

SENATE BILL NO. 808 (Substitute of Senate Bill No. 516 by Senator Morrell)

BY SENATOR MORRELL

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AN ACT

To amend and reenact R.S. 33:2740.3(D)(1)(a) and (c), 4106, 4702(B)(2)(b) and R.S. 34:1(B)(1)(a), relative to the city of New Orleans; to correct the name of the New Orleans Chamber of Commerce in statutes; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:2740.3(D)(1)(a) and (c), 4106, and 4702(B)(2)(b) are hereby amended and reenacted to read as follows:

§2740.3. The Downtown Development District of the City of New Orleans; creation, composition, and powers; preparation of plans; levy of ad valorem taxes and issuance of bonds

\* \* \*

D.(1) The board shall be composed of eleven members, at least nine of whom shall be qualified voters of the city of New Orleans, and shall have their principal place of business in, or own property in, the Downtown Development District. Such members shall possess additional qualifications and shall be appointed as follows:

(a) Nine of the members shall be appointed by the mayor with the approval of the city council, provided, however, that the mayor will select five of such members from a list of eight nominees named by the ~~New Orleans Area Council of the New Orleans Regional Chamber of Commerce~~ **New Orleans Chamber of Commerce**, or its successor.

\* \* \*

(c) The members of the board thereafter appointed by the mayor upon the expiration of the respective terms of the initial appointees shall be selected and appointed in accordance with the procedures herein prescribed for the selection and

1 appointment of the original members for the term of five years. However, vacancies  
 2 shall be filled from nominations submitted by the ~~New Orleans Area Council of the~~  
 3 ~~New Orleans Regional Chamber of Commerce~~ **New Orleans Chamber of**  
 4 **Commerce** in the following manner. The mayor shall select and appoint one of two  
 5 names submitted to him by such council for each of the five vacancies for which the  
 6 council is to submit nominees. If the selection and appointment by the mayor does  
 7 not take place within thirty days following submission of the nominees by the ~~New~~  
 8 ~~Orleans Area Council of the New Orleans Regional Chamber of Commerce~~ **New**  
 9 **Orleans Chamber of Commerce**, the selection and appointment shall be made by  
 10 the city council. Any vacancy which occurs prior to the expiration of the term for  
 11 which a member of the board has been appointed shall be filled in accordance with  
 12 the procedures as set forth herein. However, the ~~New Orleans Area Council of the~~  
 13 ~~New Orleans Regional Chamber of Commerce~~ **New Orleans Chamber of**  
 14 **Commerce** may submit additional nominees to either the mayor or the city council,  
 15 as applicable, until all vacancies pursuant to this Subsection are filled.

16 \* \* \*

17 §4106. New Orleans; classification for drainage purposes

18 At the present time the drainage development of the city of New Orleans is  
 19 such as to create a natural difference in the classification for drainage purposes  
 20 between the largely undrained sections of the city comprised of areas lying east of  
 21 the Inner Harbor Navigation Canal and north of Florida Avenue and the following  
 22 areas located in the Fifteenth Ward of the city of New Orleans known as Algiers, viz:  
 23 (1) That area southeast of the Intra-Coastal Waterway Canal in Algiers; and (2) That  
 24 area beginning at the intersection of the Orleans-Jefferson Parish line and the rear  
 25 line of McDonough Cemetery, across the property of the Southern Pacific Railroad  
 26 on a slight angle to the lower or east side of Thayer St., thence parallel to Shepard  
 27 Street, 125 ft. south of the south property line of Shepard St., following the lot lines  
 28 through squares 14 and 13, thence to Whitney Ave., northward, thence eastward still  
 29 parallel to Shepard St. 125 ft. south of the south property line of Shepard Street  
 30 through squares 61, 62, 63, 64, 65, and 66; continuing easterly across Victory Drive

1 parallel to Copernicus St. and 400 ft. south of the south property line of Copernicus  
2 St. across squares 17 and 16; thence across said line crossing Saux Lane and Shirley  
3 Drive and following a line coincident with the nearest lot line through squares 11 and  
4 12 facing Shirley Drive to the east property line of Shirley Drive Subdivision and  
5 southward to an intersection with a line parallel to and 1000 ft. north of the north  
6 property line of Victory Drive and Victory Drive extension to the intersection with  
7 a line 1000 ft. north and parallel to the north right-of-way line of the Norman Canal  
8 to its intersection with the extension of the west property line of Arthur St. which is  
9 coincident with the east property line of River Park Subdivision to the Mississippi  
10 River, thence along the Mississippi River to the Northwest right-of-way of the  
11 Intracoastal Canal and along said right-of-way to its intersection with the Orleans-  
12 Plaquemines Parish line, thence along this line to its intersection with the Orleans-  
13 Jefferson Parish line to the point of beginning; which sections are hereinafter  
14 collectively referred to as Area A, and the remaining area of the city is to be  
15 identified as Area B. The sewerage and water board of New Orleans shall, for the  
16 purpose of planning and carrying out drainage in Area A, which area is at the present  
17 time largely undeveloped, inadequately drained, and presents hazards to health and  
18 property, divide that area on a logical basis of division into such number of defined  
19 drainage areas as are required to effect needed drainage. In defining such drainage  
20 areas the sewerage and water board shall fix the boundaries of each so as to include  
21 all land which, based on sound engineering principles, logically forms part of such  
22 area, should be drained at the same time and will be served by the drainage  
23 improvements planned for the area. The drainage of all such defined drainage areas  
24 within the said Area A shall be carried out under the provisions of and in accordance  
25 with R.S. 33:4106 to R.S. 33:4120, inclusive, of this Part.

26 Whenever the sewerage and water board is prepared to drain any such  
27 defined drainage area, the board shall cause a plan for the drainage of the defined  
28 area to be made, accurately designating the boundaries of the area to be drained and  
29 describing in detail the canals and other drainage improvements, except subsurface  
30 drainage (which is otherwise provided for by law), designed for the drainage of said

1 area. The plan shall include drainage improvements which have already been  
2 constructed with designed capacity to serve the newly defined drainage area in  
3 addition to other areas, and may include drainage improvements to be constructed  
4 with designed capacity to serve other areas in addition to the defined drainage area.  
5 The proportion of the capacity of such drainage improvements which is intended to  
6 serve the defined drainage area shall be set forth in the plan. All references in R.S.  
7 33:4106 to 33:4120 of this Part to cost, probable cost, or estimated cost of the  
8 drainage works or improvements shall, with respect to drainage works or  
9 improvements which are designed to serve other areas as well as the defined  
10 drainage area, including those already constructed, mean only the proportion of the  
11 cost applicable to that part of the capacity of such drainage works or improvements  
12 which is designed to serve the defined drainage area.

13 The sewerage and water board, by the affirmative vote of three-fourths of all  
14 members constituting said board, shall appoint a board of six appraisers to assess the  
15 benefits which would accrue to each lot, acre or tract of land according to ownership  
16 within the defined drainage area as a result of the drainage improvements, including  
17 new canals and the covering of existing canals, provided in the plan. The appraisers  
18 shall be residents of Louisiana, over the age of thirty years, shall not own land in the  
19 proposed drainage area nor be related within the fourth degree of consanguinity to  
20 any person owning land in such area, shall not be an employee, officer, stockholder  
21 or bondholder of any corporation owning land in the proposed drainage area, and  
22 shall not be paid public officials or employees. At least four of the appraisers shall  
23 be licensed realtors within a minimum of ten years experience each in the real estate  
24 business in Orleans Parish, and two shall hold degrees as civil engineers. Two of the  
25 realtors and one engineer shall be appointed by the sewerage and water board from  
26 names submitted by the ~~Chamber of Commerce of the New Orleans Area~~ **New**  
27 **Orleans Chamber of Commerce**. The chief engineer of the sewerage and water  
28 board or one of his assistants shall accompany the appraisers at all times and render  
29 his opinion in writing when so requested by them. The appraisers shall elect one of  
30 their number as chairman and the secretary of the sewerage and water board shall be

1 ex officio secretary of the board of appraisers. A majority of the appraisers shall  
2 constitute a quorum and shall control the action of the board of appraisers on all  
3 questions.

4 The board of appraisers shall complete their work and file a written report  
5 thereof with the sewerage and water board within such time, prior to the deposit of  
6 the plan in the office of the recorder of mortgages, as may be specified by the board.  
7 The appraisers shall be paid a reasonable fee and reimbursed for necessary expenses.

8 A copy of the plan for the drainage of the defined area and the report of the  
9 board of appraisers shall be deposited in the office of the recorder of mortgages of  
10 the parish of Orleans. When such plan and report shall have been deposited in the  
11 office of the recorder of mortgages, the sewerage and water board may, by the vote  
12 of three-fourths of all members constituting said board, adopt a resolution declaring  
13 that the sewerage and water board will bear a stated percentage of the cost of such  
14 works equal to the following: one percent of the assessed valuation of the real  
15 property located in the defined drainage area, as shown by the books of the assessor  
16 for the district at the time the plan is recorded in the mortgage office for the parish  
17 of Orleans, multiplied by the number of years during which the owner may pay his  
18 proportion of the cost in annual installments, as provided in the resolution of the  
19 board; for example, if ten years, multiply by ten, or a total contribution equal to ten  
20 percent of such assessed valuation; provided the proportion to be contributed by the  
21 sewerage and water board shall not exceed twenty percent of the total cost of the  
22 proposed improvements; and the remaining costs will be assessed against the owners  
23 of land in the defined drainage areas, in proportion to the benefits assessed by the  
24 board of appraisers as the same may be modified by the sewerage and water board  
25 or by the court.

26 Said resolution of the sewerage and water board shall state that the sewerage  
27 and water board will meet on a date fixed by said resolution for the purpose of  
28 hearing protests against the carrying out of the drainage plan for the defined area, at  
29 which hearing any owner of land in the defined area may appear in person or by  
30 attorney, and will be heard by the sewerage and water board with respect to any

1 provision of the drainage plan, including objections to the inclusion of his land in the  
2 defined drainage area for lack of benefit to said lands or for any other reason. Said  
3 resolution shall direct the publication of a notice of said hearing in two daily  
4 newspapers published in the city of New Orleans at least once a week for four  
5 successive weeks, the first publication to be made not less than thirty days prior to  
6 the date fixed for said hearing, which notice shall declare the intention of the  
7 sewerage and water board to drain the area defined by the resolution of said board;  
8 describe such area by metes and bounds; state that the plan of the drainage  
9 improvements and report of the board of appraisers has been deposited in the office  
10 of the recorder of mortgages of Orleans Parish; estimate the probable cost of the  
11 drainage works provided in the plan; state the percentage of the cost of such drainage  
12 works, which will be borne by the sewerage and water board and that the remaining  
13 percentage of such costs will be assessed upon the owners of land in the drainage  
14 area in proportion to the benefits assessed by the board of appraisers in their report  
15 as the same may be modified by the sewerage and water board or by the court;  
16 specify the time and place at which the sewerage and water board will meet for the  
17 purpose of hearing all objections of the owners of land in the drainage area to the  
18 construction of the improvements and the levy of said assessments on the lands in  
19 said area; and state that to be considered at said hearing objections must be in writing  
20 and filed in triplicate with the secretary of the sewerage and water board at least ten  
21 full calendar days prior to the date set for the hearing. The secretary of the sewerage  
22 and water board shall mail a copy of said notice not less than twenty days prior to the  
23 date fixed for the hearing to all owners of property and lands in the drainage area  
24 whose names and addresses are known or may be ascertained with reasonable  
25 diligence, and said secretary shall file with the sewerage and water board, prior to the  
26 hearing, his certificate evidencing compliance with this direction. Said resolution  
27 shall take effect upon the adoption by a vote of two-thirds of all the members elected  
28 to the council of the city of New Orleans of a resolution approving it.

\* \* \*

30 §4702. Board of commissioners; appointment and term; organization

1 \* \* \*

2 B. \* \* \*

3 (2) The board shall be composed of fifteen members who shall be appointed  
4 as follows:

5 \* \* \*

6 (b) The ~~New Orleans Chamber Inc.~~ **New Orleans Chamber of Commerce**  
7 shall appoint one member who shall serve an initial term of one year.

8 \* \* \*

9 Section 2. R.S. 34:1(B)(1)(a) is hereby amended and reenacted to read as follows:

10 §1. Continuation; qualifications; appointments; terms; vacancies

11 \* \* \*

12 B. Nominating agencies.

13 (1) For the purpose of selecting nominees for the four members, each of  
14 whom shall be appointed by the governor from the nominees selected by the Orleans  
15 Parish nominating organization, the following nominating agencies shall constitute  
16 and shall be designated as the Orleans Parish nominating organization:

17 (a) ~~Chamber of Commerce of the New Orleans Area~~ **New Orleans Chamber**  
18 **of Commerce**

19 \* \* \*

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

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