SENATE BILL NO. 205
BY SENATOR JACKSON AND REPRESENTATIVES MCMAHEN, THOMPSON AND WHITE

AN ACT
To amend and reenact R.S. 3:1201(C) and (D), the introductory paragraph of 1202 and
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remove outdated references; to provide for technical corrections; to provide for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), the introductory paragraph of 1202 and
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

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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:

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

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(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.

(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.

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.

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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.

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(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.

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§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(e) 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;

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(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, and avoidances 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;

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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.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: ____________

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