

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)

1 AN ACT

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

7 Be it enacted by the Legislature of Louisiana:

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

9 §1764. Corporate status and powers of districts

10 A. Any gravity drainage district or gravity ~~and~~ sub-drainage district thus  
11 created and numbered by the police jury of any parish of the state, or by the joint  
12 action of the police juries of any two or more adjoining parishes, ~~as aforesaid~~, shall  
13 constitute a body corporate in law, with all the powers of a corporation. It shall have  
14 perpetual existence, may incur debts and contract obligations; sue and be sued; have  
15 a corporate seal, and do and perform any and all acts in its corporate capacity and in  
16 its corporate name necessary and proper for the carrying out of the purpose and  
17 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 maintenance and repair of pumps without**  
 5                    **necessity of advertising for bids, to perform all acts necessary to fully drain all**  
 6                    **lands in their district or sub-district, and to maintain the drainage when**  
 7                    **established.**

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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.

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DIGEST

SB 105 Reengrossed                    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 has the power and authority to enter into contracts for the maintenance and repair of pumps, 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.

Senate Floor Amendments to engrossed bill

1. Provides that only contracts for the maintenance and repair of pumps may be entered into without the necessity of advertising for bids.