

SENATE BILL NO. 389

BY SENATOR PRICE

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AN ACT

To amend and reenact 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), relative to the Lafourche Basin Levee District; to change the name of the Lafourche Basin Levee District; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. 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), and 3086.24(J)(1) are hereby amended and reenacted to read as follows:

§101. West Bank hurricane protection projects

* * *

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

* * *

§103. Coordination and cooperation

* * *

B. The chairman of the Coastal Protection and Restoration Authority Board or the Coastal Protection and Restoration Authority is authorized to call upon the West Jefferson Levee District, the Orleans Levee District, Plaquemines Parish, Lafourche Basin **Conservation** Levee **and Drainage** District, and all other commissions and districts and state agencies, departments, and political subdivisions of the state for full and complete cooperation and assistance in carrying out the

1 provisions of this Chapter, and all such entities are hereby directed and it shall be
2 their duty to cooperate and assist in carrying out the provisions of this Chapter to the
3 fullest extent possible.

4 * * *

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

6 * * *

7 F. Lafourche Basin Conservation Levee and Drainage District. (1) All the
8 parishes or parts of parishes, except the parishes of Lafourche, Orleans, Jefferson,
9 and Plaquemines, lying in a district between the Bayou Lafourche, the Mississippi
10 River, and the Gulf of Mexico, heretofore known as the Third Levee District, and
11 comprising a portion of the following parishes: Ascension, St. James, St. John the
12 Baptist, St. Charles, and Assumption shall be embraced in the limits of a levee
13 district to be known as the Lafourche Basin Conservation Levee and Drainage
14 District.

15 * * *

16 §325. Scope of activities

17 * * *

18 C.(1)

* * *

19 (2) However, nothing in this Chapter shall be construed to in any way limit,
20 restrict, inhibit, or alter the full and exclusive right, jurisdiction, power, and authority
21 of the Orleans Levee District as granted in R.S. 38:307, 335, and 336 or of the
22 Lafourche Basin Conservation Levee and Drainage District as granted in R.S.
23 38:334.

24 * * *

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

30 * * *

1 §326.1. Authority of Lafourche Basin Conservation Levee **and Drainage** District
2 police officer; contracts with sheriffs' offices

3 A. Those persons who are designated Lafourche Basin Conservation Levee
4 **and Drainage** District police officers in accordance with this Section are responsible
5 for maintaining order and exercising general police power on the levees within the
6 area of the Lafourche Basin Conservation Levee **and Drainage** District and upon
7 its surrounding waters in accordance with the rules and regulations promulgated for
8 that purpose by the secretary of the Department of Public Safety and Corrections or
9 his designee. Each such person nominated as a police officer by the president of the
10 Lafourche Basin Conservation Levee **and Drainage** District shall, upon meeting
11 the requirements of this Section, be commissioned as a peace officer by the
12 Department of Public Safety and Corrections. Such commission shall remain in force
13 and effect at the pleasure of the president of the Lafourche Basin Conservation
14 Levee **and Drainage** District and the Department of Public Safety and Corrections
15 subject to applicable civil service regulations. These police officers shall have the
16 right to carry concealed weapons and to exercise the power of arrest as peace
17 officers, according to law, within the area of their jurisdiction as provided herein.
18 Each such police officer shall execute a bond in the amount of three hundred
19 thousand dollars in favor of the State of Louisiana for the faithful performance of his
20 duties. The premium on the bond shall be paid by the levee district. Any other
21 provisions of this Section to the contrary notwithstanding this classification shall not
22 entitle persons to state supplemental pay.

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

27 C. No person shall be commissioned as a Lafourche Basin Conservation
28 Levee **and Drainage** District police officer, unless prior to such commissioning the
29 person has, as a minimum requirement, successfully completed a certified law
30 enforcement training course and basic firearms training program, including any

1 annual recertification, and meets the other requirements set by the secretary of the
 2 Department of Public Safety and Corrections or his designee.

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

8 E. In addition to the provisions of this Section or any other provision of law,
 9 the president of the Lafourche Basin Conservation Levee and Drainage District
 10 may contract with sheriffs' offices within the area of the Lafourche Basin
 11 Conservation Levee and Drainage District for purposes of providing police
 12 protection and surveillance of the levee system. No such contract shall be binding or
 13 effective until approved by the board of commissioners of the Lafourche Basin
 14 Conservation Levee and Drainage District in a public meeting by a record vote of
 15 a majority of its membership.

16 * * *

17 §326.3. Combined police authority; jurisdiction; administrative responsibilities;
 18 personnel, equipment, and expenses

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

25 * * *

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

29 §326.4. Lafourche Basin Conservation Levee and Drainage District; executive
 30 director; assistant executive director; duties

1 A. The positions of executive director and assistant executive director of the
 2 board of commissioners of the Lafourche Basin Conservation Levee and Drainage
 3 District are hereby created. The executive director and assistant executive director
 4 shall be appointed by the board. The executive director, on behalf of and as
 5 authorized or directed by the board, shall administer the affairs of the district. The
 6 assistant executive director shall assist the executive director in all of his functions
 7 and duties as deemed necessary by the executive director.

8 * * *

9 §329.1. South Lafourche Levee District; additional powers and duties; certain
 10 payments

11 * * *

12 C. Because the Lafourche Basin Conservation Levee and Drainage District
 13 continues to provide mainline Mississippi River levee protection which is beneficial
 14 to Lafourche Parish, the South Lafourche Levee District shall make payments to the
 15 Lafourche Basin Conservation Levee and Drainage District as follows:

16 (1) For the year 2007, thirty-five percent of the 2006 mineral revenues
 17 received on any lands within the boundaries of the South Lafourche Levee District
 18 that were previously owned by the Lafourche Basin Conservation Levee and
 19 Drainage District.

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

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

28 §329.2. North Lafourche Conservation, Levee and Drainage District; ad valorem tax
 29 and mineral revenues

30 A. Because the Lafourche Basin Conservation Levee and Drainage District

1 continues to provide mainline Mississippi River levee protection which is beneficial
 2 to Lafourche Parish, the North Lafourche Conservation, Levee and Drainage District
 3 and the Lafourche Basin Conservation Levee **and Drainage** District shall share
 4 both the ad valorem property taxes received from such tax levied annually, not to
 5 exceed five mills, pursuant to Article VI, Section 39(A) of the Constitution of
 6 Louisiana and R.S. 38:404, for levee protection on any lands located in the parish of
 7 Lafourche lying north of the northern bank of the Intracoastal Canal and east of the
 8 Bayou Lafourche, and the mineral revenues received on any lands within the
 9 territorial boundaries of the North Lafourche Conservation, Levee and Drainage
 10 District that were previously owned by the Lafourche Basin Conservation Levee
 11 **and Drainage** District in the percentages as follows:

12 (1) For the tax year 2007, thirty-five percent to the Lafourche Basin
 13 Conservation Levee **and Drainage** District and sixty-five percent to the North
 14 Lafourche Conservation, Levee and Drainage District of such levied 2006 ad
 15 valorem property taxes received and mineral revenues received by ~~said~~ **the** levee
 16 districts.

17 (2) For the tax year 2008, twenty-five percent to the Lafourche Basin
 18 Conservation Levee **and Drainage** District and seventy-five percent to the North
 19 Lafourche Conservation, Levee and Drainage District of such levied 2007 ad
 20 valorem property taxes received and mineral revenues received by ~~said~~ **the** levee
 21 districts.

22 (3) For the tax year 2009 and each tax year thereafter, fifteen percent to the
 23 Lafourche Basin Conservation Levee **and Drainage** District and eighty-five percent
 24 to the North Lafourche Conservation, Levee and Drainage District of such levied
 25 2008 ad valorem property taxes received, and such levied ad valorem property taxes
 26 received each year thereafter, and mineral revenues received by ~~said~~ **the** levee
 27 districts.

28 * * *

29 §332. Representatives of the boards of commissioners of the Lafourche Basin
 30 Conservation Levee **and Drainage** District and the Atchafalaya

1 Basin Levee District to attend meetings of board

2 The boards of commissioners of Lafourche Basin **Conservation** Levee **and**
 3 **Drainage** District and the Atchafalaya Basin Levee District shall each select from
 4 among their membership, exclusive of the presidents thereof, an official
 5 representative to the South Lafourche Levee District and an official representative
 6 to the North Lafourche Conservation, Levee and Drainage District who shall attend
 7 each meeting of the two levee boards and make reports on the proceedings thereof
 8 to their respective boards of commissioners. Each such representative during the
 9 meetings of the boards of commissioners of the South Lafourche Levee District and
 10 the North Lafourche Conservation, Levee and Drainage District shall be afforded a
 11 reasonable opportunity to be heard on matters of interest to his respective levee
 12 district while the matters are being considered by the boards of commissioners.

13 §334. Revenue utilization; Lafourche Basin **Conservation** Levee **and Drainage**
 14 District

15 A.(1) Of all the taxes collected by the Lafourche Basin **Conservation** Levee
 16 **and Drainage** District from property located within St. Charles Parish located west
 17 of the Mississippi River, not less than fifty-seven percent of the tax monies shall be
 18 expended for the purposes of levee construction, levee maintenance, and other flood
 19 control and drainage works within that parish. These expenditures shall be in cash
 20 or in-kind services as determined by the parish governing body. When such funds are
 21 expended within St. Charles Parish, in-kind services shall not exceed fifty percent
 22 of such expenditures. Expenditures shall be certified as received by the parish's
 23 governing body at the end of each fiscal year.

24 (2) The provisions of Paragraph (1) of this Subsection shall not apply during
 25 any tax year in which the Lafourche Basin **Conservation** Levee **and Drainage**
 26 District maintains the St. Charles Parish West Bank Hurricane Protection Levee
 27 system, including the West Bank and general vicinity, Western Tie-In, Davis Pond
 28 Freshwater Diversion Levee, Willowridge Levee, Ellington Levee, Magnolia Ridge
 29 Levee, and Sunset Drainage District Levee, as a whole or as each section is
 30 transferred to the Lafourche Basin **Conservation** Levee **and Drainage** District for

1 maintenance, operation, and control, subject to any amendments made by the state
2 of Louisiana.

3 B. No provision of this Part or of any other law shall be construed so as to
4 prohibit the Lafourche Basin Conservation Levee and Drainage District from the
5 use of public funds to engage in general drainage work not incidental to the
6 construction and maintenance of levees in the jurisdictional boundaries of the
7 Lafourche Basin Conservation Levee and Drainage District.

8 * * *

9 §421. Local assessments or forced contributions

10 * * *

11 E. Lafourche Basin Conservation Levee and Drainage District. The board
12 of commissioners of the Lafourche Basin Conservation Levee and Drainage
13 District may levy annually a local assessment or forced contribution of two and one-
14 half cents per acre on all lands within the district and one hundred dollars per mile
15 on all standard gauge lines on railroads in the district upon railroads now constructed
16 and which may be constructed in this state whose entire length does not exceed one
17 hundred miles. The mileage assessment or forced contribution to be borne by the
18 shorter roads shall not exceed fifty dollars per mile.

19 * * *

20 §3086.24. Powers

21 * * *

22 J.(1) The board shall have full power and authority to cooperate and contract
23 with the United States government, or any of its agencies, the state of Louisiana, or
24 any of its departments, agencies, commissions, districts, or other political
25 subdivisions, or with any person, firm, partnership, or corporation, with the view of
26 accomplishing the construction, maintenance, and operation of pumping facilities
27 and appurtenant pipeline facilities, the purpose of which would be to provide fresh
28 water for Bayou Lafourche. In the event that such pumping facilities and appurtenant
29 pipeline facilities are constructed, erected, or installed by the state of Louisiana, the
30 office of engineering of the Department of Transportation and Development, state

1 of Louisiana, the Coastal Protection and Restoration Authority Board, the board of
 2 commissioners for the Lafourche Basin Conservation Levee and Drainage District,
 3 the board of commissioners for the Atchafalaya Basin Levee District, the board of
 4 commissioners for the Lafourche Parish Water District No. 1 or other local interests,
 5 and the board of commissioners for the Bayou Lafourche Fresh Water District, or
 6 any of them, it shall be the obligation of the board of commissioners for the Bayou
 7 Lafourche Fresh Water District, and the board is hereby authorized and directed to
 8 operate and maintain such pumping and pipeline facilities so as to provide an
 9 adequate supply of fresh water in Bayou Lafourche.

* * *

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

§214.6.8. Coastal Louisiana Levee Consortium; establishment; purposes

* * *

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

* * *

(c) Lafourche Basin Conservation Levee and Drainage District.

* * *

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____