

2020 Regular Session

SENATE BILL NO. 167

BY SENATOR FRED MILLS

SPECIAL DISTRICTS. Authorizes creation of regional drainage and flood mitigation districts. (8/1/20)

1 AN ACT
2 To enact Chapter 2-A-1 of Title 38 of the Louisiana Revised Statutes of 1950, to be
3 comprised of R.S. 38:95 through 95.5, relative to regional drainage and flood
4 mitigation districts; to authorize the creation of regional drainage and flood
5 mitigation districts; to provide with respect to a governing board for a district; to
6 provide with respect to the membership of the governing board and for the term and
7 compensation of board members; to provide for the powers and duties of the
8 governing board; to provide definitions; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Chapter 2-A-1 of Title 38 of the Louisiana Revised Statutes of 1950,
11 comprised of R.S. 38:95 through 95.5, is hereby enacted to read as follows:

12 **CHAPTER 2-A-1. REGIONAL DRAINAGE AND FLOOD**

13 **MITIGATION DISTRICTS**

14 **§95. Legislative intent**

15 **It is the intent of the legislature to authorize the governing authorities of**
16 **the parishes located wholly or partially within the eight watershed regions**
17 **identified by the Council on Watershed Management created by Executive**

1 Order JBE 18-16, upon their own initiative, to form and create a regional
2 drainage and flood mitigation district to increase community and regional
3 resilience relative to drainage and flooding by managing, mitigating, and
4 adapting to future flood risk.

5 §95.1. Definitions

6 As used in this Chapter and unless the context clearly requires
7 otherwise:

8 (1) "Council" means the Council on Watershed Management created by
9 Executive Order JBE 18-16 composed of the executive director of the office of
10 community development within the division of administration, the secretary of
11 the Department of Transportation and Development, the executive director of
12 the Coastal Protection and Restoration Authority, the executive director of the
13 Governor's Office of Homeland Security and Emergency Preparedness, and the
14 secretary of the Department of Wildlife and Fisheries.

15 (2) "District" means a regional drainage and flood mitigation district
16 created as authorized in this Chapter.

17 (3) "Governing board" means the governing board of any regional
18 drainage and flood mitigation district created as authorized in this Chapter.

19 (4) "Watershed region" means one of the eight watershed regions
20 identified by the Louisiana Watershed Initiative.

21 §95.2. Authority; Regional districts

22 A. A regional drainage and flood mitigation district may be created,
23 upon their own initiative, by the governing authorities of any two or more
24 parishes located wholly or partially within a watershed region. The purpose of
25 a district is to coordinate with the council and each other to increase community
26 and regional resilience relative to drainage and flooding by managing,
27 mitigating, and adapting to maximize future flood risk reduction. Participation
28 as a member of a district by a parish is optional.

29 B. The eight watershed regions identified by the Louisiana Watershed

1 **Initiative are as follows:**

2 **(1) Region 1 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Grant,**
3 **Natchitoches, Red River, Sabine, Webster, and Winn parishes.**

4 **(2) Region 2 - Avoyelles, Bienville, Caldwell, Catahoula, Concordia,**
5 **Grant, Jackson, LaSalle, Lincoln, Rapides, and Winn parishes.**

6 **(3) Region 3 - Caldwell, Catahoula, Claiborne, Concordia, East Carroll,**
7 **Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas,**
8 **Union, and West Carroll parishes.**

9 **(4) Region 4 - Allen, Beauregard, Caddo, Calcasieu, Cameron, DeSoto,**
10 **Jefferson Davis, Rapides, Sabine, and Vernon parishes.**

11 **(5) Region 5 - Acadia, Allen, Avoyelles, Calcasieu, Cameron, Evangeline,**
12 **Iberia, Iberville, Jefferson Davis, Lafayette, Pointe Coupee, Rapides, St.**
13 **Landry, St. Martin, St. Mary, and Vermilion parishes.**

14 **(6) Region 6 - Ascension, Assumption, Iberville, Jefferson, Lafourche, St.**
15 **Charles, St. James, St. John the Baptist, St. Martin, St. Mary, Pointe Coupee,**
16 **Terrebonne, and West Baton Rouge parishes.**

17 **(7) Region 7 - Ascension, East Baton Rouge, East Feliciana, Livingston,**
18 **Pointe Coupee, St. Charles, St. Helena, St. James, St. John the Baptist, St.**
19 **Tammany, Tangipahoa, Washington, and West Feliciana parishes.**

20 **(8) Region 8 - Jefferson, Orleans, Plaquemines, and St. Bernard parishes.**

21 **§95.3. Purpose**

22 **The purpose of a regional drainage and flood mitigation district and its**
23 **governing board shall be to do the following:**

24 **(1) Identify local public sources of revenue or expenditure that may be**
25 **used to draw down federal matching funds for the provision of drainage**
26 **projects to reduce flood risk.**

27 **(2) Participate, as circumstances may warrant, in any activity designed**
28 **and conducted to promote drainage and flood risk reduction.**

29 **(3) Promote and support a unified effort to address drainage and flood**

1 issues in the region in cooperation with local, state, and federal agencies.

2 (4) Cooperate with local, state, and federal organizations and agencies
3 engaged in planning and construction of drainage and flood reduction and
4 mitigation projects in the state and region.

5 §95.4. Powers and duties of governing board

6 A. In addition to the duties defined elsewhere in this Chapter, the
7 governing board shall have the duty and authority to do the following:

8 (1) Represent the public interest in supporting drainage, flood reduction,
9 and mitigation in the district.

10 (2) Advise on issues concerning drainage, and the reduction and
11 mitigation of flood risk in the district.

12 (3) Conduct public hearings and share public input on the community's
13 priorities relative to drainage, flood risk, and mitigation in the district.

14 (4) Appoint the necessary standing and special committees that may be
15 necessary to carry out the purposes of this Chapter.

16 (5) Enter into contracts, agreements, or cooperative endeavors with the
17 state and its political subdivisions and with any public or private person to
18 promote the public purposes of the district.

19 B. The governing board shall appoint a fiscal agent to collect or cause to
20 be collected public monies identified as available for the purpose of serving as
21 state match for federal matching funds to ensure the provision of drainage,
22 flood reduction, and mitigation projects in the district.

23 C. The division of administration, Department of Transportation and
24 Development, and the Coastal Protection and Restoration Authority shall not
25 displace, replace, or supplant state appropriations from the state general fund
26 or other state funds designated for the district.

27 D. The governing board shall submit any reports or information related
28 to the district, to the chairmen of the Senate and House committees on
29 transportation, highways, and public works upon request of the chairman of

1 either committee.

2 §95.5. Governing board; membership; term; compensation

3 A.(1) The district shall be governed by a governing board.

4 (2)The governing board shall be comprised of the following members:

5 (a) The parish president or the police jury president of each parish
6 governing authority located wholly or partially within the district or his
7 designee.

8 (b)The secretary of the Department of Transportation and Development
9 or his designee.

10 (c) The executive director of the Coastal Protection and Restoration
11 Authority or his designee.

12 B. All members shall serve terms concurrent with their term of elected
13 or appointed office.

14 C. A vacancy on a governing board shall be filled in the same manner as
15 required for the original member.

16 D. Each governing board member shall serve without compensation,
17 except per diem or expense reimbursement to which they may be individually
18 entitled as an official of the parish or state agency they represent.

19 E. The chairman shall be elected by a majority vote of the governing
20 board. The term of the chairman shall be established under the governing
21 board's bylaws.

22 F. The governing board shall adopt bylaws to provide for its governance
23 within ninety days of being established. Such bylaws shall include but not be
24 limited to:

25 (1) Procedures for the election of governing board officers including
26 terms of office and methods and grounds for removal. Governing board officers
27 shall include, at a minimum, a chairman, vice chairman, and
28 secretary-treasurer.

29 (2) Procedures and grounds for the removal of any governing board

1 **member. Grounds for removal shall include the conviction of a felony and may**
 2 **include the failure of the member to meet board attendance requirements, as**
 3 **provided in the bylaws.**

4 **(3) Designate the district's official domicile and official journal.**

5 **(4) Designate the frequency, time, and place to hold meetings.**

6 **G. All governing board members of a district shall be subject to the Code**
 7 **of Governmental Ethics. No member of the governing board or his immediate**
 8 **family shall own or have any interest in any public or private organization,**
 9 **business, company, or entity conducting business of any kind with the district.**

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Sharon F. Lyles.

DIGEST

SB 167 Original

2020 Regular Session

Fred Mills

Proposed law authorizes the governing authorities of any two or more parishes located wholly or partially within one of the eight watershed regions identified by the Council on Watershed Management created by Executive Order JBE 18-16, upon their own initiative, to form and create a regional drainage and flood mitigation district to increase community and regional resilience relative to drainage and flooding by managing, mitigating and adapting to future flood risk.

Proposed law identifies the eight watershed regions in Louisiana by parish.

Proposed law provides definitions for "council", "district", "governing board", and "watershed region".

Proposed law specifies the purposes of the regional drainage and flood mitigation district and the district's governing board.

Proposed law provides that the governing board shall have the duty and authority to do the following:

- (1) Represent the public interest in supporting drainage, flood reduction, and mitigation in the district.
- (2) Advise on issues concerning drainage, and the reduction and mitigation of flood risk in the district.
- (3) Conduct public hearings and share public input on the community's priorities relative to drainage, flood risk and mitigation in the district.
- (4) Appoint the necessary standing and special committees that may be necessary to carry out the purposes of this Chapter.
- (5) Enter into contracts, agreements, or cooperative endeavors with the state and its political subdivisions and with any public or private person to promote the public purposes of the district.

Proposed law provides that the governing board shall appoint a fiscal agent to collect or cause to be collected all public monies identified by the district as available for the purpose of serving as state match for federal matching funds to ensure the provision of drainage, flood reduction, and mitigation projects in the district.

Proposed law provides that DOA, DOTD, or CPRA shall not displace, replace, or supplant state appropriations from the state general fund or other state funds designated for the district.

Proposed law provides that the governing board shall submit any reports or information related to the district to the chairmen of the Senate and House committees on transportation, highways, and public works upon request of the chairman of either committee.

Proposed law provides for the governing board of the district and additionally provides for the membership, term, and compensation of governing board members.

Proposed law provides that all governing board members of the district shall be subject to the Code of Governmental Ethics. No member of the governing board or his immediate family shall own or have any interest in any public or private organization, business, company, or entity conducting business of any kind with the district.

Effective August 1, 2020.

(Adds R.S. 38:95-95.5)