

**ACT No. 106**

2022 Regular Session

HOUSE BILL NO. 151

BY REPRESENTATIVE EDMONDS

1 AN ACT

2 To enact R.S. 33:9097.35, relative to East Baton Rouge Parish; to create the Old Jefferson  
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 imposition of a parcel fee, subject to voter approval;  
6 to provide for an effective date; and to 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. 33:9097.35 is hereby enacted to read as follows:

12 §9097.35. Old Jefferson Crime Prevention and Improvement District

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

18 B. Boundaries. The district shall include all property in the filings of the Old  
19 Jefferson subdivision S/D, Belle Grove S/D, Lagniappe Square S/D, Jefferson  
20 Garden Homes, Townes End Corner and the ten town houses located on the eastern  
21 side of Baringer Road, which are legally identified as being part of the Jefferson Park  
22 Subdivision filed with the East Baton Rouge Parish Clerk of Court.

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

4           D. Governance. (1) The district shall be governed by a seven-member board  
5           of commissioners, referred to in this Section as the "board". The board shall be  
6           composed as follows:

7           (a) The board of directors of the Old Jefferson Neighborhood Association  
8           shall appoint four 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 assessor for the parish of East Baton Rouge shall appoint one  
15           member.

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

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

22           (b) Members shall be eligible for reappointment.

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

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

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

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

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

13          (9) A majority of the membership of the board shall constitute a quorum for  
14          the transaction of business, and an official action of the board requires the favorable  
15          vote of a majority of those members present and voting. All members of the board  
16          shall be voting members.

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

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

20               (1) To sue and be sued.

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

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

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

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

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

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

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

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

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

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

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

19                  (b) For purposes of this Section, a parcel shall be defined as a lot, a  
20                  subdivided portion of ground, or an individual tract within filings of Old Jefferson  
21                  Subdivision, and which is listed on the tax rolls for assessment of property taxes. The  
22                  owner of the parcel shall be responsible for payment of the fee.

23                  (2)(a) The amount of the fee shall be as provided in a duly adopted  
24                  resolution of the board. The fee shall be a flat fee per parcel not to exceed one  
25                  hundred fifty dollars per year for each parcel; however, the initial fee for the first  
26                  calendar year shall not exceed one hundred dollars per parcel.

27                  (b) The board may increase the fee one time during each subsequent calendar  
28                  year not to exceed five percent of the amount of the fee imposed during the previous  
29                  calendar year; however, the amount of the fee shall not exceed the maximum amount  
30                  authorized in Subparagraph (a) of this Paragraph.

1           (c) Notwithstanding the provisions of Subparagraphs (a) and (b) of this  
2           Paragraph, owners who have been granted the Louisiana Special Assessment Level  
3           pursuant to Article VII, Section 18(G)(1) of the Constitution of Louisiana shall be  
4           charged fifty percent of the parcel fee charged to other owners.

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

10          (e) If approved, the fee and the board's authority to increase the fee shall  
11          expire in ten years, but the fee and the board's authority to increase the fee may be  
12          renewed if approved by a majority of the registered voters of the district voting on  
13          the proposition at an election as provided in Subparagraph (d) of this Paragraph. If  
14          the fee and board's authority to increase the fee is renewed, the term of the  
15          imposition of the fee shall be as provided in the proposition authorizing such  
16          renewal, not to exceed ten years.

17          (3) The fee shall be collected at the same time and in the same manner as ad  
18          valorem taxes are collected for East Baton Rouge Parish. The tax collector shall  
19          collect and remit to the district all amounts collected not more than sixty days after  
20          collection; however, the district may enter into an agreement with the tax collector  
21          to authorize retention of an annual collection fee, not to exceed one percent of the  
22          amount collected.

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

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

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

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

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

8                   (2) If the district ceases to exist, any funds, equipment, and property of the  
9                   district shall be transmitted to the governing authority of the municipality in which  
10                  the district is located if the district was located within the boundaries of an  
11                  incorporated area or to the governing authority of the parish of East Baton Rouge if  
12                  the district was not located within the boundaries of an incorporated area and shall  
13                  be used only within the district for the purposes set forth in this Section.

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

18                  (2) No board member or officer of the district shall be liable to the district  
19                  or to any individual who resides, owns property, visits, or otherwise conducts  
20                  business in the district for monetary damages, for breach of his duties as a board  
21                  member or officer, provided that this provision shall not eliminate or limit the  
22                  liability of a board member or officer for any of the following:

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

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

27                  (3) To the fullest extent permitted by R.S. 9:2792 et seq., including R.S.  
28                  9:2792.1 through 2792.9, a person serving the district as a board member or officer  
29                  shall not be individually liable for any act or omission arising out of the performance  
30                  of his duties.

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

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_