

Regular Session, 2014

SENATE BILL NO. 425

BY SENATORS CORTEZ AND MILLS

WATER/SEWER OPERATORS. Provides relative to private water supply or sewer system providers. (8/1/14)

1 AN ACT  
2 To enact R.S. 33:42, relative to water and sewer systems; to provide relative to the operation  
3 and maintenance of certain water and sewer systems; to provide relative to required  
4 standards, including but not limited to chlorination and other standards; to provide  
5 for the failure to satisfy such standards and the effects of such failure; to authorize  
6 certain actions by a political subdivision; to provide certain definitions, terms,  
7 conditions, and procedures; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 33:42 is hereby enacted to read as follows:

10 **§42. Private water supply and sewer systems; failure to meet certain**  
11 **standards; effects**

12 **A. As used in this Section, "political subdivision" shall mean a political**  
13 **subdivision of a parish having a population greater than two hundred thousand**  
14 **but less than two hundred and thirty thousand according to the latest federal**  
15 **census.**

16 **B. A private water supply or sewer system provider serving the residents**  
17 **of a political subdivision as defined in this Section shall comply with all**

1 **applicable health standards set forth in law and regulation, including standards**  
2 **relative to chlorination.**

3 **(1) In addition to any other penalty or liability authorized by law that**  
4 **may be imposed upon a private water supply or sewer system provider who fails**  
5 **to meet applicable health standards, a political subdivision may by ordinance**  
6 **adopt a remediation charge to be imposed in accordance with such conditions**  
7 **and in such an amount as the political subdivision may determine.**

8 **(2) The remediation charge shall be utilized by the political subdivision**  
9 **solely to ensure that the services provided by the private water supply or sewer**  
10 **system provider are in compliance with law and regulation, and that the health**  
11 **and safety of residents of the political subdivision are protected against harm.**

12 **(3) In order to protect public health and safety, a private water supply**  
13 **or sewer system provider who within a consecutive twelve month period is**  
14 **penalized by the state or political subdivision at least three separate times due**  
15 **to failure to comply with applicable laws and regulations concerning health**  
16 **standards shall forfeit such system to the political subdivision in addition to any**  
17 **other penalty.**

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Jerry G. Jones.

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#### DIGEST

Cortez (SB 425)

Proposed law provides relative to private water or sewer system providers.

Proposed law defines "political subdivision" for its purposes as a political subdivision of a parish having a population greater than two hundred thousand but less than two hundred and thirty thousand according to the latest federal census.

Proposed law provides that a private water supply or sewer system provider serving the residents of a political subdivision as defined in the proposed law shall comply with all applicable health standards set forth in law and regulation, including standards relative to chlorination.

Proposed law provides that in addition to any other penalty or liability authorized by law that may be imposed upon a private water supply or sewer system provider who fails to meet applicable health standards, a political subdivision may by ordinance adopt a remediation charge to be imposed in accordance with such conditions and in such an amount as the political subdivision may determine.

Proposed law provides that the remediation charge shall be utilized by the political subdivision solely to ensure that the services provided by the private water supply or sewer system provider are in compliance with law and regulation, and that the health and safety of residents of the political subdivision are protected against harm.

Proposed law provides that in order to protect public health and safety, a private water or sewer system provider who within a consecutive twelve month period is penalized by the state or political subdivision at least three separate times due to failure to comply with applicable laws and regulations concerning health standards shall forfeit such system to the political subdivision in addition to any other penalty.

Effective August 1, 2014.

(Adds R.S. 33:42)