

ACT No. 490

2022 Regular Session

HOUSE BILL NO. 686

BY REPRESENTATIVES MINCEY, BACALA, BOURRIAQUE, BUTLER, CARRIER, CORMIER, COUSSAN, DEVILLIER, FISHER, GEYMANN, HODGES, KERNER, LANDRY, ORGERON, RISER, ROMERO, SCHAMERHORN, SCHEXNAYDER, ST. BLANC, AND WHEAT AND SENATOR WHITE

1 AN ACT

2 To amend and reenact R.S. 38:3302, 3303, 3305, 3306(A) and (C), 3307(C), and 3309 and
3 to enact R.S. 38:3301(C), 3304(C)(3), 3306(G), (H), (I), (J), (K), (L), and (M), and
4 3307(E), relative to management of the Amite River Basin; to provide for the board
5 of commissioners; to provide for appointment and terms of commissioners; to
6 provide for powers and duties of the board; to provide for contact authority; to
7 provide for posting requirements; to provide for technical assistance from the Coastal
8 Protection and Restoration Authority and the Pontchartrain Levee District; to provide
9 for taxing authority; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 38:3302, 3303, 3305, 3306(A) and (C), 3307(C), and 3309 are hereby
12 amended and reenacted and R.S. 38:3301(C), 3304(C)(3), 3306(G), (H), (I), (J), (K), (L), and
13 (M), and 3307(E) are hereby enacted to read as follows:

14 §3301. Limits of district; limits of Comite River Diversion Canal Impact Area

15 * * *

16 C.(1) The district shall also be comprised of all portions of the geographical
17 area within the watershed limits of the Amite River and Tributaries Basin located in
18 those parts of Iberville, Ascension, and St. James Parishes south of Louisiana
19 Highway 61 and not particularly described in Subsection A of this Section.

1 (2) By January 1, 2023, the Coastal Protection and Restoration Authority in
 2 consultation with the office of state lands shall submit to the legislature a detailed
 3 legal description of the Amite River and Tributaries Basin as described in Subsection
 4 A of this Section and Paragraph (1) of this Subsection.

5 §3302. Board of commissioners

6 The management and control of the district shall be vested in a board of
 7 commissioners for the Amite River Basin Drainage and Water Conservation District.
 8 The board shall have the authority to establish adequate drainage, flood control, and
 9 water resources development to include but not be limited to construction of
 10 reservoirs, diversion canals, gravity and pumped drainage systems, and other flood
 11 control works. The board of commissioners shall comprehensively manage the
 12 district as a single system.

13 §3303. Appointment and term of commissioners

14 A. The board of commissioners shall be composed of ~~thirteen~~ sixteen
 15 members.

16 B.(1) ~~One member shall be appointed by the governor from the district at~~
 17 ~~large.~~ Seven members shall be the parish presidents representing the parishes making
 18 up the district, or their designee, and shall serve ex officio without appointment.

19 (2) One member shall be the executive director of the Coastal Protection and
 20 Restoration Authority, or his designee, one member shall be the secretary of the
 21 Department of Transportation and Development, or his designee, and one member
 22 shall be the executive director of the Pontchartrain Levee District Board of
 23 Commissioners, or his designee, all serving in a nonvoting advisory role.

24 C.(1) The remaining ~~twelve~~ six members shall serve at large and shall be
 25 appointed by the governor ~~as follows:~~

26 (1) ~~Two qualified electors residing in that portion of each parish within the~~
 27 ~~district from nominations submitted by the members of the legislature serving that~~
 28 ~~portion of each parish within the district,~~ subject to senate confirmation, from
 29 nominations submitted by the representatives and senators whose districts include
 30 any portion of the district.

1 (2) ~~In the event any present member of the commission shall cease to be a~~
2 ~~member thereof for any reason prior to the expiration of his term, his successor shall~~
3 ~~be appointed from the same parish as the original appointment provided in this~~
4 ~~Chapter. Thereafter, the successors of all of the commissioners shall be appointed~~
5 ~~for terms concurrent with the appointing governor. Any subsequent vacancy on the~~
6 ~~commission for any reason shall be filled for the unexpired portion of the term in the~~
7 ~~same manner as the original appointment. Priority shall be given to nominees that~~
8 ~~reside in the district or any parish within it; however, district or parish residency is~~
9 ~~not required.~~

10 (3)(a) Each legislator within the district may nominate up to two persons
11 meeting the qualification requirements, per vacant position.

12 (b) If no nominees meeting the qualification requirements are submitted for
13 a seat, the governor may choose his own.

14 D. ~~All members of the board appointed by the governor shall serve terms~~
15 ~~concurrent with that of the governor. Each appointment by the governor shall be~~
16 ~~submitted to the Senate for confirmation. At large commissioners shall serve a term~~
17 ~~of four years, staggered with three positions expiring every two years. Initial terms~~
18 ~~shall be two years for three commissioners and four years for three commissioners,~~
19 ~~chosen by lot. The existing board shall terminate effective January first, following~~
20 ~~enactment of this Act.~~

21 E. All six commissioners at large shall have at least seven years of
22 professional experience in their discipline, of which at least four shall be engineers,
23 project managers, certified floodplain managers, or professionals in a
24 drainage-related field such as geotechnical, hydrological, or environmental science.
25 Parish commissioner designees are encouraged to be, but need not be, professionals
26 as provided for in this Subsection.

27 F. Appointment of, or voting by, public servants to the board of
28 commissioners shall not constitute violation of the dual officeholding and dual
29 employment law, R.S. 42:61 et seq., or the Code of Governmental Ethics, R.S.

1 Pontchartrain Levee District retain the right to be reimbursed for the reasonable cost
2 of its assistance.

3 §3306. General powers and duties of the board

4 A.(1) The board shall adopt bylaws for its own government and for the
5 government of its employees. It shall adopt rules or regulations for comprehensive
6 drainage, flood control and water resources development, reservoir, and diversion
7 canal systems. Prior to the adoption, amendment, or repeal of any rule or regulation
8 by the board, the proposed rule or regulation shall be submitted to the House
9 Committee on Transportation, Highways, and Public Works and the Senate
10 Committee on Transportation, Highways, and Public Works. Oversight review of
11 rules and regulations shall be conducted by the respective committees provided for
12 herein. The board shall keep a record of its proceedings, which shall be published
13 after each meeting in a journal to be selected by it. The board at each regular session
14 shall examine all accounts or operations of the board and determine what work shall
15 be undertaken. All work shall be advertised to be let out by means of sealed
16 proposals to the lowest responsible bidder, reserving to the board authority to reject
17 all bids. In case of emergency, the board may make contracts for the control of
18 flooding without advertisement and sealed proposals.

19 (2) Prior to January 1, 2026, the board shall promulgate regulations for
20 watershed management within the District, insofar as they affect watershed
21 management, that address the following:

22 (a) Planning.

23 (b) Permitting.

24 (c) Selection of and performing projects and programs.

25 (d) Resolution of conflicts among agencies.

26 (e) Use of best available science.

27 (f) Outreach to the public and agencies.

28 (g) Coordination with state agencies and political subdivisions regarding
29 watershed management.

1 perspectives, and shall incorporate structural, nonstructural, management, and
2 institutional components of both efforts. The plan shall include a list of projects and
3 programs required for implementation, a schedule and estimated costs, and explain
4 why each project or program was selected and how it advances plan objectives. The
5 plan shall be consistent with the Coastal Protection and Restoration Authority Master
6 Plan. It shall also provide for public outreach and public hearings in at least
7 northern, central, and southern portions of the district. The plan shall be subject to
8 legislative approval annually by the Senate Committee on Transportation, Highways,
9 and Public Works and the House Committee on Transportation, Highways and
10 Public Works. The board shall submit its initial plan prior to the 2025 legislative
11 session, and shall review, revise, and amend its plan every six years thereafter.

12 (2) All political subdivisions within the bounds of the district shall
13 administer their regulatory practices, programs, projects, contracts, grants, and all
14 other functions vested in them in a manner consistent with the master plan and shall
15 be consistent with public interest to the maximum extent possible.

16 I. The board shall develop annual plans for watershed management. Each
17 annual plan shall include, at minimum, a three year projection of funding for projects
18 and programs, including funding sources. The plan shall be consistent with the
19 Coastal Protection and Restoration Authority Master Plan. The plan shall provide
20 for public outreach and public hearings in at least northern, central, and southern
21 portions of the district. The plan shall be subject to legislative approval annually by
22 the Senate Committee on Transportation, Highways, and Public Works and the
23 House Committee on Transportation, Highways and Public Works. The board shall
24 submit its initial annual plan by January 1, 2024.

25 J. The board shall place a heavy focus and constant emphasis on plans that
26 include project inventories, implementation plans, and strategies to maximize the use
27 of innovative funding strategies such as public private partnerships, pursuit of grant
28 funding, capital outlay requests, and millage initiatives to the extent necessary to
29 timely fund and implement the board's planned projects and programs.

1 contrary, the board may contract with the federal government, the state, or any other
2 public or private entity to receive and expend funds and perform projects or plans for
3 watershed management.

4 * * *

5 E. The board shall identify and consider to what extent matters regarding an
6 agreement with the state of Mississippi relative to watershed management and how
7 it may be beneficial to management of the basin in Louisiana, and subject to
8 approval of the governor, the board may contract with the state of Mississippi for
9 such purposes including for doing projects.

10 * * *

11 §3309. Authority to levy

12 For the purpose of providing revenue to carry out the objects contemplated
13 by this Chapter, the board of commissioners may levy on all property in the district,
14 or on all property within the Comite River Diversion Canal Impact Area, subject to
15 taxation for drainage purposes a district drainage tax ~~not to exceed three mills on the~~
16 ~~dollar of its assessed valuation, as provided by Article VI, Section 19 of the~~
17 ~~Constitution of Louisiana.~~ The tax shall not be levied unless the proposition to levy
18 the tax is approved by a majority of the electors of the district, or by a majority of the
19 electors of the Comite River Diversion Canal Impact Area if limited to such area,
20 who vote on the proposition. ~~Furthermore, such tax shall be levied only in those~~
21 ~~parishes in which a majority of the electors of the parish, which are within the~~
22 ~~district, voting in an election approve such proposition, and such proposition on the~~
23 ~~ballot provides that the ad valorem tax is to be levied only in said parishes.~~

24 * * *

25 Section 2. The board is prohibited from expending or obligating unrestricted funds,
26 except funds designated for operational costs or to meet existing contractual obligations,
27 until January 1st following enactment of this Act.

28 Section 3. This Act shall become effective upon signature by the governor or, if not
29 signed by the governor, upon expiration of the time for bills to become law without signature

1 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
2 vetoed by the governor and subsequently approved by the legislature, this Act shall become
3 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____