

2015 Regular Session

HOUSE BILL NO. 363

BY REPRESENTATIVE BARRAS

LEVEES/BDS & DISTRICTS: Creates the West End Levee and Drainage District in Iberia Parish

1 AN ACT

2 To amend and reenact R.S. 38:291(BB)(1) and to enact R.S. 38:291(CC), relative to the
3 West End Levee and Drainage District; to create the West End Levee and Drainage
4 District; to provide for boundaries; to provide for the board of commissioners; to
5 provide for membership of the board; to provide for taxation authority; to provide
6 for duties and powers of the board; and to provide for related matters.

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

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 38:291(BB)(1) is hereby amended and reenacted and R.S.
12 38:291(CC) is hereby enacted to read as follows:

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

14 * * *

15 BB. Iberia Parish Levee, Hurricane, and Conservation District. (1) All of
16 the lands in the parish of Iberia except that portion of Iberia Parish that is included
17 in the territorial boundaries of the Atchafalaya Basin Levee District and the West
18 End Levee and Drainage District, shall be embraced in the limits of a levee district
19 to be known as the Iberia Parish Levee, Hurricane, and Conservation District. These

1 lands and all property thereon situated shall be subject to the provisions of this
2 Chapter.

3 * * *

4 CC. West End Levee and Drainage District. (1) All of the lands within a
5 portion of the city of New Iberia and designated by the Federal Emergency
6 Management Agency as a special flood hazard area on March 1, 2015, within the
7 following described area: a certain lot or parcel of ground containing 360 acres, more
8 or less, located in Sections 16, 56, and Patent 9818, Township 11 South, Range 6
9 East; and Sections 10, 11, and Patent No. 9818, Township 12 South, Range 6 East,
10 Southwest Land District, situated in Iberia Parish, Louisiana; said lot or parcel of
11 ground being bounded on the North by S.R. Golf, Inc. or assigns, Gordon Patout, or
12 assigns, and Roy Patout or assigns; on the East by Dewey Landry, et al or assigns,
13 and the state of Louisiana; on the West by Perry J. Segura and Emma Lou Davant
14 Segura, or assigns, and on the South by Darby Lane, shall be embraced in the limits
15 of a levee district to be known as the West End Levee and Drainage District. These
16 lands and all property thereon situated shall be subject to the provisions of this
17 Chapter.

18 (2) The mayor of the city of New Iberia shall appoint a board of
19 commissioners consisting of five persons who reside in that portion of the city of
20 New Iberia located within the levee district, who meet the requirements of R.S.
21 38:304(A), and who are nominated by the New Iberia City Council.

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

25 (4)(a) The members of the board initially appointed shall at their first
26 meeting determine by lot their terms of office, which terms shall commence
27 immediately upon their appointment and which shall expire, respectively, as follows:
28 two members in four years, two members in three years, and one member in two
29 years, from the first day of July immediately succeeding such appointment.

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

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

10 (5) The official domicile of the board of the district shall be established by
11 the board.

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

14 (7) The district shall have such taxing authority as authorized by Article VI,
15 Section 39 of the Constitution of Louisiana and other applicable provisions of law.
16 In addition to any other powers and duties provided by law, the board may enter into
17 contracts and agreements of any nature for the purposes of acquiring, operating, and
18 maintaining servitudes and works necessary for drainage as it relates to hurricane
19 protection and flood control.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 363 Original

2015 Regular Session

Barras

Abstract: Creates the West End Levee and Drainage District.

Proposed law creates and provides for the boundary of the West End Levee and Drainage District in the city of New Iberia.

Proposed law establishes a five-member board of commissioners consisting of residents of the district who are nominated by the New Iberia City Council and appointed by the mayor. Provides for vacancies to be filled in the same manner as the original appointments.

Proposed law requires commissioners of the initial board to determine by lot their terms of office at the first meeting, which shall commence immediately upon appointment and expire

respectively as follows: two members in four years, two members in three years, and one member in two years.

Proposed law provides that all commissioners appointed after the initial appointments, shall be appointed in accordance with proposed law for staggered terms of four years, which shall expire on July 1st of the fourth year, or until the successor is appointed and takes office. Further provides that no member shall serve more than three consecutive four-year terms.

Proposed law provides that if a commissioner is appointed to fill more than one-half of an unexpired term, that person shall be eligible to serve no more than two additional consecutive terms.

Proposed law requires the board to establish the official domicile of the board.

Proposed law confirms the constitutional taxing authority of levee districts created after Jan. 1, 2006, to levy a tax approved by a majority vote of the electors.

Proposed law authorizes the board to enter into contracts and agreements for the purposes of acquiring, operating, and maintaining servitudes and works necessary for drainage.

(Amends R.S. 38:291(BB)(1); Adds R.S. 38:291(CC))