

SENATE BILL NO. 89

BY SENATOR FIELDS AND REPRESENTATIVE MARCELLE

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**
18 **Louisiana.**

19 **B. Boundaries. The boundaries of the district shall be coterminous with**
20 **the boundaries of the Delmont Neighborhood Subdivision in East Baton Rouge**
21 **Parish as established in the official subdivision plat filed with the clerk of court**
22 **of East Baton Rouge Parish.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 E. Powers and duties. The district, acting through its board of

1 commissioners, shall have the following powers and duties:

2 (1) To sue and be sued.

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

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

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

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

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

13 F. Parcel fee. The governing authority of the district is hereby authorized
14 to impose and collect a parcel fee within the district subject to and in
15 accordance with the provisions of this Subsection:

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

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

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

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

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

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

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

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

22 **G. Budget. (1) The board of commissioners shall adopt an annual budget**
23 **in accordance with the Louisiana Local Government Budget Act, R.S. 39:1301**
24 **et seq. The budget and all amendments shall be subject to the approval of the**
25 **district.**

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

28 **H. Miscellaneous provisions. (1) It is the purpose and intent of this**
29 **Section that the additional law enforcement personnel and their services**
30 **provided for through the fees authorized herein shall be supplemental to and**

1 not in lieu of personnel and services provided in the district by the city of Baton
2 Rouge and East Baton Rouge Parish.

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

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

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____