

Regular Session, 2011

HOUSE BILL NO. 351

BY REPRESENTATIVE BARROW

DISTRICTS/NEIGHBORHOOD: Creates the Glen Oaks Crime Prevention District in East Baton Rouge Parish

1 AN ACT

2 To enact R.S. 33:9097.12, relative to East Baton Rouge Parish; to create the Glen Oaks  
3 Crime Prevention District within the parish; to provide relative to the purpose,  
4 boundaries, governance, and powers and duties of the district; to provide for the  
5 imposition of a parcel fee and for the use thereof; and to provide for related matters.

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

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 33:9097.12 is hereby enacted to read as follows:

11 §9097.12. Glen Oaks Crime Prevention District

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

17 B. Boundaries. The district shall include the area within the following  
18 boundaries: beginning at the intersection of Airline Highway and Plank Road,  
19 southeast along Airline Highway to its intersection with Hanks Drive, then east along  
20 Hanks Drive to its intersection with Lanier Drive, then north along Lanier Drive to

1 its intersection with Mickens Road, then northwest along Mickens Road to its  
2 intersection with Ford Street, then west along Ford Street to its intersection with  
3 Plank Road, then southwest along Plank Road to the point of beginning.

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

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

10 (a) Two members shall be appointed by the state representative for House  
11 District No. 29.

12 (b) Two members shall be appointed by the state senator for Senate District  
13 No. 15.

14 (c) One member shall be appointed by the member or members of the  
15 governing authority of the parish of East Baton Rouge who represent the district.

16 (2) All members of the board shall own immovable property within the  
17 district.

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

22 (4) Vacancies resulting from the expiration of a term or any other reason  
23 shall be filled for the remainder of the unexpired term in the manner of the original  
24 appointment. Members shall be eligible for reappointment.

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

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

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

3                   (1) To sue and be sued.

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

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

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

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

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

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

17                   (1) The amount of the fee shall be as requested by duly adopted resolution  
18           of the board. The fee, however, shall not exceed one hundred dollars per parcel per  
19           year for lots zoned for residential use and five hundred dollars per year for lots zoned  
20           for commercial use.

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

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

28                   (c) The owner of the parcel shall be responsible for payment of the fee.

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

8           (b) The initial election on the question of the imposition of the fee shall be  
9           held at the same time as a regularly scheduled election in the parish of East Baton  
10          Rouge.

11          (c) The fee shall expire eight years from its initial levy but may be renewed  
12          as provided in Subparagraph (3)(a) of this Subsection. If the fee is renewed, the term  
13          of the imposition of the fee shall be as provided in the proposition authorizing such  
14          renewal.

15          (4) The fee shall be collected at the same time and in the same manner as ad  
16          valorem taxes are collected by the parish.

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

20          (6) The parish of East Baton Rouge shall remit to the district all amounts  
21          collected not more than sixty days after collection; however, the parish may retain  
22          one percent of the amount collected as a collection fee.

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

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

1           H. Miscellaneous provisions. (1) It is the purpose and intent of this Section  
 2           that the additional law enforcement personnel and services provided by the district  
 3           shall be supplemental to and not in lieu of personnel and services provided in the  
 4           district by the city of Baton Rouge and parish of East Baton Rouge.

5           (2) If the district ceases to exist, any funds of the district shall be transmitted  
 6           to the governing authority of the city of Baton Rouge and parish of East Baton  
 7           Rouge and shall be used for law enforcement purposes in the area included within  
 8           the district.

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

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#### 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)]

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Barrow

HB No. 351

**Abstract:** Creates the Glen Oaks Crime Prevention District in East Baton Rouge Parish for the purpose of aiding in crime prevention and adding to the security of district residents by providing for an increase in the presence of law enforcement personnel in the district. Creates and provides for the district's board of commissioners. Provides for the imposition and use of a parcel fee.

Proposed law creates the Glen Oaks Crime Prevention District in East Baton Rouge Parish for the purpose of aiding in crime prevention and adding to the security of district residents by providing for an increase in the presence of law enforcement personnel in the district. Provides for district boundaries.

Proposed law provides that the district shall be governed by a five-member board of commissioners. Requires each board member to be a property owner in the district. Provides that the board shall be composed as follows:

- (1) Two members appointed by the state representative for House District No. 29.
- (2) Two members shall be appointed by the state senator for Senate District No. 15.
- (3) One member appointed by the member(s) of the governing authority of the parish of East Baton Rouge who represent the district.

Proposed law provides that members serve four-year staggered terms. Requires board members to serve without compensation and provides that they shall not receive reimbursement for expenses.

Proposed law provides that the district, acting through the board, 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 collected pursuant to proposed law and in accordance with a budget adopted as provided by proposed law.
- (4) To enter into contracts with individuals or entities, private or public, for the provision of security patrols in the district.
- (5) To purchase items and supplies which the board deems instrumental to achieving the purpose of the district.
- (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 East Baton Rouge Parish to impose and collect a parcel fee within the district. Provides that the amount of the fee shall be as requested by the board. Further provides that the fee shall be a flat fee per improved parcel not to exceed \$100 per parcel per year for lots zoned for residential use and \$500 per year for lots zoned for commercial use. Requires that the fee be imposed on each improved parcel located within the district.

Proposed law defines a parcel as a lot, a subdivided portion of ground, or an individual tract. Provides that a parcel does not mean a condominium parcel as defined in present law (R.S. 9:1121.103). Provides that with respect to condominiums, the fee collector shall impose the parcel fee on each lot on which condominiums are situated and not on individual condominium units.

Proposed law provides that the fee shall be imposed only after the question of its imposition has been approved by a majority of the registered voters of the district voting on the proposition at an election held for that purpose. Provides that no other election shall be required except as provided by proposed law.

Proposed law requires the board of commissioners, at least 30 days prior to any election held to approve imposition of a parcel fee, to mail notification of the upcoming election to each registered voter of the district, and the owner of a parcel if the owner is not a registered voter of the district.

Proposed law requires the initial election on the question of the imposition to be held at the same time as a regularly scheduled election in East Baton Rouge Parish. Provides that the fee shall expire eight years from its initial levy. Authorizes renewal of such fee.

Proposed law requires that the fee be collected at the same time and in the same manner as ad valorem taxes are collected. Further requires the parish to collect and remit to the district all amounts collected not more than 60 days after collection. Provides that the parish may retain a 1% collection fee.

Proposed law requires the board of commissioners to adopt an annual budget in accordance with the 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 services provided by the district 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. Further provides that if the district ceases to exist, any funds of the district shall be transmitted to the governing authority of the city of Baton Rouge and parish of East Baton Rouge and shall be used for law enforcement purposes in the area included within the district.

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

(Adds R.S. 33:9097.12)