

Regular Session, 2014

HOUSE BILL NO. 295

BY REPRESENTATIVE BURRELL

(On Recommendation of the Louisiana State Law Institute)

LOCAL GOVERNMENT: Provides relative to revision of local government laws pursuant to HCR No. 218 of the 2009 Regular Session

1 AN ACT

2 To amend and reenact R.S. 33:130.31, 1333, 3821, 4051, 4161, 4162, and 4306 and to repeal

3 R.S. 33:3744 and 3745, relative to revision of local government laws pursuant to

4 House Concurrent Resolution No. 218 of the 2009 Regular Session of the

5 Legislature; to provide for the revision and repeal of certain obsolete, superseded,

6 and inaccurate provisions; to provide for the redesignation of certain provisions of

7 local government laws; to provide for the removal of obsolete references to the

8 provisions of the 1921 Constitution of Louisiana; to provide relative to creation of

9 industrial districts; to provide for agreements by political subdivisions for solid waste

10 disposal; to provide for the authority of waterworks districts to issue bonds and levy

11 taxes; to provide for the authority of parishes to create consolidated sewerage

12 districts; to provide for the definition of a revenue-producing public utility and the

13 authority of a political subdivision relative to a revenue-producing public utility; to

14 provide that a gas utility district is a political subdivision and is not authorized to sell

15 property or issue ad valorem bonds; to repeal provisions for a municipality to require

16 street duty or payment of a street tax and for sweeping and sprinkling districts; to

17 authorize the Louisiana State Law Institute to redesignate provisions providing for

18 the payment of benefits to survivors of law enforcement officers and firemen and

19 certain provisions providing for compensation for certain law enforcement officers

20 and firemen and fire personnel; to authorize the Louisiana State Law Institute to

1 redesignate provisions for certain home rule charter commissions by removing them  
2 from Title 33 and including them in the Table of Local and Special Acts; to provide  
3 for the redesignation of certain statutes and citations; and to provide for related  
4 matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 33:130.31, 1333, 3821, 4051, 4161, 4162, and 4306 are hereby  
7 amended and reenacted to read as follows:

8 §130.31. Resolution or ordinance; contents; access to district; police protection

9 The governing authority of any parish acting pursuant to power granted in  
10 ~~Sub-Section (b-2) of Section 14 of Article XIV of the Constitution~~ R.S. 39:551.2  
11 may by the adoption of an appropriate resolution, or ordinance if required by home  
12 rule charter, create one or more industrial districts ~~contemplated by said Sub-Section~~.

13 Such resolution or ordinance shall define the boundaries of each such district, shall  
14 give the district an appropriate name, and shall prescribe such powers, duties, and  
15 liabilities therefor not inconsistent with ~~the provisions of said Sub-Section~~ R.S.  
16 39:551.2 as may be deemed suitable by said governing authority. All industrial  
17 districts so created hereafter shall require or include provisions for access by public  
18 road to any and all entrances to the premises of each and every plant in the area  
19 employed for industrial purposes, for use by employees of such industry, or for use  
20 by employees of independent contractors working on such premises, or for delivery  
21 of materials or supplies, other than by rail or water transportation, to such premises.  
22 Where under any plan approved by the governing authority of the parish individual  
23 plants provide police protection, this protection shall be confined to the premises of  
24 each individual plant located therein.

25 \* \* \*

26 §1333. Agreements concerning collection and disposal of solid wastes

27 Any ~~parish, municipality, consolidated garbage district created pursuant to~~  
28 ~~Article XIV, §14(K-1-b) of the Louisiana Constitution, or political subdivision of the~~  
29 ~~state~~ may make agreements pursuant to R.S. 33:1324 and ~~R.S. 33:1324.1~~ in order to

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 create greater efficiency; and economy and further extension of services in the area  
2 of solid waste disposal. All such agreements shall be pursuant to the provisions of  
3 this ~~part~~ Part, but, in addition to the ability to acquire by gift, grant, purchase, or  
4 condemnation proceedings as provided in R.S. 33:1329, the ~~parishes, municipalities~~  
5 ~~or commissions~~ political subdivisions may use any state equipment ~~which~~ that may  
6 be available for purposes of solid waste disposal. The ~~municipalities, parishes or~~  
7 ~~commission~~ political subdivisions pursuant to ~~the powers expressed in R.S. 33:1332~~  
8 may issue bonds to finance construction, acquisition, ~~or~~ improvement, maintenance,  
9 or operation of such public projects ~~and the issuance of such bonds, which~~ are hereby  
10 declared to be ~~a work~~ works of public improvement under ~~Article XIV, §14(b.1) of~~  
11 ~~the Louisiana Constitution~~ Part III of Chapter 4 of Subtitle II of Title 39 of the  
12 Louisiana Revised Statutes of 1950. ~~Such construction, acquisition, or improvement~~  
13 ~~and the maintenance or operation thereof is hereby declared to involve public~~  
14 ~~improvement under Article X, §10 of the Louisiana Constitution~~ and Article VI,  
15 Section 32 of the Constitution of 1974, thereby allowing such ~~municipalities,~~  
16 ~~parishes or commission~~ political subdivisions to collect an ad valorem tax pursuant  
17 to the procedure set forth in ~~Article X, §10 of the Louisiana Constitution~~ Article VI,  
18 Section 32 of the Constitution of 1974 and applicable law. Arrangements for  
19 financing such operations, including the issuance of bonded indebtedness, shall be  
20 set forth in the agreement between the ~~parishes, municipalities, and consolidated~~  
21 ~~garbage districts~~ political subdivisions as required by R.S. 33:1331.

\* \* \*

§3821. Authority to issue bonds and levy taxes

24 Waterworks districts shall be subdivisions of the state and as such may issue  
25 bonds and levy taxes in accordance with the provisions of ~~Section 14 of Article XIV~~  
26 ~~of the Constitution of 1921~~ Part III of Chapter 4 of Subtitle II of Title 39 of the  
27 Louisiana Revised Statutes of 1950.

\* \* \*

1 §4051. Consolidation of districts by parish governing authority; approval of  
2 governing body; rights of consolidated district; governing body of district

3 The governing authority of any parish may create within such parish one or  
4 more consolidated sewerage districts comprised of one or more existing sewerage  
5 districts, together with, if so determined by the governing authority, territory not  
6 within the boundaries of an existing sewerage district. No sewerage district the  
7 governing body of which is not the governing authority of the parish may be  
8 included in any consolidated district without the approval of the governing body of  
9 such district to be evidenced by resolution, and no sewerage district lying wholly or  
10 partially within the limits of an incorporated municipality may be so included in a  
11 consolidated district without the consent of the governing authority of such  
12 municipality to be evidenced by resolution. Consolidated sewerage districts so  
13 created shall constitute sewerage districts within the meaning of ~~Sub-section C of~~  
14 ~~Section 14 of Article 14 of the Constitution~~ Part III of Chapter 4 of Subtitle II of  
15 Title 39 of the Louisiana Revised Statutes of 1950, and as such shall enjoy all rights,  
16 powers, and privileges enjoyed by other sewerage districts under the provisions of  
17 said section, including the right to issue bonds, and shall have the right to issue  
18 certificates of indebtedness secured by local or special assessments. The governing  
19 authority of each such consolidated sewerage district shall be the governing authority  
20 of the parish creating the district.

21 \* \* \*

22 §4161. Revenue-producing public utility defined

23 For the purposes of this Part, "revenue-producing public utility" means any  
24 revenue-producing business or organization ~~which~~ that regularly supplies the public  
25 with a commodity or service, including electricity, gas, water, ice, ferries,  
26 warehouses, docks, wharves, terminals, airports, transportation, telephone, telegraph,  
27 radio, television, drainage, sewerage, garbage disposal, emergency medical services,  
28 and other like services; or any project or undertaking, including public lands and  
29 improvements thereon, owned and operated by a ~~municipal corporation or parish or~~

1 ~~other~~ political subdivision ~~or taxing district~~ authorized by the Constitution of  
2 Louisiana or by law to issue bonds ~~under authority of Section 14 of Article XIV of~~  
3 ~~the Constitution of Louisiana of 1921~~, from the conduct and operation of which  
4 revenue can be derived.

5 §4162. Power to own and operate; power to lease

6 A. Any ~~municipal corporation or any parish or any other~~ political  
7 subdivision ~~or taxing district~~ authorized by the Constitution of Louisiana or by law  
8 to issue bonds ~~under Section 14 of Article 14 of the Constitution of Louisiana of~~  
9 ~~1921~~, may construct, acquire, extend, or improve any revenue-producing public  
10 utility and property necessary thereto, either within or without its boundaries, and  
11 may operate and maintain the utility in the interest of the public.

12 B. A municipal corporation may lease waterworks systems, electric light and  
13 power plants, combined water and electric systems, garbage plants, sewerage works,  
14 electric street and interurban railways, gas plants, and distributing systems.

15 C. No municipal corporation may lease or purchase gas fields, wells, lands,  
16 or holdings for the purpose of drilling and operating gas wells.

17 D. A parish may lease gas plants, gas distributing systems, gas wells, gas  
18 lands, and holdings.

19 \* \* \*

20 §4306. District as ~~sub-division of state within constitutional provision~~ a political  
21 subdivision

22 Any gas utility district created ~~hereunder~~ pursuant to this Subpart shall be a  
23 ~~sub-division of the State of Louisiana~~ political subdivision within the meaning of  
24 ~~Section 14 of Article 14 of the Constitution of 1921, as heretofore or hereafter~~  
25 ~~amended, and of the general laws of Louisiana~~ authorizing the issuance of bonds; ~~;~~  
26 ~~provided that nothing herein~~ Nothing in this Subpart shall be construed as  
27 authorizing the issuance and sale of property or ad valorem bonds.

28 Section 2. R.S. 33:3744 and 3745 are hereby repealed in their entirety.

1 Section 3. The Louisiana State Law Institute is authorized to redesignate R.S.  
2 33:1947, Subpart A-1 of Part II of Chapter 4 of Title 33 of the Louisiana Revised Statutes  
3 of 1950, consisting of R.S. 33:1981, Subpart B-1 of Part II of Chapter 4 of Title 33 of the  
4 Louisiana Revised Statutes of 1950, consisting of R.S. 33:2001 through 2010, Subpart A-1  
5 of Part III of Chapter 4 of Title 33 of the Louisiana Revised Statutes of 1950, consisting of  
6 R.S. 33:2201, and Subpart B-1 of Part III of Chapter 4 of Title 33 of the Louisiana Revised  
7 Statutes of 1950, consisting of R.S. 33:2218.1 through 2218.10 as Sections within Title 40  
8 of the Louisiana Revised Statutes of 1950.

9 Section 4. The Louisiana State Law Institute is authorized to redesignate R.S.  
10 33:1391(Acts 1990, No. 187) and 1392(Acts 1979, No. 341) by removing them from Title  
11 33 of the Louisiana Revised Statutes of 1950 and including them in the Table of Local and  
12 Special Acts.

13 Section 5. The Louisiana State Law Institute is further authorized to make such  
14 technical changes in any citations as may be necessary to reflect the statutory redesignations  
15 made by the Louisiana State Law Institute as provided by Sections 3 and 4 of this Act.

16 Section 6. The redesignation of a statute as provided by Sections 3 and 4 of this Act  
17 shall not affect the validity of the statute, and references to a statute as redesignated shall be  
18 valid; however, the redesignation of a statute as provided by Sections 3 and 4 of this Act  
19 shall not invalidate a reference to the former citation of the redesignated statute.

20 Section 7. The Louisiana State Law Institute is hereby authorized to designate new  
21 Chapters, Parts, and Subparts of Title 40 of the Louisiana Revised Statutes of 1950 for those  
22 statutes redesignated from Title 33 of the Louisiana Revised Statutes of 1950 as provided  
23 by Section 3 of this Act.

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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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Burrell

HB No. 295

**Abstract:** Relative to revision of local government laws pursuant to House Concurrent Resolution No. 218 of the 2009 R.S. (which requested the La. State Law Institute to study and propose a revised codification of Title 33 of the La. Revised Statutes of

1950), provides for revision and repeal of certain obsolete, superseded, and inaccurate provisions, authorizes the La. State Law Institute to redesignate certain laws, and removes obsolete references to provisions of the 1921 Constitution of La.

Present law (R.S. 33:130.31) authorizes parishes to create industrial districts by adoption of an appropriate resolution, pursuant to Art. XIV, §14, Subsection (b-2) of the 1921 constitution. Proposed law retains present law and replaces the reference to the 1921 Constitution of Louisiana (the referenced Section no longer exists) with reference to authority in present law (R.S. 39:551.2). Also provides for parishes to create such districts by ordinance if their home rule charter requires an ordinance for such action.

Present law (R.S. 33:1333) authorizes a parish, municipality, or consolidated garbage district created pursuant to Art. XIV, §14(K-1-b) of the 1921 constitution or a political subdivision of the state to make agreements in the area of solid waste disposal. Also cites Art. X, §10 of the 1921 constitution in reference to tax authority to finance such projects. Proposed law retains present law and replaces references to the 1921 constitution (the referenced Sections no longer exist) with reference to authority in present law and present constitution. Uses the term "political subdivision" instead of listing the various named entities in present law all of which are political subdivisions.

Present law (R.S. 33:3821) defines waterworks districts as subdivisions of the state and authorizes them to issue bonds and levy taxes. Proposed law retains present law and replaces reference to Art. XIV, §14 of the 1921 constitution (which no longer exists) with authority in present law.

Present law (R.S. 33:4051) provides for consolidated sewerage districts. Relative to authority of such districts, cites Art. XIV, §14, Subsection C of the 1921 constitution. Proposed law retains present law and replaces reference to the 1921 constitution with authority in present law.

Present law (R.S. 33:4161) defines "revenue-producing public utility" as a revenue-producing business or organization that supplies the public with a commodity or service and is owned and operated by a municipal corporation or parish or other political subdivision or taxing district authorized by Art. XIV, §14 of the 1921 constitution to issue bonds. Proposed law retains present law and replaces reference to the 1921 constitution (the referenced Section no longer exists) with reference to authority in present law and present constitution. Uses the term "political subdivision" instead of listing the various named entities in present law all of which are political subdivisions.

Present law (R.S. 33:4162) provides for a municipal corporation or parish or other political subdivision or taxing district authorized by Art. XIV, §14 of the 1921 constitution to issue bonds to own and operate a revenue-producing public utility. Proposed law retains present law and replaces reference to the 1921 constitution (the referenced Section no longer exists) with reference to authority in present law and present constitution. Uses the term "political subdivision" instead of listing the various named entities in present law all of which are political subdivisions.

Present law (R.S. 33:4306) provides that a gas utility district created under present law is a subdivision of the state within the meaning of Art. XIV, §14 of the 1921 constitution and general laws authorizing the issuance of bonds. Proposed law retains present law and deletes the 1921 constitution reference (the referenced Section no longer exists) and retains the reference to the general laws authorizing bond issuance. Changes "subdivision of the state" to "political subdivision".

Present law (R.S. 33:3744) authorizes municipalities to compel males to perform street duty or to pay a street tax in lieu thereof. Proposed law repeals present law.

Present law (R.S. 33:3745) authorizes municipalities to designate sweeping and sprinkling districts, upon petition of the majority of the residents of a street and to provide for the financing of the sprinkling and sweeping services. Proposed law repeals present law.

Proposed law authorizes the La. State Law Institute (LSLI) to redesignate certain provisions of present law (R.S. 33:1847, 1981, 2001-2010, 2201, and 2218.1-2218.10) from Title 33 (Municipalities and Parishes) to Title 40 (Public Health and Safety). Also authorizes the LSLI to designate new Chapters, Parts, and Subparts of Title 40 for the redesignated statutes. The statutes to be redesignated include provisions for the Law Enforcement Officers and Firemen's Survivor Benefit Review Board and payment of claims by the board; for financial security for firemen's surviving spouses and children; for extra compensation for firemen, eligibility therefor, and for the Fireman's Supplemental Pay Board; for financial security for law enforcement officers' surviving spouses and children; and for extra compensation for law enforcement officers, including various specified such officers, and for the board of review.

Present law (R.S. 33:1391) provides for the Lafayette Parish and the city of Lafayette charter commission and the plan for unified government. Present law (R.S. 33:1392) provides for the Terrebonne Parish charter commission and the plan of government. Proposed law directs LSLI to redesignate present law by removing the provisions from Title 33 and placing them in the Table of Local and Special Acts. There is no change in the law.

Proposed law authorizes the LSLI to make necessary technical changes in citations as necessary to reflect redesignations. Provides that a redesignation shall not affect the validity of the statute, that references to a statute as redesignated shall be valid, and that redesignation of a statute shall not invalidate a reference to the former citation of the redesignated statute.

(Amends R.S. 33:130.31, 1333, 3821, 4051, 4161, 4162, and 4306; Repeals R.S. 33:3744 and 3745)