

2025 Regular Session

SENATE BILL NO. 220

BY SENATOR CATHEY

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

LOCAL AGENCIES. Provides for the revision of statutes relating to local agencies. (8/1/25)

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AN ACT

To amend and reenact the introductory paragraph of R.S. 33:404(A), 4341 and 4342, R.S. 38:113, 141, 142 and 214 and to enact Chapter 50 of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:9720, and to repeal R.S. 33:130.621.1, relative to the revision of statutes relating to local agencies; to provide relative to the sale or lease of revenue-producing property; to provide relative to the election to determine whether to dispose of utility property; to provide relative to exceptions; to provide relative to the creation of districts and commissions at a local level; to provide relative to the control of drainage channels and outfall canals in Levee and Drainage districts; to provide relative to drainage of levee and parallel or contiguous roads; to provide relative to interference with drainage; to provide relative to the Union Parish Railroad District; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The introductory paragraph of R.S. 33:404(A), 4341 and 4342 are hereby amended and reenacted and Chapter 50 of Title 33 of the Louisiana Revised Statutes of 1950, comprised of R.S. 33:9720, is hereby enacted to read as follows:

§404. Duties of mayor

1 A. The mayor shall have the following powers, duties, ~~and~~ or responsibilities:

2 \* \* \*

3 §4341. Sale or lease of revenue-producing utility property; election required;  
4 exception

5 A. Any municipality, the city of New Orleans excepted, or any parish or any  
6 other political subdivision or taxing district authorized to issue bonds under Article  
7 VI, Section 37, of the Constitution of Louisiana, all of which are hereinafter in this  
8 Subpart referred to as "municipality" or "parish", may sell or lease any revenue-  
9 producing properties owned by it, including all proper franchises to operate the  
10 properties for a term not to exceed sixty years, provided the governing ~~authorities~~  
11 ~~have~~ authority has been first authorized to do so by a vote of a majority of the  
12 qualified electors, voting at an election held for that purpose as herein directed.

13 Notwithstanding the foregoing, the governing authority of any city, town, or  
14 village that owns and operates a water utility that receives a grade of "D" or  
15 "F" under the Community Drinking Water Infrastructure Sustainability Act  
16 of 2021, referred to as the "Act", and the rule issue pursuant to the Act, shall  
17 not be required to conduct an election to authorize the sale or lease of the utility  
18 if the governing authority finds by official action that the municipality is either  
19 financially, managerially or technically unable to restore the utility to a grade  
20 of "C" or better as specified by the Act. When a city, town, or village owns and

21 operates a water, gas, or other revenue-producing public utility, serving customers  
22 outside the territorial limits of the city, town, or village, as is allowed by law, a  
23 negotiated sale of all of the connections and utility installations outside the area of  
24 the said city, town, or village and within the corporate limits of another city, town,  
25 or village may be made to the latter city, town, or village by negotiation and without  
26 any election, for such price as may be agreed upon between the parties. No election  
27 shall be required to authorize the sale or lease by any municipality or parish of  
28 revenue-producing water properties to any other municipality, parish, or other  
29 political subdivision.

\* \* \*

C. The provisions of Subsection A of this Section shall apply to the conveyance or lease of facilities and properties of any sewerage district to a private person or corporation, which person or corporation shall thereby be authorized to operate such facilities. **However, the governing authority of any city, town, or village that owns and operates a sewer utility that experiences pollutant discharge in excess of the Final Effluent Limitations specified in the utility's Louisiana Pollutant Discharge Elimination System ("LPDES") General or Site Specific Permit, as reported in three or more consecutive quarters pursuant to the electronic document receiving system (NetDMR) promulgated by the Louisiana Department of Environmental Quality shall not be required to conduct an election to authorize the sale or lease of the utility, if the governing authority finds by official action that the municipality is either financially, managerially, or technically unable to restore the utility to regulatory compliance as required by the general or site specific permit.**

\* \* \*

§4342. Election to determine whether to dispose of utility property; certified check as guaranty of good faith

**Except as otherwise provided in R.S. 33:4341, when** ~~When~~ a written and signed proposition has been made to the governing authority of any municipality or parish for the purchase, lease or other acquisition of any of the properties owned by it, and franchise for operation of same, and which written proposition shall contain a complete and detailed statement of all terms and provisions of the franchise, the governing authority may submit to the qualified electors, at a special election called for that purpose, the question of whether or not the offer made shall be accepted. Upon presentation of a petition signed by electors, qualified to vote in a number equal to twenty per cent of those who participated in the last preceding election held in the parish or municipality, requesting the governing authority to accept any proposition made to it for the purchase or lease of any of the revenue producing

1 municipal properties and franchise for its operation, the governing authority within  
 2 fifteen days after the delivery of the petition to them or to their clerk, shall call a  
 3 special election within fifty days of the date of filing the petition, at which they shall  
 4 submit to the qualified electors the question of whether or not the offer made shall  
 5 be accepted.

6 Every proposition to purchase, as herein provided, shall be accompanied by  
 7 a certified check for ten thousand dollars, as a guaranty of good faith, which check  
 8 shall be forfeited to the municipality or parish, in event the proponent, if its  
 9 proposition be accepted, does not comply with and consummate the offer.

10 \* \* \*

11 **CHAPTER 50. LOCAL AUTHORITY TO CREATE**

12 **DISTRICTS AND COMMISSIONS**

13 **§9720. Local authority to create districts and commissions**

14 **Notwithstanding any other provision of law, any municipality or parish**  
 15 **within the state of Louisiana shall have the authority to create, organize, and**  
 16 **establish districts and commissions within its jurisdictional boundaries through**  
 17 **the passage of an ordinance. Districts and commissions that already have been**  
 18 **established by law prior to the enactment of this statute shall remain in full**  
 19 **effect and continue to operate under the terms of each entity's respective**  
 20 **enabling statutes or ordinances.**

21 Section 2. R.S. 38:113, 141, 142 and 214 are hereby amended and reenacted to read  
 22 as follows:

23 §113. Control of drainage channels and outfall canals in levee and drainage districts

24 **A.** The various levee and drainage districts, **and local governing bodies** shall  
 25 have **a legal servitude by which** control **is given to the local governing body or**  
 26 **district** over all public drainage channels or outfall canals within the limits of their  
 27 districts which are selected by the district, and for a space of one hundred feet on  
 28 both sides of the banks of such channels or outfall canals, and one hundred feet  
 29 continuing outward from the mouth of such channels or outfall canals, whether the

1 drainage channels or outfall canals have been improved by the levee or drainage  
2 district, or have been adopted without improvement as necessary parts of or  
3 extensions to improved drainage channels or outfall canals, and may adopt rules and  
4 regulations for preserving the efficiency of the drainage channels or outfall canals.

5 B. Property may not be taken or damaged by the districts or local  
6 governing bodies pursuant to this Section, except for public purposes and with  
7 just compensation paid to the owner.

8 C. The regulation or prohibition of drainage into a public system that is  
9 not authorized by a natural servitude or other legal right shall not constitute a  
10 taking or damaging of property.

11 D. The local governing authority or district shall be immune from  
12 damage to public works projects by excessive, unlawful drainage into its system.

13 \* \* \*

14 §141. Expropriation of land or improvements for drainage canals or projects

15 ~~The several parishes of Louisiana,~~ Local governing bodies, Orleans Parish  
16 excepted, may expropriate land and the improvements thereon, outside of regularly  
17 organized and acting levee districts, necessary for the construction of drainage canals  
18 or drainage projects with enough of the adjoining property on which to build spoil  
19 banks and on which to place the dirt removed from the drainage canals, and any  
20 property next to or in the vicinity of the canals or projects necessary for the  
21 construction, inspection, repair, and maintenance of the canals or projects.

22 ~~The parishes~~ Local governing bodies may acquire by expropriation, in the  
23 same manner now required by existing laws regulating expropriation suits, either a  
24 clear title to the land and improvements thereon or any servitude, right, or interest  
25 necessary for that purpose.

26 §142. Drainage of levee and parallel or contiguous road

27 ~~The several parishes~~ Local governing bodies shall thoroughly drain all  
28 public roads which are parallel or contiguous to any public levee, shall cut across  
29 public roads all ditches and drains necessary to effect the complete and perfect

1 drainage of the roads and levees, and shall connect the drains and ditches with those  
2 on private property abutting on the road.

3 \* \* \*

4 §214. Interference with drainage prohibited

5 A. No person shall dump or discharge or permit to be dumped or discharged  
6 into any ~~waters or drains of the state~~ **local governing body** any trees or other objects,  
7 substances, or materials which might interfere with the drainage.

8 B. Upon the request of the ~~Department of Transportation and Development,~~  
9 ~~the Coastal Protection and Restoration Authority, or the Coastal Protection and~~  
10 ~~Restoration Authority Board, if the area is located within the coastal area, as defined~~  
11 ~~in R.S. 49:214.2, and involves integrated coastal protection, as defined in R.S.~~  
12 ~~49:214.2, the state police shall issue a citation to any person who is in violation of~~  
13 ~~this Section. Every~~ **local governing body, every** person convicted of a violation of  
14 this Section shall be fined not less than twenty-five dollars nor more than three  
15 hundred dollars.

16 C. Each fine imposed pursuant to the provisions of this Section shall be  
17 collected by the court and forwarded to the ~~state treasurer~~ **local governing body** for  
18 ~~deposit in the state treasury.~~

19 Section 3. R.S. 33:130.621.1 is hereby repealed in its entirety.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, 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)]

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SB 220 Original DIGEST 2025 Regular Session Cathey

Present law provides for the powers, duties, and responsibilities of mayors.

Proposed law retains present law and makes technical changes.

Present law provides that any municipality, the city of New Orleans excepted, or any parish or any other political subdivision or taxing district authorized to issue bonds under present law, may sell or lease any revenue-producing properties owned by it, including all proper franchises to operate the properties for a term not to exceed 60 years, provided the governing authorities have been first authorized to do so by a vote of a majority of the qualified electors, voting at an election held for that purpose as herein directed. When a city, town, or village owns and operates a water, gas, or other revenue-producing public utility, serving

customers outside the territorial limits of the city, town, or village, as is allowed by present law, a negotiated sale of all of the connections and utility installations outside the area of the city, town, or village and within the corporate limits of another city, town, or village may be made to the latter city, town, or village by negotiation and without any election, for such price as may be agreed upon between the parties.

Present law provides that no election shall be required to authorize the sale or lease by any municipality or parish of revenue-producing water properties to any other municipality, parish, or other political subdivision.

Proposed law retains present law and provides an exception for the governing authority of any city, town or village that owns and operates a water utility that receives a grade of "D" or "F" under the Community Drinking Water Infrastructure Sustainability Act of 2021, and the rule issue pursuant to present law, shall not be required to conduct an election to authorize the sale or lease of the utility if the governing authority finds by official action that the municipality is either financially, managerially or technically unable to restore the utility to a grade of "C" or better.

Present law provides that when a written and signed proposition has been made to the governing authority of any municipality or parish for the purchase, lease or other acquisition of any of the properties owned by it, and franchise for operation of same, and which written proposition shall contain a complete and detailed statement of all terms and provisions of the franchise, the governing authority may submit to the qualified electors, at a special election called for that purpose, the question of whether or not the offer made shall be accepted.

Proposed law retains present law but provides an exception under proposed law (R.S. 33:4341) for the governing authority of any city, town or village that owns and operates a water utility that receives a grade of "D" or "F" under the Community Drinking Water Infrastructure Sustainability Act of 2021 shall not be required to conduct an election to authorize the sale or lease of the utility if the governing authority finds by official action that the municipality is either financially, managerially, or technically unable to restore the utility to a grade of "C" or better.

Proposed law provides that notwithstanding any other provision of law, any municipality or parish within the state of Louisiana shall have the authority to create, organize, and establish districts and commissions within its jurisdictional boundaries through passage of an ordinance. Districts and commissions that already have been established by law prior to the enactment of this statute shall remain in full effect and continue to operate under the terms of each entity's respective enabling statutes or ordinances.

Present law provides that the various levee and drainage districts shall have control over all public drainage channels or outfall canals within the limits of the districts which are selected by the district, and for a space of 100 ft. on both sides of the banks of such channels or outfall canals, and 100 ft. continuing outward from the mouth of such channels or outfall canals.

Proposed law provides that the various levee and drainage districts, and local governing bodies, shall have a legal servitude by which control is given to the local governing body or district over all public drainage channels or outfall canals within the limits of their districts which are selected by the district, and for a space of 100 ft. on both sides of the banks of such channels or outfall canals, and 100 ft. continuing outward from the mouth of such channels or outfall canals.

Proposed law provides that property may not be taken or damaged by the districts or local governing for public purposes and with just compensation paid to the owner.

Proposed law provides that the regulation or prohibition of drainage into a public system that

is not authorized by a natural servitude or other legal right does not constitute a taking or damaging of property.

Proposed law provides that the local governing authority, body, or district shall be immune from damage to its public works project by excessive, unlawful drainage into its system.

Present law provides that the several parishes of Louisiana, Orleans Parish excepted, may expropriate land and the improvements thereon, outside of regularly organized and acting levee districts, necessary for the construction of drainage canals or drainage projects with enough of the adjoining property on which to build spoil banks and on which to place the dirt removed from the drainage canals, and any property next to or in the vicinity of the canals or projects necessary for the construction, inspection, repair, and maintenance of the canals or projects.

Present law provides that the parishes may acquire by expropriation, in the same manner now required by existing laws regulating expropriation suits, either a clear title to the land and improvements thereon or any servitude, right, or interest necessary for that purpose.

Proposed law provides that local governing bodies, Orleans Parish excepted, shall have the expropriation power contained in present law.

Present law provides that the several parishes shall thoroughly drain all public roads which are parallel or contiguous to any public levee, shall cut across public roads all ditches and drains necessary to effect the complete and perfect drainage of the roads and levees, and shall connect the drains and ditches with those on private property abutting on the road.

Proposed law retains present law but provides that local governing bodies shall have the responsibility of drainage all public roads which are parallel or contiguous to any public levee, shall cut across public roads all ditches and drains necessary to effect the complete and perfect drainage of the roads and levees, and shall connect the drains and ditches with those on private property abutting on the road.

Present law provides that no person shall dump or discharge or permit to be dumped or discharged into any waters or drains of the state any trees or other objects, substances, or materials which might interfere with the drainage.

Proposed law retains present law but provides that no person shall dump or discharge or permit to be dumped or discharged into any waters or drains of the state any trees or other objects, substances, or materials which might interfere with the drainage.

Proposed law repeals the Union Parish Railroad District.

Effective August 1, 2025.

(Amends R.S. 33:404(A)(intro para), 4341 and 4342, R.S. 38:113, 141, 142 and 214; adds R.S. 33:9720; repeals R.S. 33:130.621.1)