

2023 Regular Session

HOUSE BILL NO. 565

BY REPRESENTATIVES FREIBERG AND MARCELLE

DISTRICTS/NEIGHBORHOOD: Creates the University Security District in East Baton Rouge Parish

1 AN ACT

2 To enact R.S. 33:9097.37, relative to East Baton Rouge Parish, to create the University
3 Security District; to provide relative to the boundaries, purpose, governance, and
4 powers and duties of the district; to provide relative to district funding, including the
5 authority to impose a parcel fee within the district; to provide for an effective date;
6 and to provide for related matters.

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

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 33:9097.37 is hereby enacted to read as follows:

12 §9097.37. University Security District

13 A. There is hereby created within the parish of East Baton Rouge, as more
14 specifically provided in Subsection B of this Section, a body politic and corporate
15 which shall be known as the University Security District, referred to in this Section
16 as the "district". The district shall be a political subdivision of the state as defined
17 in the Constitution of Louisiana.

18 B. The district shall include all property within the following boundaries:
19 beginning at the of the Mississippi River at a point perpendicular to Roosevelt Street,
20 east along Roosevelt Street to Georgia Street, then along the southern boundary of

1 McKinley High School, and along the southern boundary of Lake Crest to the
2 intersection of Dalrymple Drive, then south on Dalrymple Drive to the boundary of
3 Louisiana State University and Agricultural and Mechanical College, then east to
4 University Lake, then along the western boundary of University Lake to the
5 intersection with Lake Crest, then to the shortest point of University Lake southwest
6 to the intersection of West Lakeshore Drive and East Parker Drive, then southeast
7 on East Parker Drive to the intersection with Highland Road, then southeast on
8 Highland Road to the intersection of Burrow Road, then southwest along Burrow
9 Road to the drainage canal located at or near 30.399268 North and 91.169831 West,
10 then southeasterly along the drainage canal to the intersection with Bayou Fountain,
11 then southeasterly along Bayou Fountain to point in the bayou closest to 30.385301
12 North and 91.150288 West; then to the intersection of Elbow Bayou and La.
13 Highway 30, then along Elbow Bayou to point 30.357425 North and 91.192587
14 West, then to 30.372204 North and 91.190475 West, the to 30.370592 North and
15 91.175198 West, then 30.373996 North and 91.174828 West, then 30.375890 North
16 and 91.192608 West, then north to Brightside Drive, then west along Brightside
17 Drive to the Mississippi River, then north along the Mississippi River to the point of
18 the beginning.

19 C. The purpose of the district shall be to aid in crime prevention and to add
20 to the security of district residents by providing for an increase in the presence of law
21 enforcement personnel in the district and to serve the needs of the residents of the
22 district by funding beautification and improvements for the overall betterment of the
23 district.

24 D.(1) The district shall be governed by an eleven-member board of
25 commissioners, referred to in this Section as the "board". The board shall be
26 composed as follows:

27 (a) The president of Louisiana State University and Agricultural and
28 Mechanical College shall appoint four members.

1 (b) The board of directors of the Northgate Merchants Association shall
2 appoint one member.

3 (c) The board of directors of the Southgate Merchants Association shall
4 appoint one member.

5 (d) The member of the Louisiana House of Representatives whose district
6 encompasses all or the greater number of property owners in the area of the district
7 shall appoint one member.

8 (e) The member of the Louisiana Senate whose district encompasses all or
9 the greater number of property owners in the area of the district shall appoint one
10 member.

11 (f) A person appointed by each councilperson of the East Baton Rouge
12 Metropolitan Council whose district, either wholly or in part, is included in the
13 boundaries of the district.

14 (2) Except for those members appointed by the president of Louisiana State
15 University and Agricultural and Mechanical College, all members of the board shall
16 own property and reside within the district and shall be qualified voters of the
17 district.

18 (3)(a) Members shall serve four-year terms after initial terms as provided in
19 this Subparagraph. Three members shall serve an initial term of one year; three shall
20 serve two years; three shall serve three years, and two shall serve four years, as
21 determined by lot at the first meeting of the board.

22 (b) Any vacancy which occurs prior to the expiration of the term for which
23 a member of the board has been appointed shall be filled for the remainder of the
24 unexpired term in the same manner as the original appointment. Board members
25 shall be eligible for reappointment.

26 (4) The board shall elect from its members a chairman, a vice chairman, a
27 secretary, a treasurer, and such other officers as it may deem necessary. The duties
28 of the officers shall be fixed by the bylaws adopted by the board.

1 (5) The minute books and archives of the district shall be maintained by the
2 secretary of the board. The monies, funds, and accounts of the district shall be in the
3 official custody of the board.

4 (6) The board shall adopt such bylaws as it deems necessary or advisable for
5 conducting its business affairs. Rules and regulations of the board relative to the
6 notice and conduct of meetings shall conform to applicable law, including, if
7 applicable, the Open Meetings Law. The board shall hold regular meetings as shall
8 be provided for in the bylaws and may hold special meetings at such times and
9 places within the district as may be prescribed in the bylaws.

10 (7) The members of the board shall serve without compensation but shall be
11 reimbursed for their reasonable out-of-pocket expenses directly related to the
12 governance of the district.

13 E. The district, acting through its board, shall have the following powers and
14 duties:

15 (1) To sue and be sued.

16 (2) To adopt, use, and alter at will a corporate seal.

17 (3) To receive and expend funds collected pursuant to Subsections F and G
18 of this Section and in accordance with a budget adopted as provided by Subsection
19 H of this Section.

20 (4) To enter into contracts with individuals or entities, private or public.

21 (5) To provide or enhance security patrols in the district, to provide for
22 improved lighting, signage, or matters relating to the security of the district, to
23 provide for the beautification of and improvements for the district, or to provide
24 generally for the overall betterment of the district.

25 F. The district, through the board, may impose and collect a parcel fee within
26 the district subject to and in accordance with the provisions of this Subsection.

27 (1)(a) The fee shall be imposed on each improved and unimproved parcel
28 located within the district. The owner of the parcel shall be responsible for payment
29 of the fee.

1 (b) For purposes of this Section, the fee shall be a flat fee per parcel not to
2 exceed four hundred dollars per year for unimproved parcels zoned residential, four
3 hundred dollars per year for unimproved and improved single-family parcels zoned
4 residential, six hundred dollars per year for multiple adjacent residential parcels
5 housing a single family dwelling; five thousand dollars per year for multi-family
6 parcels zoned residential, and five thousand dollars per year for unimproved and
7 improved parcels zoned commercial.

8 (2)(a) The initial amount of the fee shall be as provided in a duly adopted
9 resolution of the governing authority of the district. The initial fee shall not exceed
10 one hundred fifty dollars per parcel per year.

11 (b) The fee shall be imposed only after the question of its imposition has
12 been approved by a majority of the registered voters of the district voting on the
13 proposition at an election held for that purpose in accordance with the Louisiana
14 Election Code.

15 (3) Not less than three years after approval of the parcel fee by a majority of
16 registered voters of the district as provided in this Subsection, the governing
17 authority of the district may increase the amount of the parcel fee one time without
18 an election. The amount of the increased fee shall be as provided in a duly adopted
19 resolution of the board, not to exceed two hundred fifty dollars per parcel per year.
20 However, the amount of the increased fee shall not exceed the maximum amount
21 provided in Subparagraph(1)(b) of this Subsection.

22 (4) The parcel fee shall expire at the end of the term provided for in the
23 proposition authorizing the fee, not to exceed fifteen years, but the fee may be
24 renewed if approved by a majority of the registered voters of the district voting on
25 the proposition at an election as provided in Subparagraph (2)(b) of this Subsection.
26 Any election to authorize the renewal of the fee shall be held for that purpose in
27 accordance with the Louisiana Election Code. If the fee is renewed, the term of the
28 imposition of the fee shall be as provided in the proposition authorizing such
29 renewal, not to exceed fifteen years.

1 (5) The fee shall be collected at the same time and in the same manner as ad
2 valorem taxes are collected by the sheriff, as ex officio tax collector, of the parish of
3 East Baton Rouge. The sheriff shall collect and remit to the district all amounts
4 collected. The district may enter into an agreement with the sheriff to authorize the
5 sheriff to retain a collection fee not to exceed one percent of the amount collected.

6 (6) Any parcel fee which is unpaid shall be added to the tax rolls of East
7 Baton Rouge Parish and shall be enforced with the same authority and subject to the
8 same penalties and procedures as unpaid ad valorem taxes.

9 G. The district is authorized to solicit and accept additional voluntary
10 contributions and grants to further the purposes of the district.

11 H.(1) The board of commissioners shall adopt an annual budget in
12 accordance with the Louisiana Local Government Budget Act, R.S. 39:1301 et seq.

13 (2) The district shall be subject to audit by the legislative auditor pursuant
14 to R.S. 24:513.

15 I.(1) It is the purpose and intent of this Section that the additional law
16 enforcement personnel and their services provided for through the fees authorized
17 in this Section shall be supplemental to and not in lieu of personnel and services
18 provided in the district by the city of Baton Rouge, parish of East Baton Rouge.

19 (2) If the district ceases to exist, any funds of the district shall be transmitted
20 to the governing authority of the city Baton Rouge, parish of East Baton Rouge and
21 shall be used for law enforcement purposes in the area which comprised the district.

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

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

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

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

4 (3) To the fullest extent permitted by R.S. 9:2792 et seq., including R.S.
5 9:2792.1 through 2792.9, a person serving the district as a board member or officer
6 shall not be individually liable for any act or omission arising out of the performance
7 of his duties.

8 Section 2. 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.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 565 Engrossed

2023 Regular Session

Freiberg

Abstract: Creates the University Security District in East Baton Rouge Parish. Provides for the district's boundaries, purpose, governance, and funding, including the authority to impose a parcel fee.

Proposed law creates the University Security District in East Baton Rouge Parish as a political subdivision of the state for the purpose of aiding in crime prevention and providing for overall betterment of the district. Provides for district boundaries. Provides that the district shall be governed by a board of commissioners composed as follows:

- (1) Four members appointed by the president of La. State University and Agricultural and Mechanical College.
- (2) One member appointed by the board of directors of the Northgate Merchants Association.
- (3) One member appointed by the board of directors of the Southgate Merchants Association.
- (4) One member appointed by the member of the La. House of Representatives whose district encompasses all or the greater number of property owners in the area of the district.
- (5) One member appointed by the member of the La. Senate whose district encompasses all or the greater number of property owners in the area of the district.

- (6) One member appointed by each councilperson of the East Baton Rouge Metropolitan Council whose district, either wholly or in part, is included in the boundaries of the district.

Provides that members serve four-year staggered terms.

Proposed law provides for the district's powers and duties including the following:

- (1) To sue and be sued.
- (2) To adopt, use, and alter at will a corporate seal.
- (3) To receive and expend funds from an authorized parcel fee and other contributions and in accordance with an adopted budget.
- (4) To enter into contracts with individuals or entities, private or public.
- (5) To provide or enhance security patrols in the district, to provide for improved lighting, signage, or matters relating to the security of the district, to provide for the beautification of and improvement to the district, and to provide generally for the overall betterment of the district.

Proposed law authorizes the district, subject to voter approval, to impose and collect a parcel fee on each improved and unimproved parcel. Further provides that the amount of the fee shall be as follows:

- (1) For unimproved parcels zoned residential the fee shall be a flat fee per parcel of land not to exceed \$400 per year.
- (2) For unimproved and improved single-family parcels zoned residential the fee shall be a flat fee per parcel of land not to exceed \$400 per year.
- (3) For multiple adjacent residential parcels housing a single family dwelling the fee shall be a flat fee not to exceed \$600 per year.
- (4) For improved multi-family parcels zoned residential the fee shall be a flat fee not to exceed \$5000 per year.
- (5) For unimproved and improved parcels zoned commercial the fee shall not exceed \$5000 per year.

Provides that the initial fee shall not exceed \$150 per parcel per year.

Proposed law provides that the fee shall expire at the end of the term provided for in the proposition authorizing the fee, not to exceed 15 years. Authorizes the board to increase the fee one time without election not less than three years after initial approval. Provides that the increased fee shall not exceed \$250 per parcel per year, but shall not exceed the maximum amount provided in proposed law. Authorizes renewal of the fee, subject to voter approval, for a term not to exceed 15 years.

Proposed law provides that the fee shall be collected in the same manner and at the same time as ad valorem taxes and that any unpaid fee shall be added to the parish tax rolls and enforced with the same authority and subject to the same penalties and procedures as unpaid ad valorem taxes. Requires the tax collector to remit to the district all amounts collected not more than 60 days after collection and authorizes the district to enter into an agreement with the tax collector to authorize the retention of a collection fee, not to exceed 1% of the amount collected.

Proposed law requires the district's board to adopt an annual budget in accordance with the La. Local Government Budget Act and provides that the district shall be subject to audit by the legislative auditor.

Proposed law provides that it is the purpose and intent of proposed law that the additional law enforcement personnel and their services provided for through the fees authorized by proposed law shall be supplemental to, and not in lieu of, personnel and services provided in the district by the city-parish.

Proposed law provides that if the district ceases to exist, all district funds shall be transmitted to the governing authority of East Baton Rouge Parish and used for law enforcement purposes in the area that comprised the district.

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

(Adds R.S. 33:9097.37)