

Regular Session, 2012

HOUSE BILL NO. 253

BY REPRESENTATIVE FOIL

DISTRICTS/CRIME PREVENT: Provides for the creation of a crime prevention and improvement district in the Mayfair Park, Mayfair Park East, and Mayfair Heights subdivisions 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 Mayfair
3 Park/Park East/Heights Crime Prevention and Improvement District within the
4 parish; to provide relative to the purpose, governance, powers, and duties of the
5 district; to provide for the imposition of a parcel fee and for the use thereof; and to
6 provide for 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. Mayfair Park/Park East/Heights Crime Prevention and Improvement
13 District

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

1 B. Boundaries. The boundaries of the district shall be coterminous with the
2 boundaries of the Mayfair Park, Mayfair Park East, and Mayfair Heights
3 subdivisions in East Baton Rouge Parish as established in the official subdivision
4 plat filed with the clerk of court of East Baton Rouge Parish.

5 C. Purpose. The purpose of the district shall be to aid in crime prevention
6 and to add to the security of district residents by providing for an increase in the
7 presence of law enforcement personnel in the district.

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

11 (a) The presidents of the Mayfair Park, Mayfair Park East, and Mayfair
12 Heights homeowners associations shall serve as ex officio members.

13 (b) The member of the Louisiana House of Representatives whose district
14 encompasses all or the greater portion of the area of the district shall appoint one
15 member.

16 (c) The member of the Louisiana Senate whose district encompasses all or
17 the greater portion of the area of the district shall appoint one member.

18 (d) The mayor-president for the city of Baton Rouge, parish of East Baton
19 Rouge, shall appoint one member.

20 (e) The member of the governing authority of East Baton Rouge Parish
21 whose district encompasses all or the greater portion of the area of the district shall
22 appoint one member.

23 (2) All members of the board shall own immovable property within the
24 district.

25 (3)(a) Each member serving pursuant to Subparagraph (1)(a) of this
26 Subsection shall serve during his term of office as president.

27 (b) The terms of the members appointed pursuant to Subparagraphs (1)(b)
28 through (e) of this Subsection shall be concurrent with those of the respective
29 appointing authority.

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

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

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

9 E. Powers and duties. The district, acting through its board of
10 commissioners, shall have the following powers and duties:

11 (1) To sue and be sued.

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

13 (3) To receive and expend funds collected pursuant to Subsection F of this
14 Section and in accordance with a budget adopted as provided by Subsection G of this
15 Section.

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

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

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

22 F. Parcel fee. The governing authority of East Baton Rouge Parish may
23 impose and collect a parcel fee within the district subject to and in accordance with
24 the provisions of this Subsection:

25 (1) The amount of the fee shall be as requested by duly adopted resolution
26 of the board. The fee, however, shall not exceed one hundred forty-four dollars per
27 parcel per year.

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

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

6 (c) The owner of the parcel shall be responsible for payment of the fee. The
7 tax collector shall submit the bill for a parcel fee which is to be collected from
8 condominium owners to the condominium owners association and the association
9 shall pay the fee from funds available for that purpose. The association shall remain
10 liable for the entire fee until it is paid.

11 (3)(a) The fee shall be imposed only after the question of its imposition has
12 been approved by a majority of the registered voters of the district voting on the
13 proposition at an election held for that purpose in accordance with the Louisiana
14 Election Code. At least thirty days prior to any election held to approve imposition
15 of a parcel fee, the board shall mail notification of the upcoming election to each
16 registered voter of the district and to each owner of a parcel in the district who is not
17 a registered voter of the district. No other election shall be required except as
18 provided by this Paragraph.

19 (b) The initial election on the question of the imposition of the fee shall be
20 held at the same time as a regularly scheduled election in the parish of East Baton
21 Rouge.

22 (c) The fee shall expire five years from its initial levy but may be renewed
23 as provided in Subparagraph (a) of this Paragraph. If the fee is renewed, the term of
24 the imposition of the fee shall be as provided in the proposition authorizing such
25 renewal, not to exceed five years.

26 (4) The fee shall be collected at the same time and in the same manner as ad
27 valorem taxes are collected by the sheriff, as ex officio tax collector, of East Baton
28 Rouge Parish. The sheriff shall collect and remit to the district all amounts collected

1 not more than sixty days after collection. He shall retain the same commissions as
2 he receives for the collection of ad valorem taxes.

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

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

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

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

14 (2) If the district ceases to exist, any funds of the district shall be transmitted
15 to the governing authority of East Baton Rouge Parish and shall be used for law
16 enforcement purposes in the area included within the district.

17 Section 2. This Act shall become effective upon signature by the governor or, if not
18 signed by the governor, upon expiration of the time for bills to become law without signature
19 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
20 vetoed by the governor and subsequently approved by the legislature, this Act shall become
21 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)]

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HB No. 253

Abstract: Creates the Mayfair Park/Park East/Heights Crime Prevention and Improvement District in East Baton Rouge Parish. Provides for a board of commissioners and for the imposition and use of a parcel fee.

Proposed law creates the Mayfair Park/Park East/Heights 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 adding to the security of district residents.

Provides for district boundaries and that the district shall be governed by a board of seven commissioners, all of whom shall own immovable property in the district, composed as follows:

- (1) The presidents of the Mayfair Park, Mayfair Park East, and Mayfair Heights homeowners associations shall serve as ex officio members.
- (2) The member of the La. House of Representatives whose district encompasses all or the greater portion of the area of the district shall appoint one member.
- (3) The member of the La. Senate whose district encompasses all or the greater portion of the area of the district shall appoint one member.
- (4) The mayor-president shall appoint one member.
- (5) The member of the governing authority of East Baton Rouge Parish whose district encompasses all or the greater portion of the area of the district shall appoint one member.

Proposed law provides that the presidents of the homeowners associations shall serve during their respective terms of office as president and those appointed to the board shall serve terms concurrent with those of their respective appointing authority. Provides that vacancies shall be filled in the same manner as the original appointment and that members shall serve without compensation.

Proposed law authorizes the board to select from its members a president and other officers whose duties shall be fixed by the board's bylaws. Provides that the district shall have these 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.
- (5) To purchase items and supplies instrumental to achieving the district's purpose.
- (6) To perform or have performed any other function or activity necessary for achieving the district's purpose.

Proposed law authorizes the governing authority of East Baton Rouge Parish to impose and collect a parcel fee within the district the amount of which shall be as requested by duly adopted board resolution. Provides that the fee shall be a flat fee per parcel of improved land not to exceed \$144 per year. Provides that the fee is subject to voter approval. Provides that no other election shall be required except as provided by proposed law. Provides that the fee shall expire five years after its initial levy, but may be renewed, and that if renewed, the term of the imposition of the fee shall be as provided in the proposition authorizing renewal, not to exceed five years.

Proposed law requires that the fee be collected in the same manner and at the same time as ad valorem taxes are collected. Provides that any fee shall be added to the parish tax rolls and enforced with the same authority and subject to the same penalties and procedures as ad valorem taxes. Proposed law requires sheriff to remit to the district all amounts collected not more than 60 days after collection.

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 their services provided for through the fees authorized by proposed law shall be supplemental to and not in lieu of personnel and services provided in the district by the city and parish. Proposed law provides that if the district ceases to exist, district funds shall be transmitted to the governing authority of East Baton Rouge Parish and requires that such funds 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. 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.
2. Removes proposed law that provides that the district's budget and all amendments shall be subject to the approval of the governing authority of East Baton Rouge Parish.