
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 Engrossed

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 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)