

2023 Regular Session

SENATE BILL NO. 53

BY SENATOR BERNARD

SPECIAL DISTRICTS. Provides for the powers and authority of the commission of the Cane River Waterway District. (8/1/23)

1 AN ACT

2 To enact R.S. 34:3269(14), relative to the Cane River Waterway District; to provide relative
3 to the powers and authority of the Cane Waterway Commission; to provide with
4 respect to certain public roads; to provide with respect to certain properties that have
5 frontage on the waterway; to provide for an effective date; and to provide for related
6 matters.

7 Notice of intention to introduce this Act has been published.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 34:3269(14) is hereby enacted to read as follows:

10 §3269. Powers and authority

11 In addition to the powers and authority elsewhere granted in this Chapter, the
12 commission is hereby granted and shall have and may exercise all powers necessary
13 or convenient for the carrying out of its objects and purposes, including, but without
14 limiting the generality of the foregoing, the following:

15 * * *

16 **(14) To enter into cooperative endeavor agreements with the governing**
17 **authority for the parish of Natchitoches for the purpose of providing assistance**

- 1 with maintenance of public roads that are in the road maintenance system of
 2 Natchitoches Parish and provide access to properties that have frontage on
 3 Cane River Lake.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by James Benton.

DIGEST

SB 53 Engrossed

2023 Regular Session

Bernard

Present law provides for the following powers and authority of the district:

- (1) To sue and be sued, and as such to stand in judgment.
- (2) To adopt, use, and alter at will a corporate seal.
- (3) To acquire by purchase, donation, lease, or otherwise, and to hold and use any property, real, personal, or mixed, tangible or intangible, or any interest therein necessary or desirable for carrying out the objects and purposes of the commission; to sell, lease, transfer, and convey any property or interest therein at any time acquired by it; and to donate by fee simple title, or otherwise convey, to the United States any lands, property, movable and immovable, rights-of-way, easements, or servitudes, or any of them, which the commission may own or acquire by purchase, donation, or otherwise, for use in connection with the construction, improvement, and maintenance of the waterway.
- (4) After a public hearing, held after not less than 30 days notice printed in the official journal, to lease any portion of its lands and property except the waterway to any person, firm, partnership, association, or corporation, public or private, such leases to run for a term not exceeding 50 years.
- (5) To bear the expense, in whole or part, of the relocation, construction and maintenance of public ways within the lands acquired by the commission.
- (6) To effectuate and maintain proper depths of water to accommodate the business of the commission, and to regulate the use of water from the waterway.
- (7) To make and collect reasonable charges for the use of all structures, works, locks, wharves, anchorages, and special facilities constructed and administered by the commission, and for any and all services rendered by it, but not for the general right of passage in the waterway, and to regulate reasonably the fees and charges to be made by privately owned wharves, docks, warehouses, elevators, and other facilities located on property owned by the commission or located within the right-of-way of the waterway when the same are offered for the use of the public.
- (8) For capital outlay, including the cost of acquisition of rights-of-way and compensation for such severance and other collateral damages necessarily incurred in connection with such acquisition, and for maintenance and operation of the waterway, to levy an annual tax in an amount not exceeding in any one year six mills on the dollar of the assessed valuation of all taxable property lying within the district.
- (9) (a) To incur nonfunded debt not to exceed in the aggregate the net of the unpledged estimated alimony revenue for the current year.
- (b) To issue certificates of indebtedness due not more than one year after date

and as security therefor pledge not to exceed 75% of the estimated alimony tax revenue for the current year.

- (c) To fund into bonds of the commission from time to time, in such principal amount as may be necessary for the accomplishment of the capital outlay purposes required, all or any portion of the five mills capital outlay tax hereinabove provided for, and to prescribe the conditions and details of such bonds.
- (10) To enter upon any lands, waters, and premises in the state for the purpose of making surveys, soundings, drillings, examinations, and appraisals, as it may deem necessary or convenient for the purposes of present law, and such entry shall not be deemed a trespass nor shall such entry for such purpose be deemed an entry under any expropriation proceedings which may be pending, provided that five days registered notice in the case of resident owners and fifteen days registered notice in the case of nonresident owners be given to the owner of record of such lands, waters, or premises as reflected by the parish assessment rolls, which notice shall be mailed to the last known address of said owner, as shown on said assessment records. The commission shall make reimbursement for any actual damages resulting to such lands, waters, or premises as a result of such activities.
- (11) To reimburse the United States for any money spent by it in the acquisition of any lands, property, servitudes, easements, or rights-of-way for use in connection with the construction, improvement, or maintenance of the waterway.
- (12) To acquire by purchase or donation, but not by expropriation, and thereafter donate or otherwise convey to the United States any lands, servitudes, or rights-of-way required by the United States Army, Corps of Engineers for the construction of public recreation sites along the waterway. The commission shall have no authority under present law to expropriate property for recreational purposes.
- (13) Notwithstanding any provision of law to the contrary, to otherwise regulate and be the regulatory authority of the Cane River Waterway and its use.

Proposed law retains present law and adds the additional authority to maintain public roads that are in the road maintenance system of Natchitoches Parish, and provide access to properties that have frontage on Cane River Lake.

Effective August 1, 2023.

(Adds R.S. 34:3269(14))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Local and Municipal Affairs to the original bill

1. Specifies the waterway for which the commission and the governing authority of Natchitoches Parish shall enter into a cooperative endeavor agreement for the maintenance of.