

First Extraordinary Session, 2011

HOUSE BILL NO. 18

BY REPRESENTATIVE KATZ

CENSUS: Provides relative to provisions in Title 40 which are limited in applicability to political subdivisions or local areas meeting specified population characteristics (Item #8)

1 AN ACT

2 To amend and reenact R.S. 40:401.1, 404(A), 404.1, 490(C), 531(A)(2), (B), and (C),

3 537(A)(3), 1241(A)(2), 1496(G)(1), 1498(E) and (F), 1501.5(A), 1502.14,

4 1502.15(A), and 1509, relative to provisions of Title 40 (Public Health and Safety)

5 of the Louisiana Revised Statutes of 1950 which are limited in applicability to

6 certain political subdivisions or local areas based upon population classifications; to

7 specify applicability to one or more political subdivisions or local areas; and to

8 provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 40:401.1, 404(A), 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

1 authority for the purpose of conducting its business and exercising its power and for  
2 all other purposes.

3 \* \* \*

4 §404. Meetings; location; penalties

5 A. In ~~municipalities of a population of four hundred seventy-five thousand~~  
6 ~~or more~~ the city of New Orleans, the housing authority board shall schedule at least  
7 one meeting each quarter to be held at one of the housing projects under its  
8 jurisdiction.

9 \* \* \*

10 §404.1. Housing authorities of ~~certain~~ the cities of Gonzales and St. Martinville; per  
11 diem

12 Each commissioner of the housing ~~authority of a city with a population of not~~  
13 ~~less than seven thousand one hundred fifty persons and not more than seven~~  
14 ~~thousand two hundred fifty persons as of the most recent federal decennial census~~  
15 authorities of the cities of Gonzales and St. Martinville may receive a per diem, to  
16 be paid from funds of the respective housing authority, for a maximum of twenty-  
17 four days per year for attendance at meetings of the respective housing authority in  
18 amounts not to exceed the following:

- 19 (1) Fifty dollars for the chairman of the authority.
- 20 (2) Twenty-five dollars for all other members.

21 \* \* \*

22 §490. Tax exemption

23 \* \* \*

24 C. Notwithstanding the provisions of Subsection B of this Section, ~~any~~  
25 ~~parish with a population of in excess of three hundred fifty thousand persons but not~~  
26 ~~exceeding four hundred twenty thousand persons, according to the most recent~~  
27 ~~federal decennial census, the parish of East Baton Rouge~~ and any municipality or  
28 school board in ~~the~~ that parish may exercise any of the powers granted in Subsection  
29 B of this Section. A housing authority in ~~any such~~ the parish of East Baton Rouge

1 shall make payments in lieu of taxes to a school district in which the housing  
2 authority is located.

3 \* \* \*

4 §531. Appointment of commissioners to local housing authority

5 A.

6 \* \* \*

7 (2) Notwithstanding any other provision of law to the contrary, when the  
8 governing body of ~~any parish with a population of not more than forty-three~~  
9 ~~thousand seven hundred fifty persons and not less than forty-two thousand seven~~  
10 ~~hundred fifty persons based on the latest federal decennial census~~ the parish of St.  
11 John the Baptist has determined, by resolution as set forth in R.S. 40:393, that it is  
12 expedient to establish a local housing authority, the governing body of ~~any such~~ that  
13 parish shall appoint five persons who shall constitute the governing body of the local  
14 housing authority and shall be called commissioners.

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

24 C. In ~~parishes with populations of more than four hundred thirty-five~~  
25 ~~thousand but less than four hundred seventy-five thousand and not having boundaries~~  
26 ~~coterminous with a single city~~ the parish of Jefferson, the governing authority of the  
27 housing authority shall consist of nine commissioners and, notwithstanding any other  
28 provision of law to the contrary, such commissioners shall be appointed as provided  
29 in this Subsection. Seven of the commissioners shall be appointed by the governing

1 body of the parish. One of such commissioners shall be appointed by the chief  
2 executive officer of the parish. One of such commissioners shall be a tenant member  
3 of the Marrero Tenants Organization and shall be appointed by the governing  
4 authority of said organization.

5 \* \* \*

6 §537. Removal of commissioners

7 A.

8 \* \* \*

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

14 \* \* \*

15 §1241. Public markets; location, inspection, and operation; exemptions; market  
16 zones

17 A.

18 \* \* \*

19 (2) Permanent open-air public market buildings built prior to 1950 which are  
20 designated as historic and located in ~~a municipality with a population in excess of~~  
21 ~~four hundred thousand persons according to the most recent federal decennial census~~  
22 the city of New Orleans shall be exempt from LAC 51:XXIII.1501, 1701, and  
23 3505(A). The lessor shall develop food service operational guidelines after  
24 consultation and periodic review with the Department of Health and Hospitals. Such  
25 food service operational guidelines shall be incorporated into the lease agreements  
26 with lessees who operate food service establishments in the exempted area. The  
27 lessor shall enforce such food service operational guidelines through leases with  
28 their lessees.

29 \* \* \*

1 §1496. Appointment of members of board; term; vacancies

2 \* \* \*

3 G.(1) When four or more municipalities are included within the boundaries  
4 of a district lying within a ~~parish with a population of between sixteen thousand and~~  
5 ~~eighteen thousand people according to the latest federal decennial census~~ the parish  
6 of Claiborne, Grant, or Winn, in addition to the membership provided in Paragraph  
7 B(B)(4) of this Section, the respective parish governing authority may appoint up to  
8 three additional members to the board.

9 \* \* \*

10 §1498. Compensation of board members

11 \* \* \*

12 E. Notwithstanding the amount of the per diem authorized by Subsection A  
13 of this Section but otherwise in accordance therewith, all members of the governing  
14 board of any fire protection district located wholly within a ~~parish having a~~  
15 ~~population of less than eighty-eight thousand but more than eighty thousand persons,~~  
16 ~~as of the most recent federal decennial census,~~ the parish of St. Landry may be paid  
17 a per diem of eighty dollars for attending meetings of the board, not to exceed two  
18 meetings in any one calendar month, and thirty dollars for attending committee  
19 meetings, not to exceed two in any month.

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

28 \* \* \*

1           §1501.5. Fire protection districts in ~~parishes with a population between ninety-nine~~  
2                     ~~thousand and one hundred three thousand~~ the parish of Tangipahoa; authority  
3                     to levy sales and use tax

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

9   \*       \*       \*

10          §1502.14. Exemption from proof of service charge receipts in ~~certain parishes~~ the  
11                     parish of Morehouse

12                     Notwithstanding any provision to the contrary applicable to any fire  
13                     protection district, any requirement that insurers and insurance agents have proof of  
14                     a current service charge receipt from an insured prior to considering granting any  
15                     reduced rate because of fire district protection to the insured shall not apply in  
16                     ~~parishes with a population of not less than thirty thousand but not more than thirty-~~  
17                     ~~one thousand two hundred fifty based on the latest federal decennial census~~ the  
18                     parish of Morehouse.

19   \*       \*       \*

20          §1502.15. Service charge authorized for fire protection districts in ~~certain parishes~~  
21                     the parish of Caddo; assessment and collection

22                     A. The governing authority of any fire protection district located within a  
23                     ~~parish with a population of not less than two hundred forty thousand people nor more~~  
24                     ~~than three hundred fifty thousand people, based on the latest federal decennial~~  
25                     ~~census,~~ the parish of Caddo is hereby authorized to establish, by majority vote of the  
26                     members of the authority, a service charge or rates of service charges to be assessed  
27                     persons owning each residential or commercial structure, whether occupied or  
28                     unoccupied, located wholly or partly within the boundaries of the district, subject to  
29                     the provisions of Subsection B of this Section. For purposes of this Section, each

1 residential or commercial unit in a structure and each housing unit within a multiple  
 2 dwelling structure shall be considered a separate structure, and a mobile home, as  
 3 defined in R.S. 9:1149.2, shall be considered a structure. Such service charges or  
 4 rates of service charges shall be established by the governing authority of such  
 5 district and shall be framed so as to cover and shall be used for the costs either  
 6 incurred or for contracting of any or all fire protection, emergency medical  
 7 transportation, and all emergency services incidental thereto.

8 \* \* \*

9 §1509. Appointment of board of commissioners of certain fire protection districts

10 Notwithstanding any provision of law to the contrary, the board of  
 11 commissioners of a fire protection district in ~~any parish with a population of not less~~  
 12 ~~than forty thousand and not more than forty-three thousand five hundred persons~~  
 13 ~~according to the most recent decennial census~~ the parishes of Avoyelles, Lincoln, St.  
 14 John the Baptist, and Webster shall be comprised of at least one member from each  
 15 ward located within the boundaries of the district. The respective parish governing  
 16 ~~authority~~ authorities shall implement this Section by providing for appointment of  
 17 members, including those from municipalities, in such manner, and by adding such  
 18 members, as shall be necessary to implement these provisions.

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#### 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)]

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Katz

HB No. 18

**Abstract:** Updates applicability of provisions in Title 40 as a result of the 2010 census.

Proposed law, contained in Title 40 (Public Health and Safety) of the Louisiana Revised Statutes of 1950, legislates with regard to classifications of parishes, municipalities, or other political subdivisions or local areas according to population by enacting local bills to limit the application of laws based upon specific classifications to one or more parishes, municipalities, or other political subdivisions or local areas, as follows:

| <b>CITATION/<br/>TOPIC</b>   | <b>EXISTING LAW</b>  | <b>AFFECTED<br/>LOCATIONS</b>   | <b>PROPOSED<br/>LAW</b>                         |
|--|--|---|---|
| R.S. 40:401.1 -<br>Commissioners of<br>housing authorities of<br>certain parishes  | Parishes having a<br>population of 85,000 -<br>89,000  | St. Landry<br>Parish (2000<br>census)   | St. Landry<br>Parish                            |
| R.S. 40:404(A) -<br>Meeting frequency and<br>meeting location of<br>housing authority<br>boards in certain<br>municipalities                             | Municipalities with a<br>population of 475,000 +   | City of New<br>Orleans (1990,<br>2000 census)   | City of New<br>Orleans                          |
| R.S. 40:404.1 - Housing<br>authorities of certain<br>cities; per diem  | A city with a population<br>of 7,150 - 7,250   | Cities of<br>Gonzales and<br>St. Martinville<br>(both 1990,<br>2000 census)               | Cities of<br>Gonzales and<br>St.<br>Martinville |
| R.S. 40:490(C) - Tax<br>exemption for certain<br>housing authorities   | Any parish with a<br>population of 350,000 -<br>420,000  | East Baton<br>Rouge Parish<br>(2000 census)   | East Baton<br>Rouge Parish                      |
| R.S. 40:531(A)(2) -<br>Appointment of<br>commissioners to local<br>housing authority   | Any parish with a<br>population of 42,750 -<br>43,750  | St. John the<br>Baptist Parish<br>(2000 census)   | St. John the<br>Baptist Parish                  |
| R.S. 40:531(B) -<br>Appointment of<br>commissioners to local<br>housing authority  | Municipalities with<br>populations of 475,000 +  | City of New<br>Orleans (1990,<br>2000 census)   | City of New<br>Orleans                          |
| R.S. 40:531(C) -<br>Appointment of<br>commissioners to local<br>housing authorities  | Parishes with a<br>population of 435,000 -<br>475,000 and not having<br>boundaries coterminous<br>with a single city | Jefferson<br>Parish (2000<br>census)  | Jefferson<br>Parish                             |
| R.S. 40:537(A)(3) -<br>Removal of<br>commissioners of local<br>housing authorities   | Any parish with a<br>population of 42,750 -<br>43,750  | St. John the<br>Baptist Parish<br>(2000 census)   | St. John the<br>Baptist Parish                  |
| R.S. 40:1241(A)(2) -<br>Exemption from certain<br>provisions of the<br>sanitary code for certain<br>public market buildings<br>in certain municipalities | A municipality with a<br>population of 400,000 +   | City of New<br>Orleans (2000<br>census)   | City of New<br>Orleans                          |
| R.S. 40:1496(G)(1) -<br>Appointment of fire<br>protection district board<br>of commissioners<br>members in certain<br>parishes                           | A parish with a<br>population of 16,000 -<br>18,000  | Claiborne and<br>Winn parishes<br>(1990, 2000<br>census) Grant<br>Parish (1990<br>census) | Claiborne,<br>Grant, and<br>Winn<br>parishes    |



|   |   |  |  |
|---|---|--|--|
| R.S. 40:1498(E) - Compensation of fire protection district governing board members in certain parishes                      | A parish with a population of 80,000 - 88,000   | St. Landry Parish (2000 census)  | St. Landry Parish  |
| R.S. 40:1498(F) - Compensation of fire protection district governing board members in certain parishes                      | A parish with a population of 191,000 - 225,000 | St. Tammany Parish (2000 census)   | St. Tammany Parish   |
| R.S. 40:1501.5(A) - Authority of fire protection districts in certain parishes to levy sales and use tax                    | Parishes with a population 99,000 - 103,000     | Tangipahoa Parish  | Tangipahoa Parish  |
| R.S. 40:1502.14 - Exemption from proof of service charge receipts in certain parishes                                       | A parish with a population of 30,000 - 31,250   | Morehouse Parish (2000 census)   | Morehouse Parish   |
| R.S. 40:1502.15(A) - Service charge authorized for fire protection districts in certain parishes; assessment and collection | A parish with a population of 240,000 - 350,000 | Caddo Parish (2000 census)   | Caddo Parish   |
| R.S. 40:1509 - Appointment of board of commissioners of certain fire protection districts                                   | Any parish with a population of 40,000 - 43,500 | Avoyelles, Lincoln, St. John the Baptist, and Webster parishes (all 2000 census) | Avoyelles, Lincoln, St. John the Baptist, and Webster parishes |

(Amends R.S. 40:401.1, 404(A), 404.1, 490(C), 531(A)(2), (B), and (C), 537(A)(3), 1241(A)(2), 1496(G)(1), 1498(E) and (F), 1501.5(A), 1502.14, 1502.15(A), and 1509)