

ACT No. 5

First Extraordinary Session, 2011

HOUSE BILL NO. 11

BY REPRESENTATIVE FANNIN

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AN ACT

To amend and reenact R.S. 38:90.1(7), 345(A), 1770(B)(1), 2216(L)(2), 2225.4, 2233.1(A), and 2251(F) and to repeal R.S. 38:2212(A)(1)(d)(ii), relative to provisions in Title 38 (Public Contracts, Works and Improvements) of the Louisiana Revised Statutes of 1950 which are limited in applicability to certain political subdivisions or local areas based upon population classifications; to specify applicability to one or more political subdivisions or local areas; to repeal provisions that are outdated or obsolete; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 38:90.1(7), 345(A), 1770(B)(1), 2216(L)(2), 2225.4, 2233.1(A), and 2251(F) are hereby amended and reenacted to read as follows:

§90.1. Definitions

As used in this Chapter, unless the context clearly indicates otherwise, the following terms shall have the meanings ascribed to them as follows:

\* \* \*

(7) "Municipal drainage authority" means ~~any municipality with a population in excess of four hundred thousand~~ the city of New Orleans and any special district or board located in such municipality, including but not limited to the Sewerage and Water Board of New Orleans, created for the purpose of drainage and/or flood control.

\* \* \*

1 §345. Certain levee boards; ad valorem tax expenditures; Parish Transportation  
2 Fund expenditures

3 A. This Section shall apply to a levee district having a population of not  
4 ~~more than seventy-five thousand nor less than forty thousand according to the latest~~  
5 ~~regular federal census for which the figures have been made public and which~~  
6 ~~includes more than one, but not more than four parishes each of which has one~~  
7 ~~boundary with the Mississippi River~~ the Fifth Louisiana Levee District.

8 \* \* \*

9 §1770. Acreage tax

10 \* \* \*

11 B.(1) Notwithstanding any provision of Subsection A of this Section to the  
12 contrary as to the amount of acreage tax or forced contribution to be imposed,  
13 gravity drainage and gravity subdrainage districts in a ~~parish with a population of~~  
14 ~~greater than seventy-eight thousand and less than eighty-four thousand persons as of~~  
15 ~~the most recent federal decennial census~~ St. Landry Parish, through their governing  
16 authority, may impose and collect annually, in addition to the tax authorized by R.S.  
17 39:569, an acreage tax or forced contribution not exceeding three dollars per acre per  
18 year. No increase in the rate of all or any portion of the acreage taxes or forced  
19 contributions which together with the acreage taxes or forced contributions  
20 theretofore levied and imposed shall exceed three dollars per acre per annum. The  
21 gravity drainage or gravity subdrainage district acting through its governing  
22 authority may incur debt and issue negotiable bonds therefor, when secured by the  
23 acreage tax not exceeding three dollars per acre.

24 \* \* \*

25 §2216. Written contract and bond

26 \* \* \*

27 L.(1)

28 \* \* \*

29 (2) Notwithstanding the provisions of Paragraph (1) of this Subsection, in  
30 ~~any parish or municipality with a population in excess of four hundred twenty-five~~

1 ~~thousand~~ Jefferson Parish and in the city of New Orleans, the parish or municipality  
 2 may require a contractor to pay for the additional costs incurred by a parish or  
 3 municipality with respect to inspections of the contracted project provided the  
 4 additional costs for inspections are above the budgeted amount for the contracted  
 5 project, and further provided that the specifications or bidding documents include the  
 6 average hourly rate to be charged for inspection and specify a reasonable budget for  
 7 such inspections.

\* \* \*

9 §2225.4. Expansion of certain convention centers

10 A political subdivision of the state in ~~a parish with a population in excess of~~  
 11 ~~four hundred fifty thousand persons~~ Orleans Parish which has been involved in  
 12 litigation before the highest court of this state pertaining to the award of a contract  
 13 for the construction of the expansion of a convention center to be funded with funds  
 14 of the state and the political subdivision may negotiate with respect to the price,  
 15 conditions, and terms of the contract to be entered into with the party that is awarded  
 16 the contract pursuant to a writ of mandamus from a district court and affirmed by the  
 17 appellate courts. Prior to the execution of the contract, it shall be submitted to the  
 18 Joint Legislative Committee on the Budget for review and approval. If approved by  
 19 the Joint Legislative Committee on the Budget, the execution of the contract shall  
 20 resolve any and all claims and disputes between the parties arising out of the award  
 21 of the public bid.

\* \* \*

23 §2233.1. School boards in ~~parishes with population exceeding four hundred~~  
 24 ~~seventy-five thousand~~ Orleans Parish, authority for procurement from small  
 25 businesses; set aside; preference to disadvantaged; preference to women

26 A. Notwithstanding any other provision of law, the ~~school board of any~~  
 27 ~~parish having a population in excess of four hundred seventy-five thousand~~  
 28 ~~according to the latest regular federal census for which the official figures have been~~  
 29 ~~made public~~ Orleans Parish School Board, through its respective fiscal officer or  
 30 director of finance, is hereby authorized and empowered for each fiscal year to

1 designate and set aside for awarding to small businesses, as defined in R.S. 39:1732,  
 2 an amount at least ten percent of the value of anticipated local procurement of goods  
 3 and services, including all public work for labor and materials involving the  
 4 construction or doing of any public work, including alteration or repair.

\* \* \*

6 §2251. Preference for products produced or manufactured in Louisiana; exceptions

\* \* \*

8 F. The provisions of this Section shall not apply to a drainage district or  
 9 sewerage and water board located in ~~a municipality with a population in excess of~~  
 10 ~~500,000~~ the city of New Orleans wherein the cost of products produced or  
 11 manufactured in the state of Louisiana does not exceed by more than five percent the  
 12 cost of products which are equal in quality to products produced or manufactured  
 13 outside of the state in purchases of one million dollars or more, as provided by Acts  
 14 880 and 693 of the 1985 Regular Session of the Louisiana Legislature.

\* \* \*

16 Section 2. R.S. 38:2212(A)(1)(d)(ii) is hereby repealed in its entirety.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_