

SENATE BILL NO. 102

BY SENATOR FRED MILLS

1 AN ACT

2 To enact Chapter 17 of Title 38 of the Louisiana Revised Statutes of 1950, to be comprised
3 of R.S. 38:3321 through 3327, relative to the Acadiana Watershed District; to create
4 and provide for the Acadiana Watershed District; to provide for the boundaries and
5 purposes of the district; to create and provide for a board of commissioners of the
6 district; to provide for the composition, powers, and duties of the board, including
7 the authority to levy taxes within the district; to provide relative to the district's
8 relationship with the division of administration, the Department of Transportation
9 and Development, and the Coastal Protection and Restoration Authority; and to
10 provide for related matters.

11 Notice of intention to introduce this Act has been published.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. Chapter 17 of Title 38 of the Louisiana Revised Statutes of 1950,
14 comprised of R.S. 38:3321 through 3327, is hereby enacted to read as follows:

15 **CHAPTER 17. ACADIANA WATERSHED DISTRICT**

16 **§3321. Creation; boundaries**

17 **The Acadiana Watershed District, referred to in this Chapter as the**
18 **"district," is hereby created. The district shall lie within the Atchafalaya,**
19 **Mermentau, Mermentau Headwaters, Teche, and Vermilion watersheds,**
20 **situated in the parishes of Acadia, Allen, Avoyelles, Calcasieu, Cameron,**
21 **Evangeline, Iberia, Iberville, Jefferson Davis, Lafayette, Pointe Coupee,**
22 **Rapides, St. Landry, St. Martin, St. Mary, and Vermilion. The district**
23 **boundaries within those parishes shall be aligned with the geographic area**
24 **composed of Hydrologic Unit Subbasins 08080101, 08080102, 08080103,**
25 **08080201, and 08080202, as defined by the United States Geological Survey**
26 **Watershed Boundary Dataset as of August 1, 2023. The Louisiana Watershed**
27 **Flood Center at the University of Louisiana at Lafayette, in consultation with**

1 the office of state lands and the Coastal Protection and Restoration Authority,
2 shall submit to the legislature a detailed legal description of the Acadiana
3 Watershed District boundaries by January 1, 2024.

4 §3322. Purpose

5 The purpose of the district shall be to:

6 (1) Participate in any activity designed and conducted to promote
7 drainage and flood-risk reduction within the boundaries of the district.

8 (2) Promote and support a unified effort to address drainage and flood
9 issues in the region in cooperation with local, state, and federal agencies.

10 (3) Identify local public sources of revenue or expenditure that may be
11 used to draw down federal matching funds for the provision of drainage
12 projects to reduce flood risk.

13 (4) Cooperate with local, state, and federal entities engaged in planning
14 and construction of drainage and flood reduction and mitigation projects in the
15 state and region.

16 (5) Cooperate with local and state entities engaged in establishing best
17 practice development standards for flood-risk reduction and mitigation in the
18 region.

19 §3323. Corporate status; domicile

20 A. The district shall constitute a body corporate in law and shall be a
21 political subdivision of the state. The district may incur debt and contractual
22 obligations in accordance with law, sue and be sued, purchase and sell property,
23 have a corporate seal, and do and perform any and all acts in its corporate
24 capacity and in its corporate name which are necessary and proper for carrying
25 out the purposes and objects for which it is created.

26 B. The district shall be domiciled and shall establish an office for the
27 transaction of its business operations at a location within Lafayette Parish and
28 central to the boundaries of the district.

29 C. The district may own, operate, and maintain a regional sensor
30 network to inform water management practices.

1 D. The district shall recognize the Louisiana Watershed Flood Center at
2 the University of Louisiana at Lafayette as a center of excellence for watershed
3 management for the purposes of serving as a community resource and authority
4 on research-based data including but not limited to hydraulic and hydrologic
5 data, watershed models, and innovative watershed practices.

6 E. The district shall be the primary and official repository for all data
7 and models developed for Hydrologic Unit Subbasins 08080101, 08080102,
8 08080103, 08080201, and 08080202. By entering into a cooperative endeavor
9 agreement with the state, the district shall be recognized as the primary entity
10 responsible for and charged with operating, managing, and maintaining the
11 Louisiana Watershed Initiative Region 5 hydrologic and hydraulic models and
12 any derivative work therein.

13 F. The district shall be audited pursuant to R.S. 24:513.
14 §3324. Board of commissioners; appointments; terms; vacancies

15 A. The Board of Commissioners of the Acadiana Watershed District,
16 referred to in this Chapter as the "board", is hereby created. The governance,
17 control, and management of the affairs of the district shall be vested in the
18 board.

19 B. The board shall be comprised of the following members:

20 (1) The police jury presidents of the parishes of Acadia, Allen, Avoyelles,
21 Calcasieu, Cameron, Evangeline, Jefferson Davis, Rapides, and Vermilion, or
22 their respective designees.

23 (2) The mayor-president of Lafayette Parish, or his designee.

24 (3) The parish presidents of the parishes of Iberia, Iberville, Pointe
25 Coupee, St. Landry, St. Martin, and St. Mary, or their respective designees.

26 (4) The chairman of the House Committee on Natural Resources and
27 Environment, or his designee.

28 (5) The chairman of the Senate Committee on Natural Resources, or his
29 designee.

30 C. The board may appoint a technical advisory committee to advise the

1 board on scientific, engineering, and other technical matters. Committee
2 members shall not have voting rights on the board of commissioners. The
3 committee shall be composed of the following members, who shall be nominated
4 by their respective constituent organizations:

5 (1) A representative of Louisiana Soil & Water Conservation District IV.

6 (2) A representative of the Teche-Vermilion Fresh Water District.

7 (3) A representative of the University of Louisiana at Lafayette
8 Watershed Flood Center.

9 (4) A representative of the Louisiana Natural Resources Conservation
10 Service of the U.S. Department of Agriculture Natural Resources Conservation
11 Division.

12 (5) Two at-large members nominated by a municipality or municipalities
13 with a population of thirty thousand or more and meeting the technical
14 qualification requirements described in this Section.

15 (6) Two at-large members nominated by a municipality or municipalities
16 with a population of less than thirty thousand and meeting the technical
17 qualification requirements described in this Section.

18 (7) One member nominated by the secretary of the Department of
19 Transportation and Development.

20 (8) One member nominated by the executive director of the Coastal
21 Protection and Restoration Authority.

22 (9) One member nominated by the Commander and District Engineer
23 of the New Orleans District, U.S. Army Corps of Engineers.

24 D. All public officials or designees serving on the board shall serve terms
25 concurrent with their term of office. Technical advisory committee members
26 shall serve terms of three years, with the initial terms staggered in accordance
27 with the board's bylaws.

28 E. Members of the board, member designees, and technical advisory
29 committee appointees shall reside within the boundaries of the district or any
30 parish within which a portion of the district lies.

1 F. Technical advisory committee appointees shall have professional
2 experience in engineering, project management, certified flood plain
3 management, or other drainage-related field such as geosciences, hydrology, or
4 water management.

5 §3325. Officers; vacancies; compensation

6 A. The commissioners shall elect from their membership a chairman, a
7 vice chairman, and a secretary-treasurer. The duties of the officers shall be
8 fixed by the bylaws adopted by the board.

9 B. Any vacancy which occurs in the membership of the board shall be
10 filled in the same manner as required for the member being replaced.

11 C. The commissioners shall serve without compensation, except per diem
12 or expense reimbursement to which they may be individually entitled as
13 members of their constituent organizations.

14 D. All commissioners shall be subject to the Code of Governmental
15 Ethics.

16 §3326. Bylaws; quorum

17 A. The board shall adopt bylaws as it deems necessary or advisable for
18 conducting its business affairs by January 1, 2024. The bylaws shall include but
19 not be limited to:

20 (1) Procedures for the election of officers, including initial terms of office
21 and methods and grounds for removal of officers.

22 (2) Procedures and grounds for removal of commissioners, which shall
23 include but not be limited to felony conviction and failure of the commissioner
24 to meet board attendance requirements.

25 (3) Frequency of meetings.

26 (4) Appointment of standing and special committees as necessary to
27 carry out the purposes of this Chapter.

28 B. Before entering upon his official duties, each member of the board
29 shall take the oath of office provided by Article X, Section 30 of the Constitution
30 of Louisiana before an officer authorized by law to administer oaths.

1 C. A majority of the membership of the board shall constitute a quorum
2 for the transaction of business.

3 §3327. Powers and duties of the board

4 A. In order to accomplish the purposes for which the district is created,
5 the board may purchase, acquire by donation, hold, sell, and convey immovable
6 and movable property and execute contracts as it may deem necessary or
7 convenient to enable it to properly carry out the purposes for which it is
8 created.

9 B. Notwithstanding any provision of law to the contrary, the board may
10 accept the transfer or donation of funds from the governing authorities of
11 parishes, municipalities, drainage districts, levee districts, and other political
12 subdivisions in the district.

13 C. Notwithstanding any provision of law to the contrary, the board may
14 contract with the federal government, the state, or any other public or private
15 entity to receive and expend funds to plan and perform projects for watershed
16 management.

17 D. The board may levy a district drainage tax on all property within the
18 boundaries of the district subject to taxation for drainage purposes. No
19 property tax shall be levied without a majority vote of the electors in each
20 parish within the territorial jurisdiction of the authority.

21 E. In addition to the duties defined elsewhere in this Chapter, the board
22 shall have the duty and authority to:

23 (1) Represent the public interest in supporting drainage, flood reduction,
24 and mitigation in the district.

25 (2) Advise state and local government agencies on issues concerning
26 drainage and the reduction and mitigation of flood risk in the district.

27 (3) Conduct public hearings and share public input on the community's
28 priorities relative to drainage, flood risk, and mitigation in the district.

29 (4) Enter into contracts, agreements, or cooperative endeavors with the
30 state and its political subdivisions and with any public or private entity to

1 promote the public purposes of the district.

2 (5) Construct and maintain drainage works of all types, either in
3 cooperation with public entities within the boundaries of the district or upon its
4 own undertaking. Notwithstanding any other provisions of this Chapter to the
5 contrary, all works undertaken pursuant to the authority granted by this
6 Section shall be performed in accordance with the provisions of R.S. 38:2211 et
7 seq. Construction projects shall require approval of two-thirds of the total
8 voting membership of the board. All other decisions, including technical,
9 planning, and permitting decisions, shall require approval by a simple majority
10 of the total voting membership.

11 (6) Develop and recommend watershed management practices and
12 regional guidance within the district that address the following:

13 (a) Planning.

14 (b) Permitting.

15 (c) Selection and performance of projects and programs.

16 (d) Resolution of conflicts among agencies.

17 (e) Use of best available science.

18 (f) Outreach to the public and state and federal agencies.

19 (g) Coordination with state agencies and political subdivisions regarding
20 watershed management.

21 (h) Identifying, obtaining, and expending funding for planning and
22 projects, and entering into agreements with public and private entities.

23 (i) Entering into agreements with public and private entities to identify,
24 obtain, and expend funds.

25 (j) Assisting political subdivisions in planning, designing, and
26 constructing projects and identifying and obtaining funding.

27 (k) Maintaining completed projects and programs.

28 (l) Defining qualifications for staff and contractors.

29 F. The board may develop a regional hazard mitigation plan consistent
30 with parish hazard mitigation plans.

1 G. The board shall consider the benefits of participating in the National
 2 Flood Insurance Program Community Rating System (CRS) or any successor
 3 or similar program, including how to maximize municipal participation in the
 4 CRS. The board shall also consider and prioritize other available policies and
 5 programs that can reduce flood risk and reduce flood insurance premiums.

6 H. The board may develop and implement a plan to manage and
 7 maintain any waterways in the district, of state or regional concern, in relation
 8 to matters impacting the district, in coordination with other federal, state, and
 9 local water management jurisdictions and authorities.

10 I. The board shall develop a master plan for comprehensive drainage,
 11 flood control, and water resource management through the construction and
 12 management of projects and programs, including planning, permitting,
 13 development, and waterway management. The plan shall consider the Coastal
 14 Protection and Restoration Authority and the Atchafalaya Basin Program
 15 master plans and provide for public outreach.

16 J. The board, with the approval of the representative parish governing
 17 authorities, shall appoint an administrative body to carry out the purposes of
 18 this Chapter.

19 K. Nothing in this Chapter shall interfere with the statutorily granted
 20 authority of any state agency or local government.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____