

Regular Session, 2013

# ACT No. 114

HOUSE BILL NO. 554

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

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  
21 shall be supplemental to and not in lieu of personnel and services provided in the  
22 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.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_