

Regular Session, 2012

SENATE BILL NO. 456

BY SENATORS AMEDEE AND BROWN

SPECIAL DISTRICTS. Creates a multi-jurisdictional board of commissioners to support and promote the operation of a juvenile detention facility. (gov sig)

1 AN ACT

2 To enact R.S. 15:1098.8, relative to juvenile detention centers; to provide for the creation  
3 of a multi-jurisdictional board of commissioners to support the operation of a  
4 juvenile detention facility; to provide the purpose and boundaries of the district; to  
5 provide for the governance of the district; to provide for the duties and powers of the  
6 district; to provide for special costs; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 15:1098.8 is hereby enacted to read as follows:

9 **§1098.8. Multi-jurisdictional board; creation; jurisdiction**

10 **A.(1) Notwithstanding any other provisions of law to the contrary, for**  
11 **purposes of supporting the operation of a juvenile detention facility, a multi-**  
12 **jurisdictional board of commissioners is hereby established with a territorial**  
13 **jurisdiction throughout the parishes having the following populations: in excess**  
14 **of one hundred-seven thousand but not more than one hundred-seven thousand**  
15 **three hundred; in excess of twenty-three thousand three hundred but not more**  
16 **than twenty-three thousand five hundred; in excess of thirty-three thousand**  
17 **but not more than thirty-three thousand five hundred; in excess of fifty-two**

1 thousand five hundred but not more than fifty-three thousand; in excess of  
2 twenty-two thousand but not more than twenty-two thousand two hundred  
3 fifty; in excess of forty-five thousand seven hundred fifty but not more than  
4 forty-six thousand; in excess of twenty-three thousand five hundred but not  
5 more than twenty-four thousand, based on the latest federal decennial census  
6 which shall control, administer and manage the affairs of the district.

7 (2) The parishes included in Paragraph (1) of this Subsection shall form  
8 a district which shall be a political subdivision of the state. The boundaries of  
9 the district shall be the boundaries of the parishes.

10 B. Governance. (1) The board of commissioners, shall be qualified  
11 electors domiciled and residing in the district. They shall be appointed for terms  
12 of four years, as follows:

13 (a) Three commissioners shall be appointed by the judges exercising  
14 juvenile jurisdiction within the participating parish areas.

15 (b) Four commissioners shall be appointed by the sheriffs of the  
16 participating parishes and the chiefs of police of municipalities within the  
17 participating parish areas.

18 (c) One commissioner shall be appointed by the governing authority of  
19 each of the participating parishes.

20 (d) One commissioner shall be appointed by the district attorneys with  
21 jurisdiction in the participating parishes.

22 (e) One commissioner shall be appointed by the deputy secretary of the  
23 office of juvenile justice of the Department of Public Safety and Corrections.

24 (2) The members of the board of commissioners shall serve without  
25 salary or per diem but the board may authorize a reasonable travel allowance  
26 for its members in the performance of their official duties.

27 (3) The board of commissioners shall elect a president, a secretary, and  
28 a treasurer, whose duties in addition to those provided by this Subpart shall be  
29 established by the board. If the board so decides, one commissioner may serve

1 as both secretary and treasurer, but in any event the treasurer shall furnish  
2 bond in an amount and in accordance with terms and conditions fixed by the  
3 board. The board may also elect an executive board, composed of not more than  
4 seven members, and establish its duties and responsibilities.

5 (4) The board shall fix a time and place for the holding of its regular  
6 meetings. Additional regular or special meetings may be held upon the call of  
7 the president or of three of the commissioners. All meetings of the board shall  
8 be held at the domicile of the board and shall be governed by the provisions of  
9 R.S. 42:11 et seq. The board shall hold at least one regular meeting in each  
10 calendar month; however, the board may meet less frequently but not less than  
11 once each calendar quarter if it establishes an executive board and requires it  
12 to hold regular meetings at least once in each calendar month.

13 (5) A majority of the current members of the board shall constitute a  
14 quorum. A quorum shall be required to transact business and all actions and  
15 resolutions of the board must be approved by a majority of the quorum present.

16 (6) The board of commissioners shall be domiciled in the parish having  
17 a population in excess of twenty-two thousand but not more than twenty-two  
18 thousand five hundred.

19 C. Powers and duties. The district, acting through its board of  
20 commissioners, shall have the following powers and duties:

21 (1) To purchase or otherwise acquire, construct, reconstruct,  
22 rehabilitate, improve, repair, operate, lease as lessor or lessee, manage, and  
23 administer or enter into contracts for the management, administration, and  
24 operation of a juvenile detention facility or facilities, shelter care facility or  
25 facilities, or such other juvenile justice facilities as are useful, necessary,  
26 expedient, or convenient to carry out the plans and purposes of the commission  
27 and for the orderly conduct of its business. Such facilities may include but are  
28 not limited to office facilities, parking facilities, diagnostic facilities, dormitories,  
29 and other residential facilities for delinquent, neglected, or abused children or

1 children in need of care or supervision, as well as for employees, patrons,  
2 visitors, and relatives of children who may enter the juvenile justice system or  
3 who are in need of care or supervision. In addition, the district may lease,  
4 purchase, or acquire by donation or otherwise, any property, immovable or  
5 movable, corporeal or incorporeal, from any person, firm, or corporation,  
6 including the state and its agencies and political subdivisions.

7 (2) To authorize and approve, upon such terms as it may deem advisable,  
8 contracts of employment for a superintendent or administrator and other  
9 necessary personnel and contracts for legal, financial, engineering, and other  
10 professional services necessary or expedient for the conduct of its affairs.

11 (3) To sue and be sued.

12 (4) In the exercise of its powers to control, administer, and manage the  
13 affairs of the district, to incur debt and issue bonds, and levy taxes pursuant to  
14 Article VI, Sections 30 and 32, of the Constitution of Louisiana or any other  
15 constitutional or statutory authority.

16 (5) To perform any function and exercise any power necessary, requisite,  
17 or proper for the administration and management of the affairs of the district,  
18 and it specifically may cooperate with juvenile courts and other courts and  
19 public agencies within the area and aid and assist them in all ways authorized  
20 by law to carry out the purposes and responsibilities for which it is established.

21 (6) In order to obtain the necessary funds to carry out its purposes,  
22 duties, and responsibilities, and in order to acquire, construct, maintain, and  
23 operate a juvenile facility or facilities and related services and programs  
24 throughout the area, to incur debt and issue general obligation bonds within the  
25 limitations prescribed by Article VI, Section 33, of the Constitution of Louisiana  
26 and other applicable constitutional or statutory authority, but only when  
27 authorized by a majority of the electors in the multi-jurisdictional parish area  
28 who vote thereon in an election held for that purpose in accordance with laws  
29 governing such elections.

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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The original instrument was prepared by Michael Bell. The following digest, which does not constitute a part of the legislative instrument, was prepared by Alan Miller.

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#### DIGEST

Amedee (SB 456)

Proposed law creates the multi-jurisdictional board of commissioners with a territorial jurisdiction throughout the parishes having the following populations: in excess 107,000 but not more than 107,300; in excess of 23,300 but not more than 23,500; in excess of 33,000 but not more 33,500; in excess of 52,500 but not more than 53,000; in excess of 22,000 but not more than 22,250; in excess of 45,750 but not more than 46,000; in excess of 23,500 but not more than 24,000, based on the latest federal decennial census which shall control, administer and manage the affairs of the district.

Proposed law provides that the board of commissioners shall be qualified electors domiciled and residing in the district. Proposed law further requires that the commissioners shall be appointed for terms of four years, as follows:

1. Three commissioners shall be appointed by the judges exercising juvenile jurisdiction within the participating parish areas.
2. Four commissioners shall be appointed by the sheriffs of the participating parishes and the chiefs of police of municipalities within the participating parish areas.
3. One commissioner shall be appointed by the governing authority of each of the participating parishes.
4. One commissioner shall be appointed by the district attorneys with jurisdiction in the participating parishes.
5. One commissioner shall be appointed by the deputy secretary of the office of juvenile justice of the Department of Public Safety and Corrections.

Proposed law provides for members of the board of commissioners to serve without salary or per diem but authorizes a reasonable travel allowance for its members in the performance of their official duties.

Proposed law authorizes the board to purchase or otherwise acquire, construct, reconstruct, rehabilitate, improve, repair, operate, lease as lessor or lessee, manage, and administer or enter into contracts for the management, administration, and operation of a juvenile detention facility or facilities, shelter care facility or facilities, or such other juvenile justice facilities as are useful, necessary, expedient, or convenient to carry out the plans and purposes of the commission and for the orderly conduct of its business.

Proposed law provides for the board to incur debt and issue bonds, and levy taxes in the manner consistent with the Constitution of Louisiana or any other constitutional or statutory

authority but only when authorized by a majority of the electors in the multi-jurisdictional parish area who vote thereon in an election held for that purpose in accordance with laws governing such elections.

Proposed law provides for the board to perform any function and exercise any power necessary, requisite, or proper for the administration and management of the affairs of the district.

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

(Adds R.S. 15:1098.8)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary B to the original bill.

1. Makes technical corrections.

Senate Floor Amendments to engrossed bill.

1. Makes technical corrections.
2. Changes reference to common law terms "tangible or intangible" to the correct civil law terms "corporeal or incorporeal".