

2018 Regular Session

HOUSE BILL NO. 410

BY REPRESENTATIVE BISHOP

DISTRICTS/WATER/FRESH: Provides relative to the Teche-Vermilion Fresh Water District

1 AN ACT

2 To amend and reenact R.S. 38:3086.1 and 3086.5, relative to the Tech-Vermilion Fresh
3 Water District; to provide for the powers and duties of district; to provide for
4 enhancement of the regional watershed; and to provide for related matters.

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

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 38:3086.1 and 3086.5 is hereby amended and reenacted to read as
9 follows:

10 §3086.1. Creation; purposes

11 There is hereby created a body politic and corporate, to be known as the
12 Teche-Vermilion Fresh Water District (hereinafter referred to as "District"), for the
13 purpose of establishing, maintaining, and protecting a fresh water supply in Bayou
14 Teche and the Vermilion River in the parishes constituting the district for the benefit
15 of the area comprising the district and the residents thereof and to enhance the
16 regional watershed.

17 * * *

18 §3086.5. Powers

19 The district shall have the ~~power to~~ following powers and duties:

1 (1) To buy and sell; to own, maintain and operate property within and
2 without the district;~~to.~~

3 (2) To acquire servitudes and rights-of-way property within and without the
4 district;~~to.~~

5 (3) To grant and fulfill assurances of local participation in connection with
6 any state or federal project; ~~to negotiate and execute contracts; to.~~

7 (4) To expropriate, if necessary, in the manner prescribed by Louisiana law,
8 property within the district for the purposes of enhancing the regional watershed and
9 the rights-of-way required to construct the project set forth in House Document No.
10 524, 89th Congress, ~~2d~~ 2nd Session, Teche-Vermilion Basin, Louisiana and
11 authorized by the Flood Control Act of 1966. The power of expropriation vested in
12 the Board of Commissioners of the Teche-Vermilion Fresh Water District is hereby
13 restricted to the acquisition of the ~~rights-of-way specified in the aforementioned Act~~
14 of Congress and document property within the district for the purposes of enhancing
15 the regional watershed as provided in Paragraph (8) of this Section. Nothing in this
16 Act Part shall be construed as impairing the right and authority of municipalities as
17 defined by the constitution, ~~including~~ or the police juries of the several parishes
18 involved, to create and maintain and operate waterworks districts and sub-
19 waterworks districts as is presently provided for in Sections 3811 through 3821, both
20 inclusive, of Title 33 of the Louisiana Revised Statutes of 1950 under the provisions
21 of Article XIV, Section 14 of the Constitution of 1921, or as may be hereafter
22 provided by the legislature under said Article or under any amendment to the
23 Constitution of 1921 which may be hereafter adopted. ~~The district is authorized to~~

24 (5) To cooperate with the state of Louisiana and/or or any agency or political
25 subdivision thereof ~~and/or~~ or the United States government and any of its agencies
26 on any basis which the district shall deem advisable in the establishment,
27 construction, operation and maintenance of the fresh water system herein provided
28 for, including but not by way of limitation the joint or separate construction,
29 ownership, operation or maintenance of pump facilities, pipe lines, floodgates, water

1 conveyors and other devices, equipment and property and to accept gifts or
2 contributions of any nature from the state of Louisiana or the United States or any
3 agency or political subdivision thereof, or any private or corporate individual.

4 (6) To negotiate, make, enter into, and execute all contracts and agreements
5 with any person or agency, public or private, necessary or incidental to the
6 performance of the purposes of the district.

7 (7) To perform any other necessary and ancillary acts to effectuate its
8 functions, to perform its duties, or to give effect to its powers in accordance with this
9 Part.

10 (8) To enhance the regional watershed through performing, to include but
11 not limited to, the following functions:

12 (a) Developing, constructing, and maintaining flood control measures and
13 structures.

14 (b) Developing, constructing, and maintaining public access and recreation
15 facilities.

16 (c) Public relations, advertising, marketing, and providing and disseminating
17 information.

18 (d) Government relations, ombudsman, and government liaison.

19 (e) Financial and financing assistance.

20 (f) Tax abatement.

21 (g) Planning and coordination for water flow, drainage and flood abatement
22 resource utilization, including such functions as water flow, drainage and flood
23 abatement research, programming and solicitation.

24 (h) Waterway training, technical assistance, and technology transfer.

25 (i) Using public and other legal powers to facilitate improvements for the
26 benefit of the districts' constituents.

27 (j) Promoting transfer mechanisms to take ideas from their point of origin
28 or development to commercially successful utilization by local enterprises.

1 (k) Promoting the development of new products, processes, or services or
2 new uses for existing products, processes, or services manufactured in the district or
3 region.

4 (l) Engaging in any activities and projects it deems most appropriate to
5 encourage and assist water flow, drainage, flood abatement and other water uses in
6 accordance with and pursuant to provisions of this Part.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 410 Original

2018 Regular Session

Bishop

Abstract: Authorizes the Teche-Vermilion Fresh Water District to enhance the regional watershed.

Present law creates the Teche-Vermilion Fresh Water District for the purpose of establishing, maintaining, and protecting a fresh water supply in Bayou Teche and the Vermilion River.

Proposed law expands the district's authority to enhance the regional watershed.

Present law grants the district the following powers:

- (1) To buy and sell; to own, maintain and operate property within and without the district.
- (2) To acquire servitudes and rights-of-way within and without the district.
- (3) To grant and fulfill assurances of local participation in connection with any state or federal project.
- (4) To negotiate and execute contracts.
- (5) To expropriate the rights-of-way required to construct a specific project authorized by the U.S. Congress.
- (6) To cooperate with the state and federal government and their agencies to establish, construct, operate, and maintain the fresh water system.

Proposed law retains present law except removes the authority to expropriate rights-of-way for the specific congressionally approved project and grants the authority to expropriate for the purpose of regional watershed enhancement. Proposed law also clarifies the district's contracting authority.

Proposed law grants the district the following additional powers:

- (1) To perform any other necessary and ancillary acts to effectuate its functions, to perform its duties, or to give effect to its powers.

- (2) To enhance the regional watershed through performing, to include but not limited to, developing, constructing, and maintaining flood control measures and structures and public access and recreation facilities; engaging in public relations and government relations; financial and financing assistance; tax abatement; planning and coordination for water flow; waterway training, technical assistance, and technology transfer; facilitate improvements; promoting transfer of ideas to commercially successful utilization by local enterprises; promoting the development of new products, processes, or services or new uses for existing products, processes, or services; engaging in any activities and projects it deems most appropriate to encourage and assist water flow, drainage, flood abatement and other water uses.

Present law provides that present law does not impair the right and authority of municipalities or police juries to create, maintain, and operate waterworks districts and sub-waterworks districts. Proposed law retains present law.

(Amends R.S. 38:3086.1 and 3086.5)