

Regular Session, 2012

HOUSE BILL NO. 843

BY REPRESENTATIVE LORUSSO

DISTRICTS/CRIME PREVENT: Provides relative to the purpose, governance, and funding of the Lake Vista Crime Prevention District in Orleans Parish

1 AN ACT

2 To amend and reenact R.S. 33:9091.5, relative to Orleans Parish; to provide relative to the
3 Lake Vista Crime Prevention District; to provide relative to the purpose and
4 governance of the district; to provide relative to district funding; to change
5 provisions relative to the levy of a parcel fee; and to provide for related matters.

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

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 33:9091.5 is hereby amended and reenacted to read as follows:

11 §9091.5. Lake Vista Crime Prevention District

12 A. Creation. There is hereby created within the parish of Orleans, as more
13 specifically provided in Subsection B of this Section, a body politic and corporate
14 which shall be known as the Lake Vista Crime Prevention District, referred to in this
15 Section as the "district". The district shall be a political subdivision of the state as
16 defined in the Constitution of Louisiana. ~~The purpose of the district shall be to aid~~
17 ~~in crime prevention and to enhance the security of district residents by providing for~~
18 ~~an increase in the presence of law enforcement personnel in the district.~~

19 B. Boundaries. The boundaries of the district shall be the center line of
20 Robert E. Lee Boulevard, Marconi Drive, Beauregard Avenue, and Lakeshore Drive.

1 C. The purposes of the district shall be to aid in crime prevention and to
2 enhance the security of district residents by providing for an increase in the presence
3 of law enforcement personnel in the district.

4 ~~€.~~ D. Governance. (1) The district shall be governed by a board of
5 commissioners, referred to in this Section as the "board", consisting of seven
6 members as follows:

7 (a) The board of directors of the Lake Vista Property Owners Association
8 shall appoint ~~three~~ two members.

9 (b) The member or members of the Louisiana House of Representatives who
10 represent the area which comprises the district shall appoint ~~one member~~ two
11 members.

12 (c) The member or members of the Louisiana Senate who represent the area
13 which comprises the district shall appoint ~~one member~~ two members.

14 (d) The member ~~or members~~ of the governing authority of the city of New
15 Orleans who ~~represent~~ represents the area which comprises the district shall appoint
16 one member.

17 ~~(e) The assessor for the second municipal district shall appoint one member.~~

18 (2) All members of the board shall be residents of the district.

19 (3)(a) Members shall serve four-year terms after initial terms as provided in
20 Subparagraph (b) of this Paragraph.

21 (b) One member shall serve an initial term of one year, two shall serve initial
22 terms of two years, two shall serve initial terms of three years, and two shall serve
23 initial terms of four years, as determined by lot at the first meeting of the board.
24 Vacancies resulting from the expiration of a term or any other reason shall be filled
25 in the manner of the original appointment. Members shall be eligible for
26 reappointment; but no member shall serve more than two consecutive terms.

27 (4) The members of the board shall select from among themselves a
28 president and such other officers as they deem appropriate. The terms and
29 responsibilities of officers shall be as provided by the bylaws of the board.

1 (5) The members of the board shall serve without compensation and shall not
2 receive reimbursement for expenses.

3 ~~D.~~ E. Powers and duties. The district, acting through its board of
4 commissioners, shall have the following powers and duties:

5 (1) To sue and be sued.

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

7 (3) To receive and expend funds collected pursuant to Subsection ~~E~~ F of this
8 Section and in accordance with a budget adopted as provided by Subsection ~~F~~ G of
9 this Section.

10 (4) To enter into contracts with individuals or entities, private or public, for
11 the provision of security patrols in the district.

12 (5) To purchase items and supplies which the board deems instrumental to
13 achieving the purpose of the district.

14 (6) To perform or have performed any other function or activity necessary
15 for the achievement of the purpose of the district.

16 ~~E.~~ F. Parcel fee. The governing authority of the city of New Orleans is
17 hereby authorized to impose and collect a parcel fee within the district subject to and
18 in accordance with the provisions of this Subsection.

19 (1) ~~The fee shall be a flat fee per improved parcel of land and the amount of~~
20 ~~the fee shall be three hundred fifty dollars per year for each improved parcel, except~~
21 ~~that the fee shall be seven hundred dollars per year for each improved parcel with~~
22 ~~three or more family units~~ The amount of the fee shall be as requested by duly
23 adopted resolution of the board. The fee, which shall not exceed two hundred twenty
24 dollars per parcel per year, shall be imposed on each improved or unimproved single-
25 and two-family residential parcel and each multiple-dwelling or apartment parcel
26 located within the district. The owner of the parcel shall be responsible for payment
27 of the fee.

28 (2) ~~The fee shall be imposed on each improved parcel located within the~~
29 ~~district. The owner of the parcel shall be responsible for payment of the fee~~ For

1 purposes of this Section a single- and two-family residential parcel is defined as a
2 lot or lots on which only one main house is situated and has not more than two
3 municipal addresses. A multiple-dwelling or apartment parcel is defined as each lot
4 in any square that is reserved for multiple-dwelling or apartment use.

5 (3)(a) The fee shall be imposed only after the question of its imposition has
6 been approved by a majority of the registered voters of the district voting at an
7 election held for that purpose in accordance with the Louisiana Election Code. No
8 other election shall be required except as provided by this Paragraph.

9 (b) The initial election on the question of the imposition of the fee shall be
10 held at the same time as ~~the 2002 congressional primary election, as provided in R.S.~~
11 ~~18:402(B)(1), is held~~ a regularly scheduled election in the city of New Orleans.

12 (c) The fee shall expire at the time provided in the proposition authorizing
13 the fee, not to exceed ~~eight~~ four years from its initial imposition, but the fee may be
14 renewed as provided in Subparagraph (a) of this Paragraph. Any election to
15 authorize renewal of the fee shall be held ~~only at the same time as the mayoral~~
16 ~~primary election~~ at the same time as a regularly scheduled election in the city of New
17 Orleans. If renewed, the term of the imposition of the fee shall be as provided in the
18 proposition authorizing such renewal, not to exceed ~~eight~~ four years.

19 (4) The fee shall be collected at the same time and in the same manner as ad
20 valorem taxes are collected by the city.

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

24 (6) The city of New Orleans shall remit to the district all amounts collected
25 not more than sixty days after collection. However, the board may enter into an
26 agreement with the city to authorize the city to retain, as a collection fee, not more
27 than one percent of the amount collected.

28 ~~F. G.~~ Budget. (1) The board of ~~commissioners~~ shall adopt an annual budget
29 in accordance with the Louisiana Local Government Budget Act, R.S. 39:1301 et

1 seq. The budget and all amendments shall be subject to the approval of the
2 governing authority of the city of New Orleans.

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

5 ~~G. H.~~ Miscellaneous provisions. (1) It is the purpose and intent of this
6 Section that the additional law enforcement personnel and their services provided for
7 through the fees authorized in this Section shall be supplemental to and not in lieu
8 of personnel and services provided in the district by the New Orleans Police
9 Department.

10 (2) If the district ceases to exist, any funds of the district shall be transmitted
11 to the governing authority of the city of New Orleans and shall be used for law
12 enforcement purposes in the district.

13 Section 2. This Act shall become effective upon signature by the governor or, if not
14 signed by the governor, upon expiration of the time for bills to become law without signature
15 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
16 vetoed by the governor and subsequently approved by the legislature, this Act shall become
17 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)]

Lorusso

HB No. 843

Abstract: Changes provisions relative to the purpose, governance, and funding of the Lake Vista Crime Prevention District.

Present law creates the Lake Vista Crime Prevention District in the Lake Vista area of Orleans Parish as a political subdivision. Provides for district boundaries.

Proposed law retains present law.

Present law provides that the purpose of the district is to aid in crime prevention and to enhance the security of district residents by increasing the presence of law enforcement personnel in the district.

Proposed law retains present law.

Present law provides that the district is governed by a seven-member board of commissioners appointed as follows:

- (1) Three members by the board of directors of the Lake Vista Property Owners Association.
- (2) One member by the member(s) of the La. House of Representatives who represent the district.
- (3) One member by the member(s) of the La. Senate who represent the district.
- (4) One member by the member(s) of the New Orleans governing authority who represent the district.
- (5) One member by the assessor for the second municipal district.

Proposed law instead provides that the seven-member board is appointed as follows:

- (1) Two members by the board of directors of the Lake Vista Property Owners Association.
- (2) Two members by the member(s) of the La. House of Representatives who represent the district.
- (3) Two members by the member(s) of the La. Senate who represent the district.
- (4) One member by the member of the New Orleans governing authority who represents the district.

Proposed law provides that no member shall serve more than two consecutive terms.

Present law authorizes the governing authority of the city of New Orleans to impose and collect a parcel fee within the district. Provides that the fee is a flat fee per improved parcel of land. Provides that the amount of the fee is \$350 per year for each improved parcel except that the fee is \$700 per year for each improved parcel with three or more family units. Requires that the fee be imposed on each improved parcel located within the district.

Proposed law removes present law and instead provides that the amount of the fee shall be as requested by duly adopted resolution of the board. Requires that the fee, which shall not exceed \$220 per parcel per year, be imposed on each improved or unimproved single and two family residential parcel and each multiple-dwelling or apartment parcel located within the district. Provides that for purposes of proposed law a single- and two-family residential parcel is defined as a lot or lots on which only one main house is situated and has not more than two municipal addresses. Defines a multiple-dwelling or apartment parcel as each lot in any square that is reserved for multiple-dwelling or apartment use.

Present law provides that the fee may 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 La. Election Code.

Proposed law retains present law.

Present law requires the initial election on the question of the imposition of the fee to be held at the same time as the 2012 congressional primary election.

Proposed law instead requires the initial election to be held at the same time as a regularly scheduled election in the city of New Orleans.

Present law provides that the fee expires not more than eight years from its initial imposition but authorizes renewal not to exceed eight years. Requires that any election to authorize renewal of the fee be held only at the same time as the mayoral primary election in the city of New Orleans.

Proposed law instead provides that the fee expires not more than four years from its initial imposition and authorizes renewal not to exceed four years. Requires that any election to authorize renewal of the fee be held only at the same time as a regularly scheduled election in the city of New Orleans.

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

(Amends R.S. 33:9091.5)

Summary of Amendments Adopted by House

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

1. Makes changes to the district's board, increasing the number of appointments by legislators, reducing the number of appointments by the property owners association, and removing an appointment by the assessor.
2. Prohibits district board members from serving more than two consecutive terms.

House Floor Amendments to the engrossed bill.

1. Removes proposed law that provides that the purpose of the district includes serving the needs of the residents of the district by funding beautification and other activities and improvements for the overall betterment of the district.
2. Reduces the maximum amount of the authorized parcel fee from \$350 to \$220 per parcel per year.