contracts for the building and repair of levees without advertisement and sealed proposals, they shall use all means at their command to strengthen, repair or construct any portion of the levees that may demand attention; they shall appoint inspectors, with the authority to employ guards on levees during period of high water; and, generally, the board shall do all things necessary to attain the objects contemplated by this act.

SECTION 5. "Be it further enacted, etc.," That it shall be the duty of the Board of State Engineers to designate one of their members to attend each meeting of the levee board, and to report to and advise with them as to the location, construction and repairs of all levees of the district; that the State Board of Engineers shall locate all levees, furnish estimates and specifications, and perform all engineering work required of them by the levee board.

SECTION 6. "Be it further enacted, etc.," That the board shall be invested with the control of all public levees in the district, with authority to require the State Engineers to lay off, furnish estimates and perform all engineering work necessary to the location, construction and repairs of the levees, reserving, however, the right to the parishes in which the levees are located, also to provide funds and to construct and repair levees and exercise the powers now confided to them by law.

SECTION 7. "Be it further enacted, etc.," That said board of commissioners shall in addition to the powers herein conferred be constituted a body politic or a political corporation, invested with the powers inherent in said corporations; they shall have authority to sue and be sued under the style of Board of Commissioners for the Atchafalaya Basin Levee District, and all process against said corporation shall be served on the president or secretary, and all suits in behalf of the board shall be brought by the president. The board shall at its first regular meeting elect a domicile for the purpose of being sued and keeping its office and archives, service of process shall be made upon the president or upon the secretary of the board in person. Said board shall have authority to buy and sell property, to make and execute all contracts, and do and perform all things necessary to carry out the objects of this act, subject to the limitations and duties herein provided. They shall have a corporate seal, and copies of all the regulations and copies of proceedings of said board certified to by their secretary, under their corporate seal shall be received in all courts as "prima facie" evidence of the acts and proceedings of said board. All funds of said board shall be deposited with the State Treasurer to the credit of said district, and all warrants drawn thereon by the president of said board shall specify the indebtedness said warrants are intended to liquidate, in part or in whole, and said funds shall not be drawn from the treasury except on the warrant of the State Auditor of Public Accounts.

SECTION 8. "Be it further enacted, etc.;" That for the purpose of providing a revenue to carry out objects contemplated by this act the board of commissioners may levy annually on all property in said district subject to taxation for levee purposes a district levee tax of ten mills on the dollar, of its assessed valuation; and it shall be the duty of the assessors to extend said tax on the tax rolls, and in parishes which are not wholly comprised in the district the assessor shall make without additional compensation, separate rolls for that part of the parish included in the district; and the tax collectors of the several parishes shall collect said district levee tax in the same manner that State Taxes are collected, and shall settle therefor with the Auditor and State Treasurer; and said funds shall be paid out on the warrant of the Auditor as hereinabove provided.

SECTION 9. "Be it further enacted, etc.," That said Board of Commissioners shall have authority to levy annually a local assessment or forced contribution of two and a half cents oneach and every acre of land within said district and sixty dollars per mile of rail road lines within said district, which shall be placed upon the assessment rolls of the respective parishes and parts of parishes of said district, and shall be collected in the same manner and paid into the State Treasury as hereinbefore provided for the district levee tax of ten mills; and said funds shall be put by the Treasurer to the credit of said Atchafalaya Basin Levee District and shall be paid out as hereinabove provided and provided that said assessment forced contribution shall not be levied on lands not alluvial. That nothing in this act contained shall deprive the district of its share of the General Engineers Fund, and that all taxes hereafter collected upon the rolls of the fourth levee district, as now existing, shall be transferred to the credit of the Atchafalaya Basin Levee District, and that all outstanding warrants against the Fourth Levee District Fund shall be paid from the funds of the Atchafalaya Basin Levee District.

SECTION 10. "Be it further enacted, etc.," That in case said board shall deem the funds heretofore provided for in this act inadequate to locate, construct and repair levees so as to prevent disastrous floods, said board shall have authority to levy a special assessment or forced contribution, not to exceed twenty-five cents per bale of cotton, twenty-five cents per thousand pounds of sugar, seven and one-half cents per barrel of syrup, five cents per barrel of molasses; one and one-quarter cents per sack of rough rice, and one and one-quarter cents on a barrel of esculents produced in said district upon lands subject to taxation under the provisions of this act, and same shall be collected by the sheriff of said parish, in part or wholly, within this district in such manner and under such regulations as the board may direct, but in all cases it shall be collected before the produce is removed from the respective parishes. Any person who shall evade the payment of this local assessment or contribution or shall aid and abet therein shall be guilty of a misdemeanor, and shall on conviction by any court of competent jurisdiction be fined not less than ten nor more than twenty dollars per bale of cotton, or thousand pounds of sugar, fifteen sacks of rice or four barrels of esculents at the value of fifty dollars, on which said assessment shall have been evaded; said fine, after deduction of twentyfive per cent for the fee of the district attorney shall be paid into the State treasury to the credit of the Atchafalaya Basin Levee District Fund.

SECTION 11. "Be it further enacted, etc.," That in order to provide additional means to carry out the purposes of this act, and to furnish resources to enable said board to assist in developing, establishing, and completing a levee system in said district, all lands now belonging, or that may hereafter belong to the State of Louisiana, and embraced within the limits of the levee district, all lands now belonging, or that may hereafter belong to the State of Louisiana, and embraced within the limits of the levee district as herein constituted, shall be, and the same hereby are given, granted bargained, donated, conveyed and delivered unto said Board of Levee Commissioners of the Atchafalaya Basin Levee District whether said lands have been, or may hereafter be, forfeited to, or bought in by or for, or sold to the State, at tax sales for non-payment of taxes, where the State has, or may hereafter become the owner of lands, by or through tax sales, conveyances thereof, shall only be made to said Board of Levee Commissioners after the period of redemption shall have expired; provided, however, that any and all former owners of lands which have been forfeited to purchasers by or sold to the State for non-payment of taxes, may at any time within the six months next ensuing after the date of such redemption shall be deemed and be taken to be sales of lands by the State, and all and to the date of such redemption shall be placed to the credit of the Atchafalaya Basin Levee District. every sum or sums of money so received shall be the duty of the Auditor and the Register of the State Land Office on behalf of and in the name of the State, to convey to the said Board of Levee Commissioners, by proper instruments of conveyance the lands hereby granted or intended to be granted and conveyed to said board, whenever from time to time said Auditor and said Register of the State Land Office, or either of them, shall be requested to do so by said Board of Levee Commissioners, or by the president thereof and thereafter said president of said board shall cause said conveyances to be properly recorded in the recorder's office of the respective parishes wherein said lands are or may be located, and when said conveyances are so recorded in title to said land, with the possession thereof, shall, from thenceforth vest absolutely in said Board of Levee Commissioners, its successors or grantees; said lands shall be exempted from taxation after being conveyed to and while they remain in the possession or under the control of said board. Said Board of Levee Commissioners shall have the power and authority to sell, mortgage, pledge or otherwise dispose of said lands in such manner and at such times and for such prices as to said board shall seem proper, but all proceeds derived therefrom shall be deposited in the State Treasury to the credit of the Atchafalaya Basin Levee District, and shall be drawn out only upon the warrants of the president of said board, properly attested as provided in this act. Provided, that the tax provided shall not be levied on produce raised on lands not alluvial.

SECTION 12. "Be it further enacted, etc.," That for the purpose of raising further additional funds for said district, said board of commissioners are hereby authorized and empowered to issue bonds to the amount of one million dollars in such sums and denominations as said board may prescribe, not less than one hundred dollars

each; said bonds shall be drawn payable to bearer, shall be signed by the president of the board officially and attested by the signature of secretary and seal of said board of commissioners, and shall each have printed on the back the following:

"This bond, principal and interest, secured by taxation and by the sale of public and State lands," all of said bonds to become due in twenty years, and payable in ten years, at the option of the board of levee commissioners, and they shall all bear interest at a rate not to exceed (6) six percent, from the date of their issue, said interest to be evidenced by coupons attached to said bonds, payable annually at the office of the State Treasurer, out of the funds hereinafter provided.

SECTION 13. "Be it further enacted, etc.," That said board shall have the right to negotiate said bonds at a rate of discount not to exceed (10) ten percentum, or they shall have the right to give said bonds in payment for work done on levees erected for the protection of said levee district, on terms and amounts to be agreed on with the contractor; provided, said bonds shall not be given in payment for work done at a greater rate of discount than ten (10) percent.

SECTION 14. "Be it further enacted, etc.," That the interest on said bonds shall be paid out of the funds arising from the collection of said levee tax, and the Treasurer of the State shall be and he is hereby authorized to pay any and all coupons that may be due, when presented by any bona fide owner or holder of any of said bonds, and a sufficient amount of said taxes shall always remain on hand to pay one year's interest on said bonds, and shall not be diverted to any other purpose by any authority whatsoever.

SECTION 15. "Be it further enacted, etc.," That after ten years from the execution of said bonds, any excess of said ten mills district tax after paying accruing interest on said bonds, shall constitute a sinking fund and shall not be drawn out of the State Treasury for any other purpose than to pay the principal of said bonds, and if said amount shall be less than ten per cent of the amount of bonds executed the said board shall from the other revenue hereinbefore provided make up the deficiency, by preference over all other claims so that said sinking fund shall amount annually to not less than ten percent of the amount of bonds executed and the same shall be paid annually in discharge of the principal of said bonds as herein provided.

SECTION 16. "Be it further enacted, etc.," That it shall be the duty of said board and all officers charged with the collection and disbursement of said ten mills tax, to collect said tax and to disburse the same as hereinbefore provided; and they shall collect and apply, pursuant to the provisions of this act, such other revenues may be necessary to pay in full the principal and interest as hereinbefore provided; and the authority herein granted to said board to provide for the payment of the principal and interest of said bonds shall all have been paid, and this provision shall be declared a contract in favor of the holder or holders of said bonds.

SECTION 17. "Be it further enacted, etc.," That should any officer charged with the duty of collecting or disbursing revenues, under the provisions of this act fail, neglect or refuse to perform the duties devolving on him under this act, may apply and obtain from any judge of the court of competent jurisdiction a mandamus in order to compel such delinquent officer to proceed to discharge his duties pursuant to the provisions of this act.

SECTION 18. "Be it further enacted, etc.," That any member levee inspector, or other officer of the board, in case of threatened danger or urgent necessity, may order out all or as many as may be necessary of the persons liable for road duty under existing laws, and cause them to work on the levees. For such emergency service, all persons serving thereon shall be paid by the board at such rates as may be fixed by the board. Any person subject to road duty who being duly notified, shall fail to attend and render immediate service, shall be guilty of a misdemeanor, and on condition thereof, before any justice of the peace of the parish shall be fined not less than five nor more than twenty dollars.

SECTION 19. "Be it further enacted, etc.," That the bonds for one million dollars authorized by section twelve of this act to be issued shall be deposited with the State Treasurer as soon as the same shall have been signed by the president of said board officially, and attested by the signature of the secretary and seal of said board of commissioners as provided by section twelve of this act, and said Treasurer shall receipt for same; and said bonds shall be registered at the office of the Auditor, who shall keep a record of same, and such bonds shall not be withdrawn from the treasury of the State except upon the warrant of the Auditor of Public Accounts, issued upon the order of the president of the board of commissioners, countersigned by the secretary and in pursuance of a resolution of said board adopted at a regular meeting; and the Auditor and Treasurer of the State shall keep a record of said bonds subject to the inspections of any person interested; and bonds thus withdrawn from the treasury shall be conclusively presumed to have been emitted, issued, negotiated by said board.

SECTION 20. "Be it further enacted, etc.," That all laws or parts of laws in conflict with this act are hereby repealed.

S. P. Henry,
Speaker of the House of Representatives.
James Jeffries.

Lieu tenant-Governor and President of the Senate.

Approved July 8th, 1890.

Francis T. Nicholls,
Governor of the State of Louisiana.

A true copy from the original:

L. F. Mason
Secretary of State.