

Regular Session, 2003

ACT No. 768

SENATE BILL NO. 781

BY SENATOR BOISSIERE AND REPRESENTATIVE MURRAY

AN ACT

To enact Part IV of Chapter 9 of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:4159.10, relative to sewage and water disposal; to establish procedures for privatization of public sewage and water drainage or water disposal or treatment facilities in municipalities having a population in excess of four hundred and seventy-five thousand, according to the most recent federal decennial census; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part IV of Chapter 9 of Title 33 of the Louisiana Revised Statutes of 1950, comprised of R.S. 33:4159.10, is hereby enacted to read as follows:

PART IV. PRIVATIZATION OF SEWERAGE AND
WATER BOARD FACILITIES IN MUNICIPALITIES
WITH A POPULATION OF 475,000 OR MORE

Part IV is all new law.

§4159.10. Public sewage and water drainage disposal and treatment facilities; privatization; specific authorization procedures

R.S. 33:4159.10 is all new law.

A. Definition. For the purpose of this Part, "privatization" shall mean the sale or divesture of any asset having an aggregate value in

excess of five million dollars of any public sewerage and water board, drainage, disposal or treatment facility by any municipality to a non-public entity. It shall also mean transferral to a non-public entity of the obligation to operate, maintain and/or manage the facility, or any portion thereof, for the benefit and on behalf of the municipality.

B. Procedures. Prior to entering into any contracts or agreements relative to the ownership, operation, or maintenance of any sewerage and water board sewage or water disposal or treatment facility with a non-public entity, in any municipality with a population in excess of four hundred seventy-five thousand, in accordance to the most recent federal decennial census, the following procedures shall occur:

(1) The public sewerage and water board shall submit a detailed written report to the Senate Local and Municipal Affairs Committee and the House Committee on Municipal, Parochial and Cultural Affairs listing the specifics of the proposed agreement, contract, or plan. Each committee may request a hearing to discuss the proposed agreement, contract, or plan.

(2) The public sewerage and water board shall hold citywide hearings on the proposed agreement, contract or plan.

(3) Upon approval of the proposed agreement, contract or plan the Public Sewage and Water Board shall call an election for the purpose of seeking voter approval of the proposed agreement, contract or plan. The proposed agreement, contract or plan shall be executed only after having been approved by a majority of the registered voters of the municipality, voting at an election held for that purpose in accordance with the Louisiana Election Code.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____