

Regular Session, 1997

HOUSE BILL NO. 1396

BY REPRESENTATIVES DUPRE, DOWNER, GAUTREAU,
ROUSSELLE, AND TRICHE AND SENATORS ROBICHAUX AND
SIRACUSA

AN ACT

To amend and reenact R.S. 38:291(A)(1) and (2)(introductory paragraph), 3342(A)(1) and (2), to enact R.S. 38:291(U) and 329, and to repeal R.S. 38:291(A)(2)(j), 331, and 3342(A)(4), and to repeal R.S. 38:3321 through 3330 and R.S. 38:3341 through 3347 and to provide for an effective date of those repeals, relative to levee districts; to remove Terrebonne Parish from the Atchafalaya Basin Levee District; to provide for the membership of the board of commissioners of the Atchafalaya Basin Levee District; to repeal the revenue allocations in Terrebonne Parish by the Atchafalaya Basin Levee District; to create a levee district consisting of Terrebonne Parish and designated as the Terrebonne Levee and Conservation District; to provide for the powers and duties of the board of commissioners of the district; to provide for an effective date; and to provide for related matters.

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

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 38:291(A)(1) and (2)(introductory paragraph), 3342(A)(1) and (2) are hereby amended and reenacted, and R.S. 38:291(U) and 329 are hereby enacted, all to read as follows:

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

A. Atchafalaya Basin Levee District. (1) On July 1, 1997, and continuing thereafter, the parishes and parts of parishes south of Old River, and between the Mississippi River and Lafourche Bayou on the east, and a line drawn along the north boundary of St. Martin Parish from the Atchafalaya River on the east to Bayou Teche on the west, thence down Bayou Teche to the Atchafalaya River, and thence down the Atchafalaya River to its mouth, and also excepting all the property within the parish of Lafourche and Terrebonne and within the present corporate limits of the municipalities of Franklin and New Iberia, viz.: The parishes of Pointe Coupee, West Baton Rouge, and parts of the parishes of Iberville, Ascension, Assumption, St. Martin, Iberia, St. Mary excepting what is known as Tiger Island on which the city of Morgan City is situated, with the additional following territory: A strip of land in St. Landry Parish lying between Bayou Courtableau on the northeast, and the Atchafalaya River on the east, the parish line of St. Martin on the south, and Bayou Teche on the west, shall be embraced in the limits of a levee district to be known as the Atchafalaya Basin Levee District. These lands and all property thereon situated, not exempt from taxation, shall be subject to the provisions of this Chapter.

(2) The governor shall appoint in accordance with the provisions of R.S. 38:304 fourteen persons to serve as levee commissioners as follows:

* * *

(U) Terrebonne Levee and Conservation District. (1) On July 1, 1997, and continuing thereafter, all lands in the parish of Terrebonne shall constitute a levee district to be known as the Terrebonne Levee and Conservation District. These lands and all property thereon

situated, not exempt from taxation, shall be subject to the provisions of this Chapter.

(2)(a) The initial board of commissioners shall consist of the current seven commissioners of the South Terrebonne Parish Tidewater Management and Conservation District and the seven commissioners of the North Terrebonne Parish Drainage and Conservation District. Said commissioners shall serve until the governor of the state of Louisiana takes office in the year 2000 or thereafter until their replacements have been duly appointed. The initial board of commissioners shall be the taxing authority of the district and shall distribute funds as provided in R.S. 38:329(J). All other actions shall be decided upon individually by the boards of commissioners of the South Terrebonne Parish Tidewater Management and Conservation District and the North Terrebonne Parish Drainage and Conservation District until the nine members of the board of commissioners of the Terrebonne Levee and Conservation District are appointed by the governor in the year 2,000.

(b) Following the date in the year 2000 when the governor takes office, the governor shall appoint a board of commissioners consisting of nine members selected as follows:

(i) Each member of the legislative delegation serving any part of the district shall submit a list of nominations of Terrebonne Parish residents and the governor shall appoint one member from each legislator's list.

(ii) The Terrebonne Parish president, with the approval of the Terrebonne Parish Council, shall submit a list of three names of Terrebonne Parish residents residing north of the Intracoastal Canal and a list of three names of Terrebonne Parish residents residing south of

the Intracoastal Canal, from each of which lists the governor shall appoint one commissioner.

(iii) The members of the Russell Redmond American Legion Post 272, Kenneth C. Boudreaux American Legion Post 380, Boquet-Breaux VFW Post 7755, Aswell Picou VFW Post 9608, and Bourg-Leblanc VFW Post 4752 may each submit one nomination from which the governor shall appoint one commissioner. In the event that nine commissioners are appointed notwithstanding the provisions of this Paragraph, then the provisions of this Paragraph shall not apply.

(c) In the event that there are not appointed nine commissioners pursuant to the foregoing, then the legislative delegation serving all or any part of the district shall submit another list of Terrebonne Parish residents from which the governor shall appoint the remaining required commissioner to bring the total number of commissioners to nine.

§329. Terrebonne Levee and Conservation District

A. The district shall constitute a political subdivision of the state of Louisiana within the meaning of Article VI, Section 44 of the Constitution of Louisiana, and is hereby granted the authority to issue bonds and to levy taxes for the payment of principal and interest thereon under the provisions of Article VI, Sections 39 and 40 of the Constitution of Louisiana.

B. The district shall have all the rights and powers conferred by Chapter 4 of Title 38 of the Louisiana Revised Statutes of 1950, as amended, together with such additional rights and powers as may be granted by the legislature.

C. The management and control of the Terrebonne Levee and Conservation District shall be vested in the board of commissioners of the Terrebonne Levee and Conservation District. In addition to any

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other powers and duties provided by law, the primary duty of the board shall be to establish, construct, operate, or maintain flood control works as they relate to hurricane protection, tidalwater flooding, saltwater intrusion, and conservation. As a secondary duty, the board shall have the authority to establish flood control, adequate drainage relating to tidal or riverine flooding, and water resources development including but not limited to construction of reservoirs, diversion canals, gravity and pump drainage systems, erosion control measures, and marsh management.

D.(1) The board may enter into contracts and agreements of any nature for the purposes of this Chapter with any person or persons, corporation, association, or other entity, including public corporations, port authorities, the state and agencies thereof, levee districts, parishes, other political subdivisions, the United States Government and agencies thereof, or any combination thereof, or with instrumentalities of any kind to carry out the purposes of and the powers granted in this Chapter.

(2) In seeking requests for proposals for professional engineering services, the board shall make every effort to utilize various engineering companies located within Terrebonne Parish.

E. The board may enter into contracts or other agreements with any person or entity concerning the providing of lands, servitudes, rights-of-way, and relocations, and may engage jointly in the exercise of any power to include the construction, operation, and maintenance of any facilities and improvements for the purpose of the projects under this Chapter.

F. The board shall have the authority to construct and maintain drainage works of all types as they relate to tidewater flooding,

hurricane protection, conservation, and saltwater intrusion, either in cooperation with one or more parishes, municipalities, drainage districts, or other special districts within its jurisdiction, or upon its own undertaking.

G. The board may buy and sell property, make and execute all contracts, and perform any and all things necessary to carry out the objects of this Chapter, subject to the limitations and duties provided in this Section.

H. Because the Atchafalaya Basin Levee District continues to provide mainline levee protection which is beneficial to Terrebonne Parish, the Terrebonne Levee and Conservation District shall make payments to the Atchafalaya Basin Levee District as follows:

(1) For the year 1998, twenty-five percent of the 1997 ad valorem taxes collected.

(2) For the year 1999, fifteen percent of the 1998 ad valorem taxes collected.

(3) For the year 2000 and thereafter, ten percent of the ad valorem taxes collected for the tax year 1999 and each successive tax year thereafter.

I. Through cooperative endeavors entered into by both districts, the Terrebonne Levee and Conservation District and the Atchafalaya Basin Levee District may participate in joint conservation efforts.

J. After the distribution of funds to the Atchafalaya Basin Levee District by the Terrebonne Levee and Conservation District, the net proceeds of the ad valorem taxes collected shall be distributed as follows until the nine members of the board of commissioners of the Terrebonne Levee and Conservation District are appointed by the governor in the year 2,000:

(1) Seventy-five percent to be dedicated to that portion of Terrebonne Parish located south of the Intracoastal Waterway and encompassed by the South Terrebonne Parish Tidewater Management and Conservation District.

(2) Twenty-five percent to be dedicated to that portion of Terrebonne Parish located north of the Intracoastal Waterway and encompassed by the North Terrebonne Parish Drainage and Conservation District.

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§3342. Management and control of the district; membership of board of commissioners

A.(1) The management and control of the district shall be vested in the North Terrebonne Parish Drainage and Conservation District Board of Commissioners. No elected official may serve as a member of the commission. The board of commissioners shall be composed of seven members.

(2) Each member of the legislative delegation serving any part of the district shall submit a list of at least one nomination and the governor shall appoint one member from each legislator's list.

* * *

Section 2. After the receipt and distribution of property taxes on the 1996 tax roll, R.S. 38:331 is hereby repealed in its entirety.

Section 3. R.S. 38:291(A)(2)(j) and 3342(A)(4) are hereby repealed in their entirety.

Section 4. On the date the governor takes office in the year 2000, R.S. 38:3321 through 3330 and R.S. 38:3341 through 3347 are hereby repealed and thereafter the South Terrebonne Parish Tidewater Management and Conservation District and the North Terrebonne Parish Drainage and

Conservation District shall cease to exist. Prior to October 1, 1999, the respective boards of commissioners of said districts shall enter into a contract or contracts on behalf of said districts with the Terrebonne Levee and Conservation District, acting through its board of commissioners, providing for the disposition of all properties, assets, and things of value of said districts, the execution of which contract or contracts is hereby authorized and directed.

Section 5. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided in Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.


SPEAKER OF THE HOUSE OF REPRESENTATIVES


PRESIDENT OF THE SENATE


GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: July 15, 1997

