right to appropriate, without compensation, such wharves, buildings, or improvements.

Section 2. The provisions of Section 1 of this Act shall be given retroactive effect, as to each deep water port commission of this state, to the date on which each such port commission was created by the Louisiana Legislature.

Section 3. The Louisiana Legislature hereby ratifies, confirms, and approves all permits heretofore issued by the various deep-water port commissions which provided for and permitted the construction by riparian owners and their lessees of piers, wharves, structures, or other improvements in the bed of any navigable river, lake, or stream adjacent to or adjoining the batture or banks of such riparian owners or their lessees.

Section 4. If any provision or item of this Act or the application thereof is held invalid, such invalidity shall not affect other provisions, items, or applications of this Act which can be given effect without the invalid provisions, items, or applications, and to this end the provisions of this Act are hereby declared severable.

Section 5. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana.

Section 6. All laws or parts of laws in conflict herewith are hereby repealed.

Approved by the Governor: May 18, 1981.

Published in the Official Journal of the State: June 20, 1981.

A true copy:

JAMES H. “Jim” BROWN
Secretary of State.

ACT No. 3

Senate Bill No. 170.


To amend Section 3 of Article 2 of Act No. 10, 1980 Revised

Section 3. The provisions of Section 1 of this Act shall be given retroactive effect, as to each deep water port commission of this state, to the date on which each such port commission was created by the Louisiana Legislature.

Section 4. If any provision or item of this Act or the application thereof is held invalid, such invalidity shall not affect other provisions, items, or applications of this Act which can be given effect without the invalid provisions, items, or applications, and to this end the provisions of this Act are hereby declared severable.

Section 5. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana.

Section 6. All laws or parts of laws in conflict herewith are hereby repealed.

Approved by the Governor: May 18, 1981.

Published in the Official Journal of the State: June 20, 1981.

A true copy:

JAMES H. “Jim” BROWN
Secretary of State.

ACT No. 3

Senate Bill No. 170.


4
AN ACT

To amend and reenact the introductory paragraph and Paragraph (4) of Section 312, Subsections A, B, and D of Section 312.1, Section 321, and Subsection B of Section 353 all of Title 13 of the Louisiana Revised Statutes of 1950; to amend Section 312 of said Title by adding thereto a new Paragraph to be designated as Paragraph (5) thereof; to amend Section 312.1 of said Title by adding thereto a new Subsection to be designated as Subsection E thereof; to repeal Sections 1, 2, 3, 4, 5, and 6 of Act 661 of the 1980 Regular Session, relative to the courts of appeal; to provide for judges, districts, divisions, the fifth circuit; and otherwise to provide with respect thereto.

Be it enacted by the Legislature of Louisiana:

Section 1. The introductory paragraph and Paragraph (4) of Section 312, Subsection D of Section 312.1, and Subsection B of Section 353 of Title 13 of the Louisiana Revised Statutes of 1950 are hereby amended and reenacted, and Paragraph (5) of Section 312, and Subsection E of Section 312.1, of said Title are hereby enacted to read as follows:

§312. Courts of appeal; circuits and districts

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

* * *

4. (a) Fourth Circuit. The parishes of Orleans, Plaquemines, and St. Bernard shall compose the fourth circuit, and the court of appeal for that circuit shall be known as “Court of Appeal, Fourth Circuit, State of Louisiana.”

(b) Districts of the fourth circuit. The parish of Orleans shall compose the first district of the fourth circuit; the parish of Plaquemines shall compose the second district of the fourth circuit; and the parish of St. Bernard shall compose the third district of the fourth circuit.

5. (a) Fifth Circuit. The parishes of Jefferson, St. Charles, St. James, and St. John the Baptist shall compose the fifth circuit and the court of appeal for that circuit shall be known as “Court of Appeal, Fifth Circuit, State of Louisiana.”

(b) Districts of the fifth circuit. The parish of Jefferson shall compose the first district of the fifth circuit. The parish of St. James and that portion of St. John the Baptist Parish east of the Mississippi River shall compose the second district of the fifth circuit. The parish of St. Charles and that portion of St. John the Baptist Parish
west of the Mississippi River shall compose the third district of the fifth circuit.

§312.1. Circuit courts of appeal, domicile, number of judges; election

* * *

D. The Court of Appeal for the Fourth Circuit, domiciled in the city of New Orleans, shall have twelve judges. Eight judges shall be elected from the first district of the fourth circuit by the qualified electors thereof. One judge shall be elected from the second district by the qualified electors thereof. One judge shall be elected from the third district by the qualified electors thereof. Two judges shall be elected from the circuit at large by the qualified electors thereof.

E. The Court of Appeal for the Fifth Circuit, domiciled in the city of Gretna shall initially be composed of nine judges. On January 1, 1983 and thereafter, the court of appeal for the fifth circuit shall have eight judges. Seven judges initially shall be elected from the first district of the fifth circuit. Effective January 1, 1983, six judges shall be elected from the first district of the fifth circuit by the qualified electors thereof. One judge shall be elected from the second district of the fifth circuit by the qualified electors thereof. One judge shall be elected from the third district of the fifth circuit by the qualified voters thereof.

* * *

§353. Court facilities; clerks; sheriffs; superintendent of police

* * *

B. The sheriff of the respective parishes in which the courts of appeal for the first, second, third, and fifth circuits are domiciled, or one of his deputies, shall attend each session of the court to execute the orders of the court.

* * *

Section 2. The Court of Appeal, Fourth Circuit shall be composed of the parishes and with the districts as provided in Section 1 of this Act.

The Court of Appeal, Fifth Circuit is hereby established and shall be composed of the parishes and with the districts as provided in Section 1 of this Act.

Section 3. Section 321 of Title 13 of the Louisiana Revised Statutes of 1950 is hereby amended and reenacted to read as follows:

§321. Divisions of the districts of the courts of appeal

A. For the purpose of nomination and election only, there shall be
The districts of the various courts of appeal shall be composed of districts provided for in R.S. 13:312, but also, any combination of those districts with regard to those judgeships to be filled by election at large throughout the said combination, and any court of appeal circuit with regard to those judgeships to be filled by election from the circuit at large.

B. The divisions provided for in Subsection A of this Section shall be designated alphabetically as division “A”, division “B”, division “C”, etc. The judge senior in point of continuous service shall preside over division A, and the other judges of the district shall occupy the other designated divisions according to their respective periods of continuous service. In the event two or more judges in a district shall have served continuously the same length of time, the judge senior in age shall occupy the division first in alphabetical order of the divisions in question.

C. A candidate for nomination and election to a judgeship of any court of appeal, at the time of filing his declaration as a candidate therefor, shall designate only one division of the district of the court for the judgeship for which he is a candidate. All nominating and election officials and other persons provided for by law shall provide for the execution of this Section.

D. The divisions of the courts of appeal shall be determined on July 31, 1981 in accordance with the provisions of this Section. Thereafter, the establishment of any additional court of appeal judgeship shall automatically operate to create an additional division within the district wherein the additional judgeship is established. The additional divisions shall be given alphabetical designation in the order of their establishment. The successor to any judge in a district shall occupy the same division as his predecessor.

E. Notwithstanding any provisions of this Section to the contrary, those judges of the court of appeal of the first circuit holding office on July 31, 1981 shall continue to occupy their respective divisions in accordance with Act 305 of the 1975 Regular Session of the Legislature. After July 31, 1981 additional divisions shall be created in accordance with the provisions of this Section.

Section 4. Each judge of the court of appeal for the Fourth Circuit shall, on May 1, 1982, become a judge from the district of the circuit, as that circuit is composed in Section 1 of this Act, in which the parish of his domicile, at the time he was elected to office, lies; and shall serve as a judge from that district until the end of his term. Thereafter, the judge for each respective office shall be elected from the respective district by the qualified electors thereof.
Act 3

Notwithstanding other provisions of this Section, those said judges who were elected from the combined second, fourth, and fifth districts of the fourth circuit shall on and after May 1, 1982 serve as judges from the fourth circuit at large until the end of their respective terms. Thereafter, their successors shall be elected from the circuit at large by the qualified electors thereof.

Section 5. (a). The office of judge for the Court of Appeal for the Second Circuit, the judge of which office was elected from the circuit at large by its qualified electors and whose term expires on December 31, 1990, shall hereafter be a division of the second district of the second circuit.

(b). The judge holding the office described in Subsection A of this Section on the effective date of this Section shall continue to serve as judge for the said office until his term expires. Thereafter, in the event the office becomes vacant, the judge for the said office shall be elected from the second district of the circuit by the qualified electors thereof.

Section 6. (a). Subsection A of Section 312.1 of the Louisiana Revised Statutes of 1950 is hereby amended and reenacted to read as follows:

§312.1. Circuit Courts of appeal, domicile, number of judges; election

A. The Court of Appeal for the First Circuit, domiciled in the city of Baton Rouge, shall have twelve judges. Four judges shall be elected from each of the three districts composing the circuit by the qualified electors of each district, respectively.

* * *

(b). There are hereby established three additional offices of judge for the Court of Appeal for the First Circuit, to increase the number of judges for the court of appeal for said circuit from nine to twelve judges. One additional judge provided for in this Subsection shall be elected from each district of the circuit by the qualified electors of each respective district.

The initial term of office of each additional judge provided for in this Section shall begin on January 1, 1982. The initial term of office for each newly elected judge shall expire on December 31, 1990.

The first judge to be elected to each additional office shall be elected at a special primary election as provided by Article V, Section 22 of the constitution. The governor shall call the special primary election for the third Saturday in October 1981, and the special general election for the sixth Saturday after the third Saturday in October, 1981.

4.

(b) Displace the composition of the four districts in the following:

§312.2. Section

D. The City of New Orleans shall also have a single judge of the circuit elected as provided in this Section from the fourth district.

One judge shall be elected from the qualified electors of the combined districts of the first and the fourth districts.

*As it appears in the statute.
The successors to each additional office of judge herein provided, after the initial term of office, shall be elected for terms of ten years.

Each additional judge shall receive the same compensation, expenses, and emoluments of office as are now or hereafter provided by law for the other judges of the circuit.

Section 7. (a). Subparagraph (b) of Paragraph 4 of Section 312 and Subsection D of Section 312.1 of Title 13 of the Louisiana Revised Statutes of 1950 are hereby amended and reenacted to read as follows:

§312. Courts of appeal; circuits and districts

There shall be four court of appeal circuits, which shall each be subdivided into districts as follows:

* * *

4.

* * *

(b) Districts of fourth circuit. The parish of Jefferson shall compose the first district of the fourth circuit; the parish of Orleans shall compose the second district of the fourth circuit; the parishes of St. Charles, St. James, and St. John the Baptist shall compose the third district of the fourth circuit; the parish of St. Bernard shall compose the fourth district of the fourth circuit; and the parish of Plaquemines shall compose the fifth district of the fourth circuit.

§312.1. Circuit courts of appeal; domicile; number of judges; election

* * *

D. The Court of Appeal for the Fourth Circuit, domiciled in the City of New Orleans, shall have sixteen judges. One judge shall be elected from the combined first, third, fourth and fifth districts of the circuit by the qualified electors thereof. Two judges shall be elected from the first district of the circuit by the qualified electors thereof. Eight judges shall be elected from the second district of the circuit by the qualified electors thereof. One judge shall be elected from the third district of the circuit by the qualified electors thereof. One judge shall be elected from the fourth district of the circuit by the qualified electors thereof. Two judges shall be elected to the combined second, fourth and fifth districts of the circuit by the qualified electors thereof. One judge shall be elected from the fifth district of the circuit by the qualified electors thereof.

* * *

* As it appears in the enrolled bill.
(b). There are hereby established six additional offices of judge for the Court of Appeal for the Fourth Circuit, to increase the number of judges for the court of appeal for said circuit from ten to sixteen judges. Three of the additional judges provided for in this Subsection shall be elected from the second district of the circuit by the qualified electors of the district. Two of the additional judges shall be elected from the combined second, fourth, and fifth districts of the circuit by the qualified electors thereof. One of the additional judges shall be elected from the fifth district of the circuit by the qualified electors thereof.

The initial term of office of each additional judge provided for in this Section shall begin on Jan. 1, 1982. The initial term of office for each newly elected judge shall expire on December 31, 1990.

The first judge to be elected to each additional office shall be elected at a special election as provided by Article V, Section 22 of the Constitution. The governor shall call the special primary election for the third Saturday in October, 1981 and the special general election for the sixth Saturday after the third Saturday in October, 1981.

The successors to each additional office of judge herein provided, after the initial term of office, shall be elected for terms of ten years.

Each additional judge shall receive the same compensation, expenses and emoluments of office as are now or hereafter provided by law for the other judges of the circuit.

Section 8. (a). Subsection B of Section 312.1 of Title 13 of the Louisiana Revised Statutes of 1950 is hereby amended and reenacted to read as follows:

§312.1 Circuit courts of appeal, domicile, number of judges; election

* * *

B. The Court of Appeal for the Second Circuit, domiciled in the city of Shreveport, shall have seven judges. One judge shall be elected from the circuit at large by the qualified electors thereof. Two judges shall be elected from each of the three districts composing the circuit by the qualified electors of each district, respectively.

* * *

(b). There are hereby established two additional offices of judge for the Court of Appeal for the Second Circuit, to increase the number of judges for the court of appeal for said circuit from five to seven judges. One of the additional judges shall be elected from the first district of the circuit by the qualified electors thereof. One of the additional judges shall be elected from the second district of the circuit by the qualified electors thereof. The initial term of office of each additional judge provided for in this Section shall begin on Jan. 1, 1982. The initial term of office for each newly elected judge shall expire on December 31, 1990.

The first judge to be elected to each additional office shall be elected at a special election as provided by Article V, Section 22 of the Constitution. The governor shall call the special primary election for the third Saturday in October, 1981 and the special general election for the sixth Saturday after the third Saturday in October, 1981.

The successors to each additional office of judge herein provided, after the initial term of office, shall be elected for terms of ten years.

Each additional judge shall receive the same compensation, expenses, and emoluments of office as are now or hereafter provided by law for the other judges of the circuit.

Section 9. (a). Subsection C of Section 312.1 of Title 13 of the Louisiana Revised Statutes of 1950 is hereby amended and reenacted to read as follows:

§312.1 Circuit courts of appeal, domicile, number of judges; election

* * *

B. The Court of Appeal for the Second Circuit, domiciled in the city of Shreveport, shall have seven judges. One judge shall be elected from the circuit at large by the qualified electors thereof. Two judges shall be elected from each of the three districts composing the circuit by the qualified electors of each district, respectively.

* * *

(b). Notwithstanding the provisions of law, for the purpose of the Second Circuit, Section 1 of the Louisiana Revised Statutes of 1950, as amended, shall be amended to read as follows:

§312.1 Circuit courts of appeal, domicile, number of judges; election

* * *

B. The Court of Appeal for the Second Circuit, domiciled in the city of Shreveport, shall have seven judges. One judge shall be elected from the circuit at large by the qualified electors thereof. Two judges shall be elected from each of the three districts composing the circuit by the qualified electors of each district, respectively.

* * *

(b). There are hereby established two additional offices of judge for the Court of Appeal for the Second Circuit, to increase the number of judges for the court of appeal for said circuit from five to seven judges. One of the additional judges shall be elected from the first district of the circuit by the qualified electors thereof. One of the additional judges shall be elected from the second district of the circuit by the qualified electors thereof. The initial term of office of each additional judge provided for in this Section shall begin on Jan. 1, 1982. The initial term of office for each newly elected judge shall expire on December 31, 1990.

The first judge to be elected to each additional office shall be elected at a special election as provided by Article V, Section 22 of the Constitution. The governor shall call the special primary election for the third Saturday in October, 1981 and the special general election for the sixth Saturday after the third Saturday in October, 1981.

The successors to each additional office of judge herein provided, after the initial term of office, shall be elected for terms of ten years.

Each additional judge shall receive the same compensation, expenses, and emoluments of office as are now or hereafter provided by law for the other judges of the circuit.

Section 10. (a). Subsection D of Section 312.1 of Title 13 of the Louisiana Revised Statutes of 1950 is hereby amended and reenacted to read as follows:

§312.1 Circuit courts of appeal, domicile, number of judges; election

* * *

B. The Court of Appeal for the Second Circuit, domiciled in the city of Shreveport, shall have seven judges. One judge shall be elected from the circuit at large by the qualified electors thereof. Two judges shall be elected from each of the three districts composing the circuit by the qualified electors of each district, respectively.

* * *

(b). There are hereby established two additional offices of judge for the Court of Appeal for the Second Circuit, to increase the number of judges for the court of appeal for said circuit from five to seven judges. One of the additional judges shall be elected from the first district of the circuit by the qualified electors thereof. One of the additional judges shall be elected from the second district of the circuit by the qualified electors thereof. The initial term of office of each additional judge provided for in this Section shall begin on Jan. 1, 1982. The initial term of office for each newly elected judge shall expire on December 31, 1990.

The first judge to be elected to each additional office shall be elected at a special election as provided by Article V, Section 22 of the Constitution. The governor shall call the special primary election for the third Saturday in October, 1981 and the special general election for the sixth Saturday after the third Saturday in October, 1981.

The successors to each additional office of judge herein provided, after the initial term of office, shall be elected for terms of ten years.

Each additional judge shall receive the same compensation, expenses, and emoluments of office as are now or hereafter provided by law for the other judges of the circuit.
the additional judges shall be elected from the third district of the court by the qualified electors thereof.

The initial term of office of each additional judge provided for in this Section shall begin on January 1, 1982. The initial term of office for each newly elected judge shall expire on December 31, 1990.

The first judge to be elected to each additional office shall be elected at a special election as provided by Article V, Section 22 of the constitution. The governor shall call the special primary elections for the third Saturday in October, 1981 and the special general election for the sixth Saturday after the third Saturday in October, 1981. The successors to each additional office of judge herein provided, after the initial term of office, shall be elected for terms of ten years.

Each additional judge shall receive the same compensation, expenses, and emoluments of office as are now or hereafter provided by law for the other judges of the circuit.

Section 9. (a). There are hereby established twelve offices of judge for the Court of Appeal for the Fourth Circuit as that circuit and its districts are composed in Section 1 of this Act, which shall be filled by incumbent judges in accordance with the provisions of Section 4 of this Act.

(b). Notwithstanding the provisions of R.S. 13:321 or other provisions of law, for purposes of nomination and election only, the first district of the Court of Appeal of the Fourth Circuit, as composed in Section 1 of this Act, shall have eight divisions which shall be designated as Divisions A, B, C, D, E, F, G, and H. The judges who hold office and are domiciled in the first district of the circuit as composed in Section 1 of this Act, on the effective date of this Section, shall occupy Divisions A through E. The judge having the greatest seniority shall occupy Division A, the judge having the next greatest seniority, Division B, and so on through C, D, and E. Whenever a judge is appointed or elected to succeed a judge of a division, that division shall remain the same without regard to the seniority of any of the judges of the district. The additional judges provided for the said circuit by this Act shall occupy the remaining divisions. Hereafter additional divisions within the circuit shall be created in accordance with R.S. 13:321.

Section 10. (a). There are hereby established nine offices of judge for the Court of Appeal for the Fifth Circuit as that circuit and its districts are composed in Section 1 of this Act. Since four of the nine offices of judge provided for in this Subsection will be filled by incumbent judges in accordance with the provisions of Section 4 of this Act, the remaining five are additional offices and the additional
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judges thereof shall be elected as follows: One of the additional judges shall be elected from the third district of the said circuit by the qualified electors thereof; and four of the additional judges shall be elected from the first district of the said circuit by the qualified electors thereof.

(b). Notwithstanding the provisions of R.S. 13:321 or any other provision of law to the contrary, for purposes of nomination and election only the first district of the Court of Appeal of the Fifth Circuit shall have seven divisions, which shall be initially designated as Divisions A, B, C, D, E, F, and G. The judges who, on May 1, 1981, hold office in the Court of Appeal for the Fourth Circuit and are domiciled in the first district of the fifth circuit as it is composed in Section 1 of this Act, shall occupy Divisions A through C. The judge having the greatest seniority shall occupy Division A, the judge having the next greater seniority, Division B, and the judge having the next greater seniority, Division C. Whenever a judge is appointed or elected to succeed a judge of a division, that division shall remain the same without regard to the seniority of any of the judges of the district. The additional judges for the first district provided for in this Act shall occupy the remaining divisions. Hereafter, additional divisions within the circuit shall be created in accordance with R.S. 13:321.

(c). The initial term of office of each additional judge elected in accordance with the provisions of this Section shall begin on May 1, 1982. The initial term of office for each newly elected judge shall expire on December 31, 1990.

The first judge to be elected to each additional office shall be elected at a special election as provided by Article V, Section 22 of the Constitution. The governor shall call the special primary election for the third Saturday in October, 1981, and the special general election for the sixth Saturday after the third Saturday in October 1981.

The successors to each said office of judge herein provided, after the initial term of office, shall be elected for terms of ten years.

Each additional judge shall receive the same compensation, expenses, and emoluments of office as are now or hereafter provided by law for the other judges of the circuit.

(d). The office of judge of Division A of the of the* first district of the Court of Appeal for the Fifth Circuit is abolished effective January 1, 1983.

Section 11. If any provision or item of this Act or the application

*As it appears in the enrolled bill.
thereof is held invalid, such invalidity shall not affect other provisions, items, or applications of this Act which can be given effect without the invalid provisions, items, or applications, and to this end the provisions of this Act are hereby declared severable.

Section 12. All laws or parts of laws in conflict herewith are hereby repealed. Sections 1, 2, 3, 4, 5 and 6 of Act 661 of the 1980 Regular Session of the Legislature of Louisiana are hereby repealed.

Section 13. (a). Sections 3, 4, 5, 6, 7, 8, 9(b), 10, 11, and 12 of this Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana.

(b). Sections 1, 2 and 9(a) of this Act shall be effective on May 1, 1982. All laws and parts of laws in conflict with Sections 1, 2, and 9(a) of this Section shall be repealed effective May 1, 1982.

Approved by the Governor: June 2, 1981.
Published in the Official Journal of the State: June 20, 1981.

A true copy:

JAMES H. “Jim” BROWN
Secretary of State.

ACT No. 4

House Bill No. 272. By Mr. Martin.

AN ACT

To amend and reenact Subsections A and B of Section 551.74 of Title 3 of the Louisiana Revised Statutes of 1950, and to amend said Section 551.74 by adding thereto a new Subsection, to be designated as Subsection G thereof, relative to the Louisiana Rice Research Board, to increase the amount of the assessment on rice produced in Louisiana, to require approval of the increase in a referendum among producers, and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Subsections A and B of Section 551.74 of Title 3 of the Louisiana Revised Statutes of 1950 are hereby amended and reenacted, and Subsection G of said Section 551.74 is hereby enacted, all to read as follows:

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