

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

14 §3322. Purpose

15 The purpose of the district shall be to:

16 (1) Participate in any activity designed and conducted to promote
17 drainage and flood-risk reduction within the boundaries of the district.

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

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

23 (4) Cooperate with local, state, and federal entities engaged in planning
24 and construction of drainage and flood reduction and mitigation projects in the
25 state and region.

26 (5) Cooperate with local and state entities engaged in establishing best
27 practice development standards for flood-risk reduction and mitigation in the
28 region.

29 §3323. Corporate status; domicile

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

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

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

12 D. The district shall recognize the Louisiana Watershed Flood Center at
13 the University of Louisiana at Lafayette as a center of excellence for watershed
14 management for the purposes of serving as a community resource and authority
15 on research-based data including but not limited to hydraulic and hydrologic
16 data, watershed models, and innovative watershed practices.

17 E. The district shall be the primary and official repository for all data
18 and models developed for Hydrologic Unit Subbasins 08080101, 08080102,
19 08080103, 08080201, and 08080202. By entering into a cooperative endeavor
20 agreement with the state, the district shall be recognized as the primary entity
21 responsible for and charged with operating, managing, and maintaining the
22 Louisiana Watershed Initiative Region 5 hydrologic and hydraulic models and
23 any derivative work therein.

24 F. The district shall be audited pursuant to R.S. 24:513.
25 §3324. Board of commissioners; appointments; terms; vacancies

26 A. The Board of Commissioners of the Acadiana Watershed District,
27 referred to in this Chapter as the "board", is hereby created. The governance,
28 control, and management of the affairs of the district shall be vested in the
29 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**
4 **their 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**
7 **Coupee, 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**
10 **members shall not have voting rights on the board of commissioners. The**
11 **committee shall be composed of the following members, who shall be nominated**
12 **by their respective constituent organizations:**

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

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

15 **(3) A representative of the University of Louisiana at Lafayette**
16 **Watershed Flood Center.**

17 **(4) A representative of the Louisiana Natural Resources Conservation**
18 **Service of the U.S. Department of Agriculture Natural Resources Conservation**
19 **Division.**

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

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

26 **(7) One member nominated by the secretary of the Department of**
27 **Transportation and Development.**

28 **(8) One member nominated by the executive director of the Coastal**
29 **Protection and Restoration Authority.**

1 (9) One member nominated by the Commander and District Engineer
2 of the New Orleans District, U.S. Army Corps of Engineers.

3 D. All public officials or designees serving on the board shall serve terms
4 concurrent with their term of office. Technical advisory committee members
5 shall serve terms of three years, with the initial terms staggered in accordance
6 with the board's bylaws.

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

10 F. Board member designees and technical advisory committee appointees
11 shall have professional experience in engineering, project management, certified
12 flood plain management, or other drainage-related field such as geosciences,
13 hydrology, or water management.

14 §3325. Officers; vacancies; compensation

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

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

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

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

25 §3326. Bylaws; quorum

26 A. The board shall adopt bylaws as it deems necessary or advisable for
27 conducting its business affairs by January 1, 2024. The bylaws shall include but
28 not be limited to:

29 (1) Procedures for the election of officers, including initial terms of office

1 and methods and grounds for removal of officers.

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

5 (3) Frequency of meetings.

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

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

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

13 §3327. Powers and duties of the board

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

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

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

27 D. The board may levy a district drainage tax on all property within the
28 boundaries of the district subject to taxation for drainage purposes. The tax
29 shall not be levied unless the proposition to levy the tax is approved by a

1 majority of the electors within the district boundaries who vote on the
2 proposition.

3 E. In addition to the duties defined elsewhere in this Chapter, the board
4 shall have the duty and authority to:

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

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

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

11 (4) Enter into contracts, agreements, or cooperative endeavors with the
12 state and its political subdivisions and with any public or private entity to
13 promote the public purposes of the district.

14 (5) Construct and maintain drainage works of all types, either in
15 cooperation with public entities within the boundaries of the district or upon its
16 own undertaking. Notwithstanding any other provisions of this Chapter to the
17 contrary, all works undertaken pursuant to the authority granted by this
18 Section shall be performed in accordance with the provisions of R.S. 38:2211 et
19 seq. Construction projects shall require approval of two-thirds of the total
20 voting membership of the board. All other decisions, including technical,
21 planning, and permitting decisions, shall require approval by a simple majority
22 of the total voting membership.

23 (6) Develop and recommend watershed management practices and
24 regional guidance within the district that address the following:

25 (a) Planning.

26 (b) Permitting.

27 (c) Selection and performance of projects and programs.

28 (d) Resolution of conflicts among agencies.

29 (e) Use of best available science.

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

2 (g) Coordination with state agencies and political subdivisions regarding
3 watershed management.

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

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

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

10 (k) Maintaining completed projects and programs.

11 (l) Defining qualifications for staff and contractors.

12 F. The board may develop a regional hazard mitigation plan consistent
13 with parish hazard mitigation plans.

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

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

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

29 J. The board, with the approval of the representative parish governing

1 **authorities, shall appoint an administrative body to carry out the purposes of**
 2 **this Chapter.**

3 **K. Nothing in this Chapter shall interfere with the statutorily-granted**
 4 **authority of any state agency or local government.**

The original instrument was prepared by Jacob Wilson. The following digest, which does not constitute a part of the legislative instrument, was prepared by James Benton.

DIGEST

SB 102 Engrossed

2023 Regular Session

Fred Mills

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 and its authority to incur debt, for a domicile within Lafayette and central to the district, for ownership, operation, and maintenance of a regional sensor network, and for recognition of the Louisiana 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, provides for the membership appointments, for creation of bylaws, for meetings, for a technical advisory committee comprised of non-voting members, for compensation of board members, for terms, and for replacement of board members.

Proposed law provides that the board shall be comprised of the following members:

- (1) The police jury presidents of the parishes of Acadia, Allen, Avoyelles, Calcasieu, Cameron, Evangeline, Jefferson Davis, Rapides, and Vermilion, 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 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 provides that by entering into a cooperative endeavor agreement with the state, the district shall be recognized as the primary entity responsible for and charged with operating, managing, and maintaining models and any derivative work.

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, Dept. of Transportation and Development, and the Coastal Protection and Restoration Authority from displacing, replacing, or supplanting district funding.

Effective August 1, 2023.

(Enacts R.S. 38:3321-3327)

Summary of Amendments Adopted by Senate

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

1. Properly references the city and parish of Lafayette.
2. Adds the mayor-president of Lafayette to the board of commissioners of the district.
3. Specifies that by entering into a cooperative endeavor agreement with the state, the district shall be recognized as the primary entity responsible for and charged with operating, managing, and maintaining models and any derivative work