

SENATE BILL NO. 205

BY SENATOR JACKSON AND REPRESENTATIVES MCMAHEN, THOMPSON AND WHITE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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conservation commission; to provide relative to the powers of the soil and water conservation districts; to remove outdated references; to provide for technical corrections; to provide for effectiveness; and to provide for related matters.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

1 on of engineering operations such as the construction of terraces, terrace outlets,
 2 check-dams, desilting basins, floodwater retarding structures, channel improvements,
 3 floodways, dikes, ponds, ditches and the like; the utilization of soil health practices
 4 such as strip cropping, lister furrowing, contour cultivating and contour furrowing;
 5 land drainage; land irrigation; seeding and planting of waste, sloping, abandoned or
 6 eroded lands to water conserving and erosion preventing plants, trees and grasses;
 7 forestation and reforestation; rotation of crops; soil stabilization with trees, grasses,
 8 legumes, and other thick-growing, soil-holding crops; retardation of run-off by
 9 increasing absorption of rainfall, irrigation where and when necessary; and
 10 retirement from cultivation of steep, highly erosive areas and areas now badly gullied
 11 or otherwise eroded.

12 D. Declaration of policy. It is hereby further declared to be the policy of the
 13 legislature to provide for the conservation of the soil, soil health, and soil resources
 14 of this state, and for the control and prevention of soil erosion, and for the prevention
 15 of floodwater and sediment damages, and for furthering the conservation,
 16 development, utilization, and disposal of water, and thereby to preserve natural
 17 resources, control floods, prevent impairment of dams and reservoirs, assist in
 18 maintaining the navigability of rivers and harbors, to preserve wildlife, protect public
 19 lands, and protect and promote the health, safety, and general welfare of the people
 20 of this state.

21 §1202. Terms defined

22 As used in this Part of Chapter 9, the terms defined in this Section have the
 23 meanings here given to them, except where the context expressly indicates
 24 otherwise:

25 * * *

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

29 * * *

30 (13) "Soil health" means the overall composition of the soil, including the

1 amount of organic matter in and water holding capacity of the soil, and the
 2 continued capacity of soil to function as a vital living ecosystem that sustains
 3 plants, animals, and humans.

4 (14) "Soil health practices" means agricultural practices that improve
 5 the health of soils, including but not limited to consideration of depth of topsoil
 6 horizons, water infiltration rate, organic carbon content, nutrient content, bulk
 7 density, biological activity, biological and microbiological diversity, and
 8 minimization of bare ground.

9 §1204. State soil and water conservation commission

10 A. * * *

11 ~~(2)(a) The members of the state soil and water conservation commission~~
 12 ~~created by law prior to August 1, 1956, shall continue to serve as a state soil and~~
 13 ~~water conservation commission until the new members of the state soil and water~~
 14 ~~conservation commission are elected and qualify as hereinafter provided.~~

15 ~~(b) Within forty-five days after August 1, 1956, the~~ **The** chairman of the old
 16 state soil and water conservation commission shall notify the soil and water
 17 conservation district supervisors ~~within the state~~ of the time and the place that an
 18 election is to be held as hereinafter provided **in this Section.**

19 ~~(e)(b)~~ **A state convention shall be held upon the call of the chairman of**
 20 **the commission. The chairman shall provide notice of the state convention to the**
 21 **soil and water conservation district supervisors.** A meeting of each board of soil
 22 and water conservation district supervisors shall be held within thirty days after
 23 receiving notice of the state convention. The majority of the members of the board
 24 of district supervisors shall constitute a quorum and at such meeting, the board of
 25 district supervisors shall elect one of its members as a delegate to attend a state
 26 convention, at the time and place specified in the notice given by the chairman of the
 27 ~~old~~ state soil and water conservation commission. Each such elected delegate shall
 28 have one vote at the state convention. Each state area at the state convention shall
 29 elect one of its members as a member of the state soil and water conservation
 30 commission to represent that area. Each member elected as a member of the state soil

1 and water conservation commission shall be a landowner or operator actively
2 engaged in farming or animal husbandry within the district and area he represents
3 and shall be a qualified voter in that district. He shall be elected as a member of the
4 state soil and water conservation commission by a majority of the votes cast at the
5 state convention. The chairman of the convention shall within ten days certify to the
6 old state soil and water conservation commission and to the secretary of state the
7 name and address of the person so elected as a member of the new state soil and
8 water conservation commission. Each member of the commission shall take the state
9 constitutional oath of office and qualify within thirty days after this election. Within
10 thirty days after the election and qualification of the five members, the commissioner
11 of agriculture and forestry of the state of Louisiana shall call a meeting of the entire
12 commission, at which time one of the said members provided for herein shall be
13 elected chairman of the state soil and water conservation commission, another
14 member shall be elected vice chairman, and a third member secretary-treasurer. The
15 terms of the five members of the state soil and water conservation commission
16 elected under this Section shall be as follows:

17 The members from State Area Nos. 1 and 2 shall serve for one year;

18 The members from State Area Nos. 3 and 4 shall serve for two years;

19 The members from State Area No. 5 shall serve for three years.

20 Thereafter, each member shall serve for a period of three years after his
21 election and shall be removed only for cause. In the event of a vacancy, the vacancy
22 shall be filled by the state commission until the next convention, and then by election
23 in the same manner, as outlined, for the unexpired term. An elected member of the
24 commission shall not qualify for reelection unless he shall have attended at least
25 sixty-six and two-thirds percent of the scheduled commission meetings during his
26 tenure; however, upon a showing of good cause this condition may be waived by
27 resolution duly adopted by the state soil and water conservation commission.

28 * * *

29 D. In addition to the duties and powers hereinafter conferred upon the State
30 Soil and Water Conservation Commission, it shall have the following duties and

1 powers:

2 (1) To offer such assistance as may be appropriate to the supervisors of soil
 3 and water conservation districts, organized as provided hereinafter, in the carrying
 4 out of any of their powers and programs; to assist and guide districts in the
 5 preparation and carrying out of programs for natural resource conservation and soil
 6 health authorized under this Chapter; to review district programs; to coordinate the
 7 programs of the several districts and resolve any conflicts in such programs; to
 8 facilitate, promote, assist, harmonize, coordinate, and guide the resource
 9 conservation programs and activities of districts as they relate to other
 10 special-purpose districts, parishes, and other public agencies.

11 * * *

12 (12) The state soil and water conservation commission and the soil and water
 13 conservation districts that may be created under this Part shall be the official state
 14 agencies for cooperating with the ~~Soil~~ Natural Resources Conservation Service of
 15 the United States Department of Agriculture.

16 * * *

17 §1208. Powers of Districts and Supervisors

18 A soil and water conservation district organized under the provisions of this
 19 Part shall constitute a governmental subdivision of this state, and a public body
 20 corporate and politic, exercising public powers, and such district, and the supervisors
 21 thereof, shall have the following powers, in addition to others granted in other
 22 sections of this Part:

23 (1) To carry out preventive and control measures and works of improvement
 24 for flood prevention or the health, conservation, development, or utilization of soil,
 25 water, and related natural resources and disposal of water within the district
 26 including, but not limited to, engineering operations, methods of cultivation, soil
 27 health practices, the growing of vegetation, changes in use of land, and the
 28 measures listed in ~~R.S. 3:1201(c)~~ R.S. 3:1201(C), on lands owned or controlled by
 29 this state or any of its agencies, with the cooperation of the agency administering and
 30 having jurisdiction thereof, and on any other lands within the district upon obtaining

1 the consent of the owner as well as occupants of such lands or the necessary rights
2 or interests in such lands;

3 (2) To cooperate, or enter into agreements with, and within the limits of
4 appropriations duly made available to it by law, to furnish financial or other aid to,
5 any agency, governmental or otherwise, or any owner of lands within the district, in
6 the carrying on of **soil health improvement**, erosion control and prevention
7 operations and works of improvement for flood prevention or the conservation,
8 development, utilization, and disposal of water within the district, subject to such
9 conditions as the supervisor may deem necessary to advance the purposes of this
10 Part;

11 * * *

12 (6) To develop comprehensive plans for the conservation of soil resources,
13 **the improvement of soil health**, and for the control and prevention of soil erosion
14 and for flood prevention or the conservation, development, utilization, and disposal
15 of water within the district, which plans shall specify in such detail as may be
16 possible, the acts, procedures, performances, and avoidances which are necessary or
17 desirable for the effectuation of such plans, including the specification of
18 engineering operations, methods of cultivation, the growing of vegetation, cropping
19 programs, tillage practices, **soil health practices aiding enhanced food and fiber**
20 **production, conservation of natural resources, adaptation to changes in climate**
21 **and environment**, and changes in use of land; and to publish such plans and
22 information and bring them to the attention of occupants of lands within the district;

23 (7) To take over, by purchase, lease, or otherwise, and to administer, any
24 ~~soil-conservation, flood-prevention,~~ **soil health, soil conservation, flood**
25 **prevention**, drainage, irrigation, water management, ~~erosion-control, or~~
26 ~~erosion-prevention~~ **erosion control, or erosion prevention** projects, or
27 combinations thereof, located within its boundaries undertaken by the United States
28 or any of its agencies, or by this state or any of its agencies; to manage, as agent of
29 the United States or any of its agencies, or of this state or any of its agencies, any
30 soil-conservation, flood-prevention, drainage, irrigation, water management,

1 erosion-control, or erosion-prevention project, or combinations thereof, within its
 2 boundaries; to act as agent for the United States, or any of its agencies, or for this
 3 state or any of its agencies, in connection with the acquisition, construction,
 4 operation, or administration of any soil-conservation, flood prevention, drainage,
 5 irrigation, water management, erosion control, or erosion-prevention project, or
 6 combinations thereof, within its boundaries; to accept donations, gifts, and
 7 contributions in money, services, materials, or otherwise, from the United States or
 8 any of its agencies, or from this state or any of its agencies, and to use or expend
 9 such moneys, services, materials, or other contributions in carrying on its operations;

* * *

11 Section 2. The Louisiana State Law Institute is directed to review the provisions of
 12 current law, particularly the provisions of the "Soil Conservation Districts Law", R.S. 3:1201
 13 et seq., and to change outdated or incorrect references to the agency established in R.S.
 14 3:1204 and placed within the Department of Agriculture and Forestry pursuant to R.S.
 15 36:629(K) to "State Soil and Water Conservation Commission" or "commission" as
 16 applicable, including correct capitalization where appropriate.

17 Section 3. This Act shall become effective upon signature by the governor or, if not
 18 signed by the governor, upon expiration of the time for bills to become law without signature
 19 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 20 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 21 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____