

Regular Session, 2014

HOUSE BILL NO. 295

BY REPRESENTATIVE BURRELL

(On Recommendation of the Louisiana State Law Institute)

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5 Legislature; to provide for the revision and repeal of certain obsolete, superseded,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
21 redesignate provisions for certain home rule charter commissions by removing them
22 from Title 33 and including them in the Table of Local and Special Acts; to provide
23 for the redesignation of certain statutes and citations; and to provide for related
24 matters.

1 Be it enacted by the Legislature of Louisiana:

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

4 §130.31. Resolution or ordinance; contents; access to district; police protection

5 The governing authority of any parish acting pursuant to power granted in
6 ~~Sub-Section (b-2) of Section 14 of Article XIV of the Constitution~~ R.S. 39:551.2

7 may by the adoption of an appropriate resolution, or ordinance if required by home
8 rule charter, create one or more industrial districts ~~contemplated by said Sub-Section.~~

9 Such resolution or ordinance shall define the boundaries of each such district, shall
10 give the district an appropriate name, and shall prescribe such powers, duties, and

11 liabilities therefor not inconsistent with ~~the provisions of said Sub-Section~~ R.S.
12 39:551.2 as may be deemed suitable by said governing authority. All industrial

13 districts so created hereafter shall require or include provisions for access by public
14 road to any and all entrances to the premises of each and every plant in the area

15 employed for industrial purposes, for use by employees of such industry, or for use
16 by employees of independent contractors working on such premises, or for delivery

17 of materials or supplies, other than by rail or water transportation, to such premises.
18 Where under any plan approved by the governing authority of the parish individual

19 plants provide police protection, this protection shall be confined to the premises of
20 each individual plant located therein.

21 * * *

22 §1333. Agreements concerning collection and disposal of solid wastes

23 Any ~~parish, municipality, consolidated garbage district created pursuant to~~
24 ~~Article XIV, §14(K-1-b) of the Louisiana Constitution, or political subdivision of the~~

25 ~~state~~ may make agreements pursuant to R.S. 33:1324 and ~~R.S. 33:1324.1~~ in order to
26 create greater efficiency; and economy and further extension of services in the area

27 of solid waste disposal. All such agreements shall be pursuant to the provisions of
28 this ~~part~~ Part, but, in addition to the ability to acquire by gift, grant, purchase, or

29 condemnation proceedings as provided in R.S. 33:1329, the ~~parishes, municipalities~~
30 ~~or commissions~~ political subdivisions may use any state equipment ~~which~~ that may

1 be available for purposes of solid waste disposal. The ~~municipalities, parishes or~~
 2 ~~commission~~ political subdivisions pursuant to ~~the powers expressed in R.S. 33:1332~~
 3 may issue bonds to finance construction, acquisition, ~~or~~ improvement, maintenance,
 4 or operation of such public projects ~~and the issuance of such bonds, which~~ are hereby
 5 declared to be a ~~work~~ works of public improvement under ~~Article XIV, §14(b.1) of~~
 6 ~~the Louisiana Constitution~~ Part III of Chapter 4 of Subtitle II of Title 39 of the
 7 Louisiana Revised Statutes of 1950. ~~Such construction, acquisition, or improvement~~
 8 ~~and the maintenance or operation thereof is hereby declared to involve public~~
 9 ~~improvement under Article X, §10 of the Louisiana Constitution~~ and Article VI,
 10 Section 32 of the Constitution of 1974, thereby allowing such ~~municipalities,~~
 11 ~~parishes or commission~~ political subdivisions to collect an ad valorem tax pursuant
 12 to the procedure set forth in ~~Article X, §10 of the Louisiana Constitution~~ Article VI,
 13 Section 32 of the Constitution of 1974 and applicable law. Arrangements for
 14 financing such operations, including the issuance of bonded indebtedness, shall be
 15 set forth in the agreement between the ~~parishes, municipalities, and consolidated~~
 16 ~~garbage districts~~ political subdivisions as required by R.S. 33:1331.

* * *

§3821. Authority to issue bonds and levy taxes

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

* * *

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

26 The governing authority of any parish may create within such parish one or
 27 more consolidated sewerage districts comprised of one or more existing sewerage
 28 districts, together with, if so determined by the governing authority, territory not
 29 within the boundaries of an existing sewerage district. No sewerage district the
 30 governing body of which is not the governing authority of the parish may be

1 included in any consolidated district without the approval of the governing body of
 2 such district to be evidenced by resolution, and no sewerage district lying wholly or
 3 partially within the limits of an incorporated municipality may be so included in a
 4 consolidated district without the consent of the governing authority of such
 5 municipality to be evidenced by resolution. Consolidated sewerage districts so
 6 created shall constitute sewerage districts within the meaning of ~~Sub-section C of~~
 7 ~~Section 14 of Article 14 of the Constitution~~ Part III of Chapter 4 of Subtitle II of
 8 Title 39 of the Louisiana Revised Statutes of 1950, and as such shall enjoy all rights,
 9 powers, and privileges enjoyed by other sewerage districts under the provisions of
 10 said section, including the right to issue bonds, and shall have the right to issue
 11 certificates of indebtedness secured by local or special assessments. The governing
 12 authority of each such consolidated sewerage district shall be the governing authority
 13 of the parish creating the district.

14 * * *

15 §4161. Revenue-producing public utility defined

16 For the purposes of this Part, "revenue-producing public utility" means any
 17 revenue-producing business or organization ~~which~~ that regularly supplies the public
 18 with a commodity or service, including electricity, gas, water, ice, ferries,
 19 warehouses, docks, wharves, terminals, airports, transportation, telephone, telegraph,
 20 radio, television, drainage, sewerage, garbage disposal, emergency medical services,
 21 and other like services; or any project or undertaking, including public lands and
 22 improvements thereon, owned and operated by a ~~municipal corporation or parish or~~
 23 ~~other~~ political subdivision ~~or taxing district~~ authorized by the Constitution of
 24 Louisiana or by law to issue bonds ~~under authority of Section 14 of Article XIV of~~
 25 ~~the Constitution of Louisiana of 1921~~, from the conduct and operation of which
 26 revenue can be derived.

27 §4162. Power to own and operate; power to lease

28 A. Any ~~municipal corporation or any parish or any other~~ political
 29 subdivision ~~or taxing district~~ authorized by the Constitution of Louisiana or by law
 30 to issue bonds ~~under Section 14 of Article 14 of the Constitution of Louisiana of~~

1 ~~1921~~, may construct, acquire, extend, or improve any revenue-producing public
 2 utility and property necessary thereto, either within or without its boundaries, and
 3 may operate and maintain the utility in the interest of the public.

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

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

9 D. A parish may lease gas plants, gas distributing systems, gas wells, gas
 10 lands, and holdings.

11 * * *

12 §4306. District as ~~sub-division of state within constitutional provision~~ a political
 13 subdivision

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

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

21 Section 3. The Louisiana State Law Institute is authorized to redesignate R.S.
 22 33:1947, Subpart A-1 of Part II of Chapter 4 of Title 33 of the Louisiana Revised Statutes
 23 of 1950, consisting of R.S. 33:1981, Subpart B-1 of Part II of Chapter 4 of Title 33 of the
 24 Louisiana Revised Statutes of 1950, consisting of R.S. 33:2001 through 2010, Subpart A-1
 25 of Part III of Chapter 4 of Title 33 of the Louisiana Revised Statutes of 1950, consisting of
 26 R.S. 33:2201, and Subpart B-1 of Part III of Chapter 4 of Title 33 of the Louisiana Revised
 27 Statutes of 1950, consisting of R.S. 33:2218.1 through 2218.10 as Sections within Title 40
 28 of the Louisiana Revised Statutes of 1950.

29 Section 4. The Louisiana State Law Institute is authorized to redesignate R.S.
 30 33:1391(Acts 1990, No. 187) and 1392(Acts 1979, No. 341) by removing them from Title

1 33 of the Louisiana Revised Statutes of 1950 and including them in the Table of Local and
2 Special Acts.

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

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

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____