

Regular Session, 2012

HOUSE BILL NO. 253

BY REPRESENTATIVE FOIL AND SENATOR DORSEY-COLOMB

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.

20 B. Boundaries. The boundaries of the district shall be coterminous with the
21 boundaries of the Mayfair Park, Mayfair Park East, and Mayfair Heights
22 subdivisions in East Baton Rouge Parish as established in the official subdivision
23 plat filed with the clerk of court of East Baton Rouge Parish.

1 C. Purpose. The purpose of the district shall be to aid in crime prevention
2 and to add to the security of district residents by providing for an increase in the
3 presence 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 presidents of the Mayfair Park, Mayfair Park East, and Mayfair
8 Heights homeowners associations shall serve as ex officio members.

9 (b) The member of the Louisiana House of Representatives whose district
10 encompasses all or the greater portion of the area of the district shall appoint one
11 member.

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

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

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

19 (2) All members of the board shall own immovable property within the
20 district.

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

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

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

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

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

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

8 (1) To sue and be sued.

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

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

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

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

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

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

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

25 (2)(a) The fee shall be imposed on each improved parcel located within the
26 district; however, the fee shall not be imposed on a parcel if any of the owners of the
27 parcel are persons sixty-five years of age or older.

28 (b) For purposes of this Section, "parcel" means a lot, a subdivided portion
29 of ground, or an individual tract, and does not mean a "condominium parcel" as
30 defined in R.S. 9:1121.103. Thus, with respect to condominiums, the fee collector

1 shall impose the parcel fee on each lot on which condominiums are situated and not
2 on individual condominium units.

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

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

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

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

23 (4) The fee shall be collected at the same time and in the same manner as ad
24 valorem taxes are collected by the sheriff, as ex officio tax collector, of East Baton
25 Rouge Parish. The sheriff shall collect and remit to the district all amounts collected
26 not more than sixty days after collection. He shall retain the same commissions as
27 he receives for the collection of ad valorem taxes.

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

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

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

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

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

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____