CONSERVATION. Provides relative to the "Soil Conservation Districts Law". (gov sig)

AN ACT

To amend and reenact R.S. 3:1201(C) and (D), 1202(3), 1204(A)(2) and (D)(1) and (12), and 1208(1), (2), (6), and (7) and to enact R.S. 3:1202(13) and (14), relative to the "Soil Conservation Districts Law"; to provide relative to legislative purpose; to provide for definitions; to provide relative to the powers of the state soil and water conservation commission; to provide relative to the powers of the chairman of the state soil and water conservation commission; to provide relative to the powers of the soil and water conservation districts; to remove outdated references; to provide for technical corrections; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 3:1201(C) and (D), 1202(3), 1204(A)(2) and (D)(1) and (12), and 1208(1), (2), (6), and (7) are hereby amended and reenacted and R.S. 3:1202(13) and (14) are hereby enacted to read as follows:

§1201. Legislative determinations and declaration of policy

It is hereby declared, as a matter of legislative determination:

* * *
C. The appropriate corrective methods. That to conserve **the soil, soil health, and** soil resources and control and prevent soil erosion, and prevent floodwater and sediment damages, and further the conservation, development, utilization, and disposal of water, it is necessary that land-use practices contributing to soil wastage and soil erosion be discouraged and discontinued, and appropriate soil-conserving land-use practices, and works of improvement for flood prevention or the conservation, development, utilization, and disposal of water be adopted and carried out; that among the procedures necessary for widespread adoption, are the carrying on of engineering operations such as the construction of terraces, terrace outlets, check-dams, desilting basins, floodwater retarding structures, channel improvements, floodways, dikes, ponds, ditches and the like; the utilization of **soil health practices such as** strip cropping, lister furrowing, contour cultivating and contour furrowing; land drainage; land irrigation; seeding and planting of waste, sloping, abandoned or eroded lands to water conserving and erosion preventing plants, trees and grasses; forestation and reforestation; rotation of crops; soil stabilization with trees, grasses, legumes, and other thick-growing, soil-holding crops; retardation of run-off by increasing absorption of rainfall, irrigation where and when necessary; and retirement from cultivation of steep, highly erosive areas and areas now badly gullied or otherwise eroded.

D. Declaration of policy. It is hereby further declared to be the policy of the legislature to provide for the conservation of the soil, **soil health,** and soil resources of this state, and for the control and prevention of soil erosion, and for the prevention of floodwater and sediment damages, and for furthering the conservation, development, utilization, and disposal of water, and thereby to preserve natural resources, control floods, prevent impairment of dams and reservoirs, assist in maintaining the navigability of rivers and harbors, to preserve wildlife, protect public lands, and protect and promote the health, safety, and general welfare of the people of this state.

§1202. Terms defined
As used in this Part of Chapter 9, the terms defined in this Section have the meanings here given to them, except where the context expressly indicates otherwise:

* * *

(3) "Committee" or "State Soil Conservation Committee" "Commission" or "state soil and water conservation commission" means the agency created in Section R.S. 3:1204.

* * *

(13) "Soil health" means the overall composition of the soil, including the amount of organic matter in and water holding capacity of the soil, and the continued capacity of soil to function as a vital living ecosystem that sustains plants, animals, and humans.

(14) "Soil health practices" means agricultural practices that improve the health of soils, including but not limited to consideration of depth of topsoil horizons, water infiltration rate, organic carbon content, nutrient content, bulk density, biological activity, biological and microbiological diversity, and minimization of bare ground.

§1204. State soil and water conservation commission

A. * * *

(2)(a) The members of the state soil and water conservation commission created by law prior to August 1, 1956, shall continue to serve as a state soil and water conservation commission until the new members of the state soil and water conservation commission are elected and qualify as hereinafter provided:

(b) Within forty-five days after August 1, 1956, the chairman of the old state soil and water conservation commission shall notify the soil and water conservation district supervisors within the state of the time and the place that an election is to be held as hereinafter provided in this Section.

(c)(b) A state convention shall be held upon the call of the chairman of the commission. The chairman shall provide notice of the state convention to the
soil and water conservation district supervisors. A meeting of each board of soil and water conservation district supervisors shall be held within thirty days after receiving notice of the state convention. The majority of the members of the board of district supervisors shall constitute a quorum and at such meeting, the board of district supervisors shall elect one of its members as a delegate to attend a state convention, at the time and place specified in the notice given by the chairman of the old state soil and water conservation commission. Each such elected delegate shall have one vote at the state convention. Each state area at the state convention shall elect one of its members as a member of the state soil and water conservation commission to represent that area. Each member elected as a member of the state soil and water conservation commission shall be a landowner or operator actively engaged in farming or animal husbandry within the district and area he represents and shall be a qualified voter in that district. He shall be elected as a member of the state soil and water conservation commission by a majority of the votes cast at the state convention. The chairman of the convention shall within ten days certify to the old state soil and water conservation commission and to the secretary of state the name and address of the person so elected as a member of the new state soil and water conservation commission. Each member of the commission shall take the state constitutional oath of office and qualify within thirty days after this election. Within thirty days after the election and qualification of the five members, the commissioner of agriculture and forestry of the state of Louisiana shall call a meeting of the entire commission, at which time one of the said members provided for herein shall be elected chairman of the state soil and water conservation commission, another member shall be elected vice chairman, and a third member secretary-treasurer. The terms of the five members of the state soil and water conservation commission elected under this Section shall be as follows:

The members from State Area Nos. 1 and 2 shall serve for one year;

The members from State Area Nos. 3 and 4 shall serve for two years;

The members from State Area No. 5 shall serve for three years.

Coding: Words which are struck through are deletions from existing law; words in boldface type and underscored are additions.
Thereafter, each member shall serve for a period of three years after his
election and shall be removed only for cause. In the event of a vacancy, the vacancy
shall be filled by the state commission until the next convention, and then by election
in the same manner, as outlined, for the unexpired term. An elected member of the
commission shall not qualify for reelection unless he shall have attended at least
sixty-six and two-thirds percent of the scheduled commission meetings during his
tenure; however, upon a showing of good cause this condition may be waived by
resolution duly adopted by the state soil and water conservation commission.

* * *

D. In addition to the duties and powers hereinafter conferred upon the State
Soil and Water Conservation Commission, it shall have the following duties and
powers:

(1) To offer such assistance as may be appropriate to the supervisors of soil
and water conservation districts, organized as provided hereinafter, in the carrying
out of any of their powers and programs; to assist and guide districts in the
preparation and carrying out of programs for natural resource conservation and soil
health authorized under this Chapter; to review district programs; to coordinate the
programs of the several districts and resolve any conflicts in such programs; to
facilitate, promote, assist, harmonize, coordinate, and guide the resource
conservation programs and activities of districts as they relate to other
special-purpose districts, parishes, and other public agencies.

* * *

(12) The state soil and water conservation commission and the soil and water
conservation districts that may be created under this Part shall be the official state
agencies for cooperating with the Soil Natural Resources Conservation Service of
the United States Department of Agriculture.

* * *

§1208. Powers of Districts and Supervisors

A soil and water conservation district organized under the provisions of this
Part shall constitute a governmental subdivision of this state, and a public body corporate and politic, exercising public powers, and such district, and the supervisors thereof, shall have the following powers, in addition to others granted in other sections of this Part:

(1) To carry out preventive and control measures and works of improvement for flood prevention or the health, conservation, development, or utilization of soil, water, and related natural resources and disposal of water within the district including, but not limited to, engineering operations, methods of cultivation, soil health practices, the growing of vegetation, changes in use of land, and the measures listed in R.S. 3:1201(c), on lands owned or controlled by this state or any of its agencies, with the cooperation of the agency administering and having jurisdiction thereof, and on any other lands within the district upon obtaining the consent of the owner as well as occupants of such lands or the necessary rights or interests in such lands;

(2) To cooperate, or enter into agreements with, and within the limits of appropriations duly made available to it by law, to furnish financial or other aid to, any agency, governmental or otherwise, or any owner of lands within the district, in the carrying on of soil health improvement, erosion control and prevention operations and works of improvement for flood prevention or the conservation, development, utilization, and disposal of water within the district, subject to such conditions as the supervisor may deem necessary to advance the purposes of this Part;

*          *          *

(6) To develop comprehensive plans for the conservation of soil resources, the improvement of soil health, and for the control and prevention of soil erosion and for flood prevention or the conservation, development, utilization, and disposal of water within the district, which plans shall specify in such detail as may be possible, the acts, procedures, performances, andavoidances which are necessary or desirable for the effectuation of such plans, including the specification of
engineering operations, methods of cultivation, the growing of vegetation, cropping
programs, tillage practices, soil health practices aiding enhanced food and fiber
production, conservation of natural resources, adaptation to changes in climate
and environment, and changes in use of land and to publish such plans and
information and bring them to the attention of occupants of lands within the district;

(7) To take over, by purchase, lease, or otherwise, and to administer, any
soil-conservation, flood-prevention, soil health, soil conservation, flood
prevention, drainage, irrigation, water management, erosion control, or
erosion-prevention erosion control, or erosion prevention projects, or
combinations thereof, located within its boundaries undertaken by the United States
or any of its agencies, or by this state or any of its agencies; to manage, as agent of
the United States or any of its agencies, or of this state or any of its agencies, any
soil-conservation, flood-prevention, drainage, irrigation, water management,
erosion-control, or erosion-prevention project, or combinations thereof, within its
boundaries; to act as agent for the United States, or any of its agencies, or for this
state or any of its agencies, in connection with the acquisition, construction,
operation, or administration of any soil-conservation, flood prevention, drainage,
irrigation, water management, erosion control, or erosion-prevention project, or
combinations thereof, within its boundaries; to accept donations, gifts, and
contributions in money, services, materials, or otherwise, from the United States or
any of its agencies, or from this state or any of its agencies, and to use or expend
such moneys, services, materials, or other contributions in carrying on its operations;

*          *          *

Section 2. The Louisiana State Law Institute is directed to review the provisions of
current law, particularly the provisions of the "Soil Conservation Districts Law", R.S. 3:1201
et seq., and to change outdated or incorrect references to the agency established in R.S.
3:1204 and placed within the Department of Agriculture and Forestry pursuant to R.S.
36:629(K) to "State Soil and Water Conservation Commission" or "commission" as
applicable, including correct capitalization where appropriate.
Section 3. 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 by 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.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Curry Lann.

DIGEST
SB 205 Engrossed 2022 Regular Session Jackson

Present law (R.S. 3:1201 et seq.) provides for the "Soil Conservation Districts Law" and
creates the state soil and water conservation commission and soil and water conservation
districts.

Present law provides for the purposes of the "Soil Conservation Districts Law", including
the conservation of the soil and soil resources of this state.

Proposed law adds the conservation of soil health to the list of purposes and otherwise
retains present law.

Proposed law defines the following terms:

(1) "Soil health" means the overall composition of the soil, including the amount of
organic matter in and water holding capacity of the soil, and the continued capacity
of soil to function as a vital living ecosystem that sustains plants, animals, and
humans.

(2) "Soil health practices" means agricultural practices that improve the health of soils,
including but not limited to consideration of depth of topsoil horizons, water
infiltration rate, organic carbon content, nutrient content, bulk density, biological
activity, biological and microbiological diversity, and minimization of bare ground.

Present law requires the members of the old state soil and water conservation commission
created by law prior to August 1, 1956, to continue to serve until the new members of the
state soil and water conservation commission are elected.

Proposed law removes obsolete provisions of present law.

Present law requires the chairman of the old state soil and water conservation commission
to notify the soil and water conservation district supervisors of the time and the place that
an election is to be held within 45 days after August 1, 1956.

Proposed law requires the chairman of the state soil and water conservation commission to
notify the soil and water conservation district supervisors of the time and the place that an
election is to be held as provided by law.

Proposed law requires a state convention to be held upon the call of the chairman of the state
soil and water conservation commission and requires the chairman to provide notice to the
soil and water conservation district supervisors.

Present law provides for the powers of the state soil and water conservation commission,
including the power to assist and guide districts in the preparation and carrying out of programs for resource conservation authorized by law.

Present law adds the preparation and carrying out of programs for soil health to the list of powers of the commission and otherwise retains present law.

Proposed law corrects a reference in law from the Soil Conservation Service of the United States Department of Agriculture to the Natural Resources Conservation Service of the United States Department of Agriculture.

Present law provides for the powers of the soil and water conservation districts.

Proposed law adds soil health, soil health improvements, soil health practices aiding enhanced food and fiber production, conservation of natural resources, and adaptation to changes in climate and environment to the list of powers and otherwise retains present law.

Proposed law provides for technical corrections.

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

(Amends R.S. 3:1201(C) and (D), 1202(3), 1204(A)(2) and (D)(1) and (12), and 1208(1), (2), (6), and (7); adds R.S. 3:1202(13) and (14))