

Louisiana. Laws, statutes, etc.

ACTS

Murphy
PASSED BY

The General Assembly

OF THE

STATE OF LOUISIANA

AT THE

EXTRA SESSION

Begun and Held in the City of Baton Rouge on the Eighth
Day of August, 1899.

PUBLISHED BY AUTHORITY OF THE STATE.

BATON ROUGE:

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Approved August 18th, 1899.

MURPHY J. FOSTER,
Governor of the State of Louisiana.

A true copy:

JOHN T. MICHEL,
Secretary of State.

Act No. 6.)

S. B. No. 1—By Mr. Cage.

AN ACT

To make effective the vote and levy of the special tax by the property taxpayers of the city of New Orleans for water, sewerage and drainage purposes by authorizing the capitalization of said tax by the issuance of fifty year bonds of the city of New Orleans, under certain conditions and with certain privileges and restrictions, providing for the payment of the principal and interest thereof, for the disposition of the said bonds and the proceeds thereof, and defining the powers and duties of the Board of Liquidation with reference thereto; by constituting and establishing a Sewerage and Water Board for the city of New Orleans, and defining its powers, duties, rights and obligations with reference to the public, the City Council, the Board of Liquidation, and the Drainage Commission, and vice versa; by authorizing the city of New Orleans, through said board, to acquire all necessary property rights and franchises by purchase, construction or expropriation, either within or without the city, necessary and proper for her public systems of sewerage and water and in such case to assume as part of the purchase price existing mortgages on said property, and to provide for the payment of the principal and interest of such assumed debts; and to provide for the violation of said act.

Whereas, due notice of this act has been published in the city of New Orleans for more than thirty days prior to its introduction into the General Assembly, and due evidence thereof has been exhibited in the General Assembly.

And Whereas, on June 6, 1899, the property taxpayers of the city of New Orleans in due form of law voted a special tax of two mills on the dollar for forty-three years, beginning with the year 1899, upon certain conditions set forth in the property taxpayers' petition, made the basis of said election, the proceeds whereof are to be exclusively devoted in such ratio as may be required to the following purposes of permanent public improvement, to-wit:

1. To acquiring title by the city by construction, or purchase, or both, to a system of waterworks, to the extension thereof throughout the city, inclusive of the Fifth District, and to the purification of the water supply therefrom.

2. To the construction throughout the city, inclusive of the Fifth District, of a free sewerage system, with free water therefor, the title whereof shall be in the city.
3. To the completion of the public drainage system of the city of New Orleans, inclusive of the Fifth District, now in process of construction.

And Whereas, the Common Council of the city of New Orleans did by Ordinance No. 15,391, C. S. approved June 22, 1899, levy the said tax upon the said conditions, and provide for the establishment of said public systems of sewerage and water.

And Whereas, the said conditions so imposed upon the said tax require legislative action to make them thoroughly effective so that the purposes of said tax levy may be fully carried out;--

Section 1. Be it enacted by the General Assembly of the State of Louisiana, that subject to the ratification of the people of the State of Louisiana, by an amendment to the Constitution of the State, the whole proceeds of the special tax of two mills voted by the property taxpayers of the city of New Orleans on the sixth day of June, 1899, on the basis of the assessed values of the city of New Orleans for the year 1899, added to the proceeds, on the same basis, of one half the surplus of the present one per cent. debt tax, levied by virtue of Article 314 of the Constitution of the State of Louisiana of 1898, shall be capitalized by issuing the bonds of the city of New Orleans, to be styled the "Public Improvement Bonds of the City of New Orleans," dated July 1, 1900, having fifty years to run, bearing as low a rate of interest as can be negotiated for, but not in any event to exceed 4 per cent. per annum, which bonds are to be sold only as needed, at not less than par and accrued interest, and the proceeds thereof applied exclusively to the purposes above set forth. The proceeds of the two funds aforesaid shall be applied by preference in each year to the payment of the interest on said bonds, and any surplus remaining after the payment of such interest, and all arrears of interest, may be used, less 20 per cent. reserve from each year's surplus, in extending and completing the public works aforesaid. Whenever the aggregate of the surplus aforesaid shall equal a sum sufficient to pay one-half the annual interest on the bonds aforesaid, then no such surplus shall be reserved as long as the amount of this aggregate remains intact; and this reserve shall be used only when necessary to insure the prompt and regular payment of interest on said bonds. So much of the special tax to be levied in the year 1899 as may be necessary shall be used in such acquisitions of property, preliminary investigations, surveys and experiments as the "Sewerage and Water Board," hereinafter constituted, may in their judgment find necessary and proper to enable them to plan, devise and prepare to contract for the construction of the permanent public works aforesaid. Said bonds shall con-

City of New Orleans authorized, subject to constitutional ratification, to issue bonds, proceeds whereof to be applied exclusively to objects named in preamble. Provision made to pay principal and interest of bonds. Issuance of interest funding bonds authorized in case of deficiency. Disposition of surplus of taxes provided for.

tain a clause authorizing the city of New Orleans, after July 1, 1942, to call and pay the principal of the same at par and accrued interest, in such manner and form as it may deem best. The interest on said bonds after July 1, 1942, and the principal thereof shall be paid by the levy after the year 1942 of the 1 per cent. debt tax aforesaid until all the principal and interest said bonds are fully and finally paid, and the proceeds of said 1 per cent debt tax are specially dedicated to said purpose on and after July 1, 1942. In case there should be in any year a deficiency in the funds aforesaid to pay the full interest upon all of the bonds outstanding, such deficiency of interest shall be funded into bonds of such denominations as may be found convenient, bearing the same rate of interest as the original bonds, and having a term to run equal to the balance of the term on the original bonds, but subject to call at will by the city of New Orleans; and in case any such bonds are issued they shall be stamped across their face "Interest Funding Bonds issued subject to immediate call;" and all surplus revenues thereafter arising from said taxes shall be applied to the retirement of such bonds numerically as fast as such surplus accrues. Said interest funding bonds shall have all the guarantees and securities provided for the original bonds in said Ordinance No. 15,391, C. S. and in this act for their payment, principal and interest.

How Board of Liquidation shall advertise and sell bonds. City Council to ratify acceptance of bids.

Sec. 2. Be it further enacted, etc., That as soon as constitutional authority above mentioned for issuance of said bonds is obtained, it shall be the duty of the Board of Liquidation of the City Debt, at the expense of the special tax fund in their possession, to advertise for sixty days in London, Amsterdam, New York, Chicago and New Orleans, for sealed proposals to buy the whole issue of said bonds, to-wit: Twelve millions bearing 4 per cent., or fourteen millions bearing 3 1-2 per cent., or sixteen millions bearing 3 per cent., the purchaser or purchasers to take the bonds from time to time, on sixty days' notice, and pay the cash therefor as the exigencies of the Sewerage and Water Board may require; and it shall accept the bid or bids, or aggregate of bids or parts of bids covering the whole issue, not less than par and accrued interest, that agrees to take such bonds at the best price and the lowest rate of interest; such acceptance, however, shall be subject to the ratification of the City Council by a formal ordinance. Both the Board of Liquidation and the Council shall have power to reject any and all bids and to readvertise for new bids in the manner above provided.

How bonds are to be signed and denomination thereof. May be registered and released from registry. Exempt from taxation. Tutors, &c., authorized to invest therein.

Sec. 3. Be it further enacted, etc., That when the rate of interest which said bonds are to bear has been fixed by the bid aforesaid, and the acceptance thereof by the City Council, the Board of Liquidation shall cause said bonds to be engraved of proper design, at the expense of the special tax fund in their possession. Said bonds shall be of denomination of \$1000 each, payable in lawful money of the United States, with semi-annual interest coupons annexed, payable January 1, and July

1. They shall be signed by the Mayor and Comptroller of the city of New Orleans, and countersigned by the president or vice president and Secretary of the Board of Liquidation of the City Debt. They may be registered and released from registry under the rules and regulations prescribed by said Board of Liquidation, and no registered bond shall be negotiable. Like other city bonds, they shall be exempt from all taxation, State, parish and municipal, and the tutors of minors and curators of interdicts shall be authorized to invest the funds in their hands in such bonds.

Sec 4. Be it further enacted, etc., That inasmuch as the surplus of the 1 per cent. debt tax aforesaid has heretofore by Act No. 114 of the Acts of 1896, and Act No. 63 of the Acts of 1898, been devoted exclusively to drainage purposes, and the Drainage Commission, constituted by said acts, has issued bonds, callable after December 1, 1899, payable out of said fund, there shall be sold and delivered as aforesaid, as soon as possible, Public Improvement Bonds enough to provide for the retirement of said drainage bonds, and the first funds that reach the hands of the Board of Liquidation from the sale of said public improvement bonds shall be exclusively and sacredly devoted to the payment and retirement of said outstanding drainage bonds, and any other debts created by the Drainage Commission against said fund, so as to free the said surplus of the 1 per cent. debt tax from all lawful claims and demands thereon, in order that the dedication of said funds to the purposes of this act may have full force and effect.

First bonds sold to be used to take up bonded and other debt of Drainage Commission. Drainage Commission prohibited from issuing new bonds or making new contracts.

On and after the adoption of the Constitutional Amendment aforesaid, the Drainage Commission shall not issue or dispose of any more bonds under the acts aforesaid, and when the bonds issued by it have been retired as aforesaid, the proceeds of the sale of all franchises now required by law to inure to said commission shall revert to the city of New Orleans, to be used for permanent public improvements. After the passage of this act the Drainage Commission shall make no contracts payable out of the bonds issued or to be issued by it or payable out of the half surplus of the 1 per cent. tax for the extension of the drainage system beyond those now made.

Sec. 5. Be it further enacted, etc., That the Board of Liquidation of the City Debt shall immediately deposit the proceeds of the sale of the "Public Improvement Bonds" aforesaid, and the proceeds of the special tax aforesaid and the surplus of the 1 per cent. debt tax aforesaid, and of the proceeds of the 1 per cent. tax after July 1, 1942, with the fiscal agent of the city of New Orleans, or if the fiscal agent is not satisfactory in the opinion of the Board of Liquidation, with a chartered depository selected by the Board of Liquidation, with the approval of the City Council, to the credit of a special fund called the "Public Improvement Fund," and said Board of Liquidation are specially charged with the payment of the interest and principal of the bonds aforesaid.

Where Board of Liquidation shall deposit proceeds of bonds and taxes. How payments out of same shall be made by Sewerage and Water Board. Board of Liquidation charged with supervision of payments.

All payments made by the "Sewerage and Water Board," aforesaid, are to be made in the form of warrants or drafts on the "Board of Liquidation of the City Debt," setting forth the amount thereof, the person to whom payable and the purpose for which the payment is made; and the said Board of Liquidation is hereby charged with the duty of taking care that no irregular, or improper or unlawful payments are made out of said special tax fund. Said Board of Liquidation shall have no authority or right to use or to pay out any portion of said special tax fund, or the half surplus of the said 1 per cent. debt tax, for any purpose whatever, except for the purposes specially designated in this act.

Continuing powers, &c., of Board of Liquidation after 1942 and extending same in meantime over special tax. Proper levy and collection of taxes vested right of bond holders.

Sec. 6. Be it further enacted, etc., That the powers, duties and functions of the Board of Liquidation of the City Debt as set forth in Act No. 110 of the Acts of 1890, shall continue in full force, until the bonds authorized by this act are fully and finally paid and retired, and all the provisions of said act with reference to the power and duty of said Board, in certain contingencies, to levy and collect the said special tax of 1 per cent. are hereby extended to the said special tax of two mills, and to the said 1 per cent. debt tax, after the year 1942; and said taxes and their proper levy and collection, are hereby declared to be the vested right of all the holders of bonds issued under this act; provided, that nothing in this act shall be construed so as to authorize or empower the Board of Liquidation or any other body to levy and collect the said special tax of two mills after the year 1942.

Board of Liquidation to make semi-annual report to council.

Sec. 7. Be it further enacted, etc., That said Board of Liquidation shall semi-annually, the 1st of January and the 1st of July, of each year, present to the City Council a detailed report of all receipts and disbursements coming into its hands under the provisions of this act.

Sewerage and Water Board constituted. How members are to be appointed, their terms of office and qualifications.

Sec. 8. Be it further enacted, etc., That for the purpose of constructing, controlling, maintaining and operating the public water system and public sewerage system of the city of New Orleans, there is hereby organized and constituted a "Sewerage and Water Board," to be composed of the members of the Drainage Commission as now constituted, and a citizen property taxpayer possessing property assessed in his own name and situated in the city of New Orleans of two years' previous residence in each of the seven municipal districts of the city of New Orleans, to be appointed by the Mayor for twelve years, with the consent of the Council. The first appointment to be made under this act shall be one for two, one for four, one for six, one for eight, one for ten, one, for twelve, and one for fourteen years, so that one new commissioner will be appointed every two years; and on the expiration of each commissioner's term his successor shall be appointed for twelve years. All vacancies shall be filled by appointment by the Mayor, with the consent of the Council, for the unexpired term. In case any taxpayer member of the Sewerage and Water

Board shall be elected to any office, or receive any appointment which would make him a member of the Drainage Commission, or shall remove his residence from the district from which he was appointed, or shall cease to be a property taxpayer, his membership of said board as such taxpayer shall be ipso facto vacated, and his successor shall be immediately appointed as aforesaid; provided, however, that no person who is a stockholder or bond holder in any sewerage or water-works company shall be eligible by appointment to said board.

In case any additional memberships are hereafter added to the Drainage Commission as now constituted, the incumbents thereof shall not constitute part of said board; and in case any of the present memberships of the said Drainage Commission are stricken therefrom the said board shall remain diminished by such reduced membership; provided, however, that the Mayor of the city and the chairman of the three city committees of finance, budget, and water and drainage, and the president and one designated member of the Board of Liquidation shall always be members of said board, even if they should be excluded from the Drainage Commission, or the said commission should be abolished.

The said "Sewerage and Water Board" shall be appointed and organized immediately after the passage of this act, and shall forthwith proceed to execute the powers granted to and duties imposed upon it so far as the same can be done before the constitutional authority aforesaid can be obtained. It shall make rules fixing its own meetings and procedure, and these rules shall be changed only by the vote of twelve members at a regular meeting.

Board to be appointed and organized immediately. Has power to fix meetings and make rules, etc.

Sec. 9. Be it further enacted, etc., That the members of said board shall be removed from office only in the manner and for the causes enumerated in Articles 217 and 222 of the State Constitution.

How members of Sewerage and Water Board shall be removed from office,

Sec. 10. Be it further enacted, etc., That the Mayor of the City of New Orleans shall be Ex-Officio President of said board and said board shall elect some competent and responsible person as Secretary, who shall receive a salary of \$1800 a year, which may be increased with the consent of the City Council. He shall hold office subject to the pleasure of the board. No member of said board shall receive any salary or compensation whatever for his services, except actual traveling expenses incurred at the request of, and for the benefit of the board. The board shall have power to elect one of its members President pro-tempore, who shall act in the absence or disability of the President.

Officers of said board. Mayor to be president. President pro tempore and secretary to be elected. Salary of secretary.

Sec. 11. Be it further enacted, etc., That all meetings of said board shall be held in the City Council chamber, and shall be open and public, and all of its transactions shall be recorded in the minutes thereof to be kept in writing by the Secretary; and its records shall be public records. Nine members thereof shall constitute a quorum.

Meetings of board and quorum.

General Superintendent and Board of Advisory Engineers.

Sec. 12. Be it further enacted, etc., That said board shall elect a competent and skilful engineer as general superintendent and shall fix his salary, and shall from time to time define his duties and powers. He shall hold office during the pleasure of said board. It shall also have power to organize and employ a board of advisory engineers in order to arrange and devise an efficient public sewerage system in this city, and an adequate public water supply of pure water, and to fix the compensation of such advisory board.

Employees of board, manner of appointment and discharge. Civil service rules and exceptions thereto.

Sec. 13. Be it further enacted, etc., That the said board shall have power and authority to employ all the necessary clerks, engineers, firemen and other skilled and unskilled employees necessary and proper to the efficient administration, operation and control of the said public sewerage and said public water system. All such employees, except unskilled laborers, shall be appointed only after they have passed the civil service examination by the Civil Service Commissioners of the City of New Orleans. They shall hold their positions during good behavior, and shall be removed only for cause and after hearing by the Civil Service Commission. The general superintendent shall have authority to suspend an employee for cause until trial before the commission. Nothing herein shall be construed as preventing the board from dispensing with the services of unnecessary employees. Civil service rules shall not apply to the Secretary, the General Superintendent or to the Advisory Board of Engineers.

Attorneyship of board.

Sec. 14. Be it further enacted, etc., That the City Attorney of the city of New Orleans, shall be the legal adviser of said board, and said board shall have no power or authority to employ counsel unless some question shall arise between it and the city of New Orleans. The City Attorney shall receive as compensation for his services to said board the sum of (\$2500.00) twenty five hundred dollars per annum payable monthly out of the funds of said board up to the first day of May 1902, when said salary shall cease. If the legal business of the board shall become of sufficient magnitude to require it, it shall be the duty of the Council, on the request of the board, to authorize the City Attorney to appoint with the approval of the City Council, a special assistant for this purpose, whose salary shall be fixed by the board and paid out of its funds, and shall not exceed the sum of thirty-five hundred dollars per annum.

Power to acquire plant and franchises of water and sewerage plants and restrictions thereof. How to be paid for. City may assume outstanding mortgages as part of price.

Sec. 15. Be it further enacted, etc., That said board shall have power, by a vote of twelve of its members, to acquire in the name and for the benefit of the city of New Orleans the plant and franchises of any water or sewerage companies in the city of New Orleans, but no contract for that purpose shall be valid until ratified by ordinance of the Common Council of the city of New Orleans. In case no agreement can be reached between said board and the City Council on the one side, and the representatives of the said companies on the other, as to the

price to be paid said companies for their property and franchises, and it shall become necessary for the city of New Orleans to expropriate the same, the price to be paid on such expropriation shall be paid by said board out of the proceeds of the bonds aforesaid. The outstanding mortgage bonds of such companies may be assumed by the city as part of the price. Nothing in this act shall be held to affect the right of either the State of Louisiana or the city of New Orleans in the pending litigation against the New Orleans Waterworks, Company, or the New Orleans Sewerage Company.

Sec. 16. Be it further enacted, etc., That in case any of the outstanding mortgages upon the property mentioned in the foregoing section are assumed by the city of New Orleans as part of the purchase price thereof, the city shall in the ordinance of assumption, make provision for the payment of the interest and sinking fund of said debts out of the water rates to be collected by the said Water and Sewerage Board. The City Council shall further have power to extend and renew and refund said mortgage debts, with the concurrence of said Water and Sewerage Board; but both bodies are prohibited from increasing the amount of any assumed mortgage or from putting any additional mortgage debt on said property, or from mortgaging any water or sewerage plant that may be constructed.

Provision to be made to pay principal and interest of assumed mortgages out of water rates. Power to extend, etc., assumed mortgages. Prohibition against increasing mortgage or executing new mortgage on water and sewerage plants.

Sec. 17. Be it further enacted, etc., That whenever it becomes necessary to expropriate any property convenient or necessary for the public works aforesaid, it shall be the duty of the City Attorney, on the request of said board, to institute such proceedings in the name of the city of New Orleans, and to acquire the title to all such property in the name of said city; and the title to all the public works aforesaid, constructed by said board, and to all property of every kind and nature, real or personal, purchased or in any way acquired by said board, shall be vested in the city of New Orleans, and said board shall have full authority to expropriate any property in any of the parishes adjoining the parish of Orleans that it may find convenient and necessary for the proper execution of the powers herein granted to it, and to extend its works into such parish for the benefit of the city of New Orleans, and to have jurisdiction and authority in such parish over said works therein situated.

Power to expropriate all necessary property both in and out of Parish of Orleans and jurisdiction given over works in other parishes. Title of all property to be in city.

Sec. 18. Be it further enacted, etc., That it shall be the duty of the said board so to plan, adjust and arrange the said public sewerage and public water systems as to make the same conform to, and as to prevent conflict with, the present approved plans of the Drainage Commission; provided that nothing contained in this section shall in any manner affect the apportionment provided for in Section 27 of this act.

Conflict with approved drainage prohibited.

Sec. 19. Be it further enacted, etc., That all persons, firms and corporations that have under and by virtue of any grants heretofore made, express or implied, laid mains, pipes or con-

Duty of persons, corporations, etc., to shift or adjust works, etc.

duits, or constructed any railroads, buildings, works or structures of any kind in, on or over the public streets, shall be compelled at their own cost and expense, to shift or adjust their said mains, etc., to the exigencies of said public sewerage and public water systems.

Power of board to regulate sewerage and free water supply, to close cess-pools, etc., and providing penalties for violation of rule. Reservation as to powers of Board of Health.

Sec. 20. Be it further enacted, etc., That the said board shall have full power and authority to make all needful rules and regulations for the use of the said public system of sewerage and the free water supply furnished therewith, and to prevent the obstruction thereof or interference therewith or damage thereto, and to compel all premises in the city of New Orleans to be connected with said system, and to compel the closing and discontinuance of all other sewers, and all vaults, cess-pools, privies, water closets, urinals, foul water drains, and outlets for any kind of fluid material whatever; and any violation of the rules and regulations so established by said board and duly promulgated in the Official Journal, shall be punished by a fine not exceeding \$25 for each offence, or by imprisonment not exceeding thirty days for each offence or by both, in the discretion of the court having jurisdiction of the offence. So much of such fines as may be inflicted for the violation of the rules pertaining to the sewerage system shall revert to the City Health Authorities. Nothing in this act shall be construed as taking away the existing inspecting and supervisory power of the Board of Health of the City of New Orleans, over the sanitary conditions of premises.

Power of board to fix and collect rates for water supply, except from certain persons, to make rules and to punish violations of the same.

Sec. 21. Be it further enacted, etc., That the said Board shall have power to fix the rates to be charged private consumers, of water, and to collect the same from all persons who use water (except for sewerage purposes only) from the public water supply of the city of New Orleans except the city of New Orleans and her public institutions, such as jails, schools, etc., the Charity Hospital, the Touro Infirmary, the House of Good Shepherd, Soldiers' Home, Hotel Dieu, the Louisiana Retreat, the Southern University and all orphan asylums and homes for aged and infirm. These charges shall be based, as far as possible, upon the actual amount of water consumed, shall be equal and uniform for each grade or class of customers, and shall be framed so as to cover only the actual cost of the maintenance of the said public water system, inclusive of interest and sinking funds of any assumed mortgage bonds on said property, and of the furnishing of the public and private water supply. Said Board shall have further power to make reasonable rules and regulations for the use and consumption by such pay customers, and by such free consumers of the water supply furnished them, and to prevent the obstruction of, interference with or damage to the pipes, mains and other appurtenance of said water system, and any violation of such reasonable rules and regulations so established by said Board, and duly promulgated in the official journal, shall be punished by a fine not exceeding \$25 for each offence, or by imprisonment not exceed-

ing thirty days for each offence, or by both, in the discretion of the court having jurisdiction of the offence.

Sec. 22. Be it further enacted, etc., That all funds received by the said board from water rates, and from the city of New Orleans, by appropriation from its treasury, shall be deposited to the credit of the said board as collected, with the fiscal agent of the city of New Orleans, and shall not be paid out except upon duly adopted resolutions of appropriation, promulgated in the official journal, and upon checks signed by the President and the Secretary of said board, and countersigned by the chairman of the Finance Committee of the City of New Orleans.

Funds of Sewerage and Water Board to be deposited with fiscal agent. How disbursed.

Sec. 23. Be it further enacted, etc., That all supplies and materials required by said board for the conduct, operation, maintenance and repair of said public systems of sewerage and water shall be purchased on detailed written specifications as to grade, quality and amount from the lowest bidder under sealed proposals, who can give the required bond to comply with the contract at public adjudication, after at least ten days' notice in the official journal of the city of New Orleans. In every case it shall have power to reject all bids and advertise for new bids. In case of emergency the General Superintendent can, with the written consent of the President pro tempore of the board and of the Mayor of the city, contract a bill for such supplies and material not exceeding \$500 in amount, but all such bills so contracted must be reported, with the reasons therefor, to the next meeting of the board, otherwise the board shall not pay the same. In the purchase of all supplies and material, preference shall be given to home merchants and manufacturers, all conditions being equal. All contracts for repair or renewal work not executed by the regular employees of the board, shall be similarly let to the lowest bidder, after similar advertisement, with the same right of rejection.

How supplies and material for conduct, repair, etc., of water and sewerage systems shall be purchased.

Sec. 24. Be it further enacted, etc., That all contracts for the construction of the said public systems of sewerage and water shall be let to the lowest bidder by sealed proposals or by public auction, as the board may determine, after at least sixty days' advertisement in two newspapers in the city of New Orleans, on detailed plans and specifications, one of which specifications shall always be that the contractor shall give bond with some surety company authorized to do business in the State of Louisiana, satisfactory to the board, in a sum of at least 25 per cent. of the estimated amount of his bid for the faithful performance of his contract; and in case the work estimated by said specifications shall exceed the sum of \$50,000, bids for the same shall be similarly advertised in New York and Chicago, as well as in the city of New Orleans. Every such contract exceeding \$25,000 in amount shall be approved by resolution of the City Council before the same shall be operative and binding on the said board. In every case the board shall have power to reject all bids and readvertise for new bids.

* How construction contracts shall be let out.

Sec. 25. Be it further enacted, etc., That no member of said board shall ever be interested directly or indirectly, in any

No member of the board to be interested.

ated directly or indirectly in contracts, etc. Penalty for violation of this clause

contract, or in the losses or profits of any contract for labor, supplies, material or construction made by said board, nor for six months after the termination of his connection with the board under the penalty of dismissal from said commission and the absolute nullity of said contract; nor shall any member of said board ever be surety for any contractor, or officer, or employee of the board, under a similar penalty. In case any member of said board shall be director or stockholder in any corporation, or shall be agent for any person, who may be peculiarly interested in any subject before the board, he shall not at any meeting of the board, or of any of its committees, discuss or vote on any such subject.

Preference to home labor, skilled and unskilled, to be specified in all contracts. Penalty for violations of same. Qualifications of permanent employees.

Sec. 26. Be it further enacted, etc., That in all contracts made and executed by said board for the construction or repair of said public systems of sewerage and water, there shall be contained a clause that the contractor shall give the preference in employment to bona fide residents of the city of New Orleans, both as skilled and unskilled laborers, and shall not employ any non-resident laborers, skilled or unskilled (except confidential clerks, chief engineers and head superintendents), as long as any resident labor is ready, willing and able to do the work required; that the penalty for each violation of this clause shall be the forfeiture of the sum of \$25 for each person so unlawfully employed, to be deducted by the board from the contract price due the contractor; and that the general superintendent of said board shall have the authority to dismiss all persons employed in violation of this clause. Provided that this clause shall not apply to skilled mechanics and machinists brought to the city of New Orleans by the manufacturers of machinery solely for the purpose of erecting and testing the same.

No person shall be considered a bona fide resident of the city of New Orleans under this clause of this act unless he has actually resided in the city of New Orleans for six months prior to his employment.

All the permanent employees of said board, who are required to be appointed after civil service examination, shall be of good moral character, and bona fide residents of the city of New Orleans for at least one year prior to their appointment. Said board shall have power, and it shall be its duty to demand and require bonds with good and sufficient surety for the faithful performance of their duties from all of its employees who handle money or material, or who fill positions of responsibility.

Power to apportion proceeds of bonds and surplus of taxes between water, sewerage and drainage

Sec. 27. Be it further enacted, etc., That said board shall have power to apportion the proceeds of said Public Improvement Bonds, and the surplus of said taxes, among the three objects aforesaid—water, sewerage and drainage—but any such apportionment shall be made by a vote of twelve members of the board, exclusive of the Mayor, and shall be also approved by the Mayor in writing; and in case twelve members of said board and the Mayor can not agree upon any apportionment, the matter shall be referred to the City Council, who shall have

power to make said apportionment. Provided, that no apportionment of said funds to drainage purposes shall exceed one-third of the proceeds of said Public Improvement Bonds and surplus, until the water and sewerage systems are completed.

Sec. 28. Be it further enacted, etc., That the City of New Orleans shall annually in her budget of expenses, provide out of her alimony by proper appropriation all the funds necessary and proper, over and above the receipt of said board for water rates, to maintain and operate in an efficient manner the said public system of sewerage and the said public system of waterworks, inclusive of interest and sinking funds of any assumed mortgage bonds thereon, and the said board shall in the first week in November of each year present to the Council an estimate of the amount requisite for these purposes for the following year. No portion of the proceeds of said public improvement bonds or of the said taxes shall ever be applied to the maintenance and operation of said public system of sewerage, water and drainage, but they shall be used for construction purposes only.

City of New Orleans obligated to supply maintenance funds, etc.

Sec. 29. Be it further enacted, etc., That said board shall not have the power to obligate itself or to create any debt for construction purposes in excess of the cash amount of the proceeds of said bonds, and the surplus of said tax, and all such debts and obligations in excess of the actual cash amount of these funds shall be absolutely null and void, and of no effect; nor shall the said board, in any year, have the power to spend any sum of money, or to create any debt for the maintenance and operation of said public system of sewerage and water in excess of the actual revenue of that year, and all such debts and obligations in excess of the actual revenue of that year shall be absolutely null and void, and of no effect. The surplus revenue of one year may be carried forward and added to the revenue of the following year; but no contract or expenditures of any kind shall ever be made in anticipation of any surplus of either construction or maintenance fund.

Prohibition against creating construction debts, and debts for maintenance, etc.

Sec. 30. Be it further enacted, etc., That all connections with the sewerage and water mains of the two public systems aforesaid shall be made as the cost of the said board from the said mains to the edge of the foundations of the buildings on the property line, or if there are no foundations on the property line, then to the property line itself, and from that point on, they shall be made at the cost and expense of the owner of the property.

Cost of connections with sewerage and water mains, by whom paid, etc.

Each owner shall have the right to contract for the putting in of all such connections as he is chargeable with, but all such work shall be done under the rules and regulations, and subject to the inspection and control of said board. The board shall take separate bids from contractors for putting all property holder's connections and sewerage fixtures, leaving to each property holder the right to require the work in his premises to be done by such contractor at the bid price, or to employ some one else for that purpose.

Drainage Commission to furnish power, etc.

Sec. 31. Be it further enacted, etc., That said board shall have the right to use the power supplied by the central power station of the Drainage Commission for all the necessary and convenient purposes of said public sewerage and water systems, and it shall be the duty of the Drainage Commission to furnish such power on demand and free of charge. But in case the demand for power for these purposes on the Drainage Commission shall be such as to require the installation of additional machinery, the cost of such installation shall be charged to the funds apportioned for water, or for sewerage, or for both, as the case may be, and not to the funds apportioned for drainage.

Semi-annual report to Council by Sewerage and Water Board.

Sec. 32. Be it further enacted, etc., That on the first of January and the first of July of each year it shall be the duty of the said board to make to the City Council, in writing a full and detailed report of its acts, doings, receipts, and expenditures.

Contracts to be let covering whole City, etc.

Sec. 33. Be it further enacted, etc., That the contracts for the above works shall be let in such a manner as to cover the whole city, the Fifth District included, at the same time, and shall be prosecuted in such a manner that they shall be completed throughout the city, the Fifth District included, as far as possible at the same time.

"Whole City" defined.

The words "whole city" as used in this section shall not be construed to mean the whole parish of Orleans, but to mean, as understood by the voters who voted this special tax, that inhabited portion of the city now divided into squares and lots where the streets are opened and in use as such, or whenever hereafter opened and in use.

This to fall if constitutional authority not obtained prior to January 1, 1901, etc.

Sec. 34. Be it further enacted, etc., That if the city of New Orleans can not get proper constitutional authority to issue the bonds aforesaid prior to January 1, 1901, then the special tax aforesaid levied shall cease and determine, and the unexpended proceeds thereof for the years 1899 and 1900 shall be paid over to the Drainage Commission, to be used for drainage purposes. In that contingency, the board constituted by this act shall be ipso facto dissolved, and all its books, papers, records, property, etc., shall be taken possession of and held by the Drainage Commission, and this act shall cease to be operative in all of its parts and provisions.

Reservation of right to amend this act in certain particulars.

Sec. 35. Be it further enacted, etc., That as it is proposed to have this act ratified by an amendment to the Constitution, it is hereby specially declared to be the intent of this act, and of said ratifying constitutional amendment, that the General Assembly reserves the right and power to amend this act in any respect not violative of the conditions upon which the said special tax was voted by the property taxpayers of the city of New Orleans and not impairing the vested rights or the contract rights of the holders of the bonds issued under its provisions.

Sec. 36. Be it further enacted, etc., That all laws and parts
of laws contrary to, or in conflict with the provisions of this
act be and the same are hereby repealed.

Repealing clause.

S. P. HENRY,

Speaker of the House of Representatives.

R. H. SNYDER,

Lieutenant Governor and President of the Senate.

Approved August 18th, 1899.

MURPHY J. FOSTER,

Governor of the State of Louisiana.

A true copy:

JOHN T. MICHEL,

Secretary of State.