

2023 Regular Session

HOUSE BILL NO. 476

BY REPRESENTATIVE HUVAL

DISTRICTS/WATERSHED: Establishes the Acadiana Watershed District

1 AN ACT

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

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

14 Be it enacted by the Legislature of Louisiana:

15 Section 1. The heading of Chapter 17 of Title 38 of the Louisiana Revised Statutes  
16 of 1950 is hereby amended and reenacted and R.S. 38:3321 through 3327 are hereby enacted  
17 to read as follows:

1     ~~CHAPTER 17. SOUTH TERREBONNE PARISH TIDEWATER MANAGEMENT~~  
2     ~~AND CONSERVATION DISTRICT~~ ACADIANA WATERSHED DISTRICT

3     §3321. Creation; boundaries

4             The Acadiana Watershed District, referred to in this Chapter as the "district"  
5     is hereby created. The district shall lie within the Atchafalaya, Mermentau,  
6     Mermentau Headwaters, Teche, and Vermilion watersheds, situated in the parishes  
7     of Acadia, Allen, Avoyelles, Calcasieu, Cameron, Evangeline, Iberia, Iberville,  
8     Jefferson Davis, Lafayette, Point Coupee, Rapides, St. Landry, St. Martin, St. Mary,  
9     and Vermilion. The district boundaries within those parishes shall be aligned with  
10    the geographic area composed of Hydrologic Unit Subbasins 08080101, 08080102,  
11    08080103, 08080201 and 08080202, as defined by the United States Geological  
12    Survey Watershed Boundary Dataset as of August 1, 2023. The Louisiana  
13    Watershed Flood Center at the University of Louisiana at Lafayette, in consultation  
14    with the office of state lands and the Coastal Protection and Restoration Authority,  
15    shall submit to the legislature a detailed legal description of the Acadiana Watershed  
16    District boundaries by January 1, 2024.

17    §3322. Purpose

18             The purpose of the district shall be to do the following:

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

21             (2) Participate in any activity designed and conducted to promote drainage  
22    and flood risk reduction within the boundaries of the district.

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

26             (4) Cooperate with local, state, and federal organizations and agencies  
27    engaged in planning and construction of drainage and flood reduction and mitigation  
28    projects in the state and region.

1           (5) Cooperate with local and state organizations and agencies engaged in  
2           establishing best practice development standards for flood-risk reduction and  
3           mitigation in the region.

4           §3323. Corporate status; domicile

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

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

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

16           D. The district shall recognize the Louisiana Watershed Flood Center as a  
17           center of excellence for watershed management for purposes of serving as a  
18           community resource and an authority on research-based data including but not  
19           limited to hydraulic and hydrologic data, watershed models, and innovative  
20           watershed practices.

21           E. The district shall be the primary and official repository for all data and  
22           models developed for Hydrologic Unit Subbasins 08080101, 08080102, 08080103,  
23           08080201, and 08080202 and shall also receive, own, operate, and maintain the LWI  
24           Region 5 hydrologic and hydraulic models and any derivative work therein.

25           F. The district shall be audited pursuant to R.S. 24:513.

26           §3324. Board of commissioners; appointments; terms; vacancies

27           A. The board of commissioners of the Acadiana Watershed District, referred  
28           to in this Chapter as the "board", is hereby created. The governance, control, and  
29           management of the affairs of the district shall be vested in the board.

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

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

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

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

8           C. The board may appoint a technical advisory committee to advise the  
9           board on scientific, engineering, and other technical matters. Committee members  
10          shall not have voting rights on the board of commissioners. The committee shall be  
11          composed of the following members, who shall be nominated by their respective  
12          constituent organizations:

13          (1) A representative of the Soil & Water Conservation District IV.

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

15          (3) A representative of the Louisiana Watershed Flood Center.

16          (4) A representative of the Louisiana Natural Resources Conservation  
17          Service of the United States Department of Agriculture Natural Resources  
18          Conservation Division.

19          (5) Two at-large members appointed by a municipality or municipalities with  
20          a population of thirty thousand or more and meeting the technical qualification  
21          requirements described in this Section.

22          (6) Two at-large members appointed by a municipality or municipalities with  
23          a population of less than thirty thousand and meeting the technical qualification  
24          requirements described in this Section.

25          (7) One member appointed by the secretary of the Department of  
26          Transportation and Development.

27          (8) One member appointed by the executive director of the Coastal  
28          Protection and Restoration Authority.

1           (9) One member appointed by the commander and district engineer of the  
2           New Orleans District, United States Army Corps of Engineers.

3           D. Members of the board shall serve terms concurrent with their term of  
4           office. Members of the technical advisory committee shall serve terms of three  
5           years, with the initial terms staggered in accordance with the board's bylaws.

6           E. Members of the board and the technical advisory committee shall reside  
7           within the boundaries of the district or any parish within which a portion of the  
8           district lies.

9           F. Designees and technical appointees shall have professional experience in  
10          engineering, project management, certified flood plain management, or other  
11          drainage-related field such as geosciences, hydrology, or water management.

12          §3325. Officers; vacancies; compensation

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

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

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

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

22          §3326. Bylaws; quorum

23          A. The board shall adopt such bylaws as it deems necessary or advisable for  
24          conducting its business affairs by January 1, 2024. Such bylaws shall include, but  
25          not be limited to the following:

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

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

4           (3) Frequency of meetings.

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

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

10          C. A majority of the membership of the board shall constitute a quorum for  
11          the transaction of business.

12          §3327. Powers and duties of the board

13           A. In order to accomplish the purposes for which the district is created, the  
14           board may purchase, acquire by donation, hold, sell, and convey immovable and  
15           movable property and execute such contracts as it may deem necessary or convenient  
16           to enable it to properly carry out the purposes for which it is created.

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

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

24           D. The board may levy a district drainage tax on all property within the  
25           boundaries of the district subject to taxation for drainage purposes. The tax shall not  
26           be levied unless the proposition to levy the tax is approved by a majority of the  
27           electors within the district boundaries who vote on the proposition.

28           E. In addition to the duties defined elsewhere in this Chapter, the board shall  
29           have the duty and authority to do the following:

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

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

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

7           (4) Enter into contracts, agreements, or cooperative endeavors with the state  
8           and its political subdivisions and with any public or private person to promote the  
9           public purposes of the district.

10          (5) Construct and maintain drainage works of all types, either in cooperation  
11          with public entities within the boundaries of the district, or upon its own undertaking.

12          Notwithstanding any other provision of this Chapter to the contrary, all works  
13          undertaken pursuant to the authority granted by this Section shall be performed in  
14          accordance with the provisions of R.S. 38:2211, et seq. Construction projects shall  
15          require approval of two-thirds of the total voting membership of the board. All other  
16          decisions, including technical, planning, and permitting decisions, shall require  
17          approval by a simple majority of the total voting membership.

18          (6) Develop and recommend watershed management practices and regional  
19          guidance within the district, insofar as those practices affect watershed management,  
20          that address the following:

21               (a) Planning.

22               (b) Permitting.

23               (c) Selection of and performing projects and programs.

24               (d) Resolution of conflicts among agencies.

25               (e) Use of best available science.

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

27               (g) Coordination with state agencies and political subdivisions regarding  
28          watershed management.

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

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

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

7           (k) Maintaining completed projects and programs.

8           (l) Defining qualifications for staff and contractors.

9           F. The board may develop a regional hazard mitigation plan consistent with  
10          parish hazard mitigation plans.

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

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

20          I. The board shall develop a master plan for comprehensive drainage, flood  
21          control, and water resource management through the construction and management  
22          of projects and programs, including planning, permitting, development, and  
23          waterway management. The plan should consider the Coastal Protection and  
24          Restoration Authority Master Plan and provide for public outreach.

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

28          K. The division of administration, Department of Transportation and  
29          Development, and the Coastal Protection and Restoration Authority shall not



1 displace, replace, or supplant state appropriations from the state general fund or other  
2 state funds designated for the district.

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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)]

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HB 476 Original

2023 Regular Session

Huval

**Abstract:** Creates the Acadiana Watershed District and provides for its boundaries, purpose, governance, authority to levy taxes within the district, and relation to other public entities related to watershed management.

Proposed law establishes the Acadiana Watershed District, provides for its purpose, and defines its geographic boundaries.

Proposed law provides for the district's corporate status, authority to incur debt, domicile, ownership, operation, and maintenance of a regional sensor network, and for recognition of the La. Watershed Flood Center at UL-Lafayette as a regional data resource.

Proposed law provides for the responsibilities and auditing of the district and for its use, storage, and maintenance of the LWI Region 5 hydrologic and hydraulic model.

Proposed law establishes a board of commissioners to govern and manage the affairs of the district to be composed of the following members:

- (1) The police jury presidents of the parishes of Acadia, Allen, Avoyelles, Calcasieu, Cameron, Evangeline, Jefferson Davis, Rapides, and Vermillion, or their respective designees.
- (2) The mayor-president of Lafayette Parish or his designee.
- (3) The parish presidents of the parishes of Iberia, Iberville, Pointe Coupee, St. Landry, St. Martin, and St. Mary, or their respective designees.

Proposed law provides for the creation of bylaws, for meetings, compensation, terms of service, and vacancies.

Proposed law authorizes the board to establish a technical advisory committee comprised of the following members:

- (1) A representative of the Soil & Water Conservation District IV.
- (2) A representative of the Teche-Vermilion Fresh Water District.
- (3) A representative of the La. Watershed Flood Center.
- (4) A representative of the La. Natural Resources Conservation Service of the U.S. Dept. of Agriculture Natural Resources Conservation Division.
- (5) Two at-large members appointed by a municipality or municipalities with a population of thirty thousand or more and meeting the technical qualifications requirements described in this Section.

- (6) Two at-large members appointed by a municipality or municipalities with a population of less than thirty thousand and meeting the technical qualification requirements described in this Section.
- (7) One member appointed by the secretary of the Dept. of Transportation and Development (DOTD).
- (8) One member appointed by the executive director of the Coastal Protection and Restoration Authority (CPRA).
- (9) One member appointed by the commander and district engineer of the New Orleans District, U.S. Army Corps of Engineers.

Proposed law provides for the powers of the board of commissioners, including that to acquire funding and property, to contract with public and private entities, to levy taxes on any property within the district subject to taxation, to advise state and local government on drainage and flooding issues, to conduct public hearings, to construct and maintain drainage works, to develop and recommend regional planning and practice guidance, and to develop and implement a waterway management plan and a comprehensive drainage, flood control, and water resource management plan.

Proposed law authorizes the district to develop a regional hazard mitigation plan that is consistent with parish hazard mitigation plans.

Proposed law precludes the division of administration, DOTD and the CPRA from displacing, replacing, or supplanting district funding.

(Amends the heading of Chapter 17 of Title 38; Adds R.S. 38:3321-3327)