

CONFERENCE COMMITTEE REPORT
House Bill No. 951 By Representative Foil

May 30, 2014

To the Honorable Speaker and Members of the House of Representatives and the Honorable President and Members of the Senate.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 951 by Representative Foil, recommend the following concerning the Reengrossed bill:

1. That Amendments Nos. 1 and 3 proposed by the Legislative Bureau and adopted by the Senate on April 30, 2014, be adopted.
2. That Amendment No. 2 proposed by the Legislative Bureau and adopted by the Senate on April 30, 2014, be rejected.
3. That the Senate Floor Amendment proposed by Senator Claitor and adopted by the Senate on May 8, 2014, be adopted.
4. That the following amendment to the Reengrossed bill be adopted:

AMENDMENT NO. 1

On page 6, between lines 5 and 6, insert the following:

"(5) No fee shall be imposed upon any parcel if the owner receives the special assessment level provided by Article VII, Section 18(G)(1) of the Constitution of Louisiana."

AMENDMENT NO. 2

On page 6, at the beginning of line 6, change "(5)" to "(6)"

AMENDMENT NO. 3

On page 6, at the beginning of line 8, change "(6)" to "(7)"

AMENDMENT NO. 4

On page 6, at the beginning of line 12, change "(7)" to "(8)"

Respectfully submitted,

Representative Franklin J. Foil

Senator Yvonne Dorsey-Colomb

Representative Austin Badon

Senator Dan Claitor

Representative Lowell C. Hazel

Senator Sharon Weston Broome

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)]

CONFERENCE COMMITTEE REPORT DIGEST

House Bill No. 951 by Representative Foil

Keyword and oneliner of the instrument as it left the House

DISTRICTS/CRIME PREVENT: Creates the University Acres Crime Prevention and Neighborhood Improvement District in East Baton Rouge Parish

Report adopts Senate amendments to:

1. Delete provision that authorizes the board to provide in the district's bylaws for the waiver or reduction of the parcel fee on a case-by-case basis based on a demonstrated inability of the parcel owner to pay the fee.

Report amends the bill to:

1. Exempt from the parcel fee any parcel owned by a person who receives a special property tax assessment level pursuant to the state constitution.

Digest of the bill as proposed by the Conference Committee

Proposed law creates the University Acres Crime Prevention and Neighborhood Improvement District in East Baton Rouge Parish as a political subdivision of the state for the purpose of aiding in crime prevention by providing increased security for the district residents and promoting the beautification and overall betterment of the district. Provides for district boundaries. Provides that the district shall be governed by a board of commissioners consisting of the following members:

- (1) The president of the University Acres Civic Assoc., Inc., (association) or its successor.
- (2) Three members appointed by the board of directors of the association.
- (3) One member appointed by the member(s) of the La. House of Representatives who represent the area which comprises the district.
- (4) One member appointed by the member(s) of the La. Senate who represent the area which comprises the district.
- (5) One member appointed by the member(s) of the East Baton Rouge Parish Metro Council who represent the area which comprises the district.

Proposed law provides that all appointing authorities, other than the board of directors of the association, will be given a list of nominations from the association. Requires the appointing authorities to make appointments within 30 days of receipt of the list. Requires the board of directors of the association to appoint an interim member if an appointing authority fails to fill a vacancy within 30 days. The interim member will serve until the position is filled by the appointing authority.

Proposed law requires all board members to be registered voters of the district and requires them to serve without compensation. Requires that members receive reimbursement for reasonable expenses directly related to the governance of the district, not to exceed \$200 per year.

Proposed law provides that the district has 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 in accordance with proposed law.
- (4) To enforce municipal use and development rules and regulations affecting or relating to the beautification and security of the district.
- (5) To enter into contracts.
- (6) To provide for or enhance security patrols in the district; to provide for improved lighting, signage, or other matters relating to the security of the district.
- (7) To purchase items and supplies necessary for achieving any purpose of the district.
- (8) To accept private grants and donations.
- (9) To procure and maintain liability insurance against any personal or legal liability of a board member.
- (10) To perform or have performed any function or activity the board deems necessary to carry out the purposes of the district.

Proposed law authorizes the board, subject to voter approval, to impose and collect a parcel fee within the district. Provides that the initial parcel fee for the first calendar year shall be \$365 and shall not exceed \$500 per improved parcel per year. Defines parcel as a lot, a subdivided portion of ground, an individual tract, or a condominium improved parcel as defined in present law (R.S. 9:1121.103). Defines improved parcel as a parcel upon which a single-family or multifamily dwelling or condominium has been constructed.

Present constitution provides for freezing the assessment level for ad valorem taxes on property with a homestead exemption for an owner whose income is below a certain level (\$50,000 adjusted annually for inflation) and who meets one of the following qualifications:

- (1) Is sixty-five years of age or older.
- (2) Has a service-connected disability rating of 50% or more.
- (3) Is a member of the U.S. armed forces or the La. National Guard who owned and last occupied such property and was killed in action, or is missing in action or a prisoner of war for a period exceeding 90 days.
- (4) Is permanently totally disabled.

Proposed law provides that a person who qualifies for the special assessment level is exempt from the parcel fee imposed pursuant to proposed law.

Proposed law provides that the fee shall be imposed on each unit within a multifamily dwelling and if multiple adjacent parcels are combined for the purpose of housing a single-family dwelling, the combined parcel shall constitute a single improved parcel for the purposes of the imposition of the fee.

Proposed law authorizes the district to levy and collect the fee for 15 years from initial levy and authorizes renewal. Requires the sheriff of East Baton Rouge Parish to collect the fee in the same manner and at the same time as ad valorem taxes and requires that any unpaid fee 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.

Proposed law requires the sheriff to remit to the district all amounts collected not more than 60 days after collection. Authorizes the board to enter into an agreement with the sheriff to authorize the sheriff to retain a collection fee.

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 the city of Baton Rouge and East Baton Rouge Parish.

Proposed law requires, if the district ceases to exist, that the imposition of fees shall cease. Also require the transmittal of all district funds to the parish. Requires that such funds together with any other funds collected by the parish of East Baton Rouge pursuant to proposed law be maintained in a separate account by the city. Requires that such funds be used only to promote, encourage, and enhance the security, beautification, and overall betterment of the area included in the former district.

Proposed law provides that no board member or officer of the district shall be liable to the district or to any individual who resides, owns property, visits, or otherwise conducts business in the district for the monetary damages for breach of his duties as a board member or officer unless the board member performs an act or omission not in good faith or which involves intentional misconduct or a knowing violation of law, or any transaction from which he or she derives an improper personal benefit.

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

(Adds R.S. 33:9097.22)