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## DIGEST

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HB 787 Engrossed

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, provisions for the imposition and collection of the parcel fee, the budget approval process, and provides for indemnification and exculpation of 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 Parish 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 rather than the parish to impose and collect the parcel fee. 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 Jan. 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 Sept. 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 10 years after its initial levy, but may be renewed if approved by the registered voters of the district. 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 limitations on the timing and amount of the first such increase.

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

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 submitted to the East Baton Rouge Metropolitan Council.

Proposed law removes the requirement that the budget and all amendments be submitted to 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 the Act have no effect on the parcel fee being imposed within the district on the effective date of the Act that was approved by the voters in the district at an election held on Sept. 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 the Act if the imposition of the fee has been approved by the district's voters.

Effective upon signature of 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))

### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Municipal, Parochial and Cultural Affairs to the original bill:

1. Relative to the remittance of the parcel fee, require the sheriff of East Baton Rouge Parish rather than the parish governing authority to remit to the district amounts collected.