

Regular Session, 2013

SENATE BILL NO. 239

BY SENATOR WARD

FIRE PROTECTION. Provides relative to the West Baton Rouge Parish Fire Protection District No. 1. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 40:1503(A), (B), (E)(1), and (F), and to repeal R.S. 40:1503(G),
3 (H), (I), (J), (K) and (L), relative to West Baton Rouge Fire Protection District No.
4 1; to provide for certain powers of the board of commissioners; to provide for the
5 allocation of certain revenues; to provide specific dates to recalculate assessments;
6 and to provide for related matters.

7 Notice of intention to introduce this Act has been published.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 40:1503(A), (B), (E)(1), and (F) are hereby amended and reenacted
10 to read as follows:

11 §1503. West Baton Rouge Parish Fire Protection District No. 1; creation;
12 subdistricts; boards; powers, duties, and functions

13 A. When used in this Section, the following terms have these meanings:

14 (1) ~~"Board" means the board of commissioners of West Baton Rouge Parish~~
15 ~~Fire Protection District No. 1~~ **"Council" means the West Baton Rouge Parish**
16 **Council.**

17 (2) "District" means West Baton Rouge Parish Fire Protection District No.

- 1 1.
- 2 (3) "Fire protection service" means, but is not necessarily limited to:
- 3 (a) Acquiring and maintaining land for a fire station site;
- 4 (b) Acquiring, constructing, maintaining, and operating fire protection
- 5 facilities;
- 6 (c) Acquiring, maintaining, and operating fire trucks and other fire protection
- 7 or emergency equipment;
- 8 (d) Obtaining water for fire protection purposes, including charges for fire
- 9 hydrant rentals and service; and
- 10 (e) Paying salaries of firemen.

11 ~~(4) "Municipal governing authority" means the board of aldermen of any~~
 12 ~~municipality in the parish.~~

13 ~~(5)~~ **(4)** "Parish" means West Baton Rouge Parish.

14 ~~(6) "Police jury" means the West Baton Rouge Parish Police Jury.~~

15 ~~(7) "Subdistrict" means any subdistrict of West Baton Rouge Parish Fire~~
 16 ~~Protection District No. 1.~~

17 B. In addition to other authority granted by law, the West Baton Rouge Parish
 18 ~~Police Jury~~ **Council** may create a fire protection district in the manner and subject
 19 to the limitations and restrictions contained in this Section. The district shall be
 20 designated as "West Baton Rouge Parish Fire Protection District No. 1" and **may**
 21 include two or more fire protection subdistricts.

22 * * *

23 E.(1) Notice of intention to create the district shall be ordered by resolution
 24 of the ~~police jury~~ **council** only if concurred in, by resolution, by each municipal
 25 governing authority in the parish. The resolution shall state that all of the parish
 26 shall be within the district and set forth the boundaries proposed for the subdistricts.
 27 The notice shall state that the ~~police jury~~ **council** shall, in open session, on a date and
 28 at an hour and place named, proceed to create the proposed district.

29 * * *

1 F.(1) At the place and time specified in the notice provided for in Subsection
2 E, the ~~police jury~~ **council** shall hold a public hearing concerning the creation of the
3 proposed district ~~and the proposed boundaries of the subdistricts. At this hearing,~~
4 ~~the police jury may change the boundaries of the proposed subdistricts.~~

5 ~~(2) After the hearing, the police jury may adopt an ordinance creating the~~
6 ~~district and fixing the boundaries of each subdistrict. The ordinance shall:~~

7 ~~(a) Contain the method or formula by which the district's revenues shall be~~
8 ~~allocated to the subdistricts for fire protection purposes.~~

9 ~~(b) Provide that any subsequent revision of the method of formula of~~
10 ~~allocation, or termination thereof, shall occur only upon adoption of an ordinance~~
11 ~~setting forth the proposed action by the police jury and upon concurrence, by~~
12 ~~resolution, of each municipal governing authority in the parish.~~

13 ~~(c) Provide that the entire area of any municipality shall be included within~~
14 ~~one subdistrict.~~

15 ~~(d) Provide that any area annexed by a municipality that is not within the~~
16 ~~same subdistrict as the annexing municipality shall be included within the same~~
17 ~~subdistrict as the municipality. The police jury shall adopt an ordinance changing~~
18 ~~the boundaries of the subdistricts only to the extent necessary to comply with this~~
19 ~~Subparagraph.~~

20 ~~(e) Not become effective until it has been concurred in, by resolution, by each~~
21 ~~municipal governing authority in the parish.~~

22 ~~(3) Thereafter, notice of the formation of the district and the subdistricts shall~~
23 ~~be given immediately by one publication in the parish's official journal.~~

24 Section 2. R.S. 40:1503 (G) through (L) are hereby repealed.

25 Section 3. Notwithstanding any other provisions of law to the contrary, the West
26 Baton Rouge Parish Council shall, on or before July 1, 2014, enact an ordinance providing
27 for West Baton Rouge Fire Protection District No.1 as authorized by this Act.

28 Section 4. This Act shall become effective upon signature by the governor or, if not
29 signed by the governor, upon expiration of the time for bills to become law without signature

1 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
2 vetoed by the governor and subsequently approved by the legislature, this Act shall become
3 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Michael Bell.

DIGEST

Ward (SB 239)

Present law creates and provides for West Baton Rouge Parish Fire Protection District No. 1.

Present law grants certain authority to the West Baton Rouge Police Jury.

Proposed law grant such authority to the West Baton Rouge Parish Council.

Present law mandates the district to include two or more fire protection subdistricts.

Proposed law permits the district the option of including two or more fire protection subdistricts.

Present law provides for the creation of subdistricts by ordinance and the adoption by ordinance of the method or formula for allocation of the district's revenue to subdistricts.

Proposed law repeals present law.

Present law provides that the district shall be governed by a board of commissioners of six persons, one each appointed by the governing body of each subdistrict. Provides that each subdistrict representative on the board shall be a resident of the subdistrict and may be a member of the governing body of the subdistrict.

Proposed law repeals present law.

Present law requires the governing board of the district to prepare a budget, deposit funds in a separate account, allocate funds between subdistricts, submit annual audit reports, and adopt certain procedures for requests for supplemental funding.

Proposed law repeals present law.

Present law authorizes the board to incur debt, to contract, to sue and be sued, to accept grants and donations, and under certain circumstances, to levy special taxes or service fees.

Proposed law repeals present law.

Present law provides for governance of subdistricts by a municipality or the police jury and provides for their powers and duties in such capacity.

Proposed law repeals present law.

Present law provides relative to outstanding liabilities, should any area be transferred from one subdistrict to another, whether through annexation or otherwise.

Proposed law mandates the West Baton Rouge Parish Council to enact an ordinance relative to the district on or before July 1, 2014.

Proposed law repeals present law.

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

(Amends R.S. 40:1503 (A), (B), (E)(1), and (F); repeals R.S. 40:1503 (G) through (L))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Local and Municipal Affairs to the original bill

1. Adds provision changing present law ~~from~~ requiring subdistricts to allowing such.
2. Adds repeal of present law provisions regarding the governance of the district and subdistricts by boards, a board's authority, powers, and duties, and the process and consequence of moving geographic areas from one subdistrict to another.
3. Adds requirement for local ordinance regarding West Baton Rouge Fire District No. 1.