

2024 Regular Session

SENATE BILL NO. 89

BY SENATOR FIELDS

SPECIAL DISTRICTS. Provides for the creation of the Delmont Neighborhood Crime Prevention District. (gov sig)

1 AN ACT

2 To enact R.S. 33:9097.40, relative to crime prevention and security districts in East Baton

3 Rouge Parish; to provide relative to the creation of the Delmont Neighborhood

4 Crime Prevention District; to provide relative to the purpose, governance, powers,

5 duties, and authority of the governing board and the district; to provide relative to a

6 parcel fee; to provide with respect to authorization to impose and collect a parcel fee

7 within the district; to provide relative to funds of the district; to provide for an

8 effective date; and to provide for related matters.

9 Notice of intention to introduce this Act has been published.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 33:9097.40 is hereby enacted to read as follows:

12 **§9097.40. Delmont Neighborhood Crime Prevention District**

13 **A. Creation. There is hereby created within the parish of East Baton**

14 **Rouge, as more specifically provided in Subsection B of this Section, a body**

15 **politic and corporate which shall be known as the Delmont Neighborhood**

16 **Crime Prevention District, hereinafter referred to as the "district". The district**

17 **shall be a political subdivision of the state as defined in the Constitution of**

1        Louisiana.

2                B. Boundaries. The boundaries of the district shall be coterminous with  
3        the boundaries of the Delmont Neighborhood Subdivision in East Baton Rouge  
4        Parish as established in the official subdivision plat filed with the clerk of court  
5        of East Baton Rouge Parish.

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

9                D. Governance. (1) The district shall be governed by a board of  
10       commissioners consisting of seven members as follows:

11               (a) The president of the Delmont Neighborhood Homeowners  
12       Association shall be an ex officio member.

13               (b) The board of directors of the Delmont Neighborhood Homeowners  
14       Association or its successor shall appoint one member.

15               (c) The member or members of the Louisiana House of Representatives  
16       who represent the area which comprises the district shall appoint one member.

17               (d) The member or members of the Louisiana Senate who represent the  
18       area which comprises the district shall appoint one member.

19               (e) The assessor for East Baton Rouge Parish shall appoint one member.

20               (f) The mayor-president shall appoint one member.

21               (g) The member or members of the metropolitan council who represent  
22       the district shall appoint one member.

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

24               (3)(a) The terms of the members appointed pursuant to Subparagraphs  
25       (1)(c) through (g) of this Subsection shall be concurrent with the respective  
26       appointing authority.

27               (b) The member serving pursuant to Subparagraph (1)(a) of this  
28       Subsection shall serve during his term of office as president of the Delmont  
29       Neighborhood Homeowners Association.

1           (c) The member serving pursuant to Subparagraph (1)(b) of this  
2           Subsection shall serve an initial term of two years and each successor of such  
3           member shall serve a four-year term. Vacancies resulting from the expiration  
4           of a term or any other reason shall be filled in the manner of the original  
5           appointment. Members shall be eligible for reappointment.

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

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

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

13           (1) To sue and be sued.

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

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

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

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

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

24          F. Parcel fee. The governing authority of East Baton Rouge Parish is  
25          hereby authorized to impose and collect a parcel fee within the district subject  
26          to and in accordance with the provisions of this Subsection:

27           (1) The amount of the fee shall be as requested by duly adopted  
28           resolution of the governing authority of the district. The fee, however, shall not  
29           exceed one hundred fifty dollars per parcel per year.

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

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

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

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

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

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

1 same commissions as he receives for the collection of ad valorem taxes.

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

5 G. Budget. (1) The board of commissioners shall adopt an annual budget  
 6 in accordance with the Louisiana Local Government Budget Act, R.S. 39:1301  
 7 et seq. The budget and all amendments shall be subject to the approval of the  
 8 metropolitan council.

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

11 H. Miscellaneous provisions. (1) It is the purpose and intent of this  
 12 Section that the additional law enforcement personnel and their services  
 13 provided for through the fees authorized herein shall be supplemental to and  
 14 not in lieu of personnel and services provided in the district by the city of Baton  
 15 Rouge and East Baton Rouge Parish.

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

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

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The original instrument was prepared by James Benton. The following digest, which does not constitute a part of the legislative instrument, was prepared by Dawn Romero Watson.

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Proposed law creates the Delmont Neighborhood Crime Prevention District in EBRP as a political subdivision of the state for the purpose of aiding in crime prevention and security of district residents.

Proposed law defines the term "parcel".

Proposed law provides for the governance of the district by a seven member board of commissioners comprised as follows:

- (1) The president of the Delmont Neighborhood Homeowners Association shall be an ex officio member.
- (2) The board of directors of the Delmont Neighborhood Homeowners Association or its successor shall appoint one member.
- (3) The member or members of the La. House of Representatives who represent the area which comprises the district shall appoint one member.
- (4) The member or members of the La. Senate who represent the area which comprises the district shall appoint one member.
- (5) The assessor for EBRP shall appoint one member.
- (6) The mayor-president shall appoint one member.
- (7) The member or members of the metropolitan council who represent the district shall appoint one member.

Proposed law provides that members of the board shall own property within the district.

Proposed law provides that appointees of the legislature, the assessor, the mayor-president, and the council shall serve terms concurrent with the respective appointing authority and other members shall serve four year terms after staggered initial terms. Requires filling vacancies in the manner of the original appointment and provides that members shall be eligible for reappointment. Further provides for the selection of officers and provides that members shall serve without compensation or reimbursement.

Proposed law provides that the district 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.
- (4) To enter into contracts for the provision of security patrols or other programs in the district.
- (5) To purchase items and supplies which the board deems instrumental to its purpose.
- (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 EBRP, subject to the approval of district voters, to impose and collect a parcel fee on each improved parcel within the district. The amount of such fee shall be as requested by the board, but shall not exceed \$25 per parcel per year. Further provides that the owner of the parcel shall be responsible for payment of the fee.

Proposed law requires that the election on the fee shall be held at a regularly scheduled primary or general election and that the fee shall expire four years from its initial levy but may be renewed. Further provides that the term of the imposition of the fee shall be stated in the proposition authorizing the fee during such renewals elections.

Proposed law provides for collection of the fee at the same time and in the same manner as ad valorem taxes are collected by the sheriff in EBRP. Provides for enforcement of collections in the same manner as the collection of ad valorem taxes are enforced. Requires EBRP to remit to the district all amounts collected not more than 60 days after collection except for a collection fee.

Proposed law requires that the board adopt an annual budget in accordance with present law. Further requires that the metropolitan council approve the budget. Provides that the district shall be subject to audit by the legislative auditor pursuant to present law.

Proposed law provides the purpose and intent of proposed law, specifically that the additional law enforcement personnel and their services provided for shall be supplemental to and not in lieu of personnel and services provided in the district by the city of Baton Rouge or EBRP. Also provides that if the district ceases to exist, any funds of the district shall be transmitted to the governing authority of EBRP and shall be used for law enforcement purposes in the district.

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

(Adds R.S. 33:9097.40)

#### Summary of Amendments Adopted by Senate

##### Senate Floor Amendments to engrossed bill

1. Make technical corrections.