

Regular Session, 2011

HOUSE BILL NO. 485

BY REPRESENTATIVE GREENE

DISTRICTS/NEIGHBORHOOD: Provides relative to the Broadmoor Crime Prevention and Improvement District

1 AN ACT

2 To amend and reenact R.S. 33:9097.8(D)(1) through (3), (F), (G)(1), and (H)(2) and to enact
3 R.S. 33:9097.8(I), relative to the Broadmoor Crime Prevention and Improvement
4 District; to provide for membership on the board of commissioners of the district; to
5 provide for terms of the commissioners; to provide for the levy of a parcel fee; to
6 provide relative to the taxing authority of the district; to provide relative to the
7 district's budget; to provide for indemnity for commissioners; to provide for
8 vacancies and subsequent appointments to the board; and to provide for related
9 matters.

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

13 Be it enacted by the Legislature of Louisiana:

14 Section 1. R.S. 33:9097.8(D)(1) through (3), (F), (G)(1), and (H)(2) are hereby
15 amended and reenacted and R.S. 33:9097.8(I) is hereby enacted to read as follows:

16 §9097.8. Broadmoor Crime Prevention and Improvement District

17 * * *

18 D. Governance. (1) The district shall be governed by a board of
19 commissioners consisting of seven members as follows:

1 (a) The board of directors of the Broadmoor Residents' Association, Inc.,
2 shall appoint two members. ~~The president of the Broadmoor Residents Association,~~
3 ~~Inc.~~

4 (b) ~~The board of directors of the Broadmoor Residents Association, Inc. or~~
5 ~~its successor shall appoint one member.~~

6 (c) The member or members of the Louisiana House of Representatives who
7 represent the area which comprises the district shall appoint one member.

8 (d) (c) The member or members of the Louisiana Senate who represent the
9 area which comprises the district shall appoint one member.

10 (d) (d) The assessor for the parish of East Baton Rouge shall appoint one
11 member.

12 (e) (e) The mayor-president for the parish of East Baton Rouge shall appoint
13 one member.

14 (f) (f) The Metro Council member or council members who represent the
15 district shall appoint one member.

16 (2) All members of the board shall own property and reside within the
17 district.

18 (3)(a) ~~The terms of the members appointed pursuant to Subparagraphs (1)(c)~~
19 ~~through (g) of this Subsection shall be concurrent with the respective appointing~~
20 ~~authority.~~ The terms of the members appointed pursuant to Subparagraph (1)(a) of
21 this Subsection shall be two years.

22 (b) ~~The member serving pursuant to Subparagraph (1)(b) of this Subsection~~
23 ~~shall serve a term of four years after an initial term of one year.~~ The terms of the
24 members serving pursuant to Subparagraphs (1)(b) through (f) of this Subsection
25 shall be three years.

26 (c) ~~The member serving pursuant to Subparagraph (1)(a) of this Subsection~~
27 ~~shall serve during his term of office.~~

28 * * *

1 ~~F. Ad valorem tax. The governing authority of East Baton Rouge Parish is~~
2 ~~hereby authorized to levy and collect annually special taxes within the district~~
3 ~~subject to and in accordance with the provisions of this Subsection:~~

4 ~~(1) The amount of the annual tax shall be as requested by duly adopted~~
5 ~~resolution of the governing authority of the district. The tax shall be a special ad~~
6 ~~valorem tax levied on taxable property in the district and shall not exceed one mill.~~

7 ~~(2)(a) The tax shall be levied on each improved parcel located within the~~
8 ~~district.~~

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

14 ~~(c) The owner of the parcel shall be responsible for payment of the tax. The~~
15 ~~tax collector shall submit the bill for a parcel fee which is to be collected from~~
16 ~~condominium owners to the condominium owners' association and the association~~
17 ~~shall pay the fee from funds available for that purpose. The association shall remain~~
18 ~~liable for the entire fee until it is paid.~~

19 ~~(3)(a) The fee shall be imposed only after the question of its imposition has~~
20 ~~been approved by a majority of the registered voters of the district voting at an~~
21 ~~election held for that purpose in accordance with the Louisiana Election Code. At~~
22 ~~least thirty days prior to any election held to approve the levy of a tax, the board of~~
23 ~~commissioners shall mail notification of the upcoming election to each registered~~
24 ~~voter of the district and to the owner of a parcel if the owner is not a registered voter~~
25 ~~of the district. No other election shall be required except as provided by this~~
26 ~~Paragraph.~~

27 ~~(b) The tax shall expire ten years from its initial levy but may be renewed as~~
28 ~~provided in Subparagraph (3)(a) of this Subsection. If renewed, the term of the~~

1 ~~imposition of the tax shall be as provided in the proposition authorizing such~~
2 ~~renewal, not to exceed ten years.~~

3 ~~(4) The tax shall be collected at the same time and in the same manner as all~~
4 ~~other ad valorem taxes on property subject to taxation by the city are levied and~~
5 ~~collected.~~

6 ~~(5) Any tax which is unpaid shall be added to the tax rolls of the city and~~
7 ~~shall be enforced with the same authority and subject to the same penalties and~~
8 ~~procedures as unpaid ad valorem taxes.~~

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

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

16 (1)(a) The fee shall be imposed on each improved and unimproved parcel
17 located within the district.

18 (b) For the purposes of this Section, a parcel shall be defined as a lot, a
19 subdivided portion of ground, or an individual tract on which a residential or
20 commercial structure is situated; however, the term "parcel" shall not include
21 "condominium parcel" or "condominium property" as defined in R.S. 9:1121.103.

22 (2)(a)(i) The initial amount of the fee shall be as requested by duly adopted
23 resolution of the governing authority of the district. The initial fee shall not exceed
24 one hundred dollars per parcel per year.

25 (ii) The fee shall be imposed only after the question of its imposition has
26 been approved by a majority of the registered voters of the district voting on the
27 proposition at an election held for that purpose in accordance with the Louisiana
28 Election Code. No less than thirty days prior to any election held to approve such
29 parcel fee, the board of commissioners shall mail notification of the upcoming

1 election to each registered voter of the district and to the owner of a parcel if the
2 owner is not a registered voter of the district.

3 (b) Not less than five years after approval of the parcel fee by a majority of
4 the registered voters of the district, the governing authority of the district may
5 increase the amount of the parcel fee one time without an election. The amount of
6 the increased fee shall be as provided in a duly adopted resolution of the board, not
7 to exceed two hundred dollars per parcel per year.

8 (3) A parcel fee shall expire ten years after its levy but may be renewed if
9 the renewal is approved by the voters in the manner provided in Subparagraph (2)(a)
10 of this Subsection. The renewed fee shall not exceed two hundred dollars per parcel
11 per year. If renewed, the term of the imposition of the fee shall be as provided in the
12 proportion authorizing such renewal, not to exceed ten years.

13 (4) The owner of the parcel is responsible for payment of the fee.

14 (5) The fee shall be collected at the same time and in the same manner as ad
15 valorem taxes are collected by the sheriff, as ex officio tax collector, of East Baton
16 Rouge Parish. The sheriff shall collect and remit to the district all amounts collected
17 not more than sixty days after collection. He shall retain as a commission the same
18 proportion of collectable amounts as he receives for the collection of ad valorem
19 taxes.

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

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

27 * * *

28 H. Miscellaneous provisions.

29 * * *

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

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

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

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

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

16 (3) To the fullest extent permitted by R.S. 9:2792 et seq., including R.S.
17 9:2792.1 through 2792.9, a person serving the district as a board member or officer
18 shall not be individually liable for any act or omission arising out of the performance
19 of his duties.

20 Section 2. The term of each commissioner serving on the effective date of this Act
21 shall terminate at midnight on December 31, 2011. All subsequent appointments to the
22 board and all vacancies on the board shall be filled according to the provisions of this Act.

23 Section 3. This Act shall become effective upon signature by the governor or, if not
24 signed by the governor, upon expiration of the time for bills to become law without signature
25 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
26 vetoed by the governor and subsequently approved by the legislature, this Act shall become
27 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)]

Greene

HB No. 485

Abstract: Provides changes to the Broadmoor Crime Prevention and Improvement District in East Baton Rouge Parish relative to appointments to the board, terms of board members, and the levy of a parcel fee instead of an ad valorem tax.

Present law establishes the Broadmoor Crime Prevention and Improvement District in East Baton Rouge Parish. Proposed law retains present law.

Present law establishes a seven member board of commissioners for the district, appointed by several local and private entities. Proposed law deletes the authority of the president of the Broadmoor Residents Association to make an appointment and increases to two the number of appointments made by the board of directors of the association.

Present law provides for terms for commissioners based on various factors in present law. Proposed law changes these terms to set two-year and three-year terms as described in proposed law.

Present law gives the parish on behalf of the district the authority to levy an ad valorem tax on property within the district. Proposed law removes this authority.

Proposed law authorizes the parish on behalf of the district to levy a parcel fee on all improved and unimproved parcels within the district. Further provides that the fee shall not exceed \$100 and must be approved by the registered voters of the district before it may be assessed. Proposed law provides a maximum term for the levy of the parcel fee and provides for renewal of the fee upon a vote of the majority of the registered voters of the district. Proposed law further authorizes the governing authority of the district, five years after initial implementation of the parcel fee, to increase the parcel fee to no more than \$200 by duly adopted resolution of the board, without a vote of the people. This authority may only be exercised one time.

Proposed law provides for collection of the fee and penalties for unpaid fees.

Present law requires the board of commissioners to adopt an annual budget for the district. Proposed law retains present law. Present law requires the board of commissioners to obtain approval of the district's budget from the East Baton Rouge Metropolitan Council. Proposed law removes this requirement. Proposed law requires the district's budget be submitted to the EBR Metropolitan Council (but does not require approval by the council).

Proposed law provides for indemnification of board members acting in the performance of their duties.

Proposed law provides that the term of each commissioner serving on the effective date of proposed law shall terminate at midnight on Dec. 31, 2011. Further provides that all subsequent appointments to the board and all vacancies on the board shall be filled according to the provisions of proposed law.

(Amends R.S. 33:9097.8 (D)(1) - (3), (F), (G)(1), and (H)(2); Adds R.S. 33:9097.8(I))