

Regular Session, 2013

HOUSE BILL NO. 554

BY REPRESENTATIVE GAROFALO

DISTRICTS/FIRE PROTECT: Creates the Fort Pike Fire Protection District in Orleans Parish

1 AN ACT

2 To enact R.S. 40:1503.1, relative to Orleans Parish; to create the Fort Pike Fire Protection  
3 District within the parish; to provide relative to the boundaries, purpose, governance,  
4 and powers and duties of the district; to provide relative to district funding, including  
5 the authority to levy ad valorem taxes; and to provide for related matters.

6 Notice of intention to introduce this Act has been published  
7 as provided by Article III, Section 13 of the Constitution of  
8 Louisiana.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 40:1503.1 is hereby enacted to read as follows:

11 §1503.1. Fort Pike Fire Protection District

12 A. Creation. There is hereby created within the parish of Orleans, as more  
13 specifically provided in Subsection B of this Section, a body politic and corporate  
14 which shall be known as the Fort Pike Fire Protection District, referred to in this  
15 Section as the "district". The district shall be a political subdivision of the state as  
16 defined in the Constitution of Louisiana.

17 B. Boundaries. The boundaries of the district shall be defined as that area  
18 east of Chef Menteur Pass and west of the Rigolets Pass.

19 C. Purpose. The purpose and intent of this Section is to provide additional  
20 fire protection personnel and services within the boundaries of the district which

1 shall be supplemental to and not in lieu of personnel and services provided in the  
2 district by the city of New Orleans.

3 D. Governance. (1) In order for the orderly development and effectuation  
4 of the services to be furnished by the district and to provide for the representation in  
5 the affairs of the district of those persons and interests immediately concerned with  
6 and affected by the purposes and development of the area included within the  
7 district, the affairs of the district shall be managed by the members of the governing  
8 board of the Fort Pike Volunteer Fire Department District One, referred to in this  
9 Section as the "board".

10 (2) The board may adopt bylaws or such other rules and regulations as it  
11 deems necessary for conducting its business affairs. The board may appoint and  
12 retain all employees it deems advisable and fix the powers, duties, and compensation  
13 of such employees. The board shall hold regular meetings and may hold special  
14 meetings as shall be provided in the bylaws.

15 (3) The members of the board shall select from among themselves a  
16 president and a secretary and such other officers as they deem appropriate. The  
17 duties of the officers shall be fixed by bylaws adopted by the board.

18 (4) A majority of the members of the board shall constitute a quorum for the  
19 transaction of business. The minute books and archives of the district shall be  
20 maintained by the board's secretary. The monies, funds, and accounts of the district  
21 shall be in the official custody of the board.

22 (5) The members of the board shall serve without compensation.

23 E. Powers and duties. The district, acting through the board, shall have the  
24 following powers and duties:

25 (1) To sue and be sued.

26 (2) To adopt, use, and alter at will a corporate seal.

27 (3) To receive and expend funds collected pursuant to Subsection F of this  
28 Section and in accordance with a budget adopted as provided by Subsection H of this  
29 Section.

1           (4) To enter into contracts with individuals or entities, private or public.

2           (5) To engage in the operation of firefighting equipment, the prevention of  
3 fire hazards, and the extinguishing of fires within the district.

4           (6) To acquire by gift, grant, purchase, lease, or otherwise such property as  
5 may be necessary or desirable for carrying out the objectives and purposes of the  
6 district and to mortgage or sell such property.

7           (7) To procure and maintain liability insurance against any personal or legal  
8 liability of a board member that may be asserted or incurred based upon his service  
9 as a member of the board or that may arise as a result of his actions taken within the  
10 scope and discharge of his duties as a member of the board.

11           (8) To perform or have performed any other function or activity necessary  
12 or appropriate to carry out the purposes of the district.

13           F. Funding. (1) The board may, when necessary, levy annually an ad  
14 valorem tax not to exceed five mills on the dollar of assessed valuation of all  
15 property, provided that the amount, term, and purpose of the tax, as set out in a  
16 proposition submitted to a vote in accordance with the Louisiana Election Code,  
17 shall be approved by a majority of the qualified electors in the district voting in an  
18 election held for that purpose.

19           (2) The proceeds of the tax shall be used solely and exclusively for the  
20 purpose and benefit of the district.

21           G. Additional contributions. The district may solicit and accept additional  
22 voluntary contributions and grants to further the purposes of the district.

23           H. Budget. (1) The board shall adopt an annual budget in accordance with  
24 the Louisiana Local Government Budget Act, R.S. 39:1301 et seq.

25           (2) The district shall be subject to audit by the legislative auditor pursuant  
26 to R.S. 24:513(B).

27           I. The provisions of this Section shall not be construed as changing or  
28 affecting the structure and organization or the distribution and redistribution of the  
29 powers and functions of the city of New Orleans. The city of New Orleans shall

1 continue to provide fire protection personnel and services as authorized by applicable  
 2 general and local laws and the powers granted to the district pursuant to the  
 3 provisions of this Section shall be supplemental to and shall not supercede the  
 4 powers granted to the city by any such general or local law.

5 Section 2. This Act shall become effective upon signature by the governor or, if not  
 6 signed by the governor, upon expiration of the time for bills to become law without signature  
 7 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
 8 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
 9 effective on the day following such approval.

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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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Garofalo

HB No. 554

**Abstract:** Creates the Fort Pike Fire Protection District in Orleans Parish to provide additional fire protection personnel and services within the boundaries of the district.

Proposed law creates the Fort Pike Fire Protection District in Orleans Parish as a political subdivision of the state to provide additional fire protection personnel and services within the boundaries of the district. Provides for the district's boundaries. Provides that the district shall be governed by the members of the governing board of the Fort Pike Volunteer Fire Department District One.

Proposed law provides for the district's powers and duties, including the following:

- (1) To sue and be sued.
- (2) To adopt, use, and alter at will a corporate seal.
- (3) To receive and expend funds collected pursuant to proposed law and in accordance with a budget adopted as provided by proposed law.
- (4) To enter into contracts with individuals or entities, private or public.
- (5) To engage in the operation of firefighting equipment, the prevention of fire hazards, and the extinguishing of fires within the district.

Proposed law authorizes the board, subject to voter approval to levy annually an ad valorem tax not to exceed five mills on the dollar of assessed valuation of all property. Requires that the proceeds of the tax be used solely and exclusively for the purpose and benefit of the district.

Proposed law requires the district to adopt an annual budget in accordance with the Louisiana Local Government Budget Act and provides that the district is subject to audit by the legislative auditor pursuant to present law (R.S. 24:513(B)).

Proposed law provides that the provisions of proposed law shall not be construed as changing or affecting the structure and organization or the distribution and redistribution of the powers and functions of the city of New Orleans. Provides that the city shall continue to provide fire protection personnel and services as authorized by applicable general and local laws and provides that the powers granted to the commission pursuant to proposed law are subordinate to the powers granted to the city.

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

(Adds R.S. 40:1503.1)