2022 Regular Session

HOUSE BILL NO. 686

BY REPRESENTATIVES MINCEY, BACALA, BOURRIAQUE, BUTLER, CARRIER, CORMIER, COUSSAN, DEVILLIER, FISHER, GEYMANN, HODGES, KERNER, LANDRY, ORGERON, RISER, ROMERO, SCHAMERHORN, SCHEXNAYDER, ST. BLANC, AND WHEAT AND SENATOR WHITE

1	AN ACT
2	To amend and reenact R.S. 38:3302, 3303, 3305, 3306(A) and (C), 3307(C), and 3309 and
3	to enact R.S. 38:3301(C), 3304(C)(3), 3306(G), (H), (I), (J), (K), (L), and (M), and
4	3307(E), relative to management of the Amite River Basin; to provide for the board
5	of commissioners; to provide for appointment and terms of commissioners; to
6	provide for powers and duties of the board; to provide for contact authority; to
7	provide for posting requirements; to provide for technical assistance from the Coastal
8	Protection and Restoration Authority and the Pontchartrain Levee District; to provide
9	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, 3305, 3306(A) and (C), 3307(C), and 3309 are hereby
12	amended and reenacted and R.S. 38:3301(C), 3304(C)(3), 3306(G), (H), (I), (J), (K), (L), and
13	(M), and 3307(E) are hereby enacted to read as follows:
14	§3301. Limits of district; limits of Comite River Diversion Canal Impact Area
15	* * *
16	C.(1) The district shall also be comprised of all portions of the geographical
17	area within the watershed limits of the Amite River and Tributaries Basin located in
18	those parts of Iberville, Ascension, and St. James Parishes south of Louisiana
19	Highway 61 and not particularly described in Subsection A of this Section.

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1	(2) By January 1, 2023, the Coastal Protection and Restoration Authority in
2	consultation with the office of state lands shall submit to the legislature a detailed
3	legal description of the Amite River and Tributaries Basin as described in Subsection
4	A of this Section and Paragraph (1) of this Subsection.
5	§3302. Board of commissioners
6	The management and control of the district shall be vested in a board of
7	commissioners for the Amite River Basin Drainage and Water Conservation District.
8	The board shall have the authority to establish adequate drainage, flood control, and
9	water resources development to include but not be limited to construction of
10	reservoirs, diversion canals, gravity and pumped drainage systems, and other flood
11	control works. The board of commissioners shall comprehensively manage the
12	district as a single system.
13	§3303. Appointment and term of commissioners
14	A. The board of commissioners shall be composed of thirteen sixteen
15	members.
16	B.(1) One member shall be appointed by the governor from the district at
17	large. Seven members shall be the parish presidents representing the parishes making
18	up the district, or their designee, and shall serve ex officio without appointment.
19	(2) One member shall be the executive director of the Coastal Protection and
20	Restoration Authority, or his designee, one member shall be the secretary of the
21	Department of Transportation and Development, or his designee, and one member
22	shall be the executive director of the Pontchartrain Levee District Board of
23	Commissioners, or his designee, all serving in a nonvoting advisory role.
24	C.(1) The remaining twelve \underline{six} members shall serve at large and shall be
25	appointed by the governor as follows:
26	(1) Two qualified electors residing in that portion of each parish within the
27	district from nominations submitted by the members of the legislature serving that
28	portion of each parish within the district., subject to senate confirmation, from
29	nominations submitted by the representatives and senators whose districts include
30	any portion of the district.

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1	(2) In the event any present member of the commission shall cease to be a
2	member thereof for any reason prior to the expiration of his term, his successor shall
3	be appointed from the same parish as the original appointment provided in this
4	Chapter. Thereafter, the successors of all of the commissioners shall be appointed
5	for terms concurrent with the appointing governor. Any subsequent vacancy on the
6	commission for any reason shall be filled for the unexpired portion of the term in the
7	same manner as the original appointment. Priority shall be given to nominees that
8	reside in the district or any parish within it; however, district or parish residency is
9	not required.
10	(3)(a) Each legislator within the district may nominate up to two persons
11	meeting the qualification requirements, per vacant position.
12	(b) If no nominees meeting the qualification requirements are submitted for
13	a seat, the governor may choose his own.
14	D. All members of the board appointed by the governor shall serve terms
15	concurrent with that of the governor. Each appointment by the governor shall be
16	submitted to the Senate for confirmation. At large commissioners shall serve a term
17	of four years, staggered with three positions expiring every two years. Initial terms
18	shall be two years for three commissioners and four years for three commissioners,
19	chosen by lot. The existing board shall terminate effective January first, following
20	enactment of this Act.
21	E. All six commissioners at large shall have at least seven years of
22	professional experience in their discipline, of which at least four shall be engineers,
23	project managers, certified floodplain managers, or professionals in a
24	drainage-related field such as geotechnical, hydrological, or environmental science.
25	Parish commissioner designees are encouraged to be, but need not be, professionals
26	as provided for in this Subsection.
27	F. Appointment of, or voting by, public servants to the board of
28	commissioners shall not constitute violation of the dual officeholding and dual
29	employment law, R.S. 42:61 et seq., or the Code of Governmental Ethics, R.S.

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1	42:1101 et seq., but such persons shall not vote on any matter in which they have a
2	personal financial interest other than as a resident of the district.
3	§3304. Meetings of board; quorum; officers; removal of commissioners; salaries
4	and expenses; requirements; frequency and location
5	* * *
6	С.
7	* * *
8	(3) The board shall post agendas for all meetings on its website at least
9	twenty four hours prior to meetings. The board shall stream all district meetings live
10	on the internet.
11	§3305. Department of Transportation and Development, Coastal Protection and
12	Restoration Authority, and the Pontchartrain Levee District to advise board
13	The Department of Transportation and Development, the Coastal Protection
14	and Restoration Authority, and the Pontchartrain Levee District shall, upon request,
15	advise the board as to the progress and status of adequate drainage, flood control, and
16	water resources development which shall include but is not limited to construction
17	of reservoirs, diversion canals, gravity and pumped drainage systems, and other flood
18	control wear of the district. The Department of Transportation and Development, the
19	Coastal Protection and Restoration Authority, and the Pontchartrain Levee District
20	shall furnish estimates and specifications and perform all engineering work required
21	of them by the board. The board may request technical assistance on issues other
22	than those already required under this Section from the Department of Transportation
23	and Development. The board may request technical assistance from the Coastal
24	Protection and Restoration Authority regardless of whether the area affected is inside
25	the coastal area as defined in R.S. 49:214.2(4). The board may request technical
26	assistance from the Pontchartrain Levee District regardless of whether the area
27	affected is within the boundaries of the Pontchartrain Levee District as defined in
28	R.S. 38:291(L)(1). The Coastal Protection and Restoration Authority and the

1	Pontchartrain Levee District retain the right to be reimbursed for the reasonable cost
2	of its assistance.
3	§3306. General powers and duties of the board
4	A. (1) The board shall adopt by laws for its own government and for the
5	government of its employees. It shall adopt rules or regulations for comprehensive
6	drainage, flood control and water resources development, reservoir, and diversion
7	canal systems. Prior to the adoption, amendment, or repeal of any rule or regulation
8	by the board, the proposed rule or regulation shall be submitted to the House
9	Committee on Transportation, Highways, and Public Works and the Senate
10	Committee on Transportation, Highways, and Public Works. Oversight review of
11	rules and regulations shall be conducted by the respective committees provided for
12	herein. The board shall keep a record of its proceedings, which shall be published
13	after each meeting in a journal to be selected by it. The board at each regular session
14	shall examine all accounts or operations of the board and determine what work shall
15	be undertaken. All work shall be advertised to be let out by means of sealed
16	proposals to the lowest responsible bidder, reserving to the board authority to reject
17	all bids. In case of emergency, the board may make contracts for the control of
18	flooding without advertisement and sealed proposals.
19	(2) Prior to January 1, 2026, the board shall promulgate regulations for
20	watershed management within the District, insofar as they affect watershed
21	management, that address the following:
22	(a) Planning.
23	(b) Permitting.
24	(c) Selection of and performing projects and programs.
25	(d) Resolution of conflicts among agencies.
26	(e) Use of best available science.
27	(f) Outreach to the public and agencies.
28	(g) Coordination with state agencies and political subdivisions regarding
29	watershed management.

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1	(h) Identifying, seeking, receiving, and expending federal and other funding
2	for planning and projects.
3	(i) Providing assistance to political subdivisions in planning, designing and
4	constructing projects, and identifying and obtaining funding.
5	(j) Agreements with public and private entities to identify, seek, receive, and
6	expend funds.
7	(k) Maintaining projects and programs once complete.
8	(1) Providing an appeal process.
9	(m) Defining qualifications for staff and contractors.
10	(n) Creating and managing a wetland mitigation bank, if deemed feasible by
11	the board, on lands owned by the district on January 1st following the effective date
12	of this Act.
13	* * *
14	C. The board shall have the authority to construct and maintain drainage
15	works of all types either in cooperation with one or more parishes, municipalities,
16	drainage districts, or other special districts within its territorial jurisdiction or upon
17	its own undertaking. Projects shall require approval of two thirds of the total voting
18	membership. All other decisions, including technical, planning, and permitting
19	decisions, shall require approval by a simple majority of the total voting
20	membership.
21	* * *
22	G. The board shall develop and implement a plan to manage and maintain
23	all waterways in the district, of state or regional concern, in relation to matters
24	impacting watershed management in the district.
25	H.(1) The board shall develop a master plan for comprehensive drainage,
26	flood control, and water resource management within the district ("watershed
27	management") through the construction and management of projects and programs,
28	including planning, permitting, development, and waterway management. The plan
29	shall address watershed management from both short-term and long-range

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1	perspectives, and shall incorporate structural, nonstructural, management, and
2	institutional components of both efforts. The plan shall include a list of projects and
3	programs required for implementation, a schedule and estimated costs, and explain
4	why each project or program was selected and how it advances plan objectives. The
5	plan shall be consistent with the Coastal Protection and Restoration Authority Master
6	Plan. It shall also provide for public outreach and public hearings in at least
7	northern, central, and southern portions of the district. The plan shall be subject to
8	legislative approval annually by the Senate Committee on Transportation, Highways,
9	and Public Works and the House Committee on Transportation, Highways and
10	Public Works. The board shall submit its initial plan prior to the 2025 legislative
11	session, and shall review, revise, and amend its plan every six years thereafter.
12	(2) All political subdivisions within the bounds of the district shall
13	administer their regulatory practices, programs, projects, contracts, grants, and all
14	other functions vested in them in a manner consistent with the master plan and shall
15	be consistent with public interest to the maximum extent possible.
16	I. The board shall develop annual plans for watershed management. Each
17	annual plan shall include, at minimum, a three year projection of funding for projects
18	and programs, including funding sources. The plan shall be consistent with the
19	Coastal Protection and Restoration Authority Master Plan. The plan shall provide
20	for public outreach and public hearings in at least northern, central, and southern
21	portions of the district. The plan shall be subject to legislative approval annually by
22	the Senate Committee on Transportation, Highways, and Public Works and the
23	House Committee on Transportation, Highways and Public Works. The board shall
24	submit its initial annual plan by January 1, 2024.
25	J. The board shall place a heavy focus and constant emphasis on plans that
26	include project inventories, implementation plans, and strategies to maximize the use
27	of innovative funding strategies such as public private partnerships, pursuit of grant
28	funding, capital outlay requests, and millage initiatives to the extent necessary to
29	timely fund and implement the board's planned projects and programs.

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1	K. The board shall report annually to the parish presidents and parish
2	governing authorities representing the parishes making up the district, the Legislature
3	of Louisiana, and to a committee of representatives and senators whose districts
4	include any portion of the Amite River Basin.
5	L. Each parish within the district shall submit its initial hazard mitigation
6	plan by January 1, 2023, and thereafter shall submit a hazard mitigation plan to the
7	board every five years. Each parish within the district shall cooperate with the board
8	to ensure that the impacts of drainage, flood control, and water resource management
9	are considered in the development of each hazard mitigation plan. The board shall
10	ensure each parish hazard mitigation plan identifies how to participate in the Federal
11	Emergency Management Agency Community Rating System (CRS) or any successor
12	or similar program or how to maximize participation in the CRS. The board shall
13	also consider and prioritize policies and programs that can reduce flood risk and
14	reduce flood insurance premiums. The board shall participate and assist in the
15	development of each parish hazard mitigation plan within the district.
16	M. Within the areas of the district that are concurrent with the limits of the
17	Pontchartrain Levee District as set forth in R.S. 38:291(L), the Pontchartrain Levee
18	District shall have primary jurisdiction. The Amite River Basin Drainage and Water
19	Conservation District shall not initiate any project or program within the limits of the
20	Pontchartrain Levee District without consulting with and receiving approval from the
21	board of commissioners of the Pontchartrain Levee District.
22	§3307. Corporate status and powers of board; domicile; evidence of acts and
23	proceedings; deposit of funds; warrants
24	* * *
25	C. The board may buy and sell property, make and execute all contracts, and
26	do and perform all things necessary to carry out the objects of this Chapter, subject
27	to the limitations and duties herein provided. Notwithstanding any provision of law
28	to the contrary, parishes, municipalities, drainage districts, levee districts, and other
29	political subdivisions in the district may transfer or donate funds to the board, and
30	the board may accept such funds. Notwithstanding any provision of law to the

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1	contrary, the board may contract with the federal government, the state, or any other
2	public or private entity to receive and expend funds and perform projects or plans for
3	watershed management.
4	* * *
5	E. The board shall identify and consider to what extent matters regarding an
6	agreement with the state of Mississippi relative to watershed management and how
7	it may be beneficial to management of the basin in Louisiana, and subject to
8	approval of the governor, the board may contract with the state of Mississippi for
9	such purposes including for doing projects.
10	* * *
11	§3309. Authority to levy
12	For the purpose of providing revenue to carry out the objects contemplated
13	by this Chapter, the board of commissioners may levy on all property in the district,
14	or on all property within the Comite River Diversion Canal Impact Area, subject to
15	taxation for drainage purposes a district drainage tax not to exceed three mills on the
16	dollar of its assessed valuation, as provided by Article VI, Section 19 of the
17	Constitution of Louisiana. The tax shall not be levied unless the proposition to levy
18	the tax is approved by a majority of the electors of the district, or by a majority of the
19	electors of the Comite River Diversion Canal Impact Area if limited to such area,
20	who vote on the proposition. Furthermore, such tax shall be levied only in those
21	parishes in which a majority of the electors of the parish, which are within the
22	district, voting in an election approve such proposition, and such proposition on the
23	ballot provides that the ad valorem tax is to be levied only in said parishes.
24	* * *
25	Section 2. The board is prohibited from expending or obligating unrestricted funds,
26	except funds designated for operational costs or to meet existing contractual obligations,
27	until January 1st following enactment of this Act.
28	Section 3. This Act shall become effective upon signature by the governor or, if not
29	signed by the governor, upon expiration of the time for bills to become law without signature

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- 1 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
- 2 vetoed by the governor and subsequently approved by the legislature, this Act shall become
- 3 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

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