2024 Regular Session

HOUSE BILL NO. 555

BY REPRESENTATIVE DESHOTEL

PUBLIC CONTRACT/BIDS: Provides relative to certain bid requirements for garbage collection contracts

1	AN ACT
2	To amend and reenact R.S. 33:4169.1(A), relative to parish and municipal garbage
3	collection; to provide relative to contracts for such garbage collection; to provide for
4	definitions; and to provide for related matters.
5	Be it enacted by the Legislature of Louisiana:
6	Section 1. R.S. 33:4169.1(A) is hereby amended and reenacted to read as follows:
7	§4169.1. Municipal and parish authority over collection and disposal of garbage and
8	trash; franchising, permitting, and licensing; assessment and collection of
9	service charge
10	A. (1) The governing authority of every parish or municipality shall have the
11	following powers:
12	(1) (a) To engage in the collection and disposal of garbage and trash within
13	its jurisdiction in cooperation with, or to the exclusion of, other garbage and trash
14	collectors.
15	(2) (b) To grant permits, licenses, exclusive or nonexclusive franchises,
16	exclusive contracts, or any combination thereof to garbage and trash collectors and
17	disposers. Any exclusive franchise shall be granted only after advertising for bids,
18	reception of bids, and awarding of the contract or contracts in accordance with the
19	public bid laws of the state and other provisions of law.

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1	(3) (c) To enter into time contracts for the collection and transportation of
2	garbage or trash for a term of up to ten years, and for disposal of garbage or trash for
3	a term of up to twenty-five years.
4	(4) (d) To assess a service charge against any person provided any service
5	pursuant to Paragraphs (1) or (2). Subparagraph (a) or (b) of this Paragraph.
6	However, in the parishes of Lafourche, Vermilion, Rapides, and Washington, such
7	charge shall be imposed only after the question of its imposition has been submitted
8	to the qualified electors of the parish at an election to be conducted in accordance
9	with the general election laws of the state, and a majority of those voting in the
10	election shall have voted in favor of the imposition of the charge.
11	(5) (e) To otherwise regulate the collection and disposal of garbage and
12	trash.
13	(2) The term "exclusive contract" for purposes of this Subsection shall mean
14	a written agreement for the collection and disposal of garbage and trash throughout
15	the entirety of the territorial jurisdiction of the respective parish or municipality.
16	* * *
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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)]

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Abstract: Provides relative to contracts for the collection and disposal of garbage and trash in parishes and municipalities.

<u>Present law</u> grants parish and municipal governing authorities certain powers with respect to the collection and disposal of garbage and trash including but not limited to the following:

- (1) To engage in the collection and disposal of garbage and trash within its jurisdiction to the exclusion of other garbage and trash collectors.
- (2) To grant permits, licenses, exclusive or nonexclusive franchises, or any combination thereof to garbage and trash collectors and disposers.
- (3) To assess a service charge against any person provided any service pursuant to <u>present law</u>.

<u>Proposed law</u> retains <u>present law</u> and additionally authorizes parish and municipal governing authorities to grant exclusive contracts. <u>Proposed law</u> defines "exclusive contract" to mean

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a written agreement for the collection and disposal of garbage and trash throughout the entirety of the territorial jurisdiction of the respective parish or municipality.

(Amends R.S. 33:4169.1(A))

Summary of Amendments Adopted by House

- The Committee Amendments Proposed by <u>House Committee on Municipal, Parochial</u> <u>and Cultural Affairs</u> to the <u>original</u> bill:
- 1. Add provisions to provide for the definition of "exclusive franchise".
- 2. Remove provisions of <u>proposed law</u> that require parishes and municipalities in which residents are not allowed to select their own garbage collection service to follow the public bid law when awarding garbage collection contracts.

The House Floor Amendments to the engrossed bill:

- 1. Remove provisions of <u>proposed law</u> that provide for the definition of "exclusive franchise".
- 2. Add provisions that authorize parish and municipal governing authorities to grant exclusive contracts.