

2019 Regular Session

SENATE BILL NO. 105

BY SENATOR LAMBERT

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

SPECIAL DISTRICTS. Provides for the powers of all gravity drainage districts. (8/1/19)

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AN ACT

To amend and reenact R.S. 38:1764, relative to gravity drainage districts; to provide for corporate status and power of the districts; to authorize districts to enter into certain contracts and purchase certain machinery without advertising for bids for pumping stations; to authorize districts to perform all acts necessary to fully drain lands in the district and to maintain the drainage; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 38:1764 is hereby amended and reenacted to read as follows:

§1764. Corporate status and powers of districts

A. Any gravity drainage district or gravity ~~and~~ sub-drainage district thus created and numbered by the police jury of any parish of the state, or by the joint action of the police juries of any two or more adjoining parishes, ~~as aforesaid~~, shall constitute a body corporate in law, with all the powers of a corporation. It shall have perpetual existence, may incur debts and contract obligations; sue and be sued; have a corporate seal, and do and perform any and all acts in its corporate capacity and in its corporate name necessary and proper for the carrying out of the purpose and objects for which the drainage or sub-drainage district was created.

1 **B.** The drainage or sub-drainage district may expropriate property for the
2 purpose of acquiring land for the necessary public purposes of the district, and shall
3 own the rights-of-way, canals, ditches, and all sites which are acquired either by
4 donation, purchase, prescription, or expropriation, in full ownership.

5 **C.** The ~~district or sub-district~~ **drainage or sub-drainage district** shall have
6 the power and authority to plan, construct, maintain and operate such works of
7 improvement as land treatment for watershed protection, flood prevention works,
8 irrigation improvements, recreation, municipal and industrial water storage, and fish
9 and wildlife developments. ~~Said district and sub-districts~~ **The drainage or sub-**
10 **drainage district** shall have the power and authority to co-operate with and enter
11 into co-operative agreements and arrangements with agencies of the United States
12 of America on a matching fund or any other basis for planning and constructing such
13 works of improvement or other works, facilities or programs authorized and
14 contemplated by the National Watershed Protection and Flood Prevention Act,
15 ~~Public Law 83-566, as amended.~~ **16 U.S.C. 1001 et seq.**

16 **D.** ~~Said districts and sub-districts~~ **The drainage or sub-drainage district**
17 shall have the power and authority to purchase servitudes and rights of ways for their
18 own uses or the use of any state or federal agency with which they may co-operate
19 in connection with some work of improvement. They shall have the power and
20 authority to accept gifts or grants of money, property, or services. The authority
21 herein granted may be exercised and the works of improvement herein authorized
22 may be constructed within or without the limits of the districts so long as they inure
23 to the direct benefit of the district and the inhabitants thereof and the commissioners
24 of a ~~district or sub-district~~ **drainage or sub-drainage district** for the purpose of
25 securing a proper outlet for the waters of the ~~district~~ **drainage** or sub-drainage
26 district they represent, may extend canals or ditches or both canals and ditches
27 beyond the limits of their respective districts, with the same power and authority of
28 expropriating the right of way in the same manner and to the same extent as if the
29 canals and ditches were wholly within the district they represent.

1 **E. For operation and maintenance of pumping stations, any drainage or**
 2 **sub-drainage district that requires leveeing and pumping to carry out the**
 3 **drainage work authorized by this Section, shall have the power and authority**
 4 **to enter into contracts for the performance of work, to purchase machinery and**
 5 **cause work to be done without necessity of advertising for bids, to perform all**
 6 **acts necessary to fully drain all lands in their district or sub-district, and to**
 7 **maintain the drainage when established.**

The original instrument was prepared by Alan Miller. The following digest, which does not constitute a part of the legislative instrument, was prepared by Ann S. Brown.

DIGEST

SB 105 Engrossed

2019 Regular Session

Lambert

Present law authorizes police juries to establish a gravity drainage district or sub-drainage district.

Present law provides for power and duties of the gravity drainage district or sub-drainage district.

Proposed law retains present law.

Proposed law provides that any gravity drainage district or sub-drainage district that requires leveeing and pumping to carry out drainage work shall have the power and authority to enter into contracts for the performance of work, to purchase machinery and cause work to be done without necessity of advertising for bids, relative to the operation and maintenance of pumping stations.

Proposed law makes technical corrections.

Effective August 1, 2019.

(Amends R.S. 38:1764)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Local and Municipal Affairs to the original bill

1. Limits the provision of proposed law to the operation and maintenance of pumping stations.