

**CONFERENCE COMMITTEE REPORT**

Senate Bill No. 104 by Senator Duplessis

June 25, 2009

To the Honorable President and Members of the Senate and to the Honorable Speaker and Members of the House of Representatives:

We, the conferees appointed to confer over the disagreement between the two houses concerning Senate Bill No. 104 by Senator Duplessis recommend the following concerning the Reengrossed bill:

1. That House Committee Amendment No. 1 proposed by the House Committee on Municipal, Parochial and Cultural Affairs and adopted by the House of Representatives on June 8, 2009, be rejected.
2. That House Committee Amendment No. 2 proposed by the House Committee on Municipal, Parochial and Cultural Affairs and adopted by the House of Representatives on June 8, 2009, be rejected.
3. That House Committee Amendment No. 3 proposed by the House Committee on Municipal, Parochial and Cultural Affairs and adopted by the House of Representatives on June 8, 2009, be rejected.
4. That Legislative Bureau Amendment No. 1 proposed by the Legislative Bureau and adopted by the House of Representative on June 8, 2009, be adopted.
5. That the following amendments to the reengrossed bill be adopted:

AMENDMENT NO. 1

On page 1, line 2, between "9080.3" and the comma "," insert "and 9039"

AMENDMENT NO. 2

On page 1, at the end of line 5, insert "add members to the board of commissioners of certain districts; to"

AMENDMENT NO. 3

On page 1, line 9, change "is" to "and 9039 are"

AMENDMENT NO. 4

On page 5, between lines 11 and 12, insert the following:

" \* \* \*

**§9039. Boards of commissioners of certain districts**

**Notwithstanding any law to the contrary, for a plaza district created in this Part:**

**(1) In addition to members otherwise provided by law, the board of commissioners of the district shall include:**

**(a) One member appointed by the mayor of the municipality which encompasses the district, to serve concurrently with the term of the appointing mayor.**

**(b) One state representative, appointed by the state senator whose legislative district encompasses the plaza district, when the plaza district is located in more than one state representative's district.**

**(2) Whenever the secretary of the Department of Economic Development is statutorily made a member of the board of commissioners, the secretary is authorized to appoint a designee to serve on the board.**

**(3) Whenever an owner of property within a district is statutorily included as a member of the board of commissioners, in lieu of serving on the board, the owner shall appoint a member to the board, to serve concurrently with the term of the mayor of the municipality which encompasses the district."**

Respectfully submitted,

Senators:

Representatives:

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Senator Ann Duplessis

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Representative Austin Badon

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Senator Cheryl A. Gray Evans

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Representative Regina Barrow

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Senator Robert "Rob" Marionneaux, Jr.

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Representative Cedric Richmond

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The legislative instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Ann S. Brown.

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CONFERENCE COMMITTEE REPORT DIGEST

Senate Bill No. 104 by Senator Duplessis

**Keyword and summary of the bill as proposed by the Conference Committee**

SPECIAL DISTRICTS. Provides for certain districts in Orleans Parish. (gov sig)

**Report adopts House amendments to:**

1. Make a technical correction.

**Report rejects House amendments which would have:**

1. Made some technical corrections.

**Report amends the bill to:**

1. Add members to the board of commissioners of certain districts in Orleans Parish.

**Digest of the bill as proposed by the Conference Committee**

Present law provides for the creation of special taxing districts in various parishes within Louisiana.

Proposed law creates the Lakewood East Security and Neighborhood Improvement District in Orleans Parish.

Proposed law lists the boundaries of the district as that area of the parish of Orleans lying within the following perimeter: I-10 Service Rd., Mayo Blvd., Orleans Parish School Property formerly known as the Livingston Middle School, and St. Charles Canal.

Proposed law provides that the purpose of the district shall be the beautification, security, and overall betterment of the Lakewood East Subdivision. Further provides that the district will also encourage, promote, and advance the nonprofit interests of homeowners in the subdivision through participation in charitable activities and events.

Proposed law provides that the district shall be governed by the Lakewood East Homeowners Association. Provides that a majority of the board members constitutes a quorum for the transaction of business.

Proposed law provides that the members of the board shall be determined and selected as provided in the bylaws and shall serve without compensation.

Proposed law provides for the following powers and duties of the district:

- (1) To adopt, use, and alter at will a corporate seal.
- (2) To receive and expend collected funds in accordance with an adopted budget.
- (3) To enter into contracts with individuals or entities, private or public.
- (4) To perform or have performed any other function or activity necessary or appropriate to carry out the purposes of the district.
- (5) To provide for such services and make such expenditures as the board deems proper for the upkeep of the district.
- (6) To procure and maintain liability insurance against any personal or legal liability of a board member that may be asserted or incurred based upon his service as a member of the board or that may arise as a result of his actions taken within the scope and discharge of his duties as a member of the board.

Proposed law authorizes the city of New Orleans to impose and collect a \$300.00 annual parcel fee for the operation of the district. Defines "parcel" as a lot, a subdivided portion of ground, or an individual tract.

Proposed law provides that the fee shall be imposed only after the question of its imposition has been approved by a majority of the registered voters of the district. If approved the parcel fee shall expire on 12/31/2018 unless renewed.

Proposed law provides that any parcel fee which is unpaid shall be added to the tax rolls of the city and shall be enforced with the same authority and subject to the same penalties and procedures as unpaid ad valorem taxes.

Proposed law provides that the proceeds of the fee shall be used solely and exclusively for the purpose and benefit of the district; however, the city may retain 1% of the amount collected as a collection fee.

Proposed law provides that the governing authority of the district shall adopt an annual budget. The budget and all amendments shall be subject to the approval of the governing board of the city of New Orleans. The district shall be subject to audit by the legislative auditor.

Proposed law provides that the board may contract with the New Orleans Police Department (NOPD) or with a private security company that has been certified and approved by the superintendent of NOPD for the provision of security patrols in the district. Such security patrols shall be supplemental to and not in lieu of personnel and services provided in the district by NOPD.

Proposed law provides that the district may perform or have performed any other function or activity necessary for the achievement of its objectives of: (a) encouraging the beautification, security, and overall betterment of the area ; and (b) encouraging, promoting, and advancing the nonprofit interests of homeowners in the subdivision through participation in charitable activities and events.

Proposed law adds two member to the board of commissioners of plaza districts located in Orleans Parish. Provides that the new members shall be appointed as follows:

- (1) One member appointed by the mayor to serve concurrently with the mayor's term.
- (2) One state representative, appointed by the state senator whose legislative district encompasses the plaza district, when the plaza district is located in more than one state representative's district.

Proposed law provides that when the secretary of the Department of Economic Development is statutorily made a member of the board of commissioners, the secretary is authorized to appoint a designee to serve on the board.

Proposed law provides that whenever an owner of property within a district is statutorily included as a member of the board of commissioners, in lieu of serving on the board, the owner shall appoint a member to the board, to serve concurrently with the term of the mayor of the municipality which encompasses the district.

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

(Adds R.S. 33:9080.3 and 33:9039)