

SENATE BILL NO. 278

BY SENATOR NEVERS AND REPRESENTATIVES RITCHIE AND STRAIN

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

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AN ACT

To amend and reenact R.S. 38:3087.191, the introductory paragraph of R.S. 38:3087.192(B) and (C), 3087.193(B), 3087.194(B), 3087.196, 3087.197(A)(2), (5), and (8) and (C), 3087.198(A)(6), 3087.199(A)(1), (B)(1) and (2), (C)(1), (D)(1), 3087.204, and 3087.205(A) and (B), relative to the Washington Parish Reservoir District; to provide for the creation, maintenance, and operation of a single reservoir in the district; to provide for reimbursement of the amount actually paid for property returned to a prior landowner; to limit the authority of the district to expropriate property; to provide for payment to owners whose property is subject to expropriation; to provide for terms for members of the board of commissioners of the district; to authorize agreements with landowners regarding building restrictions on non-submerged property; to provide relative to the district's relationship with the Louisiana Wildlife and Fisheries Commission; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. R. S. 38:3087.191, the introductory paragraph of R. S. 38:3087.192(B) and (C), 3087.193(B), 3087.194(B), 3087.196, 3087.197(A)(2), (5), and (8) and (C), 3087.198(A)(6), 3087.199(A)(1), (B)(1) and (2), (C)(1), (D)(1), 3087.204, and 3087.205(A) and (B) are hereby amended and reenacted to read as follows:

§3087.191. Creation

There is hereby created a recreation and water conservation and reservoir

1 district to be known as the "Washington Parish Reservoir District" **for the purpose**
 2 **of creating, maintaining, and operating a single reservoir in Washington Parish**
 3 **as provided in this Part.** For purposes of this Part, the term "reservoir" shall mean
 4 any **and include only a single** lake or reservoir that has been created by the district
 5 or which the district has proposed to create **in Washington Parish.**

6 §3087.192. Location

7 * * *

8 B. At the site of any **the single** reservoir the district **has created or has**
 9 **proposed to create, the district** may make available on suitable land **acquired by**
 10 **purchase, donation or lease** the following improvements:

11 * * *

12 C. Any land initially acquired by the district but not developed by the district
 13 shall be returned to the prior property owner upon reimbursement of the ~~district's~~
 14 ~~appraised value as determined by the board of commissioners~~ **amount originally**
 15 **paid to the prior owner by the district.**

16 §3087.193. District as political subdivision and body corporate; purpose and powers

17 * * *

18 B.(1) ~~It~~ **The district** shall constitute a body corporate in law with all powers,
 19 rights, privileges, and immunities of a corporation. It may sue and be sued; ~~;~~ buy and
 20 sell, ~~levy taxes;~~ negotiate and execute contracts; ~~;~~ and incur debts and issue
 21 negotiable bonds in payment thereof under and in accordance with law. It may
 22 acquire by purchase, donation, ~~expropriation,~~ or otherwise **lease** every type and
 23 specie of property, including servitudes and rights-of-use, necessary to its purpose
 24 and may lease, build, operate, and maintain any works or machinery designed to
 25 accomplish the purposes of the district. **The district may acquire by expropriation**
 26 **only property that is to be used (a) for the maximum pool of water at the high**
 27 **water pool stage as determined by the district for a single reservoir to be located**
 28 **in Washington Parish and (b) for ingress to and egress from such a single**
 29 **reservoir as is necessary to construct, safely maintain, and operate such a single**
 30 **reservoir. However, in lieu of purchasing the property, the district may obtain**

1 a flood servitude or flowage easement, upon a one-time payment of a negotiated
2 amount, on that land located between the normal pool stage and the maximum
3 flood elevation as determined by the district. It may create an economic
4 development corporation pursuant to R.S. 33:9020 et seq.

5 (2)(a)(i) Any expropriation exercised pursuant to this Subsection shall,
6 except as provided in this Paragraph (2), be conducted pursuant to the general
7 expropriation provisions for expropriation by the state or its political
8 subdivisions contained in Part I of Title 19 of the Louisiana Revised Statutes of
9 1950.

10 (ii) Prior to purchasing property or exercising its right of expropriation,
11 the district shall have the property appraised by an independent appraiser
12 licensed in the state of Louisiana to determine the amount of compensation to
13 be paid the landowner for his property. If an agreement as to compensation
14 cannot be reached between the district and the landowner, then either party
15 may exercise his right to a jury trial under Article I, Section 4 of the
16 Constitution of Louisiana to determine the amount of compensation to be paid.

17 (b)(i) If a residential mobile home, as defined in R.S. 9:1149.2, is located
18 on land to be taken by the district through expropriation, the district shall make
19 every reasonable effort to relocate the existing residential mobile home to a
20 location within the district as close as practicable to its current location, unless
21 the owner receives the amount due him as allowed by law.

22 (ii) If a private residence has been built on land to be taken by the
23 district through expropriation, the district shall make every reasonable effort
24 to accommodate the owner of the residence by payment of compensation and
25 by providing a parcel of land equal in value to the parcel of land where the
26 existing home was located and as near as practicable to its current location
27 unless another location is specified by the owner.

28 * * *

29 §3087.194. Board of commissioners, appointment; tenure; vacancies; compensation

30 * * *

1 inspection at all reasonable times.

2 §3087.197. Powers of the board

3 A. In order to accomplish the purposes for which the district is created, the
4 board of commissioners may:

5 * * *

6 (2) Acquire servitudes and rights-of-use by purchase, ~~expropriation~~ lease, or
7 assignment for ~~reservoirs~~ a single reservoir or recreational areas or otherwise.

8 * * *

9 (5) ~~Levy taxes within the district,~~ Issue bonds and incur indebtedness within
10 the limitations prescribed by the Constitution of Louisiana and in the manner
11 prescribed thereby.

12 * * *

13 (8) Grant franchises to telephone, telegraph, and electric power companies
14 and grant franchises for the purposes of laying gas, water, sewer, electrical utilities,
15 or other utilities to supply the inhabitants or any person or corporation with gas,
16 water, sewerage, or electrical utilities when such construction is within a the single
17 reservoir created by the district.

18 * * *

19 C. ~~The district may incur debt for any one or more of its lawful purposes,~~
20 ~~issue in its name negotiable bonds or certificates of indebtedness evidencing such~~
21 ~~debt, and provide for the security and payment thereof as follows:~~

22 (1) ~~To issue certificates of indebtedness maturing within one year from date~~
23 ~~of issuance to evidence money borrowed in anticipation of current revenues for the~~
24 ~~administration, operation, construction, and maintenance costs and expenses of the~~
25 ~~district, which certificates shall be payable in principal and interest from any~~
26 ~~available income, revenues, fees, or taxes pledged to their payment by the district.~~

27 (2) ~~To issue bonds substantially in the manner set forth in Article VI of the~~
28 ~~Constitution of Louisiana, and other authority supplemental thereto, particularly Part~~
29 ~~III of Chapter 4 of Title 39 of the Louisiana Revised Statutes of 1950. Such bonds~~
30 ~~shall be payable from an ad valorem tax on all taxable property in the district~~

1 sufficient to pay such bonds in principal and interest, if approved by vote of a
 2 majority in number of the qualified electors voting on the proposition at an election
 3 held for that purpose. Such bonds shall be issued in the manner provided by the law
 4 pursuant to which they are being issued, and the maximum interest rate for the bonds
 5 shall be that prescribed by such law. The bonds shall be issued in such amount or
 6 amounts as the board of commissioners shall determine. However, the principal
 7 amount of all such bonds outstanding as of the date of the issuance of any new bonds
 8 shall never exceed ten percent of the assessed valuation of the taxable property
 9 within the district, to be ascertained by the last assessment roll of record in
 10 Washington Parish.

11 (3) ~~The district shall have additional authority to levy taxes within the~~
 12 ~~district under the provisions of Article VI, Section 32 of the Constitution of~~
 13 ~~Louisiana, for the purpose of improving, operating, and maintaining its facilities,~~
 14 ~~providing any such tax shall first be approved at an election held for said purposes~~
 15 ~~in accordance with the Louisiana Election Code.~~

16 (4) ~~The copy of any resolution levying a tax, certified by the secretary of the~~
 17 ~~board of commissioners of said district, shall be transmitted to the tax assessor of~~
 18 ~~Washington Parish on or before the first day of May of the first year in which the tax~~
 19 ~~is to be assessed and collected, and it shall be the duty of the assessor to assess the~~
 20 ~~tax and extend the same upon the tax rolls of the parish. The tax shall be collected~~
 21 ~~by the sheriff and ex officio tax collector in the same manner as taxes levied by the~~
 22 ~~parish. Taxes assessed shall constitute the same liens upon the property assessed,~~
 23 ~~shall bear the same penalties, and collection shall be enforced in the same manner~~
 24 ~~and at the same time as parish taxes.~~

25 §3087.198. Rules and regulations

26 A. In order to accomplish the purposes of the district the board of
 27 commissioners may make and enforce such rules and regulations as it shall deem
 28 necessary and advisable:

29 * * *

30 (6) ~~To describe, execute, and implement building restrictions on non-~~

1 ~~submerged lands not owned by the district but located therein and immediately~~
 2 ~~adjacent to the improvements of the district in order to maintain the integrity and~~
 3 ~~enhance the value of property in the district and the surrounding area. Building~~
 4 ~~restrictions for private landowners within the district will not be more strict than~~
 5 ~~guidelines used by the district~~ **place, with the consent of the landowner, building**
 6 **restrictions on non-submerged property of the landowner, which is located**
 7 **adjacent to or bordering on the reservoir.**

* * *

9 §3087.199. Construction which would impede flow of water in the reservoir
 10 prohibited; pollution defined and prohibited; penalties fixed for
 11 violations

12 A.(1) No person or public corporation shall erect within the drainage area of
 13 the district any dam or reservoir upon any stream or watercourse which will affect
 14 the single reservoir **created, maintained, and operated by the district** until a copy
 15 of the plans has been filed with the board of commissioners for approval.

* * *

17 B.(1) No person shall knowingly and willfully empty or drain into or permit
 18 to be drained from any pumps, lakes, reservoirs, wells, or oil fields into any stream
 19 or drain constituting the watershed of the district's reservoir or from any stream
 20 within the district into the district's reservoir any oil, salt water, or other noxious or
 21 poisonous gas or substance that would render the water unfit for irrigation or would
 22 destroy aquatic life in the district's reservoir.

23 (2) Each and every day that oil, salt water, or other substance is permitted to
 24 flow into natural streams or drains that constitute the watershed of the district's
 25 reservoir shall constitute a separate and distinct offense.

* * *

27 C.(1) No person shall:
 28 (a) Obstruct drainage channels which compose any drain or stream flowing
 29 into the district's reservoir by bridging them except in accordance with plans,
 30 specifications, and instructions prescribed by the board of commissioners of the

1 district.

2 (b) Construct dams, locks, or gates in drainage channels of the watershed of
3 the **district's** reservoir without permission of the commission.

4 (c) Anchor rafts, crafts, fish traps, fish cars, and other obstacles in the channel
5 of any stream, drain, or natural flow of the feeder streams of the watershed of the
6 **district's** reservoir, **provided, however, that nothing in this Section shall prohibit**
7 **the otherwise lawful anchorage of boats and watercraft, or the otherwise lawful**
8 **use of legal fishing gear.**

9 (d) Drain into channels by natural or artificial inlets **leading into the**
10 **district's reservoir,** except under regulations prescribed by the board of
11 commissioners.

12 (e) Cause water to be diverted in any manner from the channels **leading into**
13 **the district's reservoir** without the express permission of the Washington Parish
14 Reservoir District.

15 (f) Float timber in the watershed of the **district's** reservoir.

16 (g) Use the channels **leading into the district's reservoir** for transportation
17 or commercial navigation, except under authority of and agreement with the board
18 of commissioners.

19 * * *

20 D.(1) No proprietor, owner, lessee, or possessor of land abutting the **district's**
21 reservoir or upon any public road paralleling the water line or contiguous to the
22 **district's** reservoir shall in any manner close or place any obstruction in the drains
23 or ditches, whether on private property or on the public road or levee adjacent to the
24 road which will in any manner interfere with the effective, thorough, and continuous
25 drainage into the **district's** reservoir.

26 * * *

27 §3087.204. Playgrounds, parks, and other facilities; limitation

28 The ~~board may cause to be created and constructed~~ **district may acquire by**
29 **purchase, donation, or lease property for the construction of** playgrounds, picnic
30 grounds, grounds for recreation, parks, and any and all other facilities to

1 accommodate the public and to provide adequate access to the proposed lake or
2 reservoir, ~~as may within the opinion of the board become necessary, and the district~~
3 ~~shall have the right of eminent domain and expropriation in the exercise of such~~
4 powers.

5 §3087.205. ~~Management of fish, game, and wildlife;~~ **Regulation of** water level,
6 **watercraft, commercial establishments**

7 A. The board shall have the right to determine and to fix the necessary rules
8 and regulations pertaining to the fluctuation of the waters of the **district's** reservoir.

9 ~~B. The Wildlife and Fisheries Commission, after due consideration of the~~
10 ~~recommendations of the board;~~ **The board** shall also have the authority to regulate
11 the size and type of watercraft, boats, or other flotilla upon the waters of the ~~lake~~
12 **district's reservoir**.

13 * * *

14 Section 2. This Act shall become effective upon signature by the governor or, if not
15 signed by the governor, upon expiration of the time for bills to become law without signature
16 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
17 vetoed by the governor and subsequently approved by the legislature, this Act shall become
18 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____