

## RÉSUMÉ DIGEST

ACT 452 (SB 220)

2025 Regular Session

Cathey

New law (R.S. 33:381(F)) provides that notwithstanding any other provision of existing law to the contrary, if a vacancy in the office of chief of police or fire chief in a municipality covered by the provisions of the municipal fire and police civil service law continues for a period exceeding 12 consecutive months and the municipal governing authority has failed or declined to confirm an appointment submitted by the mayor or other appointing authority to the governing authority under the requirements of a municipal home rule charter, the governor shall have the authority to make an appointment to the position.

New law provides that the governor's appointment shall be selected from among the candidates on the certified competitive employment list for the position and recommended by the mayor or the local governing authority, notwithstanding any prior rejection or denial of confirmation of a candidate by the local governing authority.

New law provides that the mayor or appointing authority shall notify the board of the filling of the vacancy as provided in existing law (R.S. 33:2503).

New law provides that the person appointed to the position shall begin his working test as provided by existing law (R.S. 33:2495), and nothing herein shall be construed to prohibit the mayor, board, or appointing authority from removing the probational employee for the reasons and under the circumstances set forth pursuant to that existing law.

New law provides that nothing in new law shall be construed to limit the authority of a mayor or local appointing authority to submit appointees to a local governing authority for confirmation under the requirements of a home rule charter.

New law provides that any person appointed under new law must meet all applicable statutory, regulatory, or civil service qualifications for the position of chief of police or fire chief.

New law provides that the new law shall apply only to municipalities with a population greater than 45,000 but no more than 48,000, as determined by the most recent federal decennial census.

New law provides that the provisions of new law shall be retroactive to June 1, 2023.

Existing law (R.S. 33:404) provides for the powers, duties, and responsibilities of mayors.

New law retains existing law.

Existing law (R.S. 33:4122) provides that there shall be no obligation on the part of the city of New Orleans to provide funds for the operation and maintenance of the sewerage system of the city of New Orleans.

New law retains existing law but provides that revenue generated from automated speed enforcement devices within Orleans Parish outside of a school zone, mobile speed cameras or red light cameras shall only be used for the purposes of stormwater drainage infrastructure, maintenance, and improvements.

New law retains existing law and additionally provides that the revenue generated within Orleans Parish outside of a school zone shall only be used for the purposes of stormwater drainage infrastructure, maintenance, and improvements.

Existing law (R.S. 33:4341) provides that any municipality, the city of New Orleans excepted, or any parish or any other political subdivision or taxing district authorized to issue bonds under existing law, may sell or lease any revenue-producing properties owned by it, including all proper franchises to operate the properties for a term not to exceed 60 years, provided the governing authorities have been first authorized to do so by a vote of a majority of the qualified electors, voting at an election held for that purpose.

Existing law provides that when a city, town, or village owns and operates a water, gas, or other revenue-producing public utility, serving customers outside the territorial limits of the city, town, or village, as is allowed by existing law, a negotiated sale of all of the

connections and utility installations outside the area of the city, town, or village and within the corporate limits of another city, town, or village may be made to the latter city, town, or village by negotiation and without any election, for such price as may be agreed upon between the parties.

Existing law provides that no election shall be required to authorize the sale or lease by any municipality or parish of revenue-producing water properties to any other municipality, parish, or other political subdivision.

New law retains existing law but provides an exception for certain governing authorities. Provides that the governing authority of any city, town or village that owns and operates a water utility that receives a grade of "D" or "F" under the Community Drinking Water Infrastructure Sustainability Act, and the rule pursuant to existing law, shall not be required to conduct an election to authorize the sale or lease of the utility if the governing authority finds by official action that the municipality is either financially, managerially or technically unable to restore the utility to a grade of "C" or better.

Existing law (R.S. 33:4342) provides that when a written and signed proposition has been made to the governing authority of any municipality or parish for the purchase, lease or other acquisition of any of the properties owned by it, and franchise for operation of same, and which written proposition shall contain a complete and detailed statement of all terms and provisions of the franchise, the governing authority may submit to the qualified electors, at a special election called for that purpose, the question of whether or not the offer made shall be accepted.

New law retains existing law but provides an exception under new law (R.S. 33:4341) that the governing authority of any city, town or village that owns and operates a water utility that receives a grade of "D" or "F" under the Community Drinking Water Infrastructure Sustainability Act shall not be required to conduct an election to authorize the sale or lease of the utility if the governing authority finds by official action that the municipality is either financially, managerially, or technically unable to restore the utility to a grade of "C" or better.

New law (R.S. 33:9720) provides that notwithstanding any other provision of law, any municipality or parish within the state of Louisiana shall have the authority to create, organize, and establish districts and commissions within its jurisdictional boundaries through passage of an ordinance. Districts and commissions that already have been established by law prior to the enactment of new law shall remain in full effect and continue to operate under the terms of each entity's respective enabling statutes or ordinances.

Existing law (R.S. 38:113) provides that the various levee and drainage districts shall have control over all public drainage channels or outfall canals within the limits of the districts which are selected by the district, and for a space of 100 ft. on both sides of the banks of such channels or outfall canals, and 100 ft. continuing outward from the mouth of such channels or outfall canals.

New law provides that the various levee and drainage districts, and local governing bodies, shall have a legal servitude by which control is given to the local governing body or district over all public drainage channels or outfall canals within the limits of their districts which are selected by the district, and for a space of 100 ft. on both sides of the banks of such channels or outfall canals, and 100 ft. continuing outward from the mouth of such channels or outfall canals.

New law provides that property may not be taken or damaged by the districts or local governing bodies for public purposes and with just compensation paid to the owner.

New law provides that the regulation or prohibition of drainage into a public system that is not authorized by a natural servitude or other legal right does not constitute a taking or damaging of property.

New law provides that the local governing authority or district shall be immune from damage to its public works projects by excessive, unlawful drainage into its system.

Existing law (R.S. 38:141) provides that the several parishes of La., Orleans Parish excepted, may expropriate land and the improvements thereon, outside of regularly organized and acting levee districts, necessary for the construction of drainage canals or drainage projects

with enough of the adjoining property on which to build spoil banks and on which to place the dirt removed from the drainage canals, and any property next to or in the vicinity of the canals or projects necessary for the construction, inspection, repair, and maintenance of the canals or projects.

Existing law provides that the parishes may acquire by expropriation, in the same manner now required by existing laws regulating expropriation suits, either a clear title to the land and improvements thereon or any servitude, right, or interest necessary for that purpose.

New law provides that local governing bodies, rather than parishes, Orleans Parish excepted, shall have the expropriation power contained in existing law.

Existing law provides that the several parishes shall thoroughly drain all public roads which are parallel or contiguous to any public levee, shall cut across public roads all ditches and drains necessary to effect the complete and perfect drainage of the roads and levees, and shall connect the drains and ditches with those on private property abutting on the road.

New law retains existing law but provides that local governing bodies, rather than parishes, shall have the responsibility of drainage all public roads which are parallel or contiguous to any public levee, shall cut across public roads all ditches and drains necessary to effect the complete and perfect drainage of the roads and levees, and shall connect the drains and ditches with those on private property abutting on the road.

Existing law (R.S. 38:214) provides that no person shall dump or discharge or permit to be dumped or discharged into any waters or drains of the state any trees or other objects, substances, or materials which might interfere with the drainage.

New law retains existing law, but provides that no person shall dump or discharge or permit to be dumped or discharged into any drains of the local governing body any trees or other objects, substances, or materials which might interfere with the drainage.

New law repeals the Union Parish Railroad District.

Effective August 1, 2025.

(Amends R.S. 33:404(A)(intro para), 4122, 4341(A) and (C), and 4342, R.S. 38:113, 141, 142, and 214; adds R.S. 33:381(F) and 9720; repeals R.S. 33:130.621.1)