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## DIGEST

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HB 684 Original

2021 Regular Session

Gregory Miller

**Abstract:** Removes St. Charles Parish from the Lafourche Basin Levee District, creates the St. Charles Parish Levee District, and adds the St. Charles Parish Levee District to the Coastal Louisiana Levee Consortium.

Present law includes St. Charles parish within the limits of the Lafourche Basin Levee District.

Proposed law removes St. Charles parish from the district and reduces the number of levee commissioners from 11 to 7. Reduces the number of at large members from five to three.

Proposed law creates the St. Charles Parish Levee and Conservation District, containing all lands on the West Bank of the Mississippi River in the parish of St. Charles.

Present law requires each member of the legislative delegation serving the district submit a list of nominations and the governor to appoint one member from each legislator's list.

Proposed law requires the initial board of commissioners consist of the two current Lafourche Basin Levee District commissioners appointed from St. Charles Parish, the two Lafourche Basin Levee District members-at-large residing in St. Charles Parish, and one commissioner to be selected by the governor pursuant to present law (R.S. 38:304). Requires the commissioners serve until the governor of the state of La. takes office in the year 2024 or until their replacements have been duly appointed. Requires the St. Charles Parish president, with the approval of the St. Charles Parish Council, submit a list of five names of St. Charles Parish residents residing in the West Bank, and from that list the governor is required to appoint two commissioners. Requires the governor select the remaining three members pursuant to present law (R.S. 38:304).

Proposed law further requires any vacancy be filled pursuant to present law (R.S. 38:304(B)) in the event that five commissioners are not appointed as provided above, or in the event of a vacancy occurring by reason of death, resignation, expiration of term, or any other cause.

Proposed law authorizes the St. Charles Parish Levee and Conservation District to issue bonds and to levy taxes for the payment of principal and interest thereon.

Proposed law requires the district have all rights and powers conferred upon levee districts by law together with such additional rights and powers as may be granted by the legislature.

Proposed law authorizes the St. Charles Parish Levee and Conservation District and the Lafourche

Basin Levee District to enter into joint conservation efforts through intergovernmental agreements.

Proposed law provides for the following powers and duties of the board:

- (1) To establish, construct, operate, or maintain flood control works as they relate to hurricane protection, tidewater flooding, and saltwater intrusion and conservation.
- (2) To enter into contracts and agreements with any person, corporation, association, or other entity, including public corporations, port authorities, the state, levee districts, parishes, other political subdivisions, the U.S. government, or with instrumentalities of any kind to carry out the purposes of the district.
- (3) To enter into contracts or other agreements concerning the provision of lands, servitudes, rights-of-way, and relocations, and 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 of the district.
- (4) To establish, construct, operate or maintain flood control works of all types as they relate to hurricane protection, tidewater flooding, and saltwater intrusion and conservation, either in cooperation with one or more parishes, municipalities, or other special districts within its territorial jurisdiction, or upon its own undertaking.
- (5) To buy and sell property.
- (6) For flood and hurricane protection purposes, to acquire property by expropriation prior to judgment, in accordance with present law authority granted to levee districts (R.S. 38:351, et seq.).
- (7) To issue bonds or other debt obligations to fund flood control works and to pledge to the payment of the principal and interest of such bonds or debt instruments the proceeds of any district tax or other revenues.
- (8) To construct and maintain levees, drainage, and levee drainage, and to do all other things incidental thereto.

Proposed law transfers all rights and obligations including but not limited to those belonging to any parish or city, and the parish of St. Charles arising from any and all contractual agreements with the U.S. Dept. of the Army and relating to levee, floodwall, and floodgate property, exclusive of drainage pumps that are situated within St. Charles Parish, to the St. Charles Parish Levee District.

Proposed law authorizes the authority for the board of commissioners for the St. Charles Parish Levee District to serve as the nonfederal, local sponsor for all federal levees, floodwalls, and flood control structures situated in St. Charles Parish.

Present law requires all taxes collected by the Lafourche Basin Levee District from property located

in St. Charles Parish located west of the Mississippi river, not less than 57% of tax monies be expended for the purpose of levee construction and maintenance, and other flood and drainage works within the parish. Requires these expenditures be in cash or in-kind services determined by the parish governing body, not to exceed 50% of such expenditures for in-kind services. Requires expenditures certified as received by the parish's governing body at the end of each fiscal year.

Present law requires the provisions of present law not apply during any tax year in which the Lafourche Basin Levee District maintains the St. Charles Parish West Bank Hurricane Protection Levee system, including the West Bank and general vicinity, Western Tie-In, Davis Pond Freshwater Diversion Levee, Willowridge Levee, Ellington Levee, Magnolia Levee, and Sunset Drainage District levee, as a whole or as each section is transferred to the Lafourche Basin Levee District for maintenance, operation, and control, subject to any amendments made by the state of La.

Present law requires no provision of present law be construed so as to prohibit the Lafourche Basin Levee District from the use of public funds to engage drainage work not incidental to the construction and maintenance of levees in the jurisdictional boundaries of the Lafourche Basin Levee District.

Proposed law removes present law.

Present law establishes the Coastal La. Levee Consortium, which includes members from levee districts or parishes situated in coastal south Louisiana.

Proposed law adds an additional member to the consortium to represent the St. Charles Parish Levee District.

Proposed law authorizes the St. Charles Parish Levee District to expend tax funds directly for projects to provide for hurricane protection, tidewater flooding, saltwater intrusion and conservation within the St. Charles Parish Levee District and to pledge these funds to the payment of debt instruments issued by the district. Also authorizes the St. Charles Parish Levee District to expend tax funds directly for the construction and maintenance of levees, drainage, and levee drainage, and to do all things incidental to this construction maintenance.

(Amends R.S. 38:291(F)(1) and (2)(intro. para.) and (f); Adds R.S. 38:291(DD), 329.7, and 334.4 and R.S. 49:214.6.8(B)(1)(t); Repeals R.S. 38:291(F)(2)(e) and 334)