

Regular Session, 2012

HOUSE BILL NO. 480

BY REPRESENTATIVE BARROW

DISTRICTS/CRIME PREVENT: Creates the Glen Oaks Crime Prevention and Improvement District in East Baton Rouge Parish

1 AN ACT

2 To enact R.S. 33:9097.13, relative to East Baton Rouge Parish; to create the Glen Oaks
3 Crime Prevention and Improvement District within the parish; to provide relative to
4 the purpose, boundaries, governance, and powers and duties of the district; to
5 provide for the imposition of a parcel fee and for the use thereof; and to provide for
6 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. 33:9097.13 is hereby enacted to read as follows:

12 §9097.13. Glen Oaks Crime Prevention and Improvement District

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

18 B. Boundaries. The district shall include the area within the following
19 boundaries: beginning at the intersection of Greenwell Street and Silverleaf Avenue,
20 north along Silverleaf Avenue (both sides) then east along Silverleaf Avenue (both

1 sides) to its intersection with Mickens Road, then southeast along the west side of
2 Mickens Road to its intersection with Lanier Drive, then south along the west side
3 of Lanier Drive to its intersection with Greenwell Street, then west along the north
4 side of Greenwell Street to the point of beginning.

5 C. Purpose. The purposes of the district shall be to aid in crime prevention
6 by providing security for district residents and to serve the needs of the residents of
7 the district by funding beautification and improvements for the overall betterment
8 of the district.

9 D. Governance. (1) The district shall be governed by a board of
10 commissioners, referred to in this Section as the "board", consisting of members as
11 follows:

12 (a) Two members shall be appointed by the state representative for House
13 District Number 29.

14 (b) Two members shall be appointed by the state senator for Senate District
15 Number 15.

16 (c) One member shall be appointed by the member or members of the
17 governing authority of the parish of East Baton Rouge who represent the district.

18 (2) All members of the board shall be residents and qualified voters within
19 the district.

20 (3) Members of the board shall serve four-year terms after initial terms as
21 follows: two members shall serve an initial term of one year; one member shall
22 serve two years; one member shall serve three years; and one member shall serve
23 four years, as determined by lot at the first meeting of the board.

24 (4) Vacancies resulting from the expiration of a term or any other reason
25 shall be filled for the remainder of the unexpired term in the manner of the original
26 appointment. Members are eligible for reappointment.

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

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

3 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 F of this
8 Section and in accordance with a budget adopted as provided by Subsection G of this
9 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 F. Parcel fee. The governing authority of East Baton Rouge Parish may
17 impose and collect a parcel fee within the district subject to and in accordance with
18 the provisions of this Subsection:

19 (1) The amount of the fee shall be as requested by duly adopted resolution
20 of the board. The fee, however, shall not exceed one hundred dollars per parcel per
21 year for lots zoned for residential use and five hundred dollars per year for lots zoned
22 for commercial use.

23 (2)(a) The fee shall be imposed on each improved parcel located within the
24 district.

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

1 (c) The owner of the parcel shall be responsible for payment of the fee.

2 (3)(a) The fee shall be imposed only after the question of its imposition has
3 been approved by a majority of the registered voters of the district voting at an
4 election held for that purpose in accordance with the Louisiana Election Code. At
5 least thirty days prior to any election held to approve imposition of a parcel fee, the
6 board shall mail notification of the upcoming election to each registered voter of the
7 district and to the owner of each parcel if the owner is not a registered voter of the
8 district. No 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 a regularly scheduled election in the parish of East Baton
11 Rouge.

12 (c) The fee shall expire eight years from its initial levy but may be renewed
13 as provided in Subparagraph (a) of this Paragraph. If the fee is renewed, the term of
14 the imposition of the fee shall be as provided in the proposition authorizing such
15 renewal, not to exceed eight years.

16 (4) The fee shall be collected at the same time and in the same manner as ad
17 valorem taxes are collected within the parish.

18 (5) Any parcel fee shall be added to the tax rolls of the parish and shall be
19 enforced with the same authority and subject to the same penalties and procedures
20 as ad valorem taxes.

21 (6) The sheriff of the parish of East Baton Rouge shall remit to the district
22 all amounts collected not more than sixty days after collection; however, the board
23 may enter into an agreement with the sheriff to authorize the sheriff to retain a
24 collection fee.

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

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

1 H. Miscellaneous provisions. (1) It is the purpose and intent of this Section
 2 that the additional law enforcement personnel and services provided by the district
 3 shall be supplemental to and not in lieu of personnel and services provided in the
 4 district by the city of Baton Rouge and parish of East Baton Rouge.

5 (2) If the district ceases to exist, any funds of the district shall be transmitted
 6 to the governing authority of the city of Baton Rouge and parish of East Baton
 7 Rouge and shall be used for law enforcement purposes in the area included within
 8 the district.

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

Barrow

HB No. 480

Abstract: Creates the Glen Oaks Crime Prevention and Improvement District in East Baton Rouge Parish for the purposes of providing security for district residents and serving the needs of district residents by funding beautification and improvements for the overall betterment of the district. Creates and provides for the district's board of commissioners. Provides for the imposition and use of a parcel fee.

Proposed law creates the Glen Oaks Crime Prevention and Improvement District in East Baton Rouge Parish for the purposes of providing security for district residents and serving the needs of district residents by funding beautification and improvements for the overall betterment of the district. Provides for district boundaries.

Proposed law provides that the district is governed by a board of commissioners. Requires each board member to be a resident and qualified voter in the district. Provides that the board shall be composed as follows:

- (1) Two members appointed by the state representative for House District No. 29.
- (2) Two members appointed by the state senator for Senate District No. 15.
- (3) One member appointed by the member(s) of the governing authority of the parish of East Baton Rouge who represent the district.

Proposed law provides that members serve staggered four-year terms. Requires board members to serve without compensation and provides that they shall not receive reimbursement for expenses.

Proposed law provides that the district, acting through the board, shall have the following powers and duties:

- (1) To sue and be sued.
- (2) To adopt, use, and alter at will a corporate seal.
- (3) To receive and expend funds collected pursuant to proposed law and in accordance with a budget adopted as provided by proposed law.
- (4) To enter into contracts with individuals or entities, private or public, for the provision of security patrols in the district.
- (5) To purchase items and supplies which the board deems instrumental to achieving the purpose of the district.
- (6) To perform or have performed any other function or activity necessary for the achievement of the purpose of the district.

Proposed law authorizes the governing authority of East Baton Rouge Parish to impose and collect a parcel fee within the district. Provides that the amount of the fee shall be as requested by the board. Further provides that the fee shall be a flat fee per improved parcel not to exceed \$100 per parcel per year for lots zoned for residential use and \$500 per year for lots zoned for commercial use. Requires that the fee be imposed on each improved parcel located within the district.

Proposed law defines a parcel as a lot, a subdivided portion of ground, or an individual tract. Provides that a parcel does not mean a condominium parcel as defined in present law (R.S. 9:1121.103). Provides that 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.

Proposed law provides that 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 on the proposition at an election held for that purpose. Provides that no other election shall be required except as provided by proposed law.

Proposed law requires the board of commissioners, at least 30 days prior to any election held to approve imposition of a parcel fee, to mail notification of the upcoming election to each registered voter of the district, and the owner of a parcel if the owner is not a registered voter of the district.

Proposed law requires the initial election on the question of the imposition to be held at the same time as a regularly scheduled election in East Baton Rouge Parish. Provides that the fee shall expire eight years from its initial levy. Authorizes renewal of such fee.

Proposed law requires that the fee be collected at the same time and in the same manner as ad valorem taxes are collected in the parish. Provides that any fee shall be added to the tax rolls of the parish and shall be enforced with the same authority and subject to the same penalties and procedures as ad valorem taxes.

Proposed law requires the sheriff to collect and remit to the district all amounts collected not more than 60 days after collection. Authorizes the board to enter into an agreement with the sheriff to authorize the sheriff to retain a collection fee.

Proposed law requires the board of commissioners to adopt an annual budget in accordance with the 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 services provided by the district shall be supplemental to and not in lieu of personnel and services provided in the district by the city of Baton Rouge and East Baton Rouge Parish. Further provides that if the district ceases to exist, any funds of the district shall be transmitted to the governing authority of the city of Baton Rouge and parish of East Baton Rouge and shall be used for law enforcement purposes in the area included within the district.

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

(Adds R.S. 33:9097.13)

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 boundaries.
2. Relative to the collection of the parcel fee, clarifies that the fee shall be collected at the same time and in the same manner as ad valorem taxes are collected in East Baton Rouge Parish (EBR), rather than by EBR.
3. Relative to the collection of the parcel fee, requires that all fees, rather than unpaid fees, be added to the tax rolls of the parish. Requires that the collection of the fee be enforced in the same manner and subject to the same penalties as all ad valorem taxes, rather than as unpaid ad valorem taxes.
4. Relative to the collection of the parcel fee, removes proposed law that authorizes EBR to retain 1% of the amount collected as a collection fee. Adds a provision that authorizes the district's governing board to enter into an agreement with the sheriff to authorize the sheriff to retain a collection fee. Additionally requires the sheriff, rather than EBR, to remit tax proceeds to the district.
5. Removes proposed law that provides that the district's budget and all amendments shall be subject to the approval of the governing authority of EBR.