

ACT No. 447

2016 Regular Session

HOUSE BILL NO. 787

BY REPRESENTATIVE IVEY

1 AN ACT

2 To amend and reenact R.S. 33:9097.3(B), (F), and (G)(1) and to enact R.S. 33:9097.3(I),
3 relative to the Wedgewood Crime Prevention and Improvement District in East
4 Baton Rouge Parish; to modify the boundaries of the district; to provide relative to
5 the imposition and collection of the district's parcel fee; to provide relative to the
6 budget approval process for the district; to provide relative to the indemnification
7 and exculpation of board members; and to provide for related matters.

8 Notice of intention to introduce this Act has been published
9 as provided by Article III, Section 13 of the Constitution of
10 Louisiana.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 33:9097.3(B), (F), and (G)(1) are hereby amended and reenacted and
13 R.S. 33:9097.3(I) is hereby enacted to read as follows:

14 §9097.3. Wedgewood Crime Prevention and Improvement District

15 * * *

16 B. Boundaries. The boundaries of the district shall be coterminous with the
17 boundaries of the Wedgewood Subdivision in East Baton Rouge Parish as
18 established in the official subdivision plat filed with the clerk of court of East Baton
19 Rouge Parish. Along with the properties within the aforementioned boundaries, also
20 included are all commercial properties fronting the western boundary of O'Neal Lane
21 north of the southern boundary of Lot 157-A-1-A Wedgewood Subdivision and south
22 of I-12, including Tract B-1 of the Wilbur Whitehead property and all commercial

lots fronting Hatteras Avenue; the following lots of the G. B. Munding Tract: Lots C-2-D, B-2-B-1, B-1, A-1-C-1, A-4-A-1-A-1, B-2-A, E-1-B, E-2, E-3, E-4, G-1-1, G-1-2-A-1-A, and a 1.82 acre tract also known as a portion of Lot F; and the Forest Park Office Plaza Condominium fronting the north boundary of S. Harrell's Ferry Road.

* * *

F. Parcel fee. ~~The governing authority of East Baton Rouge Parish is hereby authorized to~~ district may impose and collect a parcel fee within the district subject to and in accordance with the provisions of this Subsection:

(1) The amount of the fee shall be as requested by duly adopted resolution of the governing authority of the district. The fee, however, shall not exceed ~~fifty~~ one hundred fifty dollars per parcel per year for parcels zoned residential and four hundred dollars per parcel per year for parcels zoned commercial. The initial fee shall be ninety-five dollars per parcel per year for parcels zoned residential and two hundred fifty dollars per parcel per year for parcels zoned commercial.

(2)(a) The fee shall be imposed on each improved parcel located within the district.

(b) For purposes of this Section, "parcel" means a lot, a subdivided portion of ground, or an individual tract and does not mean a "condominium parcel" as defined in R.S. 9:1121.103. Thus, with respect to condominiums, the fee collector shall impose the parcel fee on each lot on which condominiums are situated and not on individual condominium units.

(c) The owner of the parcel shall be responsible for payment of the fee.

(3)(a) The fee shall be imposed only after the question of its imposition has been approved by a majority of the registered voters of the district voting at an election held for that purpose in accordance with the Louisiana Election Code. At least thirty days prior to any election held to approve imposition of a parcel fee, the board of commissioners shall mail notification of the upcoming election to each registered voter of the district and to the owner of a parcel if the owner is not a

1 registered voter of the district. No other election shall be required except as provided
2 by this Paragraph.

3 (b) The election on the question of the imposition of the fee shall be held at
4 ~~the election scheduled to be held in the parish on September 30, 2006~~ same time as
5 a regularly scheduled election in East Baton Rouge Parish.

6 (c) ~~The fee shall be levied beginning on January 1, 2007. The fee shall~~
7 ~~expire ten years from its initial levy but may be renewed as provided in~~
8 ~~Subparagraph (3)(a) of this Subsection at the primary election for members of~~
9 ~~congress prior to the expiration of the fee~~ expire ten years from its initial levy but
10 may be renewed if approved by a majority of the registered voters of the district
11 voting on the proposition at an election as provided in Subparagraph (a) of this
12 Paragraph. Any election to authorize the renewal of the fee shall be held only at the
13 same time as a regularly scheduled election in the parish of East Baton Rouge. If the
14 fee is renewed, the term of the imposition of the fee shall be as provided in the
15 proposition authorizing such renewal, not to exceed ten years.

16 (d) ~~If the fee is not approved at the election held pursuant to~~
17 ~~Subparagraph(3)(b) of this Section, the provisions of this Section shall be null and~~
18 ~~void and of no effect~~ The board of commissioners may increase the amount of the
19 parcel fee twice, without an election, not to exceed the maximum amount authorized
20 in Paragraph (1) of this Subsection. No such increase shall become effective prior
21 to three years after approval of the parcel fee by a majority of the registered voters
22 of the district as provided in Subparagraph (a) of this Paragraph. Not less than three
23 years but no more than six years after such approval, the amount may be increased
24 only one time, not to exceed one hundred twenty dollars per parcel per year for
25 parcels zoned residential and three hundred twenty-five dollars per parcel per year
26 for parcels zoned commercial.

27 (4) The fee shall be collected at the same time and in the same manner as ad
28 valorem taxes are collected by the parish.

(5) Any parcel fee which is unpaid shall be added to the tax rolls of the parish and shall be enforced with the same authority and subject to the same penalties and procedures as unpaid ad valorem taxes.

(6) ~~The parish of East Baton Rouge~~ sheriff of East Baton Rouge Parish shall remit to the district all amounts collected not more than sixty days after collection. ~~However, the parish may retain one percent of the amount collected as a collection fee.~~ The district may enter into an agreement with the sheriff to authorize the sheriff to retain a collection fee.

G. Budget. (1) The board of commissioners shall adopt an annual budget in accordance with the Louisiana Local Government Budget Act, R.S. 39:1301 et seq. ~~The budget and all amendments shall be submitted to the East Baton Rouge Metropolitan Council.~~

* * *

I. Indemnification and Exculpation. (1) The district shall indemnify its officers and board members to the fullest extent permitted by R.S. 12:227, as fully as if the district were a nonprofit corporation governed thereby, and as may be provided in the district's bylaws.

(2) No board member or officer of the district shall be liable to the district or to any individual who resides, owns property, visits, or otherwise conducts business in the district for monetary damages for breach of his duties as a board member or officer, provided that the foregoing provision shall not eliminate or limit any liability of a board member or officer for any of the following:

(a) Acts or omissions not in good faith or which involve intentional misconduct or a knowing violation of law.

(b) Any transaction from which he derived an improper personal benefit.

(3) To the fullest extent permitted by R.S. 9:2792 et seq., including R.S. 9:2792.1 through 2792.9, a person serving the district as a board member shall not be individually liable for any act or omission arising out of or related to the performance of his duties.

1 Section 2. The provisions of this Act shall have no effect on the parcel fee being
 2 imposed within the Wedgewood Crime Prevention and Improvement District on the
 3 effective date of this Act that was approved by the voters in the district at an election held
 4 on September 30, 2006. The fee shall continue to be imposed until such time as it expires
 5 as provided in the proposition. The district may then impose a parcel fee as provided in this
 6 Act if the imposition of the parcel fee has been approved by the district's voters as provided
 7 in this Act.

8 Section 3. This Act shall become effective upon signature by the governor or, if not
 9 signed by the governor, upon expiration of the time for bills to become law without signature
 10 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 11 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 12 effective on the day following such approval.

 SPEAKER OF THE HOUSE OF REPRESENTATIVES

 PRESIDENT OF THE SENATE

 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____