

Regular Session, 2011

HOUSE BILL NO. 334

BY REPRESENTATIVE CHAMPAGNE

VETOED
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Veto Message

AN ACT

To amend and reenact R.S. 38:291(AA)(1) and (2) and to enact R.S. 38:291(CC), relative to levee districts; to remove Vermilion Parish from the limits of the Chenier Plain Coastal Restoration and Protection Authority; to create the Vermilion Parish Levee, Hurricane Protection, and Conservation District; to provide for jurisdictional limits; to provide for a board of commissioners; to provide for appointment of commissioners, terms of office, and determination of domicile; to provide for an additional member of the Chenier Plain Coastal Restoration Protection Authority; and to provide for related matters.

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

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 38:291(AA)(1) and (2) are hereby amended and reenacted and R.S. 38:291(CC) is hereby enacted to read as follows:

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

* * *

AA. Chenier Plain Coastal Restoration and Protection Authority.

(1) All of the lands in the parishes of Calcasieu; and Cameron, ~~and Vermilion~~ shall be embraced in the limits of a levee district to be known as the Chenier Plain Coastal Restoration and Protection Authority. These lands and all property thereon situated, not exempt from taxation, shall be subject to the provisions of this Chapter.

(2) The governor shall appoint, subject to Senate confirmation, ~~nine~~ seven persons to serve as commissioners as follows:

(a) The police jury of Calcasieu Parish shall submit a list of six nominations, subject to ratification by the governing authority of Calcasieu Parish, and the governor shall appoint three members from the list.

(b) The police jury of Cameron Parish shall submit a list of six nominations, subject to ratification by the governing authority of Cameron Parish, and the governor shall appoint three members from the list.

~~(c) The police jury of Vermilion Parish shall submit a list of six nominations, subject to ratification by the governing authority of Vermilion Parish, and the governor shall appoint three members from the list.~~

(c) A person who is not a resident of either the Parish of Calcasieu nor the Parish of Cameron who shall be either an engineer or a professional in a related field such as geotechnical, hydrological, or environmental science.

* * *

CC. Vermilion Parish Levee, Hurricane Protection, and Conservation
District.

(1) All of the lands in the parish of Vermilion shall be embraced in the limits of a levee district to be known as the Vermilion Parish Levee, Hurricane Protection, and Conservation District. These lands and all property thereon situated, not exempt from taxation, shall be subject to the provisions of this Chapter.

(2) The governor shall appoint, subject to Senate confirmation, a board of commissioners consisting of nine persons who reside in Vermilion Parish located within the levee district and who meet the requirements of R.S. 38:304(A) as follows:

(a) Two members shall be appointed from the Vermilion Parish Police Jury.

(b) One member shall be appointed from the Abbeville Harbor and Terminal
Port Commission.

(c) One member shall be appointed from each of the following municipalities
within Vermilion Parish:

1 (i) City of Abbeville.

2 (ii) City of Kaplan.

3 (iii) Town of Erath.

4 (iv) Town of Gueydan.

5 (v) Town of Delcambre.

6 (vi) Village of Maurice.

7 (3) A vacancy created whether by reason of death, resignation, expiration of
8 term, or any other cause of a member of the board shall be filled in the same manner
9 as provided in Paragraph (2) of this Subsection.

10 (4)(a) The members of the board initially appointed shall at their first
11 meeting determine by lot their terms of office, which terms shall commence
12 immediately upon their appointment and shall expire, respectively, as follows: three
13 members in two years, three members in three years, and three members in four
14 years, from the first day of July immediately succeeding such appointment.

15 (b) All commissioners thereafter appointed, except a commissioner
16 appointed to fill an unexpired term, shall be appointed as provided in Paragraph (2)
17 of this Subsection for staggered terms of four years, which shall expire on July first
18 of the fourth year of the term to which he is appointed, or until his successor is
19 appointed and takes office.

20 (c) No member shall serve more than four consecutive three-year terms;
21 however, if a person has been appointed to fill more than one-half of an unexpired
22 term, such person shall be eligible to serve consecutively no more than two terms in
23 addition to such partial term.

24 (5) The official domicile of the board of the district shall be established by
25 the board.

26 (6) No member of the board shall receive compensation for serving as a
27 member of the board.

28 (7)(a) The district shall have such taxing authority as authorized by Article
29 VI, Sections 39(A) and (B) of the Constitution of Louisiana and other applicable
30 provisions of law.

1 (b) For purposes of this Paragraph, the district shall be limited by the Charter
2 for the city of Abbeville.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

VETO MESSAGE

The Coastal Protection and Restoration Authority (CPRA) has been actively and aggressively working to consolidate levee districts based on geographical, hydrological, and topographical criteria. Louisiana currently has 27 levee districts, in comparison, Mississippi has two levee districts. In order to expedite the process of implementation and management of these important efforts and to heed lessons learned from Hurricanes Katrina, Rita, Gustav and Ike, we must continue to work to consolidate levee districts based on regional and hydrological criteria.

Last year I signed into law ACT 1008, which allowed for the creation of the Chenier Plain Restoration Authority to serve as the levee district and restoration authority for the parishes of Vermilion, Calcasieu and Cameron. This legislation was supported by the members of the Vermilion delegation.

The membership of the Chenier Plain Authority corresponds with the geographical area within the South West Coastal Louisiana Feasibility study that is underway. This study will yield billions of dollars in basin-scale protection and restoration of the Chenier Plain communities and ecosystem. Having one levee authority within the vicinity of this major study area is critical to the successful implementation and management of the project.

Additionally, in 2009 I signed ACT 320 which authorized the CPRA to enter into certain agreements with parish governing authorities located within the coastal area for coastal protection, flood control, and restoration projects. This law gives the parish governing authority any and all powers of a levee district. In the case of House Bill No. 334, I question the benefit of creating a new independent levee district when the parish governing authority already has the power to carry out these functions.

For these reasons, I have vetoed House Bill No. 334 and hereby return it to the House.