

2021 Regular Session

HOUSE BILL NO.684

BY REPRESENTATIVE GREGORY MILLER AND SENATOR SMITH

LEVEES/BDS & DISTRICTS: Removes St. Charles Parish from the Lafourche Basin Levee District and creates the St. Charles Parish Levee District

1 AN ACT

2 To amend and reenact R.S. 38:291(F)(1) and (2)(introductory paragraph) and (f), to enact
3 R.S. 38:291(DD), 329.7, and 334.4 and R.S. 49:214.6.8(B)(1)(t), and to repeal R.S.
4 38:291(F)(2)(e) and 334, relative to levee districts; to remove St. Charles Parish from
5 the Lafourche Basin Levee District; to provide for the membership of the board of
6 commissioners of the Lafourche Basin Levee District; to repeal the revenue
7 allocations in St. Charles Parish by the Lafourche Basin Levee District; to create the
8 St. Charles Parish Levee District; to provide for the powers and duties of the board
9 of commissioners of the district; to provide for revenue utilization; to add a member
10 to the Coastal Louisiana Levee Consortium; and to provide for related matters.

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

14 Section 1. R.S. 38:291(F)(1) and (2)(introductory paragraph) and (f) are hereby
15 amended and reenacted and R.S. 38:291(DD), 329.7, and 334.4 are hereby enacted to read
16 as follows:

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

2 * * *

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

10 (2) In accordance with the provisions of R.S. 38:304, the governor shall
11 appoint ~~eleven~~ seven persons from each parish or part of a parish in the district to
12 serve as levee commissioners as follows:

13 * * *

14 (f) ~~Five~~ Three members to be appointed from the district at large.

15 * * *

16 DD. St. Charles Parish Levee District. (1) On August 1, 2021, and
17 continuing thereafter, all lands on the West Bank of the Mississippi River in the
18 parish of St. Charles shall constitute a levee district to be known as the St. Charles
19 Parish Levee District. These lands and all property thereon situated, not exempt
20 from taxation, shall be subject to the provisions of this Chapter. The land, including
21 mineral rights, in the possession of the Lafourche Basin Levee District in St. Charles
22 Parish, for the purposes of ownership and maintenance and operation of the
23 Lafourche Basin Levee District, shall be transferred and conveyed to the St. Charles
24 Parish Levee District without the necessity of any other act or instrument of grant,
25 transfer, conveyance, or delivery. For the purpose of proving evidence of the
26 transfer, conveyance, and delivery effected by this Paragraph, the Lafourche Basin
27 Levee District shall execute an act setting forth the transfer, conveyance, and
28 delivery of those lands, rights-of-way, servitudes, and revenues therefrom to the St.
29 Charles Parish Levee District.

1 agencies thereof, or any combination thereof, or with instrumentalities of any kind
2 to carry out the purposes of and the powers granted in this Chapter.

3 C. The board may enter into contracts or other agreements with any person
4 or entity concerning the provision of lands, servitudes, rights-of-way, and
5 relocations, and may engage jointly in the exercise of any power to include the
6 construction, operation, and maintenance of any facilities and improvements for the
7 purpose of the projects under this Chapter.

8 D. The board shall have the authority to construct and maintain levees,
9 drainage, and levee drainage, and to do all things incidental thereto, and to establish,
10 construct, operate, or maintain flood control works of all types as they relate to
11 hurricane protection, tidewater flooding, and saltwater intrusion and conservation,
12 either in cooperation with one or more parishes, municipalities, or other special
13 districts within its territorial jurisdiction, or upon its own undertaking.

14 E. The board may buy and sell property, make and execute all contracts, and
15 perform any and all things necessary to carry out the objects of this Chapter, subject
16 to the limitations and duties provided in this Section.

17 F. For flood and hurricane protection purposes, the board may acquire
18 property by expropriation prior to judgment, in accordance with the provisions of
19 Part V of Chapter 4 of Title 38 of the Louisiana Revised Statutes of 1950.

20 G. The board may issue bonds or other debt obligations to construct, acquire,
21 extend, or improve any flood control works authorized by law and to pledge to the
22 payment of the principal and interest of such bonds or debt instruments the proceeds
23 of any district tax or other revenues.

24 H. The board may enter into an intergovernmental agreement with the
25 Lafourche Basin Levee District to reimburse the Lafourche Basin Levee District for
26 levee district expenditures made in St. Charles Parish for the benefit of St. Charles
27 Parish.

28 I.(1) On August 1, 2021, ownership of the following property situated in St.
29 Charles Parish and belonging to the Lafourche Basin Levee District shall be

1 transferred to the St. Charles Parish Levee District: (a) immovable property; (b) any
2 mineral lease of the levee district on property situated in St. Charles Parish that is not
3 in production or has been in production for more than ten years prior to the date of
4 the transfer; (c) leases, servitudes, rights-of-way, and other property interests that are
5 not mineral leases; and (d) books, records, and documents.

6 (2) The transfer of ownership set forth in this Subsection shall occur by
7 operation of law and shall be complete without the necessity of any other act,
8 instrument, or deed. However, the St. Charles Parish Levee District shall confect
9 instruments as necessary for filing, recordation, or other purposes, showing the
10 transfer of the property or property interest.

11 (3) The transfer of the property or property interest shall relieve the
12 Lafourche Basin Levee District from liability for the property or property interest.

13 J.(1) All rights and obligations, including but not limited to those belonging
14 to any and all parishes or cities and the parish of St. Charles, arising from any and
15 all contractual agreements, including "Acts of Assurances" and "Agreements for
16 Local Cooperation", with the United States Department of the Army and relating to
17 levee, floodwall, and floodgate property, exclusive of drainage pumps that are
18 situated within St. Charles Parish, are hereby transferred to the St. Charles Parish
19 Levee District.

20 (2) The transfer of all rights and obligations set forth in this Subsection shall
21 occur by operation of law and shall be complete without the necessity of any other
22 act, instrument, or deed.

23 K. The board shall have the authority to serve as the sole nonfederal, local
24 sponsor for all federal levees, floodwalls, and flood control structures situated within
25 St. Charles Parish.

26 * * *

27 §334.4. Revenue utilization; St. Charles Parish Levee District.

28 Nothing shall prohibit the St. Charles Parish Levee District from expending
29 tax funds directly for projects to provide for hurricane protection, tidewater flooding,

commissioner to be selected by the governor pursuant to present law (R.S. 38:304). Requires the commissioners serve until the governor of the state of La. takes office in the year 2024 or until their replacements have been duly appointed. Requires the St. Charles Parish president, with the approval of the St. Charles Parish Council, submit a list of five names of St. Charles Parish residents residing in the West Bank, and from that list the governor is required to appoint two commissioners. Requires the governor select the remaining three members pursuant to present law (R.S. 38:304).

Proposed law further requires any vacancy be filled pursuant to present law (R.S. 38:304(B)) in the event that five commissioners are not appointed as provided above, or in the event of a vacancy occurring by reason of death, resignation, expiration of term, or any other cause.

Proposed law authorizes the St. Charles Parish Levee and Conservation District to issue bonds and to levy taxes for the payment of principal and interest thereon.

Proposed law requires the district have all rights and powers conferred upon levee districts by law together with such additional rights and powers as may be granted by the legislature.

Proposed law authorizes the St. Charles Parish Levee and Conservation District and the Lafourche Basin Levee District to enter into joint conservation efforts through intergovernmental agreements.

Proposed law provides for the following powers and duties of the board:

- (1) To establish, construct, operate, or maintain flood control works as they relate to hurricane protection, tidewater flooding, and saltwater intrusion and conservation.
- (2) To enter into contracts and agreements with any person, corporation, association, or other entity, including public corporations, port authorities, the state, levee districts, parishes, other political subdivisions, the U.S. government, or with instrumentalities of any kind to carry out the purposes of the district.
- (3) To enter into contracts or other agreements concerning the provision of lands, servitudes, rights-of-way, and relocations, and engage jointly in the exercise of any power to include the construction, operation, and maintenance of any facilities and improvements for the purpose of the projects of the district.
- (4) To establish, construct, operate or maintain flood control works of all types as they relate to hurricane protection, tidewater flooding, and saltwater intrusion and conservation, either in cooperation with one or more parishes, municipalities, or other special districts within its territorial jurisdiction, or upon its own undertaking.
- (5) To buy and sell property.
- (6) For flood and hurricane protection purposes, to acquire property by expropriation prior to judgment, in accordance with present law authority granted to levee districts (R.S. 38:351, et seq.).
- (7) To issue bonds or other debt obligations to fund flood control works and to pledge to the payment of the principal and interest of such bonds or debt instruments the proceeds of any district tax or other revenues.
- (8) To construct and maintain levees, drainage, and levee drainage, and to do all other things incidental thereto.

Proposed law transfers all rights and obligations including but not limited to those belonging to any parish or city, and the parish of St. Charles arising from any and all contractual agreements with the U.S. Dept. of the Army and relating to levee, floodwall, and floodgate

property, exclusive of drainage pumps that are situated within St. Charles Parish, to the St. Charles Parish Levee District.

Proposed law authorizes the authority for the board of commissioners for the St. Charles Parish Levee District to serve as the nonfederal, local sponsor for all federal levees, floodwalls, and flood control structures situated in St. Charles Parish.

Present law requires all taxes collected by the Lafourche Basin Levee District from property located in St. Charles Parish located west of the Mississippi river, not less than 57% of tax monies be expended for the purpose of levee construction and maintenance, and other flood and drainage works within the parish. Requires these expenditures be in cash or in-kind services determined by the parish governing body, not to exceed 50% of such expenditures for in-kind services. Requires expenditures certified as received by the parish's governing body at the end of each fiscal year.

Present law requires the provisions of present law not apply during any tax year in which the Lafourche Basin Levee District maintains the St. Charles Parish West Bank Hurricane Protection Levee system, including the West Bank and general vicinity, Western Tie-In, Davis Pond Freshwater Diversion Levee, Willowridge Levee, Ellington Levee, Magnolia Levee, and Sunset Drainage District levee, as a whole or as each section is transferred to the Lafourche Basin Levee District for maintenance, operation, and control, subject to any amendments made by the state of La.

Present law requires no provision of present law be construed so as to prohibit the Lafourche Basin Levee District from the use of public funds to engage drainage work not incidental to the construction and maintenance of levees in the jurisdictional boundaries of the Lafourche Basin Levee District.

Proposed law removes present law.

Present law establishes the Coastal La. Levee Consortium, which includes members from levee districts or parishes situated in coastal south Louisiana.

Proposed law adds an additional member to the consortium to represent the St. Charles Parish Levee District.

Proposed law authorizes the St. Charles Parish Levee District to expend tax funds directly for projects to provide for hurricane protection, tidewater flooding, saltwater intrusion and conservation within the St. Charles Parish Levee District and to pledge these funds to the payment of debt instruments issued by the district. Also authorizes the St. Charles Parish Levee District to expend tax funds directly for the construction and maintenance of levees, drainage, and levee drainage, and to do all things incidental to this construction maintenance.

(Amends R.S. 38:291(F)(1) and (2)(intro. para.) and (f); Adds R.S. 38:291(DD), 329.7, and 334.4 and R.S. 49:214.6.8(B)(1)(t); Repeals R.S. 38:291(F)(2)(e) and 334)