

2022 Regular Session

SENATE BILL NO. 205

BY SENATOR JACKSON

CONSERVATION. Provides relative to the "Soil Conservation Districts Law". (gov sig)

1 AN ACT

2 To amend and reenact R.S. 3:1201(C) and (D), 1202(3), 1204(A)(2) and (D)(1) and (12),

3 and 1208(1), (2), (6), and (7) and to enact R.S. 3:1202(13) and (14), relative to the

4 "Soil Conservation Districts Law"; to provide relative to legislative purpose; to

5 provide for definitions; to provide relative to the powers of the state soil and water

6 conservation commission; to provide relative to the powers of the chairman of the

7 state soil and water conservation commission; to provide relative to the powers of

8 the soil and water conservation districts; to remove outdated references; to provide

9 for technical corrections; provide for effectiveness; and to provide for related

10 matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 3:1201(C) and (D), 1202(3), 1204(A)(2) and (D)(1) and (12), and

13 1208(1), (2), (6), and (7) are hereby amended and reenacted and R.S. 3:1202(13) and (14)

14 are hereby enacted to read as follows:

15 §1201. Legislative determinations and declaration of policy

16 It is hereby declared, as a matter of legislative determination:

17 \* \* \*

1 C. The appropriate corrective methods. That to conserve **the soil, soil health,**  
2 **and** soil resources and control and prevent soil erosion, and prevent floodwater and  
3 sediment damages, and further the conservation, development, utilization, and  
4 disposal of water, it is necessary that land-use practices contributing to soil wastage  
5 and soil erosion be discouraged and discontinued, and appropriate soil-conserving  
6 land-use practices, and works of improvement for flood prevention or the  
7 conservation, development, utilization, and disposal of water be adopted and carried  
8 out; that among the procedures necessary for widespread adoption, are the carrying  
9 on of engineering operations such as the construction of terraces, terrace outlets,  
10 check-dams, desilting basins, floodwater retarding structures, channel improvements,  
11 floodways, dikes, ponds, ditches and the like; the utilization of **soil health practices**  
12 **such as** strip cropping, lister furrowing, contour cultivating and contour furrowing;  
13 land drainage; land irrigation; seeding and planting of waste, sloping, abandoned or  
14 eroded lands to water conserving and erosion preventing plants, trees and grasses;  
15 forestation and reforestation; rotation of crops; soil stabilization with trees, grasses,  
16 legumes, and other thick-growing, soil-holding crops; retardation of run-off by  
17 increasing absorption of rainfall, irrigation where and when necessary; and  
18 retirement from cultivation of steep, highly erosive areas and areas now badly gullied  
19 or otherwise eroded.

20 D. Declaration of policy. It is hereby further declared to be the policy of the  
21 legislature to provide for the conservation of the soil, **soil health,** and soil resources  
22 of this state, and for the control and prevention of soil erosion, and for the prevention  
23 of floodwater and sediment damages, and for furthering the conservation,  
24 development, utilization, and disposal of water, and thereby to preserve natural  
25 resources, control floods, prevent impairment of dams and reservoirs, assist in  
26 maintaining the navigability of rivers and harbors, to preserve wildlife, protect public  
27 lands, and protect and promote the health, safety, and general welfare of the people  
28 of this state.

29 §1202. Terms defined

1 As used in this Part of Chapter 9, the terms defined in this Section have the  
2 meanings here given to them, except where the context expressly indicates  
3 otherwise:

4 \* \* \*

5 (3) ~~"Committee" or "State Soil Conservation Committee"~~ **"Commission"**  
6 **or "state soil and water conservation commission"** means the agency created in  
7 Section R.S. 3:1204.

8 \* \* \*

9 **(13) "Soil health" means the overall composition of the soil, including the**  
10 **amount of organic matter in and water holding capacity of the soil, and the**  
11 **continued capacity of soil to function as a vital living ecosystem that sustains**  
12 **plants, animals, and humans.**

13 **(14) "Soil health practices" means agricultural practices that improve**  
14 **the health of soils, including but not limited to consideration of depth of topsoil**  
15 **horizons, water infiltration rate, organic carbon content, nutrient content, bulk**  
16 **density, biological activity, biological and microbiological diversity, and**  
17 **minimization of bare ground.**

18 §1204. State soil and water conservation commission

19 A. \* \* \*

20 (2)(a) ~~The members of the state soil and water conservation commission~~  
21 ~~created by law prior to August 1, 1956, shall continue to serve as a state soil and~~  
22 ~~water conservation commission until the new members of the state soil and water~~  
23 ~~conservation commission are elected and qualify as hereinafter provided.~~

24 (b) ~~Within forty-five days after August 1, 1956, the~~ **The** chairman of the old  
25 state soil and water conservation commission shall notify the soil and water  
26 conservation district supervisors ~~within the state~~ of the time and the place that an  
27 election is to be held as hereinafter provided **in this Section.**

28 ~~(e)~~**(b) A state convention shall be held upon the call of the chairman of**  
29 **the commission. The chairman shall provide notice of the state convention to the**

1        **soil and water conservation district supervisors.** A meeting of each board of soil  
2        and water conservation district supervisors shall be held within thirty days after  
3        receiving notice of the state convention. The majority of the members of the board  
4        of district supervisors shall constitute a quorum and at such meeting, the board of  
5        district supervisors shall elect one of its members as a delegate to attend a state  
6        convention, at the time and place specified in the notice given by the chairman of the  
7        ~~old~~ state soil and water conservation commission. Each such elected delegate shall  
8        have one vote at the state convention. Each state area at the state convention shall  
9        elect one of its members as a member of the state soil and water conservation  
10       commission to represent that area. Each member elected as a member of the state soil  
11       and water conservation commission shall be a landowner or operator actively  
12       engaged in farming or animal husbandry within the district and area he represents  
13       and shall be a qualified voter in that district. He shall be elected as a member of the  
14       state soil and water conservation commission by a majority of the votes cast at the  
15       state convention. The chairman of the convention shall within ten days certify to the  
16       old state soil and water conservation commission and to the secretary of state the  
17       name and address of the person so elected as a member of the new state soil and  
18       water conservation commission. Each member of the commission shall take the state  
19       constitutional oath of office and qualify within thirty days after this election. Within  
20       thirty days after the election and qualification of the five members, the commissioner  
21       of agriculture and forestry of the state of Louisiana shall call a meeting of the entire  
22       commission, at which time one of the said members provided for herein shall be  
23       elected chairman of the state soil and water conservation commission, another  
24       member shall be elected vice chairman, and a third member secretary-treasurer. The  
25       terms of the five members of the state soil and water conservation commission  
26       elected under this Section shall be as follows:

27                The members from State Area Nos. 1 and 2 shall serve for one year;

28                The members from State Area Nos. 3 and 4 shall serve for two years;

29                The members from State Area No. 5 shall serve for three years.

1           Thereafter, each member shall serve for a period of three years after his  
2 election and shall be removed only for cause. In the event of a vacancy, the vacancy  
3 shall be filled by the state commission until the next convention, and then by election  
4 in the same manner, as outlined, for the unexpired term. An elected member of the  
5 commission shall not qualify for reelection unless he shall have attended at least  
6 sixty-six and two-thirds percent of the scheduled commission meetings during his  
7 tenure; however, upon a showing of good cause this condition may be waived by  
8 resolution duly adopted by the state soil and water conservation commission.

9   \*       \*       \*

10           D. In addition to the duties and powers hereinafter conferred upon the State  
11 Soil and Water Conservation Commission, it shall have the following duties and  
12 powers:

13           (1) To offer such assistance as may be appropriate to the supervisors of soil  
14 and water conservation districts, organized as provided hereinafter, in the carrying  
15 out of any of their powers and programs; to assist and guide districts in the  
16 preparation and carrying out of programs for natural resource conservation and soil  
17 health authorized under this Chapter; to review district programs; to coordinate the  
18 programs of the several districts and resolve any conflicts in such programs; to  
19 facilitate, promote, assist, harmonize, coordinate, and guide the resource  
20 conservation programs and activities of districts as they relate to other  
21 special-purpose districts, parishes, and other public agencies.

22   \*       \*       \*

23           (12) The state soil and water conservation commission and the soil and water  
24 conservation districts that may be created under this Part shall be the official state  
25 agencies for cooperating with the ~~Soil~~ Natural Resources Conservation Service of  
26 the United States Department of Agriculture.

27   \*       \*       \*

28           §1208. Powers of Districts and Supervisors

29           A soil and water conservation district organized under the provisions of this

1 Part shall constitute a governmental subdivision of this state, and a public body  
2 corporate and politic, exercising public powers, and such district, and the supervisors  
3 thereof, shall have the following powers, in addition to others granted in other  
4 sections of this Part:

5 (1) To carry out preventive and control measures and works of improvement  
6 for flood prevention or the **health**, conservation, development, or utilization **of soil,**  
7 **water, and related natural resources** and disposal of water within the district  
8 including, but not limited to, engineering operations, methods of cultivation, **soil**  
9 **health practices**, the growing of vegetation, changes in use of land, and the  
10 measures listed in R.S. 3:1201(c), on lands owned or controlled by this state or any  
11 of its agencies, with the cooperation of the agency administering and having  
12 jurisdiction thereof, and on any other lands within the district upon obtaining the  
13 consent of the owner as well as occupants of such lands or the necessary rights or  
14 interests in such lands;

15 (2) To cooperate, or enter into agreements with, and within the limits of  
16 appropriations duly made available to it by law, to furnish financial or other aid to,  
17 any agency, governmental or otherwise, or any owner of lands within the district, in  
18 the carrying on of **soil health improvement**, erosion control and prevention  
19 operations and works of improvement for flood prevention or the conservation,  
20 development, utilization, and disposal of water within the district, subject to such  
21 conditions as the supervisor may deem necessary to advance the purposes of this  
22 Part;

23 \* \* \*

24 (6) To develop comprehensive plans for the conservation of soil resources,  
25 **the improvement of soil health**, and for the control and prevention of soil erosion  
26 and for flood prevention or the conservation, development, utilization, and disposal  
27 of water within the district, which plans shall specify in such detail as may be  
28 possible, the acts, procedures, performances, and avoidances which are necessary or  
29 desirable for the effectuation of such plans, including the specification of

1 engineering operations, methods of cultivation, the growing of vegetation, cropping  
 2 programs, tillage practices, soil health practices aiding enhanced food and fiber  
 3 production, conservation of natural resources, adaptation to changes in climate  
 4 and environment, and changes in use of land; and to publish such plans and  
 5 information and bring them to the attention of occupants of lands within the district;

6 (7) To take over, by purchase, lease, or otherwise, and to administer, any  
 7 ~~soil-conservation, flood-prevention,~~ soil health, soil conservation, flood  
 8 prevention, drainage, irrigation, water management, ~~erosion-control, or~~  
 9 ~~erosion-prevention~~ erosion control, or erosion prevention projects, or  
 10 combinations thereof, located within its boundaries undertaken by the United States  
 11 or any of its agencies, or by this state or any of its agencies; to manage, as agent of  
 12 the United States or any of its agencies, or of this state or any of its agencies, any  
 13 soil-conservation, flood-prevention, drainage, irrigation, water management,  
 14 erosion-control, or erosion-prevention project, or combinations thereof, within its  
 15 boundaries; to act as agent for the United States, or any of its agencies, or for this  
 16 state or any of its agencies, in connection with the acquisition, construction,  
 17 operation, or administration of any soil-conservation, flood prevention, drainage,  
 18 irrigation, water management, erosion control, or erosion-prevention project, or  
 19 combinations thereof, within its boundaries; to accept donations, gifts, and  
 20 contributions in money, services, materials, or otherwise, from the United States or  
 21 any of its agencies, or from this state or any of its agencies, and to use or expend  
 22 such moneys, services, materials, or other contributions in carrying on its operations;

23 \* \* \*

24 Section 2. The Louisiana State Law Institute is directed to review the provisions of  
 25 current law, particularly the provisions of the "Soil Conservation Districts Law", R.S. 3:1201  
 26 et seq., and to change outdated or incorrect references to the agency established in R.S.  
 27 3:1204 and placed within the Department of Agriculture and Forestry pursuant to R.S.  
 28 36:629(K) to "State Soil and Water Conservation Commission" or "commission" as  
 29 applicable, including correct capitalization where appropriate.

1           Section 3. This Act shall become effective upon signature by the governor or, if not  
2 signed by the governor, upon expiration of the time for bills to become law without signature  
3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
4 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
5 effective on the day following such approval.

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Curry Lann.

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DIGEST

SB 205 Original

2022 Regular Session

Jackson

Present law (R.S. 3:1201 et seq.) provides for the "Soil Conservation Districts Law" and creates the state soil and water conservation commission and soil and water conservation districts.

Present law provides for the purposes of the "Soil Conservation Districts Law", including the conservation of the soil and soil resources of this state.

Proposed law adds the conservation of soil health to the list of purposes and otherwise retains present law.

Proposed law defines the following terms:

- (1) "Soil health" means the overall composition of the soil, including the amount of organic matter in and water holding capacity of the soil, and the continued capacity of soil to function as a vital living ecosystem that sustains plants, animals, and humans.
- (2) "Soil health practices" means agricultural practices that improve the health of soils, including but not limited to consideration of depth of topsoil horizons, water infiltration rate, organic carbon content, nutrient content, bulk density, biological activity, biological and microbiological diversity, and minimization of bare ground.

Present law requires the members of the old state soil and water conservation commission created by law prior to August 1, 1956, to continue to serve until the new members of the state soil and water conservation commission are elected.

Proposed law removes obsolete provisions of present law.

Present law requires the chairman of the old state soil and water conservation commission to notify the soil and water conservation district supervisors of the time and the place that an election is to be held within 45 days after August 1, 1956.

Proposed law requires the chairman of the state soil and water conservation commission to notify the soil and water conservation district supervisors of the time and the place that an election is to be held as provided by law.

Proposed law requires a state convention to be held upon the call of the chairman of the state soil and water conservation commission and requires the chairman to provide notice to the soil and water conservation district supervisors.

Present law provides for the powers of the state soil and water conservation commission,



including the power to assist and guide districts in the preparation and carrying out of programs for resource conservation authorized by law.

Present law adds the preparation and carrying out of programs for soil health to the list of powers of the commission and otherwise retains present law.

Proposed law corrects a reference in law from the Soil Conservation Service of the United States Department of Agriculture to the Natural Resources Conservation Service of the United States Department of Agriculture.

Present law provides for the powers of the soil and water conservation districts.

Proposed law adds soil health, soil health improvements, soil health practices aiding enhanced food and fiber production, conservation of natural resources, and adaptation to changes in climate and environment to the list of powers and otherwise retains present law.

Proposed law provides for technical corrections.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 3:1201(C) and (D), 1202(3), 1204(A)(2) and (D)(1) and (12), and 1208(1), (2), (6), and (7); adds R.S. 3:1202(13) and (14))