

2018 Regular Session

HOUSE BILL NO. 837

BY REPRESENTATIVE MARCELLE

DISTRICTS/CRIME PREVENT: Provides relative to powers of crime prevention districts

1 AN ACT

2 To amend and reenact R.S. 33:9099.1 and to enact R.S. 33:9099.4, relative to crime
3 prevention districts; to provide relative to the powers and duties of such districts
4 including the authority to impose a parcel fee; to provide relative to the liability of
5 board members; to provide relative to the budgets of such districts; to provide
6 relative to the authority of the governing authority and the tax collector of the parish
7 in which the district is located; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 33:9099.1 is hereby amended and reenacted and R.S. 33:9099.4 is
10 hereby enacted to read as follows:

11 §9099.1. Renewal of parcel fee

12 A. Notwithstanding any other provision of law, an election to renew a parcel
13 fee imposed within any crime prevention and security district or improvement
14 district, created pursuant to Chapter 29 of Title 33 of the Louisiana Revised Statutes
15 of 1950, may be held at an election held for that purpose in accordance with the
16 Louisiana Election Code.

17 B. Notwithstanding any other provision of law, any crime prevention district
18 imposing a parcel fee may spend proceeds of the parcel fee for the following
19 purposes if such use of the proceeds is approved by a majority of the voters of the
20 district who vote on a proposition that authorizes such use:

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

5 C.(1) Notwithstanding any other provision of law, a parish which imposed
6 a parcel fee to fund a crime prevention district may delegate the authority to impose
7 subsequent parcel fees to the crime prevention district.

8 (2) If a parish governing authority delegates its authority to impose a parcel
9 fee pursuant to Paragraph (1) of this Subsection and the district imposes a parcel fee:

10 (a) The district's budget shall not be subject to the approval of the parish
11 governing authority.

12 (b) The parish sheriff or other tax collector shall remit amounts collected
13 pursuant to a fee imposed by the district directly to the district.

14 Section 2. Notwithstanding R.S. 33:9099.4(C) as enacted by this Act, the governing
15 authority of a parish imposing a parcel fee on the effective date of this Act shall continue to
16 impose and collect the parcel fee for the remainder of the period that it has been authorized
17 to do so by the voters of the relevant crime prevention district unless a subsequent parish fee
18 is approved by the voters. At no time shall a property owner in a crime prevention district
19 be subject to an annual parcel fee, whether paid to the district or to the parish on behalf of
20 the district or both, that exceeds the rate limit established either by law or by a proposition
21 authorizing the imposition of the fee within the district.

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)]

HB 837 Reengrossed 2018 Regular Session Marcelle

Abstract: Provides relative to the authority of crime prevention districts.

Present law creates particular crime prevention districts in specified neighborhoods.

Proposed law authorizes any such district to use proceeds of a parcel fee it imposes to provide for the beautification of public spaces, to encourage beautification of private spaces,

and to provide for the overall betterment of the district if the voters of the district authorize such use.

Proposed law provides that the district shall indemnify its officers and board members and that, as permitted by present law, a board member is not individually liable for any act or omission arising out of performance of his duties.

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

Proposed law authorizes a crime prevention district to purchase or lease items and supplies and to exercise the following powers and duties:

- (1) To procure and maintain liability insurance against liability of a board member in his service or actions as a board member.
- (2) To solicit, accept, and expend additional voluntary contributions and grants.

Proposed law provides that if the parish in which the district is located has imposed a parcel fee to fund the district, the parish may delegate the authority to impose the fee to the district. Further provides that if the parish does so, the district's budget shall not be subject to approval of the parish governing authority and the sheriff or other tax collector shall remit amounts collected directly to the district.

(Amends R.S. 33:9099.1; Adds R.S. 33:9099.4)

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Add grossly negligent acts to acts that are not immune from liability.