

Regular Session, 1978

HOUSE BILL NO. 1344

BY MR. LAPLANTE

ACT 225

AN ACT

To amend and reenact Sections 1051, 1052 and 1055, Subsection B of Section 1056, Subsections A and B of Section 1057, Subsection A of Section 1058, and Sections 1058.1, 1059, and 1060, all of Part XIV-A of Chapter 4 of Title 38 of the Louisiana Revised Statutes of 1950, relative to the South Louisiana Tidal Water Control Levee District, to provide for a change in name to the South Lafourche Levee District, and otherwise to provide with respect thereto.

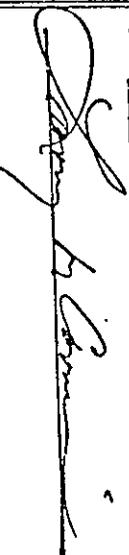
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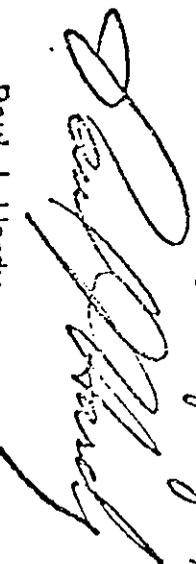
House of Representatives

  
Clerk of the House of Representatives

Received by the Governor  
This 22<sup>nd</sup> day of June 1978,  
At 12:35, P.M.



Received by Secretary of State  
this 5<sup>th</sup> day of July, 1978



Paul J. Hardy  
Secretary of State

ENROLLED

BY MR. LAPLANTE

ACT NO.

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AN ACT

To amend and reenact Sections 1051, 1052 and 1055, Subsection B of Section 1056, Subsections A and B of Section 1057, Subsection A of Section 1058, and Sections 1058.1, 1059, and 1060, all of Part XIV-A of Chapter 4 of Title 38 of the Louisiana Revised Statutes of 1950, relative to the South Louisiana Tidal Water Control Levee District, to provide for a change in name to the South Lafourche Levee District, and otherwise to provide with respect thereto.

Be it enacted by the Legislature of Louisiana:

Section 1. Sections 1051, 1052 and 1055, Subsection B of Section 1056, Subsections A and B of Section 1057, Subsection A of Section 1058, and Sections 1058.1, 1059, and 1060 of Part XIV-A of Chapter 4 of Title 38 of the Louisiana Revised Statutes of 1950 are hereby amended and reenacted to read as follows:

PART XIV-A. SOUTH LAFOURCHE LEVEE DISTRICT

\$1051. Limits of district

That portion of the parish of Lafourche lying in a district bounded on the south by the southern boundary of the state of Louisiana, bounded on the north by the south bank of the Intracoastal Canal, bounded on the west by the western boundary of Lafourche 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 Lafourche 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 Lafourche Levee District shall be vested in a board of commissioners to be composed of nine qualified electors residing within and owning property and paying taxes thereon within the limits of the district. Of the nine members there shall be four from the area within the district lying to the east of Bayou Lafourche, four from the area within the district lying to the west of Bayou Lafourche, 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 R.S. 38:281.

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\$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 corporation. They may sue and be sued under the style of board of commissioners for the South Lafourche 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 president, attested to by the secretary and seal of the board, shall specify the indebtedness the warrants are intended to liquidate, in part or in whole.

The funds shall not be drawn from the treasury except on warrants approved by the commissioner of administration.

\$1056. Representatives of the boards of commissioners of the Lafourche Basin Levee District, Atchafalaya Basin Levee District and the office of public works to attend meetings of board

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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 Lafourche 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 Lafourche 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 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 collectors of the several parishes shall collect the district levee tax in the same manner that state taxes are collected, and shall settle therefor with the state comptroller and state treasurer. The funds shall be kept in a separate account to the credit of the South Lafourche Levee District and shall be paid out on the warrant of the comptroller. The avails of this tax may be funded into bonds as provided in this Part. 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 Lafourche 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.

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\$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 Lafourche 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 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 Lafourche 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 1970. 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-half 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 one hundred thousand 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 dollars payable out of any revenues which the board may have or has authority to obtain.

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\$1058.1. Contributions to certain other levee districts

The board of commissioners of the South Lafourche Levee District shall transfer out of its accumulated funds on July 31, 1970 to the Terrebonne Parish Drainage District created pursuant to Act 15 of the 1968 Extraordinary Session the sum of one hundred thousand dollars.

\$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 Lafourche Levee District are authorized to contract with each other.

\$1060. Authority to issue bonds

The South Lafourche 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 July 31, 1968. The avails of the district levee tax provided by R.S. 38:1057, Subsection A, and the funds transferred to the South Lafourche 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.

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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

  
PRESIDENT OF THE SENATE

  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED:

  
29, 1978