

2023 Regular Session

HOUSE BILL NO. 409

BY REPRESENTATIVE EDMONDS

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

UTILITIES: Provides relative to stormwater utility systems

1 AN ACT

2 To amend and reenact R.S. 33:4161.1, relative to stormwater management; to authorize  
3 parishes and municipalities to create stormwater management utility districts; to  
4 provide relative to the purpose, boundaries, governance, and powers and duties of  
5 the districts; to provide for the funding of any such district; and to provide for related  
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 33:4161.1 is hereby amended and reenacted to read as follows:

9 §4161.1. Stormwater ~~utility systems; political subdivisions~~ management utility  
10 districts; parishes and municipalities

11 A. ~~For the purpose of managing stormwater flooding, including abatement~~  
12 ~~of litter and other flood-causing sediments, a political subdivision may create one or~~  
13 ~~more stormwater utility systems and adopt stormwater utility fees sufficient to plan,~~  
14 ~~construct, acquire, extend, improve, operate, and maintain stormwater management~~  
15 ~~systems, either within or without its boundaries. Any stormwater utility system~~  
16 ~~created pursuant to this Section shall be a revenue-producing public utility pursuant~~  
17 ~~to R.S. 33:4161 and shall have all the rights, powers, and privileges granted to such~~  
18 ~~utilities by this Part and any other applicable provisions of law. The governing~~  
19 authority of any parish or municipality may create, by ordinance, a stormwater  
20 management utility district, referred to in this Section as the "district", for the

1 purpose of managing stormwater flooding, including abatement of litter and other  
2 flood-causing sediments. Any such district shall be a political subdivision of the  
3 state as defined in the Constitution of Louisiana. The boundaries of the district shall  
4 encompass all of the territory of the respective parish or municipality. The  
5 governing authority of the respective parish or municipality shall be the governing  
6 authority of the district, referred to in this Section as the "board".

7 B. Any district created pursuant to this Section may create and operate one  
8 or more stormwater management utility systems within the boundaries of the  
9 respective district. Any such system shall be a revenue-producing public utility and  
10 shall have all the rights, powers, and privileges granted to any such utility pursuant  
11 to this Chapter and any other applicable provisions of law.

12 C.(1) Any district created pursuant to this Section may, by duly adopted  
13 resolution of the board, levy fees within the boundaries of the district to aid in the  
14 planning, construction, acquisition, extension, improvement, operation, and  
15 maintenance of stormwater management utility systems.

16 (2)(a) The fees authorized in this Section shall be imposed by resolution of  
17 the board. However, any resolution imposing fees shall be adopted only after a  
18 proposition authorizing the levy of such fees has been approved by a majority of the  
19 electors of the district voting at an election held for that purpose in accordance with  
20 the Louisiana Election Code. The purpose and amount of the fees shall be as  
21 provided in the resolution.

22 (b) If approved, the fees shall expire at the end of the term provided for in  
23 the proposition authorizing the fees, not to exceed five years, but the fees may be  
24 renewed if approved by a majority of the registered voters of the district voting on  
25 the proposition at an election as provided in Subparagraph (a) of this Paragraph. Any  
26 election to authorize the renewal of the fees shall be held for that purpose in  
27 accordance with the Louisiana Election Code. If renewed, the term of the imposition  
28 of the fees shall be as provided in the proposition authorizing such renewal, not to  
29 exceed five years.

- 1                    (c) The board may provide in the resolution necessary and appropriate rules  
 2                    and regulations for the imposition, collection, and enforcement of the fees.

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 409 Reengrossed

2023 Regular Session

Edmonds

**Abstract:** Relative to stormwater utility systems, authorizes parishes and municipalities to create certain districts for the purpose of managing such systems.

Present law authorizes any political subdivision to create one or more stormwater utility systems to manage stormwater flooding and adopt stormwater utility fees sufficient to plan, construct, acquire, extend, improve, operate, and maintain stormwater management systems, either within or without its boundaries. Further provides that any system created pursuant to present law is a revenue-producing public utility pursuant to present law and shall have all the rights, powers, and privileges granted to such utilities by present law.

Present law (R.S. 33:4161) defines a "revenue-producing public utility" as a revenue-producing business or organization that regularly supplies the public with a commodity or service or any project or undertaking owned and operated by a political subdivision authorized by present constitution or by present law to issue bonds, from the conduct and operation of which revenue can be derived.

Proposed law instead authorizes parishes and municipalities to create stormwater management utility districts as political subdivisions of the state to manage stormwater flooding. Authorizes such a district to create and operate one or more stormwater management utility systems within its boundaries. Provides that the governing authority of the respective parish or municipality shall be the governing authority of the district. Further provides that any system created pursuant to proposed law is a revenue-producing public utility as defined in present law and shall have all the rights, powers, and privileges granted to the utilities by present law.

Proposed law additionally authorizes the districts to levy fees, subject to voter approval, to aid in the planning, construction, acquisition, extension, improvement, operation, and maintenance, of stormwater management utility systems. Provides that the purpose and amount of the fees shall be as provided in the board's resolution. Provides that the fees shall expire at the end of the term provided for in the proposition authorizing the fees, not to exceed five years, but authorizes renewal of the fees. Further provides that if the fees are renewed, the term the imposition shall be as provided in the proposition authorizing such renewal, not to exceed five years.

(Amends R.S. 33:4161.1)