

SENATE SUMMARY OF HOUSE AMENDMENTS

SB 73

2024 Regular Session

Womack

KEYWORD AND SUMMARY AS RETURNED TO THE SENATE

WATER QUALITY. Creates and provides for the Community Sewerage System Infrastructure and Sustainability Act. (gov sig)

SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

1. Makes technical changes.
2. Adds civil action for receivership or appointment of a fiscal administrator where the condition or operations of a community sewer system causes expenditure of state funds to address an emergency related to the system.
3. Provides that the state health officer may apply to a court of competent jurisdiction for appointment of a receiver of a public water system to collect the system's assets and continue its business.
4. Provides that court may place a public water system in receivership for any circumstance indicating receivership is necessary for uninterrupted service or to protect the health of users.
5. Adds civil action for receivership or appointment of a fiscal administrator where the condition or operations of a community water system that receives a grade of "D" or "F" causes expenditure of state funds to address an emergency related to the system.
6. Provides that a grade of "D" or "F" is prima facie evidence that a community water system is financially at risk and unable to maintain financial stability, and is grounds for the Fiscal Review Committee to find a political subdivision reasonably certain not to maintain financial stability.
7. Provides that a civil action for receivership or appointment of a fiscal administrator lies where a local governing authority operating a community water system that receives a grade of "D" or "F" expends revenue for any purpose other than improvement and sustainability of the system.
8. Changes the effective date from January 1, 2025 to upon signature of the governor.

DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE

DIGEST

SB 73 Reengrossed

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Proposed law creates the "Community Sewerage System Infrastructure Sustainability Act" and provides for legislative intent to develop a community sewerage system accountability process which supports sewerage system infrastructure sustainability for the citizens of Louisiana.

Proposed law defines "community sewerage system" as any treatment works, whether publically or privately owned, which serves multiple connections and consists of a collection or pumping and transport system or a treatment facility. For the purposes of proposed law, "community sewerage system" includes any local governing authority which operates a community sewerage system.

Proposed law provides that a community sewerage system shall submit a status verification from the Department of Environmental Quality (DEQ), a status verification from the La.

Department of Health (LDH), and a sewer fiscal status verification from the legislative auditor if the community sewerage system does any of the following:

- (1) Seeks approval from the State Bond Commission to incur any additional debt not directly related to the improvement and sustainability of the community sewerage system or a related community water system.
- (2) Receives from the division of administration, office of facility planning and control a notification of a capital outlay appropriation.
- (3) Seeks approval for a rate adjustment from the appropriate rate setting authority not directly related to the improvement and sustainability of the community sewerage system or a related community water system.

Proposed law provides that the application and verification requirements provided for in proposed law do not apply to any application to the State Bond Commission seeking approval for the following cash flow loans, dedicated tax or bond revenue streams, emergency financing as determined by the State Bond Commission, and refinancing of existing debt.

Proposed law provides that, after consideration of the compliance and fiscal status verifications, the State Bond Commission, the division of administration, and the rate setting authority may deny the request of the community sewerage system.

Proposed law provides that the community sewerage system shall not be precluded from obtaining funding, participating in the capital outlay program, or obtaining approval for a rate increase for the purpose of improvement and sustainability of the community sewerage system or a related community water system based upon the compliance and fiscal status verifications provided in accordance with proposed law.

Proposed law provides that not later than twenty days after receipt of a request from a community sewerage system, DEQ and LDH shall each review its own records and provide a compliance status verification, with a clear statement of compliance status, based upon criteria determined by that department.

Proposed law provides that not later than twenty days after receipt of a request from a community sewerage system, the legislative auditor shall review its records and provide a fiscal status verification, with a clear statement of the system's level of financial sustainability, based upon criteria determined by the auditor.

Proposed law provides that a compliance status verification provided by DEQ or LDH be on an official certification form or on department letterhead and signed by qualified staff member. Proposed law provides that a fiscal status verification provided by the legislative auditor be on official letterhead and signed by a qualified member of the auditor's staff.

Proposed law prohibits a local governing authority that operates a community sewerage system from expending any money raised through customer payments or from any other sewerage system revenue for any item, debt payment, or public purpose other than the improvement and sustainability of the community sewerage system. Proposed law shall not be construed to prohibit the payment of bonded indebtedness secured by the sewerage system's revenue incurred prior to the effective date of proposed law.

Proposed law provides that any community sewerage system indicated as not in regulatory compliance, not financially sustainable, or using customer sewer payments in violation of proposed law shall be subject to an oversight and accountability hearing before the Legislative Audit Advisory Council or a hearing before the Fiscal Review Committee.

Proposed law provides that any community sewerage system indicated as not in regulatory compliance, not financially sustainable, or using customer sewer payments in violation of proposed law may be subject to a civil action for receivership or a criminal action for malfeasance in office.

Proposed law provides a civil action for receivership or appointment of a fiscal administrator where the condition or operations of a community sewer system causes expenditure of state funds to address an emergency related to the system.

Proposed law provides that the state health officer may apply to a court of competent jurisdiction for appointment of a receiver of a public water system to collect the system's assets and continue its business.

Proposed law provides that a court may place a public water system in receivership for any circumstance indicating receivership is necessary for uninterrupted service or to protect the health of users.

Proposed law provides a civil action for receivership or appointment of a fiscal administrator where the condition or operations of a community water system that receives a grade of "D" or "F" causes expenditure of state funds to address an emergency related to the system.

Proposed law provides that a grade of "D" or "F" is prima facie evidence that a community water system is financially at risk and unable to maintain financial stability, and is grounds for the Fiscal Review Committee to find a political subdivision reasonably certain not to maintain financial stability.

Present law prohibits a governing authority that operates a community water system that receives a grade of "D" or "F" from expending money for any purpose other than improvement or sustainability of the community water system.

Proposed law retains present law and provides that a civil action for receivership or appointment of a fiscal administrator lies where a local governing authority that operates a community water system that receives a grade of "D" or "F" expends revenue for any purpose other than improvement and sustainability of the system.

Proposed law provides for rulemaking by DEQ and LDH.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 40:5.9(C)(1) and (2) and R.S. 40:5.9.1(F); adds R.S. 30:2075.4, R.S. 39:1351(B)(1)(c), and R.S. 40:5.9.1(E)(1)(d) and (3))

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