

2024 Regular Session

SENATE BILL NO. 389

BY SENATOR PRICE

LEVEES. Changes the name of the Lafourche Basin Levee District. (8/1/24)

1 AN ACT

2 To amend and reenact R.S. 38:101(C), 103(B), 291(F)(1), 325(C)(2) and (4), 326.1,
3 326.3(A) and (E), 326.4(A), 329.1(C), 329.2(A), 332, 334, 421(E), 3086.24(J)(1) and
4 R.S. 49:214.6.8(B)(1)(c), relative to the Lafourche Basin Levee District; to change
5 the name of the Lafourche Basin Levee District; and to provide for related matters.

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

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 38:101(C), 103(B), 291(F)(1), 325(C)(2) and (4), 326.1, 326.3(A) and
9 (E), 326.4(A), 329.1(C), 329.2(A), 332, 334, 421(E), and 3086.24(J)(1) are hereby amended
10 and reenacted to read as follows:

11 §101. West Bank hurricane protection projects

12 * * *

13 C. Upon completion of the construction of the hurricane protection projects,
14 the responsibility for maintenance and operation of the hurricane protection system
15 shall be assumed by the West Jefferson Levee District, the Orleans Levee District,
16 Plaquemines Parish, and the Lafourche Basin **Conservation** Levee **and Drainage**
17 District, respectively for those portions of the system within each of the parishes.

1 * * *

2 §103. Coordination and cooperation

3 * * *

4 B. The chairman of the Coastal Protection and Restoration Authority Board
5 or the Coastal Protection and Restoration Authority is authorized to call upon the
6 West Jefferson Levee District, the Orleans Levee District, Plaquemines Parish,
7 Lafourche Basin **Conservation** Levee **and Drainage** District, and all other
8 commissions and districts and state agencies, departments, and political subdivisions
9 of the state for full and complete cooperation and assistance in carrying out the
10 provisions of this Chapter, and all such entities are hereby directed and it shall be
11 their duty to cooperate and assist in carrying out the provisions of this Chapter to the
12 fullest extent possible.

13 * * *

14 §291. Naming; limits of districts; composition of boards

15 * * *

16 F. Lafourche Basin **Conservation** Levee **and Drainage** District. (1) All the
17 parishes or parts of parishes, except the parishes of Lafourche, Orleans, Jefferson,
18 and Plaquemines, lying in a district between the Bayou Lafourche, the Mississippi
19 River, and the Gulf of Mexico, heretofore known as the Third Levee District, and
20 comprising a portion of the following parishes: Ascension, St. James, St. John the
21 Baptist, St. Charles, and Assumption shall be embraced in the limits of a levee
22 district to be known as the Lafourche Basin **Conservation** Levee **and Drainage**
23 District.

24 * * *

25 §325. Scope of activities

26 * * *

27 C.(1) * * *

28 (2) However, nothing in this Chapter shall be construed to in any way limit,
29 restrict, inhibit, or alter the full and exclusive right, jurisdiction, power, and authority

1 of the Orleans Levee District as granted in R.S. 38:307, 335, and 336 or of the
2 Lafourche Basin **Conservation** Levee **and Drainage** District as granted in R.S.
3 38:334.

4 * * *

5 (4) Nothing contained in this Chapter shall be construed to limit or prohibit
6 the construction with federal matching funds of recreational facilities which are part
7 of a federally approved flood control program situated south from Donaldsonville
8 to the Gulf of Mexico, within the Lafourche Basin **Conservation** Levee **and**
9 **Drainage** District.

10 * * *

11 §326.1. Authority of Lafourche Basin **Conservation** Levee **and Drainage** District
12 police officer; contracts with sheriffs' offices

13 A. Those persons who are designated Lafourche Basin **Conservation** Levee
14 **and Drainage** District police officers in accordance with this Section are responsible
15 for maintaining order and exercising general police power on the levees within the
16 area of the Lafourche Basin **Conservation** Levee **and Drainage** District and upon
17 its surrounding waters in accordance with the rules and regulations promulgated for
18 that purpose by the secretary of the Department of Public Safety and Corrections or
19 his designee. Each such person nominated as a police officer by the president of the
20 Lafourche Basin **Conservation** Levee **and Drainage** District shall, upon meeting
21 the requirements of this Section, be commissioned as a peace officer by the
22 Department of Public Safety and Corrections. Such commission shall remain in force
23 and effect at the pleasure of the president of the Lafourche Basin **Conservation**
24 Levee **and Drainage** District and the Department of Public Safety and Corrections
25 subject to applicable civil service regulations. These police officers shall have the
26 right to carry concealed weapons and to exercise the power of arrest as peace
27 officers, according to law, within the area of their jurisdiction as provided herein.
28 Each such police officer shall execute a bond in the amount of three hundred
29 thousand dollars in favor of the State of Louisiana for the faithful performance of his

1 duties. The premium on the bond shall be paid by the levee district. Any other
2 provisions of this Section to the contrary notwithstanding this classification shall not
3 entitle persons to state supplemental pay.

4 B. Any person arrested by a Lafourche Basin **Conservation** Levee **and**
5 **Drainage** District police officer, in the exercise of the power hereinabove granted,
6 shall be immediately transferred by such officer to the custody of the sheriff or city
7 police wherein the arrest occurs.

8 C. No person shall be commissioned as a Lafourche Basin **Conservation**
9 Levee **and Drainage** District police officer, unless prior to such commissioning the
10 person has, as a minimum requirement, successfully completed a certified law
11 enforcement training course and basic firearms training program, including any
12 annual recertification, and meets the other requirements set by the secretary of the
13 Department of Public Safety and Corrections or his designee.

14 D. In no event shall the total membership of the Lafourche Basin
15 **Conservation** Levee **and Drainage** District Police Force exceed four members. All
16 members shall be in the classified service of the state. The board of commissioners
17 is hereby authorized to expend whatever funds are necessary for the operation and
18 maintenance of the police force.

19 E. In addition to the provisions of this Section or any other provision of law,
20 the president of the Lafourche Basin **Conservation** Levee **and Drainage** District
21 may contract with sheriffs' offices within the area of the Lafourche Basin
22 **Conservation** Levee **and Drainage** District for purposes of providing police
23 protection and surveillance of the levee system. No such contract shall be binding or
24 effective until approved by the board of commissioners of the Lafourche Basin
25 **Conservation** Levee **and Drainage** District in a public meeting by a record vote of
26 a majority of its membership.

27 * * *

28 §326.3. Combined police authority; jurisdiction; administrative responsibilities;
29 personnel, equipment, and expenses

1 A. In addition to the authority, restrictions, requirements, and other
2 provisions of R.S. 38:326 and 326.1, and notwithstanding any other provision of law
3 to the contrary, the Port of South Louisiana, the Lafourche Basin **Conservation**
4 Levee **and Drainage** District, and the Pontchartrain Levee District may coordinate
5 and cooperate jointly with each other to maintain order and to exercise general police
6 power within the areas of such port and districts and upon their levees.

7 * * *

8 E. Neither the Port of South Louisiana, the Lafourche Basin **Conservation**
9 Levee **and Drainage** District, or the Pontchartrain Levee District shall authorize any
10 additional funding for a position beyond the limits of its budget.

11 §326.4. Lafourche Basin **Conservation** Levee **and Drainage** District; executive
12 director; assistant executive director; duties

13 A. The positions of executive director and assistant executive director of the
14 board of commissioners of the Lafourche Basin **Conservation** Levee **and Drainage**
15 District are hereby created. The executive director and assistant executive director
16 shall be appointed by the board. The executive director, on behalf of and as
17 authorized or directed by the board, shall administer the affairs of the district. The
18 assistant executive director shall assist the executive director in all of his functions
19 and duties as deemed necessary by the executive director.

20 * * *

21 §329.1. South Lafourche Levee District; additional powers and duties; certain
22 payments

23 * * *

24 C. Because the Lafourche Basin **Conservation** Levee **and Drainage** District
25 continues to provide mainline Mississippi River levee protection which is beneficial
26 to Lafourche Parish, the South Lafourche Levee District shall make payments to the
27 Lafourche Basin Levee District as follows:

28 (1) For the year 2007, thirty-five percent of the 2006 mineral revenues
29 received on any lands within the boundaries of the South Lafourche Levee District

1 that were previously owned by the Lafourche Basin Conservation Levee and
2 Drainage District.

3 (2) For the year 2008, twenty-five percent of the 2007 mineral revenues
4 received on any lands within the boundaries of the South Lafourche Levee District
5 that were previously owned by the Lafourche Basin Conservation Levee and
6 Drainage District.

7 (3) For the year 2009 and thereafter, fifteen percent of the mineral revenues
8 received on any lands within the boundaries of the South Lafourche Levee District
9 that were previously owned by the Lafourche Basin Conservation Levee and
10 Drainage District.

11 §329.2. North Lafourche Conservation, Levee and Drainage District; ad valorem tax
12 and mineral revenues

13 A. Because the Lafourche Basin Conservation Levee and Drainage District
14 continues to provide mainline Mississippi River levee protection which is beneficial
15 to Lafourche Parish, the North Lafourche Conservation, Levee and Drainage District
16 and the Lafourche Basin Conservation Levee and Drainage District shall share
17 both the ad valorem property taxes received from such tax levied annually, not to
18 exceed five mills, pursuant to Article VI, Section 39(A) of the Constitution of
19 Louisiana and R.S. 38:404, for levee protection on any lands located in the parish of
20 Lafourche lying north of the northern bank of the Intracoastal Canal and east of the
21 Bayou Lafourche, and the mineral revenues received on any lands within the
22 territorial boundaries of the North Lafourche Conservation, Levee and Drainage
23 District that were previously owned by the Lafourche Basin Conservation Levee
24 and Drainage District in the percentages as follows:

25 (1) For the tax year 2007, thirty-five percent to the Lafourche Basin
26 Conservation Levee and Drainage District and sixty-five percent to the North
27 Lafourche Conservation, Levee and Drainage District of such levied 2006 ad
28 valorem property taxes received and mineral revenues received by said levee
29 districts.

1 (2) For the tax year 2008, twenty-five percent to the Lafourche Basin
2 Conservation Levee and Drainage District and seventy-five percent to the North
3 Lafourche Conservation, Levee and Drainage District of such levied 2007 ad
4 valorem property taxes received and mineral revenues received by said levee
5 districts.

6 (3) For the tax year 2009 and each tax year thereafter, fifteen percent to the
7 Lafourche Basin Conservation Levee and Drainage District and eighty-five percent
8 to the North Lafourche Conservation, Levee and Drainage District of such levied
9 2008 ad valorem property taxes received, and such levied ad valorem property taxes
10 received each year thereafter, and mineral revenues received by said levee districts.

11 * * *

12 §332. Representatives of the boards of commissioners of the Lafourche Basin
13 Conservation Levee and Drainage District and the Atchafalaya
14 Basin Levee District to attend meetings of board

15 The boards of commissioners of Lafourche Basin Conservation Levee and
16 Drainage District and the Atchafalaya Basin Levee District shall each select from
17 among their membership, exclusive of the presidents thereof, an official
18 representative to the South Lafourche Levee District and an official representative
19 to the North Lafourche Conservation, Levee and Drainage District who shall attend
20 each meeting of the two levee boards and make reports on the proceedings thereof
21 to their respective boards of commissioners. Each such representative during the
22 meetings of the boards of commissioners of the South Lafourche Levee District and
23 the North Lafourche Conservation, Levee and Drainage District shall be afforded a
24 reasonable opportunity to be heard on matters of interest to his respective levee
25 district while the matters are being considered by the boards of commissioners.

26 §334. Revenue utilization; Lafourche Basin Conservation Levee and Drainage
27 District

28 A.(1) Of all the taxes collected by the Lafourche Basin Conservation Levee
29 and Drainage District from property located within St. Charles Parish located west

1 of the Mississippi River, not less than fifty-seven percent of the tax monies shall be
 2 expended for the purposes of levee construction, levee maintenance, and other flood
 3 control and drainage works within that parish. These expenditures shall be in cash
 4 or in-kind services as determined by the parish governing body. When such funds are
 5 expended within St. Charles Parish, in-kind services shall not exceed fifty percent
 6 of such expenditures. Expenditures shall be certified as received by the parish's
 7 governing body at the end of each fiscal year.

8 (2) The provisions of Paragraph (1) of this Subsection shall not apply during
 9 any tax year in which the Lafourche Basin **Conservation** Levee **and Drainage**
 10 District maintains the St. Charles Parish West Bank Hurricane Protection Levee
 11 system, including the West Bank and general vicinity, Western Tie-In, Davis Pond
 12 Freshwater Diversion Levee, Willowridge Levee, Ellington Levee, Magnolia Ridge
 13 Levee, and Sunset Drainage District Levee, as a whole or as each section is
 14 transferred to the Lafourche Basin **Conservation** Levee **and Drainage** District for
 15 maintenance, operation, and control, subject to any amendments made by the state
 16 of Louisiana.

17 B. No provision of this Part or of any other law shall be construed so as to
 18 prohibit the Lafourche Basin **Conservation** Levee **and Drainage** District from the
 19 use of public funds to engage in general drainage work not incidental to the
 20 construction and maintenance of levees in the jurisdictional boundaries of the
 21 Lafourche Basin **Conservation** Levee **and Drainage** District.

22 * * *

23 §421. Local assessments or forced contributions

24 * * *

25 E. Lafourche Basin **Conservation** Levee **and Drainage** District. The board
 26 of commissioners of the Lafourche Basin **Conservation** Levee **and Drainage**
 27 District may levy annually a local assessment or forced contribution of two and one-
 28 half cents per acre on all lands within the district and one hundred dollars per mile
 29 on all standard gauge lines on railroads in the district upon railroads now constructed

1 and which may be constructed in this state whose entire length does not exceed one
2 hundred miles. The mileage assessment or forced contribution to be borne by the
3 shorter roads shall not exceed fifty dollars per mile.

4 * * *

5 §3086.24. Powers

6 * * *

7 J.(1) The board shall have full power and authority to cooperate and contract
8 with the United States government, or any of its agencies, the state of Louisiana, or
9 any of its departments, agencies, commissions, districts, or other political
10 subdivisions, or with any person, firm, partnership, or corporation, with the view of
11 accomplishing the construction, maintenance, and operation of pumping facilities
12 and appurtenant pipeline facilities, the purpose of which would be to provide fresh
13 water for Bayou Lafourche. In the event that such pumping facilities and appurtenant
14 pipeline facilities are constructed, erected, or installed by the state of Louisiana, the
15 office of engineering of the Department of Transportation and Development, state
16 of Louisiana, the Coastal Protection and Restoration Authority Board, the board of
17 commissioners for the Lafourche Basin Conservation Levee and Drainage District,
18 the board of commissioners for the Atchafalaya Basin Levee District, the board of
19 commissioners for the Lafourche Parish Water District No. 1 or other local interests,
20 and the board of commissioners for the Bayou Lafourche Fresh Water District, or
21 any of them, it shall be the obligation of the board of commissioners for the Bayou
22 Lafourche Fresh Water District, and the board is hereby authorized and directed to
23 operate and maintain such pumping and pipeline facilities so as to provide an
24 adequate supply of fresh water in Bayou Lafourche.

25 * * *

26 Section 2: R.S. 49:214.6.8(B)(1)(c) is hereby amended and reenacted to read as
27 follows:

28 §214.6.8. Coastal Louisiana Levee Consortium; establishment; purposes

29 * * *

1 B.(1) The members of the consortium shall consist of the director, general
2 manager, or president, or their designee, of each board of commissioners of a coastal
3 levee district or flood protection authority, including the following:

4 * * *

5 (c) Lafourche Basin **Conservation** Levee **and Drainage** District.

6 * * *

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Archana D. Cadge.

SB 389 Original	DIGEST 2024 Regular Session	Price
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Present law creates the Lafourche Basin Levee District.

Present law provides for the limits, responsibilities of the board of commissioners, and the police of the Lafourche Basin Levee District.

Proposed law retains present law and changes the name from Lafourche Basin Levee District to Lafourche Basin Conservation Levee and Drainage District.

Effective August 1, 2024.

(Amends R.S. 38:101(C), 103(B), 291(F)(1), 325(C)(2) and (4), 326.1, 326.3(A) and (E), 326.4(A), 329.1(C), 329.2(A), 332, 334, 421(E), 3086.24(J)(1) and R.S. 49:214.6.8(B)(1)(c))