

Regular Session, 2013

HOUSE BILL NO. 318

BY REPRESENTATIVE ALFRED WILLIAMS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

REAPPORTIONMENT/JUDGES: Provides for the election sections for City Court of Baton Rouge and for the number of judges elected from such sections

1 AN ACT

2 To amend and reenact R.S. 13:1952(4), relative to the City Court of Baton Rouge; to provide  
3 for the composition of the election sections; to provide for the number of judges  
4 elected from each election section; to provide for the assignment of divisions to each  
5 election section; to provide relative to the assignment of certain annexations to  
6 election sections; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 13:1952(4) is hereby amended and reenacted to read as follows:

9 §1952. Courts created by special legislative Act

10 The following city courts, heretofore created and established by special  
11 legislative Act, are hereby recognized and continued in existence and, except as  
12 otherwise provided in this Section, their territorial jurisdiction shall extend through  
13 the city and ward or wards wherein the city in which they are domiciled is located,  
14 as extended from time to time:

15 \* \* \*

16 (4)(a) The City Court of Baton Rouge, domiciled in the city of Baton Rouge,  
17 parish of East Baton Rouge, having five city judges and a city constable. The court  
18 shall be divided into five divisions, namely, divisions "A", "B", "C", "D", and "E"  
19 and its territorial jurisdiction shall extend throughout the territorial area of the city  
20 of Baton Rouge as extended from time to time.

1 (b) For the purpose of electing judges, the court shall be divided into two  
2 election sections.

3 (i) Election section one shall consist of ~~precincts: 1-1A, 1-1B, 1-3A, 1-3B,~~  
4 ~~1-4, 1-5, 1-6, 1-8, 1-11, 1-13A, 1-13B, 1-16, 1-17, 1-18, 1-19, 1-20, 1-21, 1-22, 1-23,~~  
5 ~~1-24, 1-25, 1-26, 1-27, 1-28, 1-29, 1-31A, 1-31B, 1-38A, 1-38B, 1-45, 1-46A, 1-46B,~~  
6 ~~1-46C, 1-46D, 1-50A, 1-50B, 1-51A, 1-51B, 1-58A, 1-58B, 1-61, 1-67, 1-68, 1-84A,~~  
7 ~~1-84B, 1-85A, 1-85B, 1-86A, 1-86B, 1-91, 1-92A, 1-92B, 1-93, 1-94A, 1-94B, 1-~~  
8 ~~95A, 1-95B, 1-96A and 1-96B.~~ the following precincts and parts of precincts  
9 contained within the corporate limits of the city of Baton Rouge: 1-1, 1-2, 1-3, 1-4,  
10 1-5, 1-6, 1-7, 1-8, 1-10, 1-13, 1-14, 1-15, 1-16, 1-17 (part), 1-18, 1-19, 1-21, 1-22,  
11 1-23 (part), 1-24, 1-25, 1-26, 1-27, 1-28, 1-29, 1-30, 1-31, 1-32, 1-33, 1-36, 1-37,  
12 1-38, 1-40, 1-41, 1-44, 1-45, 1-46, 1-48, 1-50, 1-51, 1-57, 1-58, 1-61, 1-62, 1-63, 1-  
13 64, 1-67, 1-68, 1-70, 1-77 (part), 1-78, 1-82, 1-84 (part), 1-85 (part), 1-86, 1-91,  
14 1-92, 1-93, 1-94, 1-95 (part), 1-100 (part), 1-101 (part), 1-102 (part), 1-104, 2-1  
15 (part), 2-9 (part), 2-11 (part), 2-22 (part), 2-24 (part), 2-25 (part), 3-5 (part), 3-8  
16 (part), 3-24 (part), and 3-50 (part).

17 (ii) Election section two shall consist of ~~precincts: 1-7, 1-10, 1-14A, 1-14B,~~  
18 ~~1-15A, 1-15B, 1-30, 1-32, 1-33, 1-34A, 1-34B, 1-35, 1-36A, 1-36B, 1-36C, 1-36D,~~  
19 ~~1-37, 1-39, 1-40, 1-41, 1-42, 1-43, 1-44, 1-48A, 1-48B, 1-49A, 1-49B, 1-52A, 1-52B,~~  
20 ~~1-53A, 1-53B, 1-53C, 1-53D, 1-54A, 1-54B, 1-55A, 1-55B, 1-56A, 1-56B, 1-57, 1-~~  
21 ~~59, 1-60A, 1-60B, 1-62, 1-63, 1-64, 1-65, 1-69A, 1-69B, 1-71A, 1-71B, 1-71C, 1-~~  
22 ~~71D, 1-72A, 1-72B, 1-72C, 1-73A, 1-73B, 1-74A, 1-74B, 1-74C, 1-75A, 1-75B, 1-~~  
23 ~~75C, 1-75D, 1-76A, 1-76B, 1-76C, 1-76D, 1-78A, 1-78B, 1-79, 1-80, 1-81, 1-82A,~~  
24 ~~1-82B, 1-82C, 1-82D, 1-83A, 1-83B, 1-87, 1-88A, 1-88B, 1-89, 1-90, 1-97, 1-98A,~~  
25 ~~1-98B, 1-99A, 1-99B, and 1-99C.~~ the following precincts and parts of precincts  
26 contained within the corporate limits of the city of Baton Rouge: 1-9, 1-12, 1-34,  
27 1-35, 1-39, 1-42, 1-43, 1-47, 1-49, 1-52, 1-53, 1-54, 1-55, 1-56, 1-59, 1-60, 1-65  
28 (part), 1-66, 1-69, 1-71, 1-72, 1-73, 1-74, 1-75, 1-80 (part), 1-81, 1-83, 1-87, 1-88  
29 (part), 1-89 (part), 1-90, 1-97 (part), 1-98, 1-99 (part), 1-103, 1-105 (part), 1-107

1 (part), 3-7 (part), 3-10 (part), 3-11 (part), 3-12 (part), 3-17 (part), 3-21 (part), 3-23  
 2 (part), 3-27 (part), 3-28 (part), 3-29 (part), 3-31 (part), 3-32 (part), 3-51 (part), 3-52  
 3 (part), and 3-55 (part).

4 (c) ~~Two~~ Three judges shall be elected by election section one, and ~~three~~ two  
 5 judges shall be elected by election section two.

6 (d) The metropolitan council for the city of Baton Rouge, parish of East  
 7 Baton Rouge, is hereby authorized to assign annexations which are approved  
 8 subsequent to ~~June 15, 1993, the effective date of Act No. 609 of the 1993 Regular~~  
 9 ~~Session of the Legislature, May 26, 2010,~~ to the appropriate election section. After  
 10 each such assignment, the metropolitan council shall submit the assignment by  
 11 certified mail or by hand delivery with receipt to the Senate Committee on Senate  
 12 and Governmental Affairs and the House Committee on House and Governmental  
 13 Affairs for approval. Upon the receipt of the submission, the Senate Committee on  
 14 Senate and Governmental Affairs and the House Committee on House and  
 15 Governmental Affairs shall have forty-five days to determine, either jointly or  
 16 separately, whether the assignment shall be approved or disapproved. If the time  
 17 period for action by the committees has lapsed without any action by such  
 18 committees, the assignment shall be deemed approved. If one or both committees  
 19 disapprove the assignment, such assignment to the election section shall not be  
 20 effective for any purpose.

21 \* \* \*

22 Section 2.(A) The judgeships designated on the effective date of this Act as divisions  
 23 "B" and "D" of the City Court of Baton Rouge are hereby assigned to election section one  
 24 for election purposes. In addition, the first vacancy occurring on or after the effective date  
 25 of this Act in a judgeship designated as division "A", "C", or "E" of the City Court of Baton  
 26 Rouge shall be filled by election from election section one and thereafter such judgeship  
 27 shall be assigned to election section one for election purposes; however, if no special  
 28 election to fill such a vacancy has occurred or is scheduled to occur prior to the opening of  
 29 the qualifying period for the regularly scheduled election to fill judgeships for the City Court

1 of Baton Rouge, then the judgeship designated as division "E" shall be assigned to election  
2 section one for election purposes for such regularly scheduled election and thereafter. The  
3 two remaining judgeships shall be assigned to election section two for election purposes.

4 (B) In addition to qualifications provided by law for a judge of the City Court of  
5 Baton Rouge, a candidate for a judgeship elected by either election section need only be a  
6 resident of the city of Baton Rouge. The provisions of this Act shall not be construed in any  
7 manner to decrease the term of any judge serving on the effective date of this Act or to  
8 prohibit any judge from seeking reelection in any division of the court.

9 Section 3.(A) The precincts for the Parish of East Baton Rouge referenced in this  
10 Act are those contained in the file named "2012 Precinct Shapefiles" published on the  
11 Louisiana House of Representatives website. The 2012 Precinct Shapefiles are based upon  
12 those Voting Districts (VTDs) contained in the 2010 Census Redistricting TIGER/Line  
13 Shapefiles for the State of Louisiana as those files have been modified by the staff of the  
14 Legislature of Louisiana to represent precinct changes submitted through August 8, 2012,  
15 to the Legislature of Louisiana by parish governing authorities pursuant to the provisions of  
16 R.S. 18:532 and 532.1.

17 (B) When a precinct referenced in this Act has been subdivided by action of the  
18 parish governing authority on a nongeographic basis or subdivided by action of the parish  
19 governing authority on a geographic basis in accordance with the provisions of R.S.  
20 18:532.1, the enumeration in this Act of the general precinct designation shall include all  
21 nongeographic and all geographic subdivisions thereof, however such subdivisions may be  
22 designated. The territorial limits of the election sections as provided in this Act shall  
23 continue in effect without change regardless of any changes made to the precincts by the  
24 parish governing authority. However, the territorial limits of the election sections may  
25 change due to annexations as provided in R.S. 13:1952(4)(d).

26 Section 4. This Act shall become effective upon signature by the governor or, if not  
27 signed by the governor, upon expiration of the time for bills to become law without signature  
28 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

- 1 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
2 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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Alfred Williams

HB No. 318

**Abstract:** Changes the election sections for the City Court of Baton Rouge and provides that three judges are elected from election section one and two judges are elected from election section two.

Present law provides for the City Court of Baton Rouge, domiciled in Baton Rouge and having five city judges and a city constable. Provides that the court is divided into five divisions, "A", "B", "C", "D", and "E" and its territorial jurisdiction shall extend throughout the territorial area of the city of Baton Rouge as extended from time to time. Provides for the purpose of electing judges, the court is divided into two election sections and that two judges (divisions "B" and "D") are elected in election section one and three judges (divisions "A", "C", and "E") are elected in election section two.

Proposed law changes the composition of election section one and election section two. Further, proposed law provides that three judges shall be elected from election section one and two judges shall be elected from election section two. Proposed law provides that in addition to divisions "B" and "D" assigned to election section one for election purposes, the first vacancy occurring on or after the effective date of proposed law in a judgeship designated as division "A", "C", or "E" of the city court shall be filled by election from election section one and thereafter such judgeship shall be assigned to election section one for election purposes. Provides that if no special election to fill such a vacancy has occurred or is scheduled to occur prior to the opening of the qualifying period for the regularly scheduled election to fill judgeships for the city court, then the judgeship designated as division "E" shall be assigned to election section one for election purposes for such regularly scheduled election and thereafter. Proposed law specifies that the two remaining judgeships shall be assigned to election section two for election purposes.

Proposed law specifies that in addition to qualifications provided by law for a judge of the Baton Rouge City Court, a candidate for a judgeship elected by either election section need only be a resident of the city of Baton Rouge and that the provisions of proposed law shall not be construed in any manner to decrease the term of any judge serving on the effective date of proposed law or to prohibit any judge from seeking reelection in any division of the court.

Present law allows the metropolitan council for the city of Baton Rouge, parish of East Baton Rouge, to assign annexations which are approved subsequent to June 15, 1993, to the appropriate election section. Requires the metropolitan council to submit such assignment by certified mail or by hand delivery with receipt to the Senate Committee on Senate and Governmental Affairs and the House Committee on House and Governmental Affairs for approval. Provides that the committees have 45 days to determine, either jointly or separately, whether the assignment shall be approved or disapproved. Specifies that if the time period for action by the committees lapses without action by such committees, the assignment is deemed approved, and if one or both committees disapprove the assignment, such assignment is not effective for any purpose.

Proposed law provides for the assignment of annexations subsequent to May 26, 2010, and otherwise retains present law.

Proposed law specifies that precincts referenced in district descriptions in proposed law are those contained in the file named "2012 Precinct Shapefiles" published on the Louisiana House of Representatives website. Specifies that the 2012 Precinct Shapefiles are based upon those Voting Districts (VTDs) contained in the 2010 Census Redistricting TIGER/Line Shapefiles for the state of Louisiana as those files have been modified by the staff of the legislature to represent precinct changes submitted through Aug. 8, 2012, to the legislature by parish governing authorities pursuant to the provisions of R.S. 18:532 and 532.1.

Proposed law additionally provides that when a precinct is subdivided on a nongeographic or geographic basis under present law (R.S. 18:532.1), the general precinct designation in the district description includes all nongeographic and geographic subdivisions of the precinct within the corporate limits of Baton Rouge, and specifies that the territorial limits of the election sections as provided in proposed law shall continue in effect without change regardless of any changes made to the precincts by the parish governing authority. Specifically excepts changes to the territorial limits made as provided in proposed law relative to annexations.

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

(Amends R.S. 13:1952(4))

#### Summary of Amendments Adopted by House

##### Committee Amendments Proposed by House Committee on House and Governmental Affairs to the original bill.

1. Rather than providing that division "E" is in election section one, provides that first vacancy in division "A", "C", or "E" that occurs before qualifying opens for the regularly scheduled city court elections shall be filled by election in election section one and that judgeship shall be assigned to such election section for election purposes, however if there is no such special election, then division "E" shall be assigned to election section one. Specifies that "B" and "D" are assigned to election section one and the remaining two judgeships are assigned to election section two.
2. Removes specific list of possible changes to precincts by the parish governing authority and provides instead that regardless of any change, the territorial limits of the election sections established in proposed law continue in effect.