

Act 4

ENROLLED BILL

1970 R. S.

HOUSE BILL NO. 370

BY: MR. GUIERY

AN ACT

To amend and reenact Sections 1051, 1052 and 1058 and to enact Section 1058.1 and Subsection E of Section 1056, of Title 38 of the Louisiana Revised Statutes of 1950, relative to the South Louisiana Tidal Water Control Levee District, to provide with respect to the limits of said districts; the membership of the board of commissioners of said district; the general powers and duties of said board; the manner in which contributions to and from certain other levee districts are to be made, and otherwise to provide with respect thereto.

Be it enacted by the Legislature of Louisiana:

Section 1. Section 1051 of Title 38 of the Louisiana Revised Statutes of 1950 is hereby amended and reenacted to read as follows:

§ 1051. Limits of district

That portion of the parish of Lafourche lying in a district bounded on the south by the southern boundary of the state of Louisiana, bounded on the north by the south bank of the Intracoastal Canal, bounded on the west by the western boundary of Lafourche Parish, and bounded on the east by the eastern boundary of Lafourche Parish shall be embraced in the limits of a levee district to be known and styled the South Louisiana Tidal Water Control Levee District. All lands and other property of every description whatsoever upon the lands shall be subject to taxation, local assessment, and forced contributions for the purpose of raising funds to construct and maintain levees, levee drainage, pumps, pumping stations, drainage channels, sea walls, jetties and breakwaters in the district and to protect the lands from overflow and particularly from hurricane flood waters and from inundation from the tide waters of the Gulf of Mexico.

Section 2. Section 1052 of Title 38 of the Louisiana Revised Statutes of 1950 is hereby amended and reenacted to read as follows:

§ 1052. Board of levee commissioners

The control and management of the affairs of the South Louisiana Tidal Water Control Levee District shall be vested in a board of commissioners to be

composed of nine qualified electors residing within and owning property and paying taxes thereon within the limits of the district. Of the nine members there shall be four from the area within the district lying to the east of Bayou Lafourche, four from the area within the district lying to the west of Bayou Lafourche, and the remaining member shall be from the district at large.

The initial members of the board and their successors in office shall be appointed by the governor and shall serve terms of office in accordance with the provisions of Section 1 of Article XVI of the Constitution of the state of Louisiana.

Section 3. Subsection E of Section 1054 of Title 38 of the Louisiana Revised Statutes of 1950 is hereby enacted to read as follows:

§ 1054. General powers and duties of board

* * *

E. The district shall have the authority to create, construct and administer such recreational parks, playgrounds, picnic areas, boat ramps and docks and all other facilities that the board considers necessary or proper and shall provide adequate access to any lake or reservoir which may be within the district and provide adequate access to all facilities created by the district for the use of the public.

The board of commissioners shall have power to take all necessary steps to effectuate a program of beautification of the area within the jurisdiction of the district, including the necessary police power and authority to adopt penalties in connection with such program. For the purposes of this Section "beautification" shall include any method, procedure or program which has the effect of creating more pleasant surroundings.

Section 4. Section 1058 of Title 38 of the Louisiana Revised Statutes of 1950 is hereby amended and reenacted to read as follows:

§ 1058. Contributions from certain other levee districts

A. It is recognized that there are two other levee districts which are located in part within the same territory as that comprising the South Louisiana Tidal Water Control Levee District, namely the Lafourche Basin Levee District and the Atchafalaya Basin Levee District. It is further recognized that the three said levee districts have overlapping jurisdiction,

functions and powers. To partially relieve the Lafourche Basin Levee District and the Atchafalaya Basin Levee District of the responsibility for providing protection of the lands in the southern portions of their respective districts from tidal overflow and overflow from unusual weather conditions such as hurricanes, the board of commissioners of each of said districts shall transfer annually to the board of commissioners of the South Louisiana Tidal Water Control Levee District the hereinafter specified sum of money from the funds of their respective districts on or before the first day of May, commencing in the year 1970. The amount to be transferred annually by the board of commissioners of the Atchafalaya Basin Levee District shall equal the net avails of a levy of a levee district tax upon all lands within its district in the amount of one-half mill on the dollar of assessed valuation, after deduction of the costs of collection of such a tax, and provided that the amount so transferred annually shall not exceed in any one year the sum of one hundred thousand dollars. The amount to be transferred annually by the board of commissioners of the Lafourche Basin Levee District shall be the sum of two hundred thousand dollars payable out of any revenues which the board may have or may have authority to obtain.

B. The funds so required to be transferred by the boards of commissioners as provided in Subsection A of this Section may be paid from tax avails or from any other revenues of the respective districts, at the option of the respective board of commissioners.

C. Any transfers of funds required by the provisions of this Section shall be made only if the rights of holders of outstanding bonds are not prejudiced thereby. After July 31, 1968, the boards of commissioners of the respective districts required to make such transfers of funds are prohibited from issuing any additional bonds which would jeopardize the availability of funds for transfer pursuant to this Section.

Section 5. Section 1058.1 of Title 38 of the Louisiana Revised Statutes of 1950 is hereby enacted to read as follows:

§ 1058.1. Contributions to certain other levee districts

The board of commissioners of the South Louisiana Tidal Water Control Levee District shall transfer out of its accumulated funds on July 31, 1970 to the

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Terrebonne Parish Drainage District created pursuant to Act 15 of the 1968
Extraordinary Session the sum of one hundred thousand dollars.

Section 6. If any provision or item of this Act or the application thereof
is held invalid, such invalidity shall not affect other provisions, items or
applications of this Act which can be given effect without the invalid pro-
visions, items or applications, and to this end the provisions of this Act
are hereby declared severable.

Section 7. All laws or parts of laws in conflict herewith are hereby
repealed.


SPEAKER OF THE HOUSE OF REPRESENTATIVES


LIEUTENANT GOVERNOR AND PRESIDENT OF THE SENATE


GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: June 2, 1970