

First Extraordinary Session, 2011

HOUSE BILL NO. 44

BY REPRESENTATIVE PATRICIA SMITH

REAPPORTIONMENT/JUDGES: Provides relative to the Court of Appeal, First Circuit (Item #7)

1 AN ACT

2 To amend and reenact R.S. 13:312(1)(b) and 312.1(A), relative to the Court of Appeal for  
3 the First Circuit; to provide election sections for the election of judges to the first and  
4 third districts of the Court of Appeal for the First Circuit; to provide for the  
5 assignment of judgeships for election purposes; to provide for the election of judges;  
6 to provide for effectiveness; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 13:312(1)(b) and 312.1(A) are hereby amended and reenacted to read  
9 as follows:

10 §312. Courts of appeal; circuits and districts

11 There shall be five court of appeal circuits, which shall be subdivided into  
12 districts as follows:

13 1.

14 \* \* \*

15 (b) Districts of first circuit. (i) The parishes of Ascension, Assumption,  
16 Iberville, Lafourche, Pointe Coupee, St. Mary, Terrebonne, and West Baton Rouge  
17 shall compose the first district of the first circuit. The first district shall be further  
18 divided into ~~two~~ three election sections.

19 (aa) Election section one shall be composed of ~~Ascension Parish,~~  
20 ~~Assumption Parish, Iberville Parish, Pointe Coupee Parish, and West Baton Rouge~~

1 Parish Precincts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21,  
 2 22, 23, 24, 25, 26, 27, 28, 30, 31, 32, 33, 34, 35, 40, 41, 43, 50, 55, 58, 60, and 61 of  
 3 Ascension Parish; Precincts 1-1, 1-2, 2-1, 2-2, 2-3, 3-1, 3-2, 4-1, 4-2, 5-1, 5-2, 5-3,  
 4 5-4, 7-2, 8-1, and 9-1 of Assumption Parish; Precincts 4, 5, 6A, 24, 25, 25A, 25B,  
 5 26, 26A, 27, 28, 29, 30, and 31 of Iberville Parish; Precincts 1, 2, 3, 4, 5, 6, 16A,  
 6 16B, 17, 18, 20A, 20B, and 21 of Pointe Coupee Parish; and Precincts 2-1A, 2-1B,  
 7 2-2, 2-3, 3-1B, 7-1, and 7-4 of West Baton Rouge Parish.

8 (bb) Election section two shall be composed of Lafourche Parish, St. Mary  
 9 Parish, and Terrebonne Parish.

10 (cc) Election section three shall be composed of Precincts 36, 37, 39, 42, 44,  
 11 45, 47, 48, 49, 51, 52, 53, 54, 56, and 57 of Ascension Parish; Precincts 6-1, 6-2, and  
 12 7-1 of Assumption Parish; Precincts 1, 2, 3, 6, 7, 8, 10, 11, 12, 13, 13A, 13B, 13C,  
 13 14, 14A, 14B, 15, 15A, 15B, 16, 17, 17A, 18, 19, 19A, 20, 21, 22, 23, and 32 of  
 14 Iberville Parish; Precincts 7, 8, 9, 10A, 10B, 11, 12, 13A, 13B, 14, 15A, 15B, 19A,  
 15 22A, 23, and 24 of Pointe Coupee Parish; and Precincts 1-1, 3-1A, 3-2, 4-1, 4-2,  
 16 4-3A, 4-3B, 4-4, 4-5, 5-1, 6-1, 6-2, 7-2, and 7-3 of West Baton Rouge Parish

17 (ii) The parish of East Baton Rouge shall compose the second district of the  
 18 first circuit.

19 (iii) The parishes of East Feliciana, Livingston, St. Helena, St. Tammany,  
 20 Tangipahoa, Washington, and West Feliciana shall compose the third district of the  
 21 first circuit. The third district shall be further divided into two election sections.

22 (aa) Election section one shall be composed of East Feliciana Parish; St.  
 23 Helena Parish; Precincts 1, 2, 6, 11, 15, 16, 17, 18, 26, 27A, 42, 42A, 43, 45, 45A,  
 24 46, 47, 48, 49, 101, 103, 105, 107, 109, 109A, 111, 111A, 115B, 119, 123, 129, and  
 25 129A of Tangipahoa Parish; and West Feliciana Parish.

26 (bb) Election section two shall be composed of Livingston Parish; St.  
 27 Tammany Parish; Precincts 27, 28, 28A, 33, 40, 40A, 41, 44, 70, 70A, 71, 72, 72A,  
 28 73, 74, 102, 104, 104A, 106, 106A, 106B, 108, 110, 112, 114, 116, 117, 118, 120,  
 29 120A, 120B, 121, 121A, 121B, 122, 122A, 124, 125, 127, 127A, 133, 133A, 137,



1 continue in effect without change regardless of any changes made to the precincts by the  
2 parish governing authority.

3 Section 3.(A) The judgeship designated on the effective date of this Act as Division  
4 C of the first district of the Court of Appeal for the First Circuit is hereby assigned to  
5 election section one of the first district for election purposes. The judgeship designated on  
6 the effective date of this Act as Division B of the first district of the Court of Appeal for the  
7 First Circuit is hereby assigned to election section three of the first district for election  
8 purposes. The judgeships designated on the effective date of this Act as Divisions A and D  
9 of the first district of the Court of Appeal for the First Circuit are hereby assigned to election  
10 section two of the first district for election purposes.

11 (B) The judgeship designated on the effective date of this Act as Division D of the  
12 third district of the Court of Appeal for the First Circuit is hereby assigned to election  
13 section one for election purposes. The judgeships designated on the effective date of this  
14 Act as Divisions A and B of the third district of the Court of Appeal for the First Circuit are  
15 hereby assigned to election section two for election purposes.

16 Section 4. The provisions of Section 2 of Act 369 of the 2008 Regular Session of the  
17 Legislature shall be null, void, and of no effect.

18 Section 5. This Act shall become effective upon signature by the governor or, if not  
19 signed by the governor, upon expiration of the time for bills to become law without signature  
20 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
21 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
22 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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Patricia Smith

HB No. 44

**Abstract:** Provides geographic boundaries for election sections in the first and third districts of the Court of Appeal for the First Circuit and provides for the assignment of judgeships in those districts for election purposes.

Statistical summaries of proposed law as well as maps illustrating proposed district boundaries accompany this digest. (*Attached to hard copies of the bill distributed during session and available as a separate document on the Internet.*)

Present law divides the state into five court of appeal circuits and divides each circuit into three districts. Provides that the Court of Appeal for the First Circuit is comprised of Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Lafourche, Livingston, Pointe Coupee, St. Helena, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge, and West Feliciana parishes.

Present law provides that the first district of the Court of Appeal for the First Circuit is comprised of Ascension, Assumption, Iberville, Lafourche, Pointe Coupee, St. Mary, Terrebonne, and West Baton Rouge parishes. Provides that the second district of the Court of Appeal for the First Circuit is comprised of East Baton Rouge Parish. Provides that the third district of the Court of Appeal for the First Circuit is comprised of East Feliciana, Livingston, St. Helena, St. Tammany, Tangipahoa, Washington, and West Feliciana parishes.

Present law provides that four judges are elected from each of the three districts of the first circuit.

Proposed law retains present law.

#### *First District*

Present law divides the first district into two election sections. Provides that election section one is comprised of Ascension, Assumption, Iberville, Pointe Coupee, and West Baton Rouge parishes. Proposed law divides the first district into three election sections instead of two. Changes the composition of election section one by enacting election section three within the geographic boundaries of election section one.

Present law provides that election section two is comprised of Lafourche, St. Mary, and Terrebonne parishes. Proposed law retains present law.

Present law provides that in the first district, one judge, Division C, shall be elected from election section one by the qualified electors of election section one, and one judge, Division A, shall be elected from election section two by the qualified electors of election section two. Provides that the remaining two judges, Divisions B and D, shall be elected by the qualified electors of the entire first district.

Proposed law provides that in the first district, one judge, Division C, shall be elected from election section one by the qualified electors of election section one, and one judge, Division B (instead of A), shall be elected from the newly enacted election section three by the qualified electors of election section three. Provides that the remaining two judges in the first district, Divisions A and D, shall be elected from election section two by the qualified electors of election section two, instead of being elected district wide.

Present law provides that the election to fill the judgeship designated as Division C of the first district shall be held at the congressional elections to be held in 2014 from election section one as established by present law or at any specially called election due to the earlier of the death, resignation, retirement, or incapacity of a judge. Provides that the election to fill the judgeship designated as Division A of the first district shall be held at the congressional elections to be held in 2018 from election section two as established by present law or at any specially called election due to the earlier of the death, resignation, retirement, or incapacity of a judge.

Proposed law repeals present law. Provides that the judgeship designated on the effective date of proposed law as Division C of the first district is assigned to election section one for

election purposes. Provides that the judgeship designated on the effective date of proposed law as Division B of the first district is assigned to election section three for election purposes. Provides that the judgeships designated on the effective date of proposed law as Divisions A and D of the first district are assigned to election section two for election purposes.

*Third District*

Proposed law enacts two election sections in the third district. Provides that in the third district, one judge, Division D, shall be elected from election section one by the qualified electors of election section one, and two judges, Divisions A and B, shall be elected from election section two by the qualified electors of election section two. Provides that the remaining judge in the third district, Division C, shall be elected by the qualified electors of the entire third district.

Proposed law provides that the judgeship designated on the effective date of proposed law as Division D of the third district is assigned to election section one for election purposes. Provides that the judgeships designated on the effective date of proposed law as Divisions A and B of the third district are assigned to election section two for election purposes.

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

(Amends R.S. 13:312(1)(b) and 312.1(A))