

2022 Regular Session

HOUSE BILL NO. 686

BY REPRESENTATIVE MINCEY

WATERWAYS: Provides relative to management of the Amite River Basin

1 AN ACT

2 To amend and reenact R.S. 38:3302, 3303(B), (C), and (D), 3305(Section heading), 3306(A)  
3 and (C), 3307(C), and 3309 and to enact R.S. 38:3301(C), 3303(E) and (F),  
4 3304(C)(3), 3306(G), (H), (I), and (J), and 3307(E), relative to management of the  
5 Amite River Basin; to provide for the board of commissioners; to provide for  
6 appointment and terms of commissioners; to provide for powers and duties of the  
7 board; to provide for contact authority; to provide for posting requirements; to  
8 provide for technical assistance from the Coastal Protection and Restoration  
9 Authority; to provide for taxing authority; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 38:3302, 3303(B), (C), and (D), 3305(Section heading), 3306(A) and  
12 (C), 3307(C), and 3309 are hereby amended and reenacted and R.S. 38:3301(C), 3303(E)  
13 and (F), 3304(C)(3), 3306(G), (H), (I), and (J), and 3307(E) are hereby enacted to read as  
14 follows:

15 §3301. Limits of district; limits of Comite River Diversion Canal Impact Area

16 \* \* \*

17 C.(1) The district shall also be comprised of all portions of the geographical  
18 area within the watershed limits of the Amite River and Tributaries Basin located in  
19 those parts of Iberville, Ascension, and St. James Parishes south of Louisiana  
20 Highway 61 and not particularly described in Subsection A of this Section.



1 ~~commission for any reason shall be filled for the unexpired portion of the term in the~~  
2 ~~same manner as the original appointment.~~ Nominees are encouraged to, but need  
3 not, reside in the district or any particular parish within it.

4 (3) Each legislator may nominate up to two persons meeting the qualification  
5 requirements, per vacant position.

6 (4) If no nominees meeting the qualification requirements are submitted for  
7 a seat, the governor may choose his own.

8 D. ~~All members of the board appointed by the governor shall serve terms~~  
9 ~~concurrent with that of the governor. Each appointment by the governor shall be~~  
10 ~~submitted to the Senate for confirmation.~~ At large commissioners shall serve a term  
11 of four years, staggered with three positions expiring every two years. Initial terms  
12 shall be two years for three commissioners and four years for three commissioners,  
13 chosen by lot. The existing board shall terminate effective January 1, following  
14 enactment of this Act.

15 E. All six commissioners at large shall have at least ten years of professional  
16 experience in their discipline, of which at least four shall be engineers or  
17 professionals in a drainage-related field such as geotechnical, hydrological, or  
18 environmental science. Parish commissioner designees are encouraged to be, but  
19 need not be, professionals.

20 F. Appointment of, or voting by, public servants to the board of  
21 commissioners shall not constitute violation of the dual officeholding and dual  
22 employment law, R.S. 42:61 et seq., or the Code of Governmental Ethics, R.S.  
23 42:1101 et seq., but such persons shall not vote on any matter in which they have a  
24 personal financial interest other than as a resident of the district.

25 §3304. Meetings of board; quorum; officers; removal of commissioners; salaries  
26 and expenses; requirements; frequency and location

27 \* \* \*

28 C.

29 \* \* \*

1           (3) The board shall post agendas for all meetings on its website at least  
2           twenty four hours prior to meetings. The board shall stream all district meetings live  
3           on the internet.

4           §3305. Department of Transportation and Development and Coastal Protection and  
5           Restoration Authority to advise board

6           The Department of Transportation and Development and the Coastal  
7           Protection and Restoration Authority shall, upon request, advise the board as to the  
8           progress and status of adequate drainage, flood control, and water resources  
9           development which shall include but is not limited to construction of reservoirs,  
10          diversion canals, gravity and pumped drainage systems, and other flood control wear  
11          of the district. The Department of Transportation and Development and the Coastal  
12          Protection and Restoration Authority shall furnish estimates and specifications and  
13          perform all engineering work required of them by the board. The board may request  
14          technical assistance from the Coastal Protection and Restoration Authority regardless  
15          of whether the area affected is inside the coastal area as defined in R.S 22:2292. The  
16          Coastal Protection and Restoration Authority retains the right to be reimbursed for  
17          the reasonable cost of its assistance.

18          §3306. General powers and duties of the board

19                 A.(1) The board shall adopt bylaws for its own government and for the  
20                 government of its employees. It shall adopt rules or regulations for comprehensive  
21                 drainage, flood control and water resources development, reservoir, and diversion  
22                 canal systems. Prior to the adoption, amendment, or repeal of any rule or regulation  
23                 by the board, the proposed rule or regulation shall be submitted to the House  
24                 Committee on Transportation, Highways, and Public Works and the Senate  
25                 Committee on Transportation, Highways, and Public Works. Oversight review of  
26                 rules and regulations shall be conducted by the respective committees provided for  
27                 herein. The board shall keep a record of its proceedings, which shall be published  
28                 after each meeting in a journal to be selected by it. The board at each regular session  
29                 shall examine all accounts or operations of the board and determine what work shall

1 be undertaken. All work shall be advertised to be let out by means of sealed  
2 proposals to the lowest responsible bidder, reserving to the board authority to reject  
3 all bids. In case of emergency, the board may make contracts for the control of  
4 flooding without advertisement and sealed proposals.

5 (2) Prior to January 1, 2026, the board shall promulgate regulations for  
6 watershed management within the District, insofar as they affect watershed  
7 management, that address the following:

- 8 (a) Planning.
- 9 (b) Permitting.
- 10 (c) Selection of and performing projects.
- 11 (d) Resolution of conflicts among agencies.
- 12 (e) Use of best available science.
- 13 (f) Outreach to the public and agencies.
- 14 (g) Coordination with state agencies and political subdivisions regarding  
15 watershed management.
- 16 (h) Identifying, seeking, receiving, and expending federal and other funding  
17 for planning and projects.
- 18 (i) Providing assistance to political subdivisions in planning, designing and  
19 constructing projects, and identifying and obtaining funding.
- 20 (j) Agreements with public and private entities to identify, seek, receive, and  
21 expend funds.
- 22 (k) Maintaining projects once complete.
- 23 (l) Providing an appeal process.
- 24 (m) Defining qualifications for staff and contractors.

25 \* \* \*

26 C. The board shall have the authority to construct and maintain drainage  
27 works of all types either in cooperation with one or more parishes, municipalities,  
28 drainage districts, or other special districts within its territorial jurisdiction or upon  
29 its own undertaking. Projects shall require approval of two thirds of the total voting

1 membership. Technical aspects of projects, including planning and permitting  
2 decisions, shall require approval by a simple majority of the total voting  
3 membership.

4 \* \* \*

5 G. The board shall develop and implement a plan to manage and maintain  
6 all waterways in the district, of state or regional concern, in relation to matters  
7 impacting watershed management in the district.

8 H.(1) The board shall develop a master plan for comprehensive drainage,  
9 flood control, and water resource management within the district ("watershed  
10 management") through the construction and management of projects and programs,  
11 including planning, permitting, development, and waterway management. The plan  
12 shall address watershed management from both short-term and long-range  
13 perspectives, and shall incorporate structural, management, and institutional  
14 components of both efforts. The plan shall include a list of projects and programs  
15 required for implementation, a schedule and estimated costs, and explain why each  
16 project or program was selected and how it advances plan objectives. The plan shall  
17 be consistent with the Coastal Protection and Restoration Authority Master Plan. It  
18 shall also provide for public outreach and public hearings in at least northern, central,  
19 and southern portions of the district. The plan shall be subject to legislative  
20 approval. The board shall submit its initial plan prior to the 2025 legislative session,  
21 and shall review, revise, and amend its plan every six years thereafter.

22 (2) All political subdivisions within the bounds of the district shall  
23 administer their regulatory practices, programs, projects, contracts, grants, and all  
24 other functions vested in them in a manner consistent with the master plan and shall  
25 be consistent with public interest to the maximum extent possible.

26 I. The board shall develop annual plans for watershed management. Each  
27 annual plan shall include, at minimum, a three year projection of funding for projects  
28 and programs, including funding sources. The plan shall be consistent with the  
29 Coastal Protection and Restoration Authority Master Plan. The plan shall provide

1 for public outreach and public hearings in at least northern, central, and southern  
2 portions of the district. The plan shall be subject to legislative approval. The board  
3 shall submit its initial annual plan by January 1, 2024.

4 J. The board shall report annually to a committee of representatives and  
5 senators whose districts include any portion of the Amite River Basin.

6 §3307. Corporate status and powers of board; domicile; evidence of acts and  
7 proceedings; deposit of funds; warrants

8 \* \* \*

9 C. The board may buy and sell property, make and execute all contracts, and  
10 do and perform all things necessary to carry out the objects of this Chapter, subject  
11 to the limitations and duties herein provided. Notwithstanding any provision of law  
12 to the contrary, the board may contract with the federal government, the state, or any  
13 other public or private entity to receive and expend funds and perform projects or  
14 plans for watershed management.

15 \* \* \*

16 E. The board shall identify and consider to what extent matters regarding an  
17 agreement with the state of Mississippi relative to watershed management and how  
18 it may be beneficial to management of the basin in Louisiana, and subject to  
19 approval of the governor, the board may contract with the state of Mississippi for  
20 such purposes including for doing projects.

21 \* \* \*

22 §3309. Authority to levy

23 For the purpose of providing revenue to carry out the objects contemplated  
24 by this Chapter, the board of commissioners may levy on all property in the district,  
25 or on all property within the Comite River Diversion Canal Impact Area, subject to  
26 taxation for drainage purposes a district drainage tax not to exceed three mills on the  
27 dollar of its assessed valuation, as provided by Article VI, Section 19 of the  
28 Constitution of Louisiana. The tax shall not be levied unless the proposition to levy  
29 the tax is approved by a majority of the electors of the district, or by a majority of the

1 electors of the Comite River Diversion Canal Impact Area if limited to such area,  
 2 who vote on the proposition. ~~Furthermore, such tax shall be levied only in those~~  
 3 ~~parishes in which a majority of the electors of the parish, which are within the~~  
 4 ~~district, voting in an election approve such proposition, and such proposition on the~~  
 5 ~~ballot provides that the ad valorem tax is to be levied only in said parishes.~~

6 \* \* \*

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 686 Original

2022 Regular Session

Mincey

**Abstract:** Modifies management of the Amite River Basin.

Present law establishes the geographical bounds of the district. Proposed law retains present law and provides that the district shall also be comprised of all portions of the geographical area within the watershed limits of the Amite River and Tributaries Basin located in those parts of Iberville, Ascension, and St. James Parishes south of La. Hwy. 61 and not particularly described in present law.

Proposed law further provides that by Jan. 1, 2023, the Coastal Protection and Restoration Authority in consultation with the office of state lands must submit to the legislature a detailed legal description of the Amite River and Tributaries Basin.

Present law provides that the management and control of the Amite River Basin Drainage and Water Conservation District is vested in a board of commissioners for the district. Further provides for the board's authority to establish adequate drainage, flood control, and water resources development to include but not be limited to construction of reservoirs, diversion canals, gravity and pumped drainage systems, and other flood control works. Proposed law retains present law and adds a requirement that the board comprehensively manage the district as a single system.

Present law provides for a 13 person commission. Proposed law retains present law. Present law provides that one member from the district is appointed by the governor and serves at large. Proposed law provides that six members be appointed by the governor to serve at large. Further provides that commissioners at large will serve four year terms staggered with three positions expiring every two years; initial terms shall be two years for three commissioners and four years for three commissioners; be subject to senate confirmation, from nominations submitted by the representatives and senators whose districts include any portion of the district. Specifies that nominees are encouraged to but need not reside in the district or any particular parish within it. Specifies that each legislator may nominate up to two persons meeting the qualification requirements, per vacant position. Specifies that if no nominees meeting the qualification requirements are submitted for a seat, the governor may choose his own. Further provides that all six commissioners at large must have at least 10 years of professional experience in their discipline, of which at least four must be engineers or professionals in a drainage-related field such as geotechnical, hydrological, or environmental science. Specifies that parish commissioner designees are encouraged to be, but need not be, professionals.



Proposed law requires the board to post agendas for all meetings on its website at least twenty four hours prior to meetings and to stream all district meetings live on the internet.

Present law requires the Dept. of Transportation and Development to provide advice and technical assistance to the board. Proposed law retains present law and adds advice and technical assistance from the Coastal Protection and Restoration Authority upon request.

Present law provides for the general powers and duties of the board. Proposed law retains present law and adds a requirement that prior to Jan. 1, 2026, the board must promulgate regulations for watershed management within the district, insofar as they affect watershed management, that address the following:

- (1) Planning.
- (2) Permitting.
- (3) Selection of and performing projects.
- (4) Resolution of conflicts among agencies.
- (5) Use of best available science.
- (6) Outreach to the public and agencies.
- (7) Coordination with state agencies and political subdivisions regarding watershed management.
- (8) Identifying, seeking, receiving, and expending federal and other funding for planning and projects.
- (9) Providing assistance to political subdivisions in planning, designing and constructing projects, and identifying and obtaining funding.
- (10) Agreements with public and private entities to identify, seek, receive, and expend funds.
- (11) Maintaining projects once complete.
- (12) Providing an appeal process.
- (13) Defining qualifications for staff and contractors.

Present law grants the board authority to construct and maintain drainage works of all types either in cooperation with one or more parishes, municipalities, drainage districts, or other special districts within its territorial jurisdiction or upon its own undertaking. Proposed law retains present law and adds a requirement that projects receive approval of two thirds of the total voting membership. Further adds that technical aspects of projects, including planning and permitting decisions, require approval by a simple majority of the total voting membership.

Proposed law requires the board to develop and implement a plan to manage all waterways in the district in relation to matters impacting watershed management in the district.

Proposed law requires the board to develop a master plan.

Proposed law requires the board to develop annual plans and report annually to a committee of representatives and senators whose districts include any portion of the Amite River Basin.

Proposed law requires the board to consider to what extent matters regarding an agreement with the state of Mississippi regarding watershed management and how it may be beneficial to management of the basin in Louisiana, and authorizes them to contract with the state of Mississippi for such purposes including for doing projects, subject to approval by the governor.

Present law provides for voting on taxes levied by the board to be by individual parish. Proposed law provides for voting on such taxes by everyone in the district as a whole.

(Amends R.S. 38:3302, 3303(B), (C), and (D), 3305(Section heading), 3306(A) and (C), 3307(C), and 3309; Adds R.S. 38:3301(C), 3303(E) and (F), 3304(C)(3), 3306(G), (H), (I), and (J), and 3307(E))