

Regular Session, 2011

HOUSE BILL NO. 334

BY REPRESENTATIVE CHAMPAGNE

LEVEES/BDS & DISTRICTS: Creates the Vermilion Parish Levee, Hurricane Protection, and Conservation District

1 AN ACT

2 To amend and reenact R.S. 38:291(AA)(1) and (2) and to enact R.S. 38:291(CC), relative  
3 to levee districts; to remove Vermilion Parish from the limits of the Chenier Plain  
4 Coastal Restoration and Protection Authority; to create the Vermilion Parish Levee,  
5 Hurricane Protection, and Conservation District; to provide for jurisdictional limits;  
6 to provide for a board of commissioners; to provide for appointment of  
7 commissioners, terms of office, and determination of domicile; and to provide for  
8 related matters.

9 Notice of intention to introduce this Act has been published  
10 as provided by Article III, Section 13 of the Constitution of  
11 Louisiana.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 38:291(AA)(1) and (2) are hereby amended and reenacted and R.S.  
14 38:291(CC) is hereby enacted to read as follows:

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

16 \* \* \*

17 AA. Chenier Plain Coastal Restoration and Protection Authority.

18 (1) All of the lands in the parishes of Calcasieu; and Cameron, ~~and~~  
19 ~~Vermilion~~ shall be embraced in the limits of a levee district to be known as the  
20 Chenier Plain Coastal Restoration and Protection Authority. These lands and all

1 property thereon situated, not exempt from taxation, shall be subject to the  
2 provisions of this Chapter.

3 (2) The governor shall appoint, subject to Senate confirmation, ~~nine~~ six  
4 persons to serve as commissioners as follows:

5 (a) The police jury of Calcasieu Parish shall submit a list of six nominations,  
6 subject to ratification by the governing authority of Calcasieu Parish, and the  
7 governor shall appoint three members from the list.

8 (b) The police jury of Cameron Parish shall submit a list of six nominations,  
9 subject to ratification by the governing authority of Cameron Parish, and the  
10 governor shall appoint three members from the list.

11 ~~(c) The police jury of Vermilion Parish shall submit a list of six nominations,~~  
12 ~~subject to ratification by the governing authority of Vermilion Parish, and the~~  
13 ~~governor shall appoint three members from the list.~~

14 \* \* \*

15 CC. Vermilion Parish Levee, Hurricane Protection, and Conservation  
16 District.

17 (1) All of the lands in the parish of Vermilion shall be embraced in the limits  
18 of a levee district to be known as the Vermilion Parish Levee, Hurricane Protection,  
19 and Conservation District. These lands and all property thereon situated shall be  
20 subject to the provisions of this Chapter.

21 (2) The governor shall appoint, subject to Senate confirmation, a board of  
22 commissioners consisting of nine persons who reside in Vermilion Parish located  
23 within the levee district and who meet the requirements of R.S. 38:304(A) as  
24 follows:

25 (a) Two members shall be appointed from the Vermilion Parish Police Jury.

26 (b) One member shall be appointed from the Abbeville Harbor and Terminal  
27 Port Commission.

28 (c) One member shall be appointed from each of the following municipalities  
29 within Vermilion Parish:

1           (i) City of Abbeville.

2           (ii) City of Kaplan.

3           (iii) Town of Erath.

4           (iv) Town of Gueydan.

5           (v) Town of Delcambre.

6           (vi) Village of Maurice.

7           (3) A vacancy created whether by reason of death, resignation, expiration of  
8 term, or any other cause of a member of the board shall be filled in the same manner  
9 as provided in Paragraph (2) of this Subsection.

10           (4)(a) The members of the board initially appointed shall at their first  
11 meeting determine by lot their terms of office, which terms shall commence  
12 immediately upon their appointment and shall expire, respectively, as follows: three  
13 members in two years, three members in three years, and three members in four  
14 years, from the first day of July immediately succeeding such appointment.

15           (b) All commissioners thereafter appointed, except a commissioner  
16 appointed to fill an unexpired term, shall be appointed as provided in Paragraph (2)  
17 of this Subsection for staggered terms of four years, which shall expire on July first  
18 of the fourth year of the term to which he is appointed, or until his successor is  
19 appointed and takes office.

20           (c) No member shall serve more than four consecutive four-year terms;  
21 however, if a person has been appointed to fill more than one-half of an unexpired  
22 term, such person shall be eligible to serve consecutively no more than three terms  
23 in addition to such partial term.

24           (5) The official domicile of the board of the district shall be established by  
25 the board.

26           (6) No member of the board shall receive compensation for serving as a  
27 member of the board.

1           (7)(a) The district shall have such taxing authority as authorized by Article  
 2           VI, Sections 39(A) and (B) of the Constitution of Louisiana and other applicable  
 3           provisions of law.

4           (b) For purposes of this Paragraph, the district shall be limited by the Charter  
 5           for the city of Abbeville.

#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Champagne

HB No. 334

Present law creates the Chenier Plain Coastal Restoration and Protection Authority (authority). Further provides that the boundaries of the authority will encompass all of the lands in the parishes of Calcasieu, Cameron, and Vermilion.

Proposed law removes Vermilion Parish from the boundaries of the authority.

Present law provides that the governor will appoint, subject to Senate confirmation, nine persons to serve as commissioners as follows:

- (1) The president of Calcasieu Parish will submit a list of six nominations, subject to ratification by the governing authority of Calcasieu Parish, and the governor will appoint three members from the list.
- (2) The president of Cameron Parish will submit a list of six nominations, subject to ratification by the governing authority of Cameron Parish, and the governor will appoint three members from the list.
- (3) The president of Vermilion Parish will submit a list of six nominations, subject to ratification by the governing authority of Vermilion Parish, and the governor will appoint three members from the list.

Proposed law retains present law except that it removes the nominations and appointments from Vermilion Parish, which changes the number of commissioners appointed by the governor to serve on the board from nine members to six members.

Proposed law provides for the Vermilion Parish Levee, Hurricane Protection, and Conservation District, which shall encompass all of the lands in the parish of Vermilion.

Proposed law requires that the governor appoint a board of commissioners, subject to Senate confirmation, consisting of nine members who reside in the portion of Vermilion Parish located within the district.

Proposed law provides that the governor will appoint, subject to Senate confirmation, nine persons to serve as commissioners as follows:

- (1) Two members from the Vermilion Parish Police Jury.
- (2) One member from the Abbeville Harbor and Terminal Port Commission.

- (3) One member to be appointed from each of the following municipalities within Vermilion Parish, which includes the city of Abbeville, the city of Kaplan, the town of Erath, the town of Gueydan, the town of Delcambre, and the village of Maurice.

Proposed law provides for vacancies to be filled in the same manner as the original appointments provided in proposed law.

Proposed law requires commissioners to determine by lot their terms of office at the first meeting, which shall commence immediately upon appointment and expire respectively as follows: three members in two years, three members in three years, and three members in four years.

Proposed law provides that all commissioners appointed after the initial appointments, shall be appointed in accordance with proposed law for staggered terms of four years, which shall expire on July 1 of the fourth year, or until the successor is appointed to take office. Further provides that no member shall serve more than four consecutive four-year terms.

Proposed law provides that if a commissioner is appointed to fill more than ½ of an unexpired term, that person shall be eligible to serve no more than three additional consecutive terms.

Proposed law requires the board to establish the official domicile of the board.

Proposed law provides for taxing authority, with restrictions regarding the city of Abbeville's home rule charter

(Amends R.S. 38:291(AA)(1) and (2); Adds R.S. 38:291(CC))

#### Summary of Amendments Adopted by House

##### House Floor Amendments to the engrossed bill.

1. Adds a provision to restrict the district's taxing authority as it relates provisions provided for in the city of Abbeville's home rule charter.