

2016 Regular Session

HOUSE BILL NO. 787

BY REPRESENTATIVE IVEY

DISTRICTS/CRIME PREVENT: Provides relative to the Wedgewood Crime Prevention and Improvement District in East Baton Rouge Parish

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

1 north of the southern boundary of Lot 157-A-1-A Wedgewood Subdivision and south
2 of I-12, including Tract B-1 of the Wilbur Whitehead property and all commercial
3 lots fronting Hatteras Avenue; the following lots of the G. B. Munding Tract: Lots
4 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,
5 G-1-2-A-1-A, and a 1.82 acre tract also known as a portion of Lot F; and the Forest
6 Park Office Plaza Condominium fronting the north boundary of S. Harrell's Ferry
7 Road.

* * *

9 F. Parcel fee. The governing authority of East Baton Rouge Parish is hereby
10 authorized to district may impose and collect a parcel fee within the district subject
11 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.

18 (2)(a) The fee shall be imposed on each improved parcel located within the
19 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.

25 (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

1 board of commissioners shall mail notification of the upcoming election to each
2 registered voter of the district and to the owner of a parcel if the owner is not a
3 registered voter of the district. No other election shall be required except as provided
4 by this Paragraph.

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

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

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

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

(6) The parish of East Baton Rouge 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.

* * *

(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:

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

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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.

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 787 Original

2016 Regular Session

Ivey

Abstract: Relative to the Wedgewood Crime Prevention and Improvement District in East Baton Rouge Parish, changes the boundaries of the district, the imposition and collection of the parcel fee, the budget approval process, and provides for indemnification and exculpation its officers and board members.

Present law creates the Wedgewood Crime Prevention and Improvement District in East Baton Rouge Parish as a political subdivision of the state for the purpose of aiding in crime prevention and providing for the overall betterment of the district. Provides for a seven-member board of commissioners and provides for district boundaries.

Proposed law retains present law but changes the district's boundaries.

Present law authorizes the governing authority of East Baton Rouge to impose and collect a parcel fee within the district. Provides that the maximum amount of the fee shall be as requested by a duly adopted resolution of the board of the district. Further provides that the fee shall be imposed on each improved parcel of land not to exceed \$50 per year.

Proposed law authorizes the district to impose and collect a parcel fee within the district. Changes the maximum amount of the fee from \$50 to \$150 for parcels zoned residential and provides for a maximum \$400 fee for parcels zoned commercial. Proposed law further provides that the initial fee shall be \$95 for parcels zoned residential and \$250 for parcels zoned commercial.

Present law provides that the fee shall be levied beginning January 1, 2007. Provides that the fee shall expire 10 years after its initial levy and authorizes a renewal of such fee.

Further provides that if the fee is not approved at the election on September 30, 2006, then the provisions of present law shall be null and void and of no effect.

Proposed law provides that the fee shall expire ten years after its initial levy, but may be renewed if approved by a majority of registered voters of the district voting on the proposition at an election as provided for in present law. Provides that any election to authorize the renewal of the fee shall be held at the same time as a regularly scheduled election in the parish of East Baton Rouge. Provides that if the fee is renewed, the term of the imposition of the fee shall be as provided in the proposition authorizing such renewal, not to exceed 10 years.

Proposed law authorizes the board of commissioners to increase the amount of the parcel fee twice, without an election, not to exceed the maximum amount authorized in proposed law. Provides that the amount of the fee may be increased only one time not less than three years but no more than six years after the approval of the parcel fee by registered voters of the district. Provides that the fee shall not exceed \$120 per residential parcels and \$325 per commercial parcels.

Present law requires the parish to remit to the district all amounts collected not more than 60 days after collection. Proposed law retains present law.

Present law authorizes the parish to retain 1% of the amount collected as a collection fee.

Proposed law removes present law and instead authorizes the district to enter into an agreement with the sheriff to retain a collection fee.

Present law requires the board of commissioners to adopt an annual budget in accordance with the Local Government Budget Act. Provides that the budget and all amendments shall be subject to the approval of the East Baton Rouge Metropolitan Council.

Proposed law removes the requirement that the budget and all amendments shall be subject to the approval of the East Baton Rouge Metropolitan Council.

Proposed law requires the district to indemnify its officers and board members to the fullest extent permitted by present law (relative to indemnification of officers, directors, employees, and agents of nonprofit corporations) as fully as if the district were a nonprofit corporation governed thereby and as may be provided in district bylaws. Provides that no board member or officer 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 duties. Provides that this shall not eliminate or limit the liability of a board member or officer for:

- (1) Acts or omissions not in good faith or which involve intentional misconduct or a knowing violation of law.
- (2) Any transaction from which he derived an improper personal benefit.

Proposed law provides that a board member or officer shall not be individually liable for any act or omission arising out of the performance of his duties to the fullest extent permitted by present law relative to limitation of liability of directors, officers, and trustees of certain organizations and districts.

Provides that the provisions of this Act have no effect on the parcel fee being imposed within the Wedgewood Crime Prevention and Improvement District on the effective date of this Act that was approved by the voters in the district at an election held on September 30, 2006. Provides that the fee shall continue to be imposed until it expires. Authorizes the district to

then impose a parcel fee as provided in this Act if the imposition of the fee has been approved by the district's voters.

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

(Amends R.S. 33:9097.3(B),(F), and (G)(1); Adds R.S. 33:9097.3(I))