First Extraordinary Session, 2011

## HOUSE BILL NO. 18

## BY REPRESENTATIVE KATZ

1	AN ACT
2	To amend and reenact R.S. 40:401.1, 404.1, 490(C), 531(A)(2), (B), and (C), 537(A)(3),
3	1241(A)(2), 1496(G)(1), 1498(E) and (F), 1501.5(A), 1502.14, 1502.15(A), and
4	1509 and to repeal R.S. 40:404, relative to provisions of Title 40 (Public Health and
5	Safety) of the Louisiana Revised Statutes of 1950 which are limited in applicability
6	to certain political subdivisions or local areas based upon population classifications;
7	to specify applicability to one or more political subdivisions or local areas; to repeal
8	provisions that are outdated or obsolete; and to provide for related matters.
9	Be it enacted by the Legislature of Louisiana:
10	Section 1. R.S. 40:401.1, 404.1, 490(C), 531(A)(2), (B), and (C), 537(A)(3),
11	1241(A)(2), 1496(G)(1), 1498(E) and (F), 1501.5(A), 1502.14, 1502.15(A), and 1509 are
12	hereby amended and reenacted to read as follows:
13	§401.1. Housing authorities of certain parishes authority of the parish of St. Landry;
14	commissioners
15	In parishes having a population in excess of eighty-five thousand but not
16	more than eighty-nine thousand, based on the latest federal decennial census the
17	parish of St. Landry, the board of commissioners shall be composed of no more than
18	six members. A majority of the commissioners shall constitute a quorum of the
19	authority for the purpose of conducting its business and exercising its power and for
20	all other purposes.
21	* * *
22	§404.1. Housing authorities of certain the cities of Gonzales and St. Martinville; per
23	diem
24	Each commissioner of the housing authority of a city with a population of not
25	less than seven thousand one hundred fifty persons and not more than seven

1	thousand two hundred fifty persons as of the most recent federal decennial census
2	authorities of the cities of Gonzales and St. Martinville may receive a per diem, to
3	be paid from funds of the <u>respective housing</u> authority, for a maximum of twenty-
4	four days per year for attendance at meetings of the <u>respective</u> housing authority in
5	amounts not to exceed the following:
6	(1) Fifty dollars for the chairman of the authority.
7	(2) Twenty-five dollars for all other members.
8	* * *
9	§490. Tax exemption
10	* * *
11	C. Notwithstanding the provisions of Subsection B of this Section, any
12	parish with a population of in excess of three hundred fifty thousand persons but not
13	exceeding four hundred twenty thousand persons, according to the most recent
14	federal decennial census, the parish of East Baton Rouge and any municipality or
15	school board in the that parish may exercise any of the powers granted in Subsection
16	B of this Section. A housing authority in any such the parish of East Baton Rouge
17	shall make payments in lieu of taxes to a school district in which the housing
18	authority is located.
19	* * *
20	§531. Appointment of commissioners to local housing authority
21	A.
22	* * *
23	(2) Notwithstanding any other provision of law to the contrary, when the
24	governing body of any parish with a population of not more than forty-three
25	thousand seven hundred fifty persons and not less than forty-two thousand seven
26	hundred fifty persons based on the latest federal decennial census the parish of St.
27	John the Baptist has determined, by resolution as set forth in R.S. 40:393, that it is
28	expedient to establish a local housing authority, the governing body of any such that

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housing authority and shall be called commissioners.

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parish shall appoint five persons who shall constitute the governing body of the local

B. In municipalities with populations of four hundred seventy-five thousand
or more the city of New Orleans, the governing authority of the housing authority
shall consist of seven commissioners, at least two of whom shall be tenants of the
housing authority. The commissioners shall be appointed by the mayor of the
municipality city of New Orleans and shall serve terms concurrent with that of the
mayor. The tenant commissioners shall be chosen from a list of names submitted to
the mayor by the Citywide Tenants Council, Inc., of the housing authority. The
number of names submitted shall be three for each vacancy to be filled by a tenant
commissioner. Vacancies shall be filled for the unexpired term.
C. In parishes with populations of more than four hundred thirty-five

thousand but less than four hundred seventy-five thousand and not having boundaries coterminous with a single city the parish of Jefferson, the governing authority of the housing authority shall consist of nine commissioners and, notwithstanding any other provision of law to the contrary, such commissioners shall be appointed as provided in this Subsection. Seven of the commissioners shall be appointed by the governing body of the parish. One of such commissioners shall be appointed by the chief executive officer of the parish. One of such commissioners shall be a tenant member of the Marrero Tenants Organization and shall be appointed by the governing authority of said organization.

\* \* \*

21 §537. Removal of commissioners

22 A.

23 \* \* \*

(3) A commissioner of a local housing authority in any parish with a population of not more than forty-three thousand seven hundred fifty persons and not less than forty-two thousand seven hundred fifty persons based on the latest federal decennial census the parish of St. John the Baptist may be removed on any such grounds by the governing body of the parish appointing the commissioner.

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HB NO. 18	<b>ENROLLED</b>
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1	§1241. Public markets; location, inspection, and operation; exemptions; market
2	zones
3	A.
4	* * *
5	(2) Permanent open-air public market buildings built prior to 1950 which are
6	designated as historic and located in a municipality with a population in excess of
7	four hundred thousand persons according to the most recent federal decennial census
8	the city of New Orleans shall be exempt from LAC 51:XXIII.1501, 1701, and
9	3505(A). The lessor shall develop food service operational guidelines after
10	consultation and periodic review with the Department of Health and Hospitals. Such
11	food service operational guidelines shall be incorporated into the lease agreements
12	with lessees who operate food service establishments in the exempted area. The
13	lessor shall enforce such food service operational guidelines through leases with
14	their lessees.
15	* * *
16	§1496. Appointment of members of board; term; vacancies
17	* * *
18	G.(1) When four or more municipalities are included within the boundaries
19	of a district lying within a parish with a population of between sixteen thousand and
20	eighteen thousand people according to the latest federal decennial census the parish
21	of Claiborne, Grant, or Winn, in addition to the membership provided in Paragraph
22	B(B)(4) of this Section, the <u>respective</u> parish governing authority may appoint up to
23	three additional members to the board.
24	* * *
25	§1498. Compensation of board members
26	* * *
27	E. Notwithstanding the amount of the per diem authorized by Subsection A
28	of this Section but otherwise in accordance therewith, all members of the governing
29	board of any fire protection district located wholly within a parish having a
30	population of less than eighty-eight thousand but more than eighty thousand persons,

as of the most recent federal decennial census, the parish of St. Landry may be paid a per diem of eighty dollars for attending meetings of the board, not to exceed two meetings in any one calendar month, and thirty dollars for attending committee meetings, not to exceed two in any month.

F. Notwithstanding the provisions of Subsection A of this Section, all members of the governing board of any fire protection district located wholly within a parish having a population of not less than one hundred ninety-one thousand nor more than two hundred twenty-five thousand persons, as of the most recent federal decennial census, the parish of St. Tammany may be paid a per diem of one hundred dollars for attending meetings of the board, not to exceed two meetings in any one calendar month, and fifty dollars for attending committee meetings, not to exceed two meetings in any one calendar month.

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§1501.5. Fire protection districts in parishes with a population between ninety-nine thousand and one hundred three thousand the parish of Tangipahoa; authority to levy sales and use tax

A. Fire protection districts in parishes with a population between ninety-nine thousand and one hundred three thousand the parish of Tangipahoa are hereby authorized to levy and collect a one-half of one percent sales and use tax within each parish fire protection district pursuant to the provisions of Article VI, Section 30 of the Constitution of Louisiana.

\* \* \*

§1502.14. Exemption from proof of service charge receipts in certain parishes the parish of Morehouse

Notwithstanding any provision to the contrary applicable to any fire protection district, any requirement that insurers and insurance agents have proof of a current service charge receipt from an insured prior to considering granting any reduced rate because of fire district protection to the insured shall not apply in parishes with a population of not less than thirty thousand but not more than thirty-

one thousand two hundred fifty based on the latest federal decennial census the parish of Morehouse.

§1502.15. Service charge authorized for fire protection districts in certain parishes

the parish of Caddo; assessment and collection

A. The governing authority of any fire protection district located within a parish with a population of not less than two hundred forty thousand people nor more than three hundred fifty thousand people, based on the latest federal decennial census, the parish of Caddo is hereby authorized to establish, by majority vote of the members of the authority, a service charge or rates of service charges to be assessed persons owning each residential or commercial structure, whether occupied or unoccupied, located wholly or partly within the boundaries of the district, subject to the provisions of Subsection B of this Section. For purposes of this Section, each residential or commercial unit in a structure and each housing unit within a multiple dwelling structure shall be considered a separate structure, and a mobile home, as defined in R.S. 9:1149.2, shall be considered a structure. Such service charges or rates of service charges shall be established by the governing authority of such district and shall be framed so as to cover and shall be used for the costs either incurred or for contracting of any or all fire protection, emergency medical transportation, and all emergency services incidental thereto.

\* \* \*

§1509. Appointment of board of commissioners of certain fire protection districts

Notwithstanding any provision of law to the contrary, the board of commissioners of a fire protection district in any parish with a population of not less than forty thousand and not more than forty-three thousand five hundred persons according to the most recent decennial census the parishes of Avoyelles, Lincoln, St.

John the Baptist, and Webster shall be comprised of at least one member from each ward located within the boundaries of the district. The respective parish governing authorities shall implement this Section by providing for appointment of members, including those from municipalities, in such manner, and by adding such members, as shall be necessary to implement these provisions.

HB NO. 18	<b>ENROLLED</b>
Section 2. R.S. 40:404 is hereby repealed in its entirety.	

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SPEAKER OF THE HOUSE OF REPRESENTATIVES
PRESIDENT OF THE SENATE
GOVERNOR OF THE STATE OF LOUISIANA