

2016 Regular Session

HOUSE BILL NO. 731

BY REPRESENTATIVE MARCELLE

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

1 AN ACT

2 To enact R.S. 33:9097.28, relative to East Baton Rouge Parish; to create the Capital Heights
3 Crime Prevention and Improvement District; to provide relative to the boundaries,
4 purpose, governance, and powers and duties of the district; to provide relative to
5 district funding, including the authority to impose a parcel fee, subject to voter
6 approval, within the district; to provide with respect to termination of the district;
7 and to provide for related matters.

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

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 33:9097.28 is hereby enacted to read as follows:

13 §9097.28. Capital Heights Crime Prevention and Improvement 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 Capital Heights Crime Prevention and
17 Improvement District, referred to in this Section as the "district". The district shall
18 be a political subdivision of the state as defined in the Constitution of Louisiana.

1 B. Boundaries. The district shall include all property between Government
2 Street and Claycut Drive contained by Jefferson Highway to the east and Acadian
3 Thruway to the west.

4 C. Purpose. The purpose of the district shall be to aid in crime prevention,
5 to enhance security within the district, to provide for an increase in security patrols
6 in the district, and to provide for the overall betterment of the district.

7 D. Governance. (1) The district shall be governed by a five-member board
8 of commissioners, referred to in this Section as the "board". The board shall be
9 composed as follows:

10 (a) The board of directors of the Capital Heights Neighborhood Association
11 shall appoint one member.

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

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

17 (d) The member of the East Baton Rouge Parish Metro Council whose
18 district encompasses all or the greater portion of the area of the district shall appoint
19 one member.

20 (e) The assessor for the parish of East Baton Rouge shall appoint one
21 member.

22 (2) All members of the board shall own property and reside within the
23 district and shall be qualified voters of the district.

24 (3)(a) Members shall serve four-year terms after the initial terms as provided
25 in this Subparagraph. Two members shall serve an initial term of one year; two shall
26 serve two years, and one shall serve four years, as determined by lot at the first
27 meeting of the board.

28 (b) Members shall be eligible for reappointment.

1 (4) Any vacancy in the membership of the board shall be filled in the manner
2 of the original appointment. If the appointing authority responsible for the
3 appointment of a member fails to fill a vacancy within thirty days, the remaining
4 members of the board may appoint an interim successor to serve until the position
5 is filled by the appointing authority.

6 (5) The board shall elect from its members a chairman, a vice chairman, a
7 secretary, a treasurer, and such other officers as it deems necessary. The duties of
8 the officers shall be fixed by the bylaws adopted by the board.

9 (6) The members of the board shall serve without compensation but shall be
10 reimbursed for reasonable out-of-pocket expenses directly related to the governance
11 of the district, not to exceed one hundred dollars per year.

12 (7) The board shall keep minutes of all meetings and shall make them
13 available through the secretary of the board. The minute books and archives of the
14 district shall be maintained by the secretary of the board. The monies, funds, and
15 accounts of the district shall be in the official custody of the board.

16 (8) The board shall adopt such rules and regulations as it deems necessary
17 or advisable for conducting its business affairs. The board shall hold regular
18 meetings as shall be provided for in the bylaws and may hold special meetings at
19 such times and places within East Baton Rouge Parish as may be prescribed in the
20 bylaws.

21 (9) A majority of the membership of the board shall constitute a quorum for
22 the transaction of business, and all official action of the board shall require the
23 favorable vote of a majority of those members present and voting. All members of
24 the board shall be voting members.

25 (10) The domicile of the board shall be in East Baton Rouge Parish.

26 E. Powers and duties. The district, acting through its board, shall have the
27 following powers and duties:

28 (1) To sue and be sued.

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

1 (3) To receive and expend funds collected pursuant to Subsections F and G
2 of this Section and in accordance with a budget adopted as provided by Subsection
3 H of this Section.

4 (4) To enter into contracts with individuals or entities, private or public.

5 (5) To provide or enhance security patrols in the district, to provide for
6 improved lighting, signage, or matters relating to the security of the district, to
7 provide for the beautification of and improvement to the district, and to provide
8 generally for the overall betterment of the district.

9 (6) To enter into contracts and agreements with one or more other districts
10 for the joint security, improvement, or betterment of all participating districts.

11 (7) To provide for such services and make such expenditures as the board
12 deems proper to carry out the purposes of the district.

13 (8) To acquire or lease items and supplies which the board deems proper to
14 carry out the purposes of the district.

15 (9) To procure and maintain liability insurance against any personal or legal
16 liability of a board member that may be asserted or incurred based upon service as
17 a member of the board or that may arise as a result of actions taken within the scope
18 and discharge of duties as a member of the board.

19 (10) To perform or have performed any other function or activity necessary
20 or appropriate to carry out the purposes of the district or for the overall betterment
21 of the district.

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

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

27 (b) For purposes of this Section, a parcel shall be defined as a lot, a
28 subdivided portion of ground within Capital Heights, and which is listed on the tax

1 rolls for assessment of property taxes. The owner of the parcel shall be responsible
2 for payment of the fee.

3 (2)(a) The amount of the fee shall be as provided in a duly adopted
4 resolution of the board. The fee imposed on each improved parcel shall be a flat fee
5 per parcel not to exceed two hundred fifty dollars per year. The fee imposed on each
6 unimproved parcel shall not exceed fifty percent of the fee imposed on each
7 improved parcel. The fee imposed on each parcel whose owner qualifies for the
8 special assessment level provided by Article VII, Section 18(G)(1) of the
9 Constitution of Louisiana shall be twenty-five percent of the amount of the fee that
10 would otherwise be imposed on such parcel. The initial fee imposed on each parcel
11 during the first calendar year shall not exceed one hundred dollars.

12 (b) The board may increase the fee one time during each subsequent calendar
13 year not to exceed twenty percent of the amount of the fee imposed during the
14 previous calendar year; however, the amount of the fee shall not exceed the
15 maximum amount authorized in Subparagraph (a) of this Paragraph.

16 (c) No fee may be imposed or increased pursuant to the provisions of this
17 Subsection unless the question of its imposition and the board's authority to increase
18 the fee has been approved by a majority of the registered voters of the district who
19 vote on the proposition at an election held for that purpose in accordance with the
20 Louisiana Election Code.

21 (d) If approved, the fee and the board's authority to increase the fee shall
22 expire in ten years, but the fee and the board's authority to increase the fee may be
23 renewed if approved by a majority of the registered voters of the district voting on
24 the proposition at an election as provided in Subparagraph (c) of this Paragraph. If
25 the fee and the board's authority to increase the fee is renewed, the term of the
26 imposition of the fee shall be as provided in the proposition authorizing such
27 renewal, not to exceed ten years.

28 (3) The fee shall be collected at the same time and in the same manner as ad
29 valorem taxes are collected for East Baton Rouge Parish. The tax collector shall

1 collect and remit to the district all amounts collected not more than sixty days after
2 collection; however, the district may enter into an agreement with the tax collector
3 to authorize the retention of an annual collection fee, not to exceed one percent of the
4 amount collected.

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

8 G. Additional contributions. The district may solicit, accept, and expend
9 additional voluntary contributions and grants to carry out the purposes of the district.

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

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

14 I. Miscellaneous provisions. (1) It is the purpose and intent of this Section
15 that any additional law enforcement personnel and services provided for through the
16 fees authorized in this Section shall be supplemental to, and not in lieu of, personnel
17 and services to be provided in the district by publicly funded law enforcement
18 agencies.

19 (2) If the district ceases to exist, any funds of the district shall be transmitted
20 to the governing authority of the city of Baton Rouge, parish of East Baton Rouge
21 and shall be used for law enforcement purposes in the area which comprised the
22 district.

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

27 (2) No board member or officer shall be liable to the district or to any
28 individual who resides, owns property, visits, or otherwise conducts business in the
29 district for monetary damages, for breach of his duties as a board member or officer,

1 provided that this provision shall not eliminate or limit the liability of a board
2 member or officer for any of the following:

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

5 (b) Any transaction from which he or she derived an improper personal
6 benefit.

7 (3) To the fullest extent permitted by R.S. 9:2792 et seq., including R.S.
8 9:2792.1 through 2792.9, a person serving the district as a board member or officer
9 shall not be individually liable for any act or omission arising out of the performance
10 of his duties.

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

HB 731 Reengrossed

2016 Regular Session

Marcelle

Abstract: Creates the Capital Heights Crime Prevention and Improvement District in East Baton Rouge Parish. Provides for the district's boundaries, purpose, governance, and funding, including the authority to impose a parcel fee.

Proposed law creates the Capital 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 providing for overall betterment of the district. Provides for district boundaries. Provides that the district shall be governed by a board of commissioners composed as follows:

- (1) One member appointed by the Capital Heights Neighborhood Assoc.
- (2) One member appointed by the member of the La. House of Representatives whose district encompasses all or the greater portion of the area of the district.
- (3) One member appointed by the member of the La. Senate whose district encompasses all or the greater portion of the area of the district.

- (4) One member appointed by the member of the East Baton Rouge Parish Metro Council whose district encompasses all or the greater portion of the area of the district.
- (5) One member appointed by the parish assessor of East Baton Rouge.

Requires board members to own property and reside in the district and to be qualified voters of the district.

Proposed law provides for the district's powers and duties including the following:

- (1) To sue and be sued.
- (2) To adopt, use, and alter at will a corporate seal.
- (3) To receive and expend funds from an authorized parcel fee and in accordance with an adopted budget.
- (4) To enter into contracts with individuals or entities, private or public.
- (5) To provide or enhance security patrols in the district, to provide for improved lighting, signage, or matters relating to the security of the district, to provide for the beautification of or improvement to the district, and to provide generally for the overall betterment of the district.
- (6) To enter into contracts and agreements with one or more other districts for the joint security, improvement, or betterment of the district.

Proposed law authorizes the governing authority of the district, subject to voter approval, to impose and collect a parcel fee on each improved and unimproved parcel within the district. Provides that the amount of the fee shall be in a duly adopted resolution of the board. Provides that the fee imposed on improved parcels shall not exceed \$250 per year. Provides that unimproved parcels shall have a fee not to exceed 50% of the fee imposed on improved parcels. Provides that parcels qualifying for the special assessment level of Art. VII, Section 18(G)(1) of the La. Constitution shall have a fee of 25% of what would otherwise be imposed on such parcel. Provides, however, that the initial fee for the first calendar year shall not exceed \$100 per parcel. Authorizes the board, subject to voter approval, to increase the fee one time during each calendar year not to exceed 20% of the amount of the fee imposed during the previous calendar year. Provides that the fee and the board's authority to increase the fee expires in 10 years, but authorizes renewal of the fee for a term not to exceed 10 years. Defines "parcel" as a lot, a subdivided portion of ground within Capital Heights, and which is listed on the tax rolls for assessment of property taxes.

Proposed law provides that the fee shall be collected in the same manner and at the same time as ad valorem taxes and that any unpaid fee shall be added to the parish tax rolls and enforced with the same authority and subject to the same penalties and procedures as unpaid ad valorem taxes. Requires the tax collector to remit to the district all amounts collected not more than 60 days after collection and authorizes the district to enter into an agreement with the tax collector to authorize the retention of a collection fee, not to exceed 1% of the amount collected.

Proposed law requires the district's board to adopt an annual budget in accordance with the La. 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 publicly funded law enforcement agencies.

Proposed law provides that if the district ceases to exist, all district funds shall be transmitted to the city-parish to be used for law enforcement purposes in the area which comprised the district.

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

(Adds R.S. 33:9097.28)

Summary of Amendments Adopted by House

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

1. Provide that the fee on unimproved parcels is 50% of the improved parcel fee.
2. Reduce the amount of the fee imposed on parcels that qualify for a special assessment from 50% of the current fee to 25% of the improved parcel fee.
3. Relative to the board's authority to annually increase the fee, changes the maximum increase from 10% to 20%.
4. Provide that if the district ceases to exist, all district funds shall be transmitted to the city-parish to be used for law enforcement purposes in the area which comprised the district.

The House Floor Amendments to the engrossed bill:

1. Provide that parcels qualifying for the special assessment shall have a fee of 25% of what would otherwise be imposed on such parcel rather than 25% of what would be imposed on an improved parcel.