
DIGEST

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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 Revised Statutes of 1950), provides for revision and repeal of certain obsolete, superseded, and inaccurate provisions, authorizes the La.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)