

Regular Session, 2013

ACT No. 114

HOUSE BILL NO. 554

BY REPRESENTATIVES GAROFALO, BADON, BARROW, BERTHELOT, BILLIOT,
WESLEY BISHOP, AND BROWN

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AN ACT

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

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

Be it enacted by the Legislature of Louisiana:

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

§1503.1. Fort Pike Fire Protection District

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

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

C. Purpose. The purpose and intent of this Section is to provide additional fire protection personnel and services within the boundaries of the district which shall be supplemental to and not in lieu of personnel and services provided in the district by the city of New Orleans.

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

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

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

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

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

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

23 (1) To sue and be sued.

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

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

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

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

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

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

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

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

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

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

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

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

24 I. The provisions of this Section shall not be construed as changing or
 25 affecting the structure and organization or the distribution and redistribution of the
 26 powers and functions of the city of New Orleans. The city of New Orleans shall
 27 continue to provide fire protection personnel and services as authorized by applicable
 28 general and local laws and the powers granted to the district pursuant to the
 29 provisions of this Section shall be supplemental to and shall not supercede the
 30 powers granted to the city by any such general or local law.

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____