

ACT No. 32

First Extraordinary Session, 2006

HOUSE BILL NO. 47

BY REPRESENTATIVES TRICHE, BALDONE, DOVE, AND PITRE AND SENATORS
CHAISSON, DUPRE, B. GAUTREAUX, AND ROMERO

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AN ACT

To amend and reenact R.S. 38:291(F)(1) and (2)(introductory paragraph) and (f), (P)(1), and (T)(1), to enact R.S. 38:329.1 and 329.2, and to repeal R.S. 38:291(F)(2)(g), relative to the consolidation of certain levee districts in Lafourche Parish; to change the boundaries of the North Lafourche Conservation, Levee and Drainage District and the Lafourche Basin Levee District; to provide for exclusive jurisdiction of the South Lafourche Levee District and its powers and duties; to provide relative to boards of commissioners; to provide for the transfer of certain property and documents; to provide relative to certain payments; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 38:291(F)(1) and (2)(introductory paragraph) and (f), (P)(1), and (T)(1) are hereby amended and reenacted and R.S. 38:329.1 and 329.2 are hereby enacted to read as follows:

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

* * *

F. Lafourche Basin Levee District. (1)(~~a~~) All the parishes or parts of parishes, except the parishes of Lafourche, Orleans, Jefferson, and Plaquemines, lying in a district between the Bayou Lafourche, the Mississippi River, and the Gulf of Mexico, heretofore known as the Third Levee District, and comprising a portion of the following parishes: Ascension, St. James, St. John the Baptist, St. Charles, and Assumption, ~~and Lafourche~~ shall be embraced in the limits of a levee district to be known as the Lafourche Basin Levee District.

(~~b~~) The South Lafourche Levee District shall be that portion of Lafourche Parish specifically embraced within the limits of the South Lafourche Levee District

1 as follows: ~~that portion of the parish of Lafourche bounded on the south by the~~
 2 ~~southern boundary of the state of Louisiana, bounded on the north by the south bank~~
 3 ~~of the Intracoastal Canal, bounded on the west by the western boundary of Lafourche~~
 4 ~~Parish and bounded on the east by the eastern boundary of Lafourche Parish.~~

5 (d) ~~There shall be shared jurisdiction for flood protection between the South~~
 6 ~~Lafourche Levee District and the Lafourche Basin Levee District. Any and all~~
 7 ~~property, mineral rights, and revenues derived therefrom belonging to the Lafourche~~
 8 ~~Basin Levee District located within the boundaries of the South Lafourche Levee~~
 9 ~~District shall remain the property of the Lafourche Basin Levee District. The~~
 10 ~~Lafourche Basin Levee District shall not levy, assess, or collect any tax or taxes~~
 11 ~~within the territorial jurisdiction of the South Lafourche Levee District.~~

12 (2) In accordance with the provisions of R.S. 38:304, the governor shall
 13 appoint ~~eleven~~ nine persons from each parish or part of a parish in the district to
 14 serve as levee commissioners as follows:

15 * * *

16 (f) ~~Two members appointed from Lafourche Parish, one of whom shall be~~
 17 ~~appointed from a list of nominations submitted by the legislators representing that~~
 18 ~~portion of Lafourche Parish north of U.S. Highway 90 and one of whom shall be~~
 19 ~~appointed from a list of nominations submitted by the legislators representing that~~
 20 ~~portion of Lafourche Parish south of U.S. Highway 90.~~

21 (g) Three members to be appointed from the district at large.

22 * * *

23 P. South Lafourche Levee District. (1) That portion of the parish of
 24 Lafourche ~~lying in a district~~ bounded on the south by the southern boundary of the
 25 state of Louisiana and bounded on the north by the south bank of the Intracoastal
 26 Canal, ~~bounded on the west by the western boundary of Lafourche Parish, and~~
 27 ~~bounded on the east by the eastern boundary of Lafourche Parish~~ shall be embraced
 28 within the limits of a levee district to be known as the South Lafourche Levee
 29 District. ~~There shall be shared jurisdiction for flood protection between the South~~
 30 ~~Lafourche Levee District and the Lafourche Basin Levee District. Any and all~~

1 ~~property, mineral rights, and revenues derived therefrom belonging to the Lafourche~~
 2 ~~Basin Levee District located within the boundaries of the South Lafourche Levee~~
 3 ~~District shall remain the property of the Lafourche Basin Levee District.~~ These lands
 4 and all property thereon situated, not exempt from taxation, shall be subject to the
 5 provisions of this Chapter.

* * *

7 T. North Lafourche Conservation, Levee and Drainage District. (1) That
 8 portion of the parish of Lafourche lying ~~in a district bounded on the south by north~~
 9 of the northern bank of the Intracoastal Canal ~~bounded on the west by the western~~
 10 ~~boundary of Lafourche Parish, bounded on the east by the western bank of Bayou~~
 11 ~~Lafourche, and bounded on the north by the northern boundary of Lafourche Parish~~
 12 shall be embraced within the limits of a levee district to be known as the North
 13 Lafourche Conservation, Levee and Drainage District. These lands, and all property
 14 thereon situated, not exempt from taxation, shall be subject to the provisions of this
 15 Chapter.

* * *

17 §329.1. South Lafourche Levee District; additional powers and duties; certain
 18 payments

19 A. In addition to any other powers and duties provided by law, the primary
 20 duty of the district shall be to establish, construct, operate, or maintain flood control
 21 works as they relate to hurricane protection, tidewater flooding, saltwater intrusion,
 22 and conservation. As a secondary duty, the district shall have the authority to
 23 establish flood control, adequate drainage relating to tidal or riverine flooding, and
 24 water resources development including but not limited to construction of reservoirs,
 25 diversion canals, gravity and pump drainage systems, erosion control measures, and
 26 marsh management. The district shall have the authority to construct and maintain
 27 drainage works of all types as they relate to tidewater flooding, hurricane protection,
 28 conservation, and saltwater intrusion, either in cooperation with one or more
 29 parishes, municipalities, levee districts, drainage districts, or other special districts
 30 within its jurisdiction, or upon its own undertaking.

1 B. Because the Lafourche Basin Levee District continues to provide mainline
2 Mississippi River levee protection which is beneficial to Lafourche Parish, the South
3 Lafourche Levee District shall make payments to the Lafourche Basin Levee District
4 as follows:

5 (1) For the year 2007, thirty-five percent of the 2006 mineral revenues
6 received on any lands within the boundaries of the South Lafourche Levee District
7 that were previously owned by the Lafourche Basin Levee District.

8 (2) For the year 2008, twenty-five percent of the 2007 mineral revenues
9 received on any lands within the boundaries of the South Lafourche Levee District
10 that were previously owned by the Lafourche Basin Levee District.

11 (3) For the year 2009 and thereafter, fifteen percent of the mineral revenues
12 received on any lands within the boundaries of the South Lafourche Levee District
13 that were previously owned by the Lafourche Basin Levee District.

14 §329.2. North Lafourche Conservation, Levee and Drainage District; certain
15 payments

16 Because the Lafourche Basin Levee District continues to provide mainline
17 Mississippi River levee protection which is beneficial to Lafourche Parish, the North
18 Lafourche Conservation, Levee and Drainage District shall make payments to the
19 Lafourche Basin Levee District as follows:

20 (1) For the tax year 2007, thirty-five percent of both the amount of the 2006
21 ad valorem property taxes received by the levee district from the first five mills of
22 such tax that it levies for levee protection and the mineral revenues received on any
23 lands within the boundaries of the North Lafourche Conservation, Levee and
24 Drainage District that were previously owned by the Lafourche Basin Levee District.

25 (2) For the tax year 2008, twenty-five percent of both the amount of the 2007
26 ad valorem property taxes received by the levee district from the first five mills of
27 such tax that it levies for levee protection and the mineral revenues received on any
28 lands within the boundaries of the North Lafourche Conservation, Levee and
29 Drainage District that were previously owned by the Lafourche Basin Levee District.

1 (3) For the tax year 2009 and thereafter, fifteen percent of both the amount
 2 of the ad valorem property taxes received by the levee district for the tax year 2008
 3 and thereafter from the first five mills of such tax that it levies for levee protection
 4 and the mineral revenues received on any lands within the boundaries of the North
 5 Lafourche Conservation, Levee and Drainage District that were previously owned
 6 by the Lafourche Basin Levee District.

7 Section 2. R.S. 38:291(F)(2)(g) is hereby repealed in its entirety.

8 Section 3. Any books, records, documents, funds, movable property, lands, or
 9 immovable property owned by the Lafourche Basin Levee District situated on or pertaining
 10 to operations in the North Lafourche Conservation, Levee and Drainage District shall, upon
 11 the effective date of this Act, become property of and shall be transferred to the North
 12 Lafourche Conservation, Levee and Drainage District without the necessity of any other act,
 13 instrument, or deed.

14 Section 4. Any books, records, documents, funds, movable property, lands, or
 15 immovable property owned by the Lafourche Basin Levee District situated on or pertaining
 16 to operations in the South Lafourche Levee District shall, upon the effective date of this Act,
 17 become property of and shall be transferred to the South Lafourche Levee District without
 18 the necessity of any other act, instrument, or deed.

19 Section 5. This Act shall become effective on January 1, 2007; if vetoed by the
 20 governor and subsequently approved by the legislature, this Act shall become effective on
 21 January 1, 2007, or on the day following such approval by the legislature, whichever is later.

 SPEAKER OF THE HOUSE OF REPRESENTATIVES

 PRESIDENT OF THE SENATE

 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____