

Regular Session, 2004

HOUSE BILL NO. 1013

BY REPRESENTATIVE JACKSON

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)(b) and (c), relative to the City Court of Baton Rouge;
3 to provide for the composition of the election sections; to provide for the number of
4 judges elected from each election section; to provide for the assignment of divisions
5 to each election section; and to provide for related matters.

6 Notice of intention to introduce this Act has been published as
7 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. 13:1952(4)(b) and (c) are hereby amended and reenacted to read as
11 follows:

12 §1952. Courts created by special legislative Act

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

18 * * *

19 (4)

20 * * *

1 (b) For the purpose of electing judges, the court shall be divided into two
2 election sections. Election section one shall consist of the following precincts and
3 parts of precincts contained within the corporate limits of the city of Baton Rouge:
4 ~~1-1A, 1-1B, 1-3A, 1-3B, 1-4, 1-5, 1-6, 1-8, 1-11, 1-13A, 1-13B, 1-16, 1-17, 1-18,~~
5 ~~1-19, 1-20, 1-21, 1-22, 1-23, 1-24, 1-25, 1-26, 1-27, 1-28, 1-29, 1-31A, 1-31B, 1-~~
6 ~~38A, 1-38B, 1-45, 1-46A, 1-46B, 1-46C, 1-46D, 1-50A, 1-50B, 1-51A, 1-51B, 1-~~
7 ~~58A, 1-58B, 1-61, 1-67, 1-68, 1-84A, 1-84B, 1-85A, 1-85B, 1-86A, 1-86B, 1-91, 1-~~
8 ~~92A, 1-92B, 1-93, 1-94A, 1-94B, 1-95A, 1-95B, 1-96A and 1-96B.~~ 1-1, 1-2, 1-3,
9 1-4, 1-5, 1-6, 1-7, 1-8, 1-10, 1-13, 1-14, 1-15, 1-16, 1-17, 1-18, 1-19, 1-21, 1-22, 1-
10 23, 1-24, 1-25, 1-26, 1-27, 1-28, 1-29, 1-30, 1-31, 1-32, 1-33, 1-36, 1-37, 1-38, 1-
11 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, 1-64, 1-
12 67, 1-68, 1-70, 1-77, 1-78, 1-82, 1-84, 1-85, 1-86, 1-91, 1-92, 1-93, 1-94, 1-95; 1-
13 100, 1-101, 1-102, 1-104, 2-1, 2-11, 2-22, 2-24, 3-8, 3-24, and 3-50 of East Baton
14 Rouge Parish. Election section two shall consist of the following precincts and parts
15 of precincts contained within the corporate limits of the city of Baton Rouge: ~~1-7, 1-~~
16 ~~10, 1-14A, 1-14B, 1-15A, 1-15B, 1-30, 1-32, 1-33, 1-34A, 1-34B, 1-35, 1-36A, 1-~~
17 ~~36B, 1-36C, 1-36D, 1-37, 1-39, 1-40, 1-41, 1-42, 1-43, 1-44, 1-48A, 1-48B, 1-49A,~~
18 ~~1-49B, 1-52A, 1-52B, 1-53A, 1-53B, 1-53C, 1-53D, 1-54A, 1-54B, 1-55A, 1-55B,~~
19 ~~1-56A, 1-56B, 1-57, 1-59, 1-60A, 1-60B, 1-62, 1-63, 1-64, 1-65, 1-69A, 1-69B, 1-~~
20 ~~71A, 1-71B, 1-71C, 1-71D, 1-72A, 1-72B, 1-72C, 1-73A, 1-73B, 1-74A, 1-74B, 1-~~
21 ~~74C, 1-75A, 1-75B, 1-75C, 1-75D, 1-76A, 1-76B, 1-76C, 1-76D, 1-78A, 1-78B, 1-~~
22 ~~79, 1-80, 1-81, 1-82A, 1-82B, 1-82C, 1-82D, 1-83A, 1-83B, 1-87, 1-88A, 1-88B, 1-~~
23 ~~89, 1-90, 1-97, 1-98A, 1-98B, 1-99A, 1-99B, and 1-99C.~~ 1-9, 1-12, 1-34, 1-35, 1-
24 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, 1-66, 1-
25 69, 1-71, 1-72, 1-73, 1-74, 1-75, 1-80, 1-81, 1-83, 1-87, 1-88, 1-89, 1-90, 1-97, 1-
26 98, 1-99, 1-103, 1-105, 1-107, 3-10, 3-11, 3-12, 3-13, 3-17, 3-21, 3-23, 3-27, 3-28,
27 3-31, 3-32, 3-48, 3-51, and 3-52 of East Baton Rouge Parish.

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

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Section 2.(A) The first election to occur to fill division "A", "C", or "E" due to the resignation, incapacity, retirement, or resignation of a judge prior to the regular election of judges to the City Court of Baton Rouge shall be conducted in election section one of the court. If such an election occurs prior to the regular election of judges to the City Court of Baton Rouge, then the division assigned to election section one in this manner shall thereafter be assigned to election section one for the purpose of electing successors to that judgeship and the remaining two divisions shall remain assigned to election section two. However, if no such election occurs prior to the regular election of judges to the City Court of Baton Rouge division "A" shall be assigned to election section one in addition to divisions "B" and "D" for the conduct of the regular election of judges to the City Court of Baton Rouge and shall thereafter be assigned to election section one for the purpose of electing successors to those judgeships and divisions "C" and "E" shall remain assigned to election section two for the purpose of electing successors to those judgeships.

(B) 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. The provisions of this Act shall not be construed in any manner to decrease the term of any judge serving on the effective date of this Act or to prohibit any judge from seeking reelection in any division of the court.

Section 3.(A) The precincts to which reference is made in this Act are those adopted by the respective parish governing authority under the provisions of R.S. 18:532 or 532.1 or pursuant to court order, made effective not later than November 1, 2003, and contained in the precinct database of the Department of Elections and Registration as of November 1, 2003.

(B) When a precinct enumerated in this Act has been subdivided by action of the parish registrar of voters or governing authority on a nongeographic basis (for purposes of polling), or subdivided by action of the parish governing authority on a geographic basis under the provisions of R.S. 18:532.1, the enumeration in this Act of the general precinct designation shall include all polling subdivisions thereof and all geographic subdivisions within

1 the corporate limits of the city of Baton Rouge, however such subdivisions may be
 2 designated. When a precinct enumerated in this Act has been consolidated or merged on a
 3 geographic basis by action of the parish governing authority pursuant to the provisions of
 4 R.S. 18:532.1, the territorial limits of the election sections as provided in this Act shall
 5 continue in effect without change. However, the territorial limits of the election sections may
 6 change due to annexations as provided in R.S. 13:1952(4)(d).

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

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument.

Jackson

HB No. 1013

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 provides that three judges be elected from election section one and for two judges to be elected from election section two. Proposed law provides that the first election to occur to fill division "A", "C", or "E" due to the resignation, incapacity, or retirement, resignation of a judge prior to the regular election of judges to the City Court of Baton Rouge shall be conducted in election section one of the court and that if such an election occurs, then the division assigned to election section one in this manner shall be assigned to election section one for the purpose of electing successors to that judgeship and the remaining two divisions shall remain assigned to election section two. Proposed law provides that if no such election occurs, division "A" shall be assigned to election section one, in addition to divisions "B" and "D" for the conduct of the regular election of judges to the City Court of Baton Rouge and shall thereafter be assigned to election section one for the purpose of electing successors to those judgeships and that Divisions "C" and "E" shall remain assigned to election section two for the purpose of electing successors to those judgeships.

Proposed law additionally changes the composition of election section one and election section two. (See attached map and statistics.)

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 such committees have 45 days to determine, either jointly or separately, whether such 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 retains present law.

Proposed law specifies that precincts referenced in district descriptions in proposed law are those adopted by the respective parish governing authority pursuant to present law (R.S. 18:532 or 532.1) or pursuant to court order, made effective not later than November 1, 2003, and contained in the precinct database of the Department of Elections and Registration as of November 1, 2003. Proposed law additionally provides that when a precinct is subdivided on a nongeographic or geographic basis under present law, 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 if a precinct is consolidated or merged on a geographic basis by action of the parish governing authority pursuant to the provisions of present law (R.S. 18:532.1), the territorial limits of the election sections as provided by proposed law shall continue in effect without change, except as provided in present law relative to annexations.

Population counts in the summaries accompanying this digest are derived from Census 2000 Redistricting Data (P.L. 94-171), Summary File, Census of Population and Housing, Louisiana (U.S. Department of Commerce, Bureau of the Census, issued March 9, 2001), as validated and adjusted by staff of the Louisiana Legislature. Population data, statistical information, and maps are supplied for purposes of information and analysis and comprise no part of proposed law text.

(Amends R.S. 13:1952(4) (b) and (c))