

Act No. 20

HOUSE BILL NO. 1509

BY: MR. HIMEL, CHAIRMAN, ON BEHALF OF
THE COMMITTEE ON JUDICIARY,
SECTION C, A SUBSTITUTE FOR
HOUSE BILL NO. 1254 BY MR. GUIDRY

AN ACT

To organize a new levee district to protect the lands therein from overflow and particularly from hurricane flood waters and inundation from the tide waters of the Gulf of Mexico; by amending Chapter 4 of Title 38 of the Louisiana Revised Statutes of 1950 by adding thereto a new Part to be designated as Part XIV-A thereof, to contain R.S. 38:1051 through 38:1061, creating a new Levee District to be known as the South Louisiana Tidal Water Control Levee District, describing the territory to be included therein, providing for the government thereof, transferring certain revenue thereto, and delineating its jurisdiction, authority and power.

Be it enacted by the Legislature of Louisiana:

Section 1. Part XIV-A of Chapter 4 of Title 38 of the Louisiana Revised Statutes of 1950, comprising R.S. 38:1051 through 38:1061, is hereby enacted to read as follows:

PART XIV-A. SOUTH LOUISIANA TIDAL WATER

CONTROL LEVEE DISTRICT

§ 1051. Limits of district

That portion of the parishes of Lafourche and Terrebonne lying in a district bounded on the South by the southern boundary of the State of Louisiana, bounded on the North by a line parallel to and one mile north of the Intracoastal Canal, bounded on the West by the western boundary of Terrebonne Parish, and bounded on the East by the eastern boundary of Lafourche Parish shall be embraced in the limits of a levee district to be known and styled the South

Louisiana Tidal Water Control Levee District. All lands and other property of every description whatsoever upon the lands shall be subject to taxation, local assessment, and forced contributions for the purpose of raising funds to construct and maintain levees, levee drainage, pumps, pumping stations, drainage channels, sea walls, jetties and breakwaters in the district and to protect the lands from overflow and particularly from hurricane flood waters and from inundation from the tide waters of the Gulf of Mexico.

§ 1052. Board of Levee Commissioners

The control and management of the affairs of the South Louisiana Tidal Water Control Levee District shall be vested in a Board of Commissioners to be composed of seven qualified electors residing within and owning property and paying taxes thereon within the limits of the district. Of the seven members there shall be three from each of the two parishes within which a portion of the district is located, and the remaining member shall be from the district at large.

The initial members of the board and their successors in office shall be appointed by the governor and shall serve terms of office in accordance with the provisions of Section 1 of Article XVI of the Constitution of the state of Louisiana.

§ 1053. Meetings of board; officers; salaries and expenses

The commissioners shall convene and hold their first meeting at Golden Meadow in the parish of Lafourche within ten days after their appointment. A majority of the commissioners shall constitute a quorum to do business. They shall organize by electing one of their number president, and shall appoint a secretary and an attorney and fix their salaries or compensation. They shall designate the time and

select the place of holding their regular sessions and they may be convened at any time upon the call of their president or upon the call of three of the commissioners.

In case of the death or resignation of the president, the secretary shall call the board together to fill the vacancy. In case of absence, inability or failure to act of the president, the board shall appoint one of its number to serve as chairman, and the person so appointed shall perform all the duties of the president. In case of neglect of duty by any commissioner, or his failure without good cause to attend regular meetings for three times successively, the governor, on request of the board, shall remove the commissioner and appoint his successor.

§ 1054. General powers and duties of board

(A) The board shall adopt by-laws for its own government and for the government of its officers and employees. It shall devise and adopt rules and regulations for the carrying into effect and perfecting of a comprehensive levee and drainage system, having for its object the perfect protection of the entire district from overflow, and a comprehensive gulf coast levee, levee drainage, drainage and pumping system. It shall keep a record of all its proceedings which it shall publish after each meeting in a local newspaper of its own selection.

(B) The board at each regular session shall examine all of the accounts and operations of the board, determine in what manner work shall be undertaken and provide the means to carry out the recommendations of the Department of Public Works. All work shall be advertised to be let out by means of sealed proposals in accordance with the public contracts law of the state of Louisiana, to the lowest responsible bidder, reserving to the board authority to reject

all bids. In case of emergency or whenever it is to the best interest of the district, then the board may make contracts for the building, repair of and guarding the levees, levee drainage, drainage channels and pumping stations without advertisement or sealed proposals, and may itself operate the necessary dredge boats in the construction of its levees, levee drainage and drainage channels. It shall use all means at its command to strengthen, repair or construct any portion of the levees or levee drainage that may demand attention. It may appoint inspectors with authority to employ guards upon the levees and pumping stations during periods of storm or high water and in the event of emergency may take steps to prevent overflow, and for that purpose may use any funds in the treasury of the board not otherwise appropriated by contract previously given, or may pledge the revenues of the board, property, or other things of value to raise money for this purpose. It may create a system and establish a line of back levees and drainage for the district. The board in the creation of its back levees and drainage system, and the erection thereof, may construct floodgates wherever deemed necessary and may close any canals and bayous, which may be found to intersect the proposed levee lines, at the point of intersection in order that the property of the district may be free from the danger of inundation by the tide waters from the Gulf of Mexico. The determination of the board as to the necessity of closing any intersecting canal or bayou, or as to the necessity for opening or closing of any floodgates, to protect the district from inundation shall be conclusive evidence of the necessity. The board may construct channels, upper and lower side levees and pumping stations to protect the lands and property within the district from tidal overflow as it deems necessary, with full authority to acquire the necessary land on which to build the back and side levees and all levee

drainage and pumping structures. The board shall do all things necessary to attain the objects contemplated by this part.

(C) The board of commissioners shall cause to be kept an exact and accurate statement of the work performed by the authority of the board, giving in detail the work done, the levees built, channels dredged, pumping facilities constructed or installed, repairs or all other work done or authorized to be done by the board. They shall keep an accurate account of the finances of the levee district and semi-annually cause to be made a statement showing the exact, accurate, and true condition of the finances of the district, showing especially the receipts and resources thereof in detail, the amount and character of each amount of money, or assets received, whether in money, bills of exchange, bills receivable, property or other things of value. The statement shall show in detail the expenditures made by authority of the board, the cost of levees and other works built or repaired, salaries paid, property purchased, cost of work done, and other incidental expenditures, and any and all expenditures made by authority of the board, the balances on hand, all details of the various money, fines, or other things of value at the time of the statement. The statement shall be made in triplicate, one copy of which shall be forwarded to the governor, one copy to the state auditor, and one copy shall be kept on record in the files and records of the board. The board shall also cause this statement to be published for one day in a local newspaper within ten days from the date of their semi-annual meeting at which this statement is made and agreed to.

(D) The board shall be invested with the control of all public levees, back levees and levee drainage structures and

all operating equipment in the district, with authority to require the Department of Public Works to lay out, furnish estimates, and perform all engineering work necessary to the location, construction and repairs of the levees and levee drainage, pumping systems, and drainage channels, reserving, however, the right to the parishes in which the levees are located, also to provide funds and to construct and repair levees and levee drainage and exercise the powers now granted to them by law.

§ 1055. Corporate status and powers of board; domicile; evidence of acts and proceedings; deposit of funds; warrants

The board of commissioners shall, in addition to the powers herein conferred, be constituted a body politic or a political corporation, invested with the powers inherent in political corporations. They may sue and be sued under the style of Board of Commissioners for the South Louisiana Tidal Water Control Levee District. All process against the corporation shall be served on the president or secretary and all suits in behalf of the board shall be brought by the president. The board shall at its first regular meeting elect a domicile for the purpose of being sued and keeping its office and archives, and service of process shall be made upon the president or upon the secretary of the board in person.

The board may buy and sell property, make and execute all contracts, and do and perform all things necessary to carry out the objects of this Part, subject to the limitations and duties herein provided. They shall have a corporate seal, and copies of all the regulations and copies of proceedings of the board certified to by their secretary, under their corporate seal, shall be received in all courts as prima facie evidence of the acts and proceedings of the board. All funds of the board shall be deposited with the State Treasurer to the credit of the district, and all warrants drawn thereon

by the State Comptroller.

§ 1056. Representatives of the Boards of Commissioners of the Lafourche Basin Levee District, Atchafalaya Basin Levee District and the Department of Public Works to attend meetings of board

A. A representative of the Department of Public Works shall attend each meeting of the levee board and report to and advise with them as to the location, construction, and repairs of all levees of the district. The Department of Public Works shall locate all levees, pumping facilities, and drainage channels, furnish estimates and specifications, and perform all engineering work required of them by the levee board.

B. The Boards of Commissioners of the Lafourche Basin Levee District and the Atchafalaya Basin Levee District shall each select from among their membership, exclusive of the presidents thereof, an official representative to the South Louisiana Tidal Water Control Levee District who shall attend each meeting of the levee board and make a report on the proceedings thereof to his respective board of commissioners. Each such representative during the meetings of the Board of Commissioners of the South Louisiana Tidal Water Control Levee District shall be afforded a reasonable opportunity to be heard on matters of interest to his respective levee district while same are being considered by the Board of Commissioners.

§ 1057. District levee tax; collection and allocation of proceeds thereof

A. For the purpose of providing a revenue to carry out the objects contemplated by this Part the board of commissioners may levy annually on all property in the district subject to taxation for levee purposes a district levee tax of five mills on the dollar of assessed valuation. The assessors shall extend the tax on the tax roll, and in parishes which are not wholly comprised in the district, the assessor shall make, without additional compensation, separate rolls for that part of the parish included in the district. The tax collectors of the several parishes shall collect the district levee tax in the

of the comptroller. The avails of this tax may be funded into bonds as provided in this Act. The avails of this tax are to be used primarily for the acquisition, construction, and making of major repairs to permanent facilities or improvements, including the cost of relocating pipelines and public utility facilities.

B. The board of commissioners may levy annually on all property in the district subject to taxation for levee purposes an additional district levee tax of two and one-half mills on the dollar of its assessed valuation. The assessors shall extend the tax on the tax roll, and in parishes which are not wholly comprised in the district, the assessor shall make, without additional compensation, separate rolls for that part of the parish included in the district. The tax shall be collected in the same manner and paid into the State Treasury as hereinbefore provided for the district levee tax of five mills. The funds shall be put by the treasurer to the credit of the South Louisiana Tidal Water Control Levee District, and shall be paid out as hereinabove provided. The avails of this tax are to be used primarily for the operating and maintenance expenses of the district.

C. The board of commissioners may levy any fraction of the taxes on land as in its discretion it shall deem the board's necessities require.

§ 1058. Contributions from certain other levee districts

A. It is recognized that there are two other levee districts which are located in part within the same territory as that comprising the South Louisiana Tidal Water Control Levee District, namely the Lafourche Basin Levee District and the Atchafalaya Basin Levee District. It is further recognized that the three said levee districts have overlapping jurisdiction, functions and powers. To partially relieve the Lafourche

Basin Levee District and the Atchafalaya Basin Levee District of the responsibility for providing protection of the lands in the southern portions of their respective districts from tidal overflow and overflow from unusual weather conditions such as hurricanes, the board of commissioners of each of said districts shall transfer annually to the board of commissioners of the South Louisiana Tidal Water Control Levee District the hereinafter specified sums of money from the funds of their respective districts on or before the first day of May, commencing in the year 1969. The amount to be transferred annually by the board of commissioners of the Atchafalaya Basin Levee District shall equal the net avails of a levy of a levee district tax upon all lands within its district in the amount of one mill on the dollar of assessed valuation, after deduction of the costs of collection of such a tax, and provided that the amount so transferred annually shall not exceed in any one year the sum of Two Hundred Thousand (\$200,000.00) Dollars. The amount to be transferred annually by the board of commissioners of the Lafourche Basin Levee District shall be the sum of Two Hundred Thousand (\$200,000.00) Dollars payable out of any revenues which the board may have or may have authority to obtain.

B. The funds so required to be transferred by the boards of commissioners as provided in Sub-section A of this Section may be paid from tax avails or from any other revenues of the respective districts, at the option of the respective board of commissioners.

C. Any transfers of funds required by the provisions of this Section shall be made only if the rights of holders of outstanding bonds are not prejudiced thereby. After the effective date of this Section, the boards of commissioners of the respective districts required to make such transfers of funds are prohibited from issuing any additional bonds which would jeopardize the availability of funds for transfer ;ur-

suant to this section.

§ 1059. Contracts with other levee districts

In order to effectuate the orderly transfer of funds and cooperation in the accomplishment of their duties the respective boards of commissioners of the Lafourche Basin Levee District, the Atchafalaya Basin Levee District and the South Louisiana Tidal Water Control Levee District are authorized to contract with each other.

§ 1060. Authority to issue bonds

The South Louisiana Tidal Water Control Levee District shall have authority to issue bonds or other evidences of indebtedness in the manner provided by Part III and Part IV of this Chapter, provided that the issuance thereof shall in no way impair the obligations of any contracts entered into by the Lafourche Basin Levee District or by the Atchafalaya Basin Levee District prior to the effective date of this Part. The avails of the district levee tax provided by R.S. 38:1057 (A) and the funds transferred to the South Louisiana Tidal Water Control Levee District from the Lafourche Basin Levee District and from the Atchafalaya Basin Levee District pursuant to R.S. 38:1058 may be pledged or dedicated to the payment of the bonds issued pursuant to this Section.

§ 1061. Relocation of pipelines and electric power transmission lines

The board of commissioners of the district shall have authority to order the relocation of any and all pipelines or electric power transmission lines located within the district, provided that the owners thereof shall be reimbursed for the cost of such removal and relocation. The determination of the board of commissioners as to the necessity of removing and relocating those facilities for purposes of dredg-

ing operations or levee construction or maintenance shall be conclusive evidence of the necessity. The board is authorized to pay for the costs of such relocations from any of the funds of the district available for construction or maintenance.

Section 2. If any provision or item of this Act or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this Act which can be given effect without the invalid provisions, items or applications and to this end the provisions of this Act are hereby declared severable.

Section 3. All laws or parts of laws in conflict herewith are hereby repealed.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

LIEUTENANT GOVERNOR AND PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____