

2025 Regular Session

HOUSE BILL NO. 350

BY REPRESENTATIVE BRASS

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

DISTRICTS/DRAINAGE: Provides relative to drainage districts

1 AN ACT

2 To amend and reenact R.S. 38:1607(A)(2), 1608(A) and (C), 1609, 1758, and 1759(A) and
3 to repeal R.S. 38:1608(D), relative to the eligibility of drainage district
4 commissioners; to provide for appointments and eligibility for commissioners of
5 drainage districts; to restrict the authority for the appointment of commissioners to
6 solely parish governing authorities; to provide for the removal and reorganization
7 processes of commissioners; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 38:1607(A)(2), 1608(A) and (C), 1609, 1758, and 1759(A) are
10 hereby amended and reenacted to read as follows:

11 §1607. Board of commissioners; qualifications; compensation and expenses

12 A.

13 * * *

14 ~~(2) These commissioners, or their respective spouses, must each be the~~
15 ~~record owner of real estate in the district of an assessed value of five hundred dollars,~~
16 ~~or they must be the representative of some corporation owning lands in the district~~
17 ~~of an assessed value of five hundred dollars. The representative of a corporation~~
18 ~~who may be an officer thereof may be designated to represent the corporation by~~
19 ~~resolution of the board of directors to that effect. Persons possessing the~~
20 ~~qualifications may be drainage commissioners, whether they be residents or~~

1 ~~nonresidents. A drainage commissioner may hold the position of drainage~~
2 ~~commissioner in one or more drainage districts and may hold the position in addition~~
3 ~~to any other office that may be held by him. The holding of the position of drainage~~
4 ~~commissioner, shall not be considered as dual office holding. Commissioners of a~~
5 ~~drainage district shall own real estate in the district with an assessed value of at least~~
6 ~~five hundred dollars or represent a corporation or limited liability company that owns~~
7 ~~real estate in the district with an assessed value of at least five hundred dollars. If~~
8 ~~the individual is a representative of a corporation or limited liability company, he~~
9 ~~may be an officer or member or he may be designated by resolution to be the~~
10 ~~representative. Commissioners are not required to reside in the district. Dual office~~
11 ~~holding prohibitions contained in R.S. 42:61 et seq. shall not prevent an individual~~
12 ~~from concurrently serving as a commissioner in multiple drainage districts or in any~~
13 ~~other office.~~

* * *

§1608. Appointment and terms of commissioners

16 A.~~(1)~~ In the ordinance creating a drainage district, the ~~police juries~~ parish
17 governing authorities creating the district shall appoint the five commissioners by a
18 majority vote at a properly noticed meeting with the presence of a quorum, except
19 in Lafourche Parish where the police jury shall appoint seven commissioners for
20 Lafourche Parish Drainage District No. 1 and in St. Mary Parish where the police
21 jury shall appoint seven commissioners for Wax Lake East Drainage District, who
22 shall constitute the governing authority of the drainage district, and who shall
23 possess the qualifications, as provided in R.S. 38:1607.

24 ~~(2) The appointments of commissioners by the police jury shall be made~~
25 ~~upon the recommendations of a majority in number of acres of the landowners of the~~
26 ~~proposed drainage district, or a majority in numbers of the landowners of the~~
27 ~~districts. Where the proposed district has more than forty landowners embraced~~
28 ~~therein, then the appointments shall be made upon the recommendation of twenty-~~
29 ~~five of the landowners of the district. When there is a contest over the appointment~~

1 of commissioners, the police jury must and shall give the appointment to those
2 commissioners who are recommended by a majority in number of the landowners in
3 the district.

4 * * *

5 C. The ~~police jury or juries~~ parish governing authority or authorities creating
6 the drainage district shall thereafter annually at their regular meeting in the month
7 nearest the date of the creation of the drainage district appoint one commissioner for
8 the drainage district ~~in the same manner as the original commissioners were~~
9 ~~appointed~~; and the commissioner shall hold office for a term of five years, or until
10 his successor is appointed and qualified. The secretary of the board of
11 commissioners of any drainage district created under this Part shall call to the
12 attention of the ~~police jury or juries~~ parish governing authority or authorities the
13 expiration of the term of office of any commissioner of the drainage district. The
14 term of any commissioner appointed prior to August 1, 2025 shall remain unaffected.

15 * * *

16 §1609. Removal of commissioners; appointment of successors

17 Any commissioner of a drainage district may be removed for cause by the
18 ~~police jury~~ parish governing authority appointing the commissioner by a majority
19 vote at a properly noticed meeting with the presence of a quorum of the parish
20 governing authority, ~~upon petition of landowners owning a majority of the acreage~~
21 ~~in the district~~. The ~~police jury~~ parish governing authority shall without delay appoint
22 a commissioner to fill the unexpired term of the one so removed, and the
23 appointment shall be made in the manner provided in R.S. 38:1608. Failure or
24 refusal of a commissioner to perform any or all of the duties prescribed by this Part,
25 or his ceasing to possess the qualifications prescribed in R.S. 38:1607, or
26 incompetency, dishonesty, or favoritism on the part of a commissioner, shall be good
27 cause for removal. A commissioner shall always have the right to have the court
28 ~~pass upon~~ rule on the legality of his removal.

29 * * *

1 §1758. Board of commissioners; eligibility

2 All gravity drainage districts ~~formed or created~~ established under the
3 provisions of this Part shall be governed and controlled by five commissioners, who
4 shall be the governing authority of the district or sub-district. ~~These commissioners~~
5 ~~or their wives must be assessed with real estate in the district to the value of five~~
6 ~~hundred dollars, or they must be the representative of some corporation owning lands~~
7 ~~in the district to the value of five hundred dollars. The representative of a~~
8 ~~corporation may be an officer of the corporation, or may be some person not~~
9 ~~connected with the corporation as officer or stock holder, but is designated to~~
10 ~~represent the corporation by a resolution of the board of directors to that effect.~~
11 ~~Persons possessing the qualifications, or persons thus designated to represent a~~
12 ~~corporation, may be drainage commissioners, whether they be residents or non-~~
13 ~~residents. A drainage commissioner may hold the position of drainage commissioner~~
14 ~~in two or more drainage districts and may hold these positions in addition to any~~
15 ~~other office that may be held by him, and the holding of position as drainage~~
16 ~~commissioner shall not be considered in contemplation of law as dual office holding.~~
17 Commissioners appointed pursuant to this Section shall own real estate in the district
18 with an assessed value of at least five hundred dollars or represent a corporation or
19 limited liability company that owns real estate that is within the district and has an
20 assessed value of at least five hundred dollars. If the individual is a representative
21 of a corporation or limited liability company, he may be an officer or member or he
22 may be designated by resolution to be the representative. Commissioners shall not
23 be required to reside in the district. Dual office holding prohibitions contained in
24 R.S. 42:61 et seq. shall not prevent an individual from concurrently serving as a
25 commissioner in multiple drainage districts or in any other office.

26 §1759. Appointment and terms of commissioners

27 A. ~~The police jury organizing~~ Upon the district's establishment, the parish
28 governing authority that established the drainage district shall appoint five
29 commissioners ~~in each district,~~ two of the Two commissioners ~~for the~~ shall serve

1 ~~term of two years~~ two-year terms and three commissioners shall serve for the term
2 ~~of four years~~ four-year terms. ~~and all selections or~~ All appointments thereafter shall
3 be made by the parish governing authority for the ~~term of four years~~ four-year terms.
4 The appointment of commissioners by the police jury shall be made upon the petition
5 or recommendation of a majority in number of acres or a majority of the resident
6 land owners in the district where the district contains forty or fewer land owners.
7 Where more than forty land owners are embraced in the district, the appointment
8 shall be made upon the recommendation or petition of twenty-five of the land owners
9 of the district. Where there is a contest over the appointment of commissioners, the
10 police jury shall give the appointment to those commissioners who are recommended
11 by the land owners owning the greatest number of acres of land in the districts. In
12 the absence of any petition or recommendation, the police jury may appoint
13 commissioners in their discretion. The term of any commissioner appointed prior
14 to August 1, 2025 shall remain unaffected.

* * *

16 Section 2. R.S. 38:1608(D) is hereby repealed in its entirety.

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)]

HB 350 Original	2025 Regular Session	Brass
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Abstract: Provides for appointments and eligibility for commissioners of drainage districts and restricts the authority for the appointment of commissioners to parish governing authorities. Provides for the removal and reorganization processes of commissioners.

Present law provides that drainage district commissioners or their spouses must own real estate within the district valued at \$500 or must be the representative of a corporation, who may be an officer designated to represent the corporation by its board of directors, within the district that owns land in the district valued at \$500.

Proposed law modifies present law by eliminating the provision that the spouse of the commissioner may own real estate within the district to meet the eligibility and it adds limited liability corporations in addition to corporations that the commissioner may represent.

Present law provides that a drainage district commissioner is not required to be a resident of the district and may hold another office without violating dual office holder laws.

Proposed law retains the provisions of present law for dual office holders but further allows a drainage district commissioner to serve as commissioner in more than one drainage district without violating dual office holder laws.

Present law provides that, in the ordinance creating a drainage district, police juries must appoint five commissioners who meet the qualifications of present law with exceptions for Lafourche Parish Drainage District No. 1 and Wax Lake East Drainage District in which the police jury must appoint seven commissioners.

Proposed law retains the provisions of present law with respect to the exceptions but changes the requirement for the creation of drainage districts and appointments of commissioners from the police jury to the parish governing authority.

Present law provides that a police jury must appoint commissioners upon the recommendation of the majority of landowners in a proposed district.

Proposed law provides that a parish governing authority must appoint the initial five commissioners that meet qualification of present law by a majority vote at a properly noticed meeting with the presence of a quorum.

Present law provides that a police jury creating a drainage district must appoint one commissioner annually after the creation and the commissioner appointed must serve a term of five years or until his successor is appointed and qualified.

Proposed law retains provision of present law but changes the responsibility for appointing commissioners from the police jury to the parish governing authority.

Present law provides that the secretary of the board of commissioners notify the police jury of the expiration of a commissioner's term.

Proposed law provides that the secretary of the board of commissioners notify the parish governing authority of the expiration of a commissioner's term.

Proposed law provides that the term of commissioners appointed before proposed law takes effect must remain unaffected.

Proposed law removes the requirement that the recommendation of landowners for appointment of commissioners be written and signed by the landowners.

(Amends R.S. 38:1607(A)(2), 1608(A) and (C), 1609, 1758, and 1759(A); Repeals R.S. 38:1608(D))