

Regular Session, 2012

SENATE BILL NO. 439

BY SENATOR CROWE

CONSERVATION. Authorizes certain parishes to create a conservation district. (8/1/12)

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AN ACT

To enact Part XXXV of Chapter 13 of Title 38 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 38:3087.400 through 404, to provide for conservation districts; to authorize certain parishes to establish a conservation district; to provide for the boundaries, powers and duties, and membership of the district; to provide terms, conditions, procedures, and requirements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part XXXV of Chapter 13 of Title 38 of the Louisiana Revised Statutes of 1950, comprised of R.S. 38:3087.400 through 404 is hereby enacted to read as follows:

PART XXXV. MISCELLANEOUS CONSERVATION DISTRICTS

§3087.400. Creation; boundaries

A. Any parish with a population of not less than forty-five thousand nor more than forty-nine thousand persons and any parish with a population of not less than two hundred thirty thousand nor more than two hundred forty thousand persons may create a conservation district for the following purposes:

(1) Improving the water quality of and beautifying any waterways within the parishes in an effort to promote the waterways as a recreational, ecological,

1 and cultural asset.

2 (2) Doing any and all other acts which would enhance the general
3 condition of the waterways consistent with Article IX, Section 1 of the
4 Constitution of Louisiana.

5 (3) Being designated as a beneficial environmental program.

6 B. The conservation district shall be comprised of public lands and
7 waterways within one quarter of a mile of the ordinary high stage of the
8 waterways in the district as determined by the board of commissioners.

9 §3087.401. District as political subdivision and body corporate; purpose and
10 powers

11 A. The district shall constitute a body corporate in law with all powers,
12 rights, privileges, and immunities of a corporation. It shall have the power to
13 sue and be sued, to buy and sell, to negotiate and execute contracts, and to incur
14 debts. It shall have the authority to acquire by purchase, donation, or otherwise
15 every type and specie of property, including servitudes and rights of use
16 necessary to its purpose, and to lease, build, operate, and maintain any works
17 or machinery designed to accomplish the purposes of the district.

18 B. It shall have the authority to cooperate and contract with the
19 government of the United States or any department or agency thereof and to
20 accept grants and donations of property and money therefrom. It shall have the
21 authority to cooperate with the state of Louisiana or any political subdivision,
22 department, agency, or corporation of the state for the management of the
23 waterways in the district and the construction, operation, and maintenance of
24 facilities designed to accomplish the purpose for which the district is created on
25 any basis including the matching of funds and by participating in projects
26 authorized by any federal or state law as it shall see fit.

27 §3087.402. Board of commissioners, appointment; tenure; vacancies;
28 compensation; domicile

29 A. The district shall be governed and controlled by a board of

1 commissioners, each of whom shall be a qualified elector of the state of
2 Louisiana.

3 B. The commission shall be composed of the following members:

4 (1) Two members shall be appointed by each parish governing authority
5 within the district. One member from each parish shall have technical expertise
6 in the ecological or environmental field related to the water system in the
7 district. Every member shall be a resident of the respective parish. These
8 members shall serve a term of six years.

9 (2) The secretary of the Department of Natural Resources or his
10 designee.

11 (3) The secretary of the Department of Wildlife and Fisheries or his
12 designee.

13 (4) The secretary of the Department of Environmental Quality or his
14 designee.

15 (5) The secretary of the Department of Agriculture and Forestry or his
16 designee.

17 (6) The secretary of the Department of Health and Hospitals or his
18 designee.

19 (7) Two members shall be appointed by a majority vote of the
20 conservation organizations working in and represented in the district. One
21 member shall have technical expertise in the ecological or environmental field
22 related to the water system in the district. The members shall serve a term of
23 four years. Each conservation organization may nominate and vote for two
24 candidates. The candidates with a simple majority of votes shall be appointed
25 to the board.

26 C. Any vacancy in the office of commissioner shall be filled in the
27 manner of the original appointment for the remainder of the unexpired term.

28 D. Members of the board of commissioners shall receive no
29 compensation for their services.

1 **§3087.403. Election of officers; meetings**

2 **Immediately after the members of the board of commissioners have been**
3 **appointed, or as soon as thereafter is practicable, they shall meet and organize**
4 **by electing from their number a president, vice president, and secretary who**
5 **shall perform the duties normally required of such officers. The board shall**
6 **hold meetings in each parish on a rotating basis. A majority of the board shall**
7 **constitute a quorum for conducting business.**

8 **§3087.404. Powers of the board; audit**

9 **A. In order to accomplish the purposes for which the district is created,**
10 **the board of commissioners may:**

11 **(1) Purchase, acquire by donation, hold, sell, and convey immovable and**
12 **movable property and execute such contracts as it may deem necessary or**
13 **convenient to enable it to properly carry out the purposes for which it is**
14 **created.**

15 **(2) Acquire servitudes and rights of use by purchase, by donation, and**
16 **by assignment for the district or otherwise.**

17 **(3) Assist in conserving soil and water and in developing the water**
18 **resources of the district, provided nothing shall be done to interfere with**
19 **districts or municipalities previously organized under Louisiana law.**

20 **(4) Employ secretarial, clerical, and other such personnel as may be**
21 **necessary in the operation of the business of the district and fix their**
22 **compensation; employ engineers, attorneys, and other professional personnel**
23 **as necessary and fix their compensation.**

24 **(5) Cooperate and contract with persons, firms, associations,**
25 **partnerships, private corporations, cities of this state, or other public**
26 **corporations, and with any other local, state, and governmental agencies for the**
27 **sale or use of any waterways impounded by the district.**

28 **(6) Do and perform any and all things necessary or incidental to the**
29 **fulfillment of the purposes for which the district is created.**

1 **(7) To develop and adopt a master plan for the restoration and**
2 **development of the waters in the district, and to perform all acts necessary and**
3 **proper to implement such plan.**

4 **(8) To establish and collect reasonable rates, fees, or other charges for**
5 **the use of any facilities owned or operated by the district.**

6 **(9) To enter, on behalf of the district, into joint service and**
7 **intergovernmental agreements or cooperative efforts with other governmental**
8 **agencies, political subdivisions, and any other entity contemplated by Article**
9 **VI, Section 20, and Article VII, Section 14(C) of the Constitution of Louisiana.**

10 **(10) To examine and investigate all questions, opportunities, issues, and**
11 **problems and report such issues to the appropriate state agency.**

12 **(11) To make an annual report to the governing authority of each**
13 **parish, showing all receipts and disbursements of the board and the general**
14 **condition of the district and its buildings, structures, facilities, and other**
15 **property, including such recommendations for the development and welfare of**
16 **the district and its management as may seem advisable.**

17 **(12) Make rules and regulations for the government, regulation, and**
18 **control of the district and for the conservation, protection, and propagation of**
19 **game and fish in the district, provided that such rules and regulations shall be**
20 **finally approved, adopted, and promulgated by the Louisiana Wildlife and**
21 **Fisheries Commission.**

22 **B. The district shall be audited pursuant to R.S. 24:513.**

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by J. W. Wiley.

DIGEST

Proposed law provides for the creation of conservation district in any parish with a population of not less than 45,000 nor more than 49,000 persons and any parish with a population of not less than 230,000 nor more than 240,000 persons.

Proposed law provides that the boundaries of the district will be comprised of public lands and waterways within 1/4 of a mile of the ordinary high stage of the waterways in the district as determined by the board of commissioners.

Proposed law provides for the membership of the commission as follows:

1. Two members appointed by each parish governing authority within the district. One member from each parish shall have technical expertise in the ecological or environmental field related to the water system in the district.
2. The secretary of the DNR or his designee.
3. The secretary of the DW&F or his designee.
4. The secretary of the DEQ or his designee.
5. The secretary of the Dept. Ag. and Forestry or his designee.
6. The secretary of the DHH or his designee.
7. Two members appointed by a majority vote of the conservation organizations working in and represented in the district.

Proposed law provides the qualifications and terms of the commission.

Proposed law provides for the powers and duties of the district, such as the power to:

1. Purchase, acquire by donation, hold, sell, and convey immovable and movable property and execute such contracts as it may deem necessary or convenient to enable it to properly carry out the purposes for which it is created.
2. Acquire servitudes and rights of use by purchase, by donation, and by assignment for the district or otherwise.
3. Assist in conserving soil and water and in developing the water resources of the district, provided nothing shall be done to interfere with districts or municipalities previously organized under Louisiana law.

Effective August 1, 2012.

(Adds R.S. 38:3087.400 - 404)