

Regular Session, 2010

HOUSE BILL NO. 780

BY REPRESENTATIVE CORTEZ

DISTRICTS/SPECIAL: Provides relative to the Broussard Environmental Service and Enhancement District

1 AN ACT

2 To amend and reenact R.S. 33:4065.11 and 4065.13(B), relative to the Broussard
3 Environmental Service and Enhancement District; to provide relative to the powers
4 and duties of the district; to provide relative to the district's authority to enter into
5 contracts outside of the corporate limits of the city of Broussard; to provide relative
6 to notice requirements with respect to such contracts; and to provide for related
7 matters.

8 Notice of intention to introduce this Act has been published
9 as provided by Article III, Section 13 of the Constitution of
10 Louisiana.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 33:4065.11 and 4065.13(B) are hereby amended and reenacted to
13 read as follows:

14 §4065.11. Creation; purpose

15 ~~A.~~ The Broussard Environmental Service and Enhancement District,
16 ~~hereinafter in this Subpart~~ referred to in this Subpart as the "district", is hereby
17 created as a political subdivision of the state, with the power to sue and be sued in
18 its corporate name. The district is intended for the protection, enhancement, and
19 development of the environment, and for performing research and educational
20 projects related thereto. These purposes may be carried out through the treatment,

1 processing, and recycling of ~~sewerage~~ sewage, through the provision and/or
 2 supervision of related environmental services or through such other methods as it
 3 may choose. The district may construct, purchase, own, maintain, operate and
 4 improve ~~sewerage~~ sewage treatment facilities, and undertake other environmental
 5 protection, enhancement, and development projects as further provided in this
 6 Subpart. In addition to the other powers specifically granted, the district shall be
 7 authorized to exercise all powers and functions granted in a sewerage district as
 8 provided in the Constitution of Louisiana, and shall specifically be authorized to
 9 supervise construction of facilities consistent with its purposes.

10 ~~B. Notwithstanding any other provision herein to the contrary, the district~~
 11 ~~may not, without prior approval of the Lafayette Parish Consolidated Government,~~
 12 ~~contract to provide sewerage collection, disposal, or treatment services with any~~
 13 ~~person other than the city of Broussard, or any entity located within the corporate~~
 14 ~~limits of the city of Broussard.~~

15 * * *

16 §4065.13. Powers of the district

17 * * *

18 B.(1) It is not the intention that the district shall provide sewage collection,
 19 disposal, or treatment services directly to consumers, but rather that the district shall
 20 contract with such public bodies or private entities as it deems appropriate to provide
 21 for the receipt, treatment, and disposal of sewage from said public bodies or private
 22 entities.

23 (2) Notwithstanding any other provision of law to the contrary, the district
 24 shall not enter into a contract to provide for the receipt, treatment, and disposal of
 25 sewage from any public body or private entity that is located more than ten miles
 26 outside of the corporate limits of the city of Broussard.

27 (3)(a) At least thirty days prior to entering into a contract to provide for the
 28 receipt, treatment, and disposal of sewage from any public body or private entity that
 29 is located outside of the corporate limits of the city of Broussard, the district shall

1 publish once in the official journal of the parish of Lafayette, a notice of intention
2 to enter into any such contract. The district shall also notify Lafayette Utilities
3 System, by certified letter, of its intention to enter into any such contract at least
4 thirty days prior to entering the contract.

5 (b) The district may, by resolution, provide for notice requirements in
6 addition to the requirements specified in this Paragraph.

7 * * *

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

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)]

Cortez

HB No. 780

Abstract: Provides relative to the authority granted to the Broussard Environmental Service and Enhancement District to enter into contracts for service outside of the corporate limits of the city of Broussard.

Present law creates the Broussard Environmental Services and Enhancement District as a political subdivision of the state for the protection, enhancement, and development of the environment and for performing research and educational projects related thereto. Provides that the purposes of the district may be carried out through the treatment, processing, and recycling of sewage, through the provision and/or supervision of related environmental services or through such other methods as it may choose. Provides for the powers and duties of the district, including to construct, purchase, own, maintain, operate and improve sewage treatment facilities, and undertake other environmental protection, enhancement, and development projects as provided in present law. Provides that the district shall be governed by a board of eight members, including the mayor of the city of Broussard, six members appointed by the governing authority of the city, and one designee appointed by Bayou Livestock, Inc., or its successor.

Proposed law retains present law.

Present law authorizes the district to contract with such public bodies or private entities as it deems appropriate to provide for the receipt, treatment, and disposal of sewage from the public bodies or private entities. Provides however, that the district may not, without prior approval of the Lafayette Parish Consolidated Government, contract to provide sewage collection, disposal, or treatment services with any person other than the city of Broussard, or any entity located within the corporate limits of the city of Broussard.

Proposed law removes provision that requires the district to receive the approval of the Lafayette Parish Consolidated Government prior to entering into contracts with public or private entities outside the corporate limits of the city of Broussard. Provides however, that the district shall not enter into any such contract for receipt, treatment, or disposal of sewage from a public body or private entity that is located more than 10 miles outside of the corporate limits of the city of Broussard.

Proposed law requires the district, at least 30 days prior to entering a contract with a public body or private entity located outside the corporate limits of the city, to publish once in the official journal of Lafayette Parish, a notice of intention to enter into any such contract. Additionally requires the district to notify Lafayette Utilities System, by certified letter, of its intention to enter into any such contract at least 30 days prior to entering the contract. Authorizes the district to, by resolution of its members, provide for additional notice requirements.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 33:4065.11 and 4065.13(B))