

2022 Regular Session

HOUSE BILL NO. 216

BY REPRESENTATIVE ADAMS

DISTRICTS/CRIME PREVENT: Creates the Myrtle Hill Crime Prevention and Improvement District in East Baton Rouge Parish

1 AN ACT

2 To enact R.S. 33:9097.35, relative to East Baton Rouge Parish; to create the Myrtle Hill  
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 authority to impose a parcel fee, subject to voter  
6 approval; 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. Myrtle Hill 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 Myrtle Hill 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 The purposes of the district shall be to aid in crime prevention by providing security  
19 for district residents and to serve the needs of the residents of the district by funding  
20 beautification and improvements for the overall betterment of the district.

1           B. Boundaries. The boundaries of the district shall be as follows: bounded  
2           on the west by the east of the East Meadows Subdivision by the northern edge of Red  
3           Clover Avenue and bounded on the east by the Zachary High School stadium parking  
4           lot and bounded to the south by the creek and North Main Street. The district shall  
5           include Myrtle Hill Avenue, Creek Valley Drive, and all twelve lots on Red Clover  
6           Avenue facing north.

7           C. Board. (1) The district shall be governed by a seven-member board of  
8           commissioners, referred to in this Section as the "board", composed as follows:

9           (a) The president of the Myrtle Hill Homeowners Association, Inc., or its  
10          successor.

11          (b) Two members appointed by the board of directors of the Myrtle Hill  
12          Homeowners Association, Inc., or its successor.

13          (c) One member appointed by the member or members of the Louisiana  
14          House of Representatives who represent the area which comprises the district.

15          (d) One member appointed by the member or members of the Louisiana  
16          Senate who represent the area which comprises the district.

17          (e) One member appointed by the member or members of the governing  
18          authority of the city of Baton Rouge/parish of East Baton Rouge who represent the  
19          area which comprises the district.

20          (f) One member appointed by the mayor of the city of Zachary.

21          (2)(a) Members appointed pursuant to Subparagraphs (C)(1)(b) through (f)  
22          of this Section shall serve three-year terms after serving initial terms as provided in  
23          this Subparagraph. Two members shall serve an initial term of three years; two  
24          members shall serve an initial term of two years; and two members shall serve an  
25          initial term of one year, as determined by lot at the first meeting of the board.

26          (b) The member serving pursuant to Subparagraph (C)(1)(a) of the Section  
27          shall serve during his term of office.

28          (3) Any board member may be removed for cause by a majority vote of the  
29          board.

1           (4) Vacancies shall be filled in the manner of the original appointment. A  
2           member shall be eligible for reappointment unless he was removed pursuant to  
3           Paragraph (3) of this Subsection.

4           (5) All members of the board shall be registered voters within the district.

5           (6) All members of the board shall serve without compensation and shall not  
6           receive reimbursement for expenses.

7           (7) The domicile of the board shall be within the district.

8           (8) The board is authorized to adopt bylaws for its governance and conduct.

9           (9) The members of the board shall select from among themselves a  
10          president and such other officers as they deem appropriate, whose responsibilities  
11          shall be as provided by the bylaws of the board.

12          (10) The board shall hold regular meetings as provided for in its bylaws and  
13          may hold special meetings at such times and places within the district as provided  
14          in the bylaws.

15          (11) The board shall keep minutes of all meetings.

16          (12) A majority of the board shall constitute a quorum for conducting  
17          business of the board.

18          D. Powers and duties. The district, acting through its board of  
19          commissioners, shall have the 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 Subsection E of this  
23          Section and in accordance with a budget adopted as provided by Subsection F of this  
24          Section.

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

26               (5) To purchase items and supplies necessary for achieving any purpose of  
27          the district.

28               (6) To accept private grants and donations.

1           (7) 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 his service  
3           as a member of the board or that may arise as a result of his actions taken within the  
4           scope and discharge of his duties as a member of the board.

5           (8) To perform or have performed any function or activity the board deems  
6           necessary to carry out the purposes of the district.

7           E. Parcel fee. The governing authority of East Baton Rouge Parish is hereby  
8           authorized to impose and collect a parcel fee within the district subject to and in  
9           accordance with the provisions of this Subsection:

10           (1) The amount of the fee shall be as determined by duly adopted resolution  
11           of the board. The fee, however, shall not exceed two hundred fifty dollars per parcel  
12           per year.

13           (2) The fee shall be imposed on each parcel located within the district. The  
14           term "parcel" as used in this Subsection shall mean a developed lot upon which is  
15           situated a single-family residence.

16           (3) The owner of the parcel shall be responsible for payment of the fee.

17           (4)(a) The fee shall be imposed only after the question of its imposition has  
18           been approved by a majority of the registered voters of the district voting on the  
19           proposition at an election held for that purpose in accordance with the Louisiana  
20           Election Code.

21           (b) The fee shall expire ten years from its initial levy but may be renewed in  
22           the same manner as its imposition.

23           (5) The parish of East Baton Rouge shall collect the fee at the same time and  
24           in the same manner as ad valorem taxes are collected.

25           (6) The parish of East Baton Rouge shall remit to the district all amounts  
26           collected not more than sixty days after collection; however, the board may enter into  
27           an agreement with the parish to authorize the parish to retain, as a collection fee, not  
28           more than one percent of the amount collected.

1           (7) Any parcel fee which is unpaid shall be added to the tax rolls of the  
2           parish and shall be enforced with the same authority and subject to the same  
3           penalties and procedures as unpaid ad valorem taxes.

4           F. Budget. (1) The board of commissioners shall adopt an annual budget  
5           in accordance with the Louisiana Local Government Budget Act, R.S. 39:1301 et  
6           seq.

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

9           G. Miscellaneous provisions. (1) It is the purpose and intent of this Section  
10          that the additional law enforcement personnel and services provided by the district  
11          shall be supplemental to and not in lieu of personnel and services provided in the  
12          district by the city of Zachary.

13          (2) If the district ceases to exist:

14          (a) All funds of the district shall be transmitted by the board to the governing  
15          authority of East Baton Rouge Parish within thirty days of dissolution. Such  
16          transmitted funds, together with any other funds collected by the parish of East Baton  
17          Rouge pursuant to this Section, shall be maintained in a separate account by the  
18          parish and shall be used only to promote, encourage, and enhance the security,  
19          beautification, and overall betterment of the area formerly comprising the district.

20          (b) The authority for the imposition of the parcel fee provided in this Section  
21          shall cease.

22          Section 2. This Act shall become effective upon signature by the governor or, if not  
23          signed by the governor, upon expiration of the time for bills to become law without signature  
24          by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
25          vetoed by the governor and subsequently approved by the legislature, this Act shall become  
26          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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HB 216 Engrossed

2022 Regular Session

Adams

**Abstract:** Creates the Myrtle Hill Crime Prevention and Improvement District in East Baton Rouge Parish.

Proposed law creates the Myrtle Hill Crime Prevention and Improvement District in East Baton Rouge Parish as a political subdivision of the state to aid in crime prevention and to provide funding for the beautification and improvement of the district. Provides for district boundaries.

Proposed law provides for the governance of the district by a seven-member board composed as follows:

- (1) The president of the Myrtle Hill Homeowners Assoc., Inc. (association).
- (2) Two 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 governing authority of city of Baton Rouge/parish of East Baton Rouge who represent the area which comprises the district.
- (6) One member appointed by the mayor of the city of Zachary.

Requires that members be registered voters within the district and further requires that they serve without compensation. Further provides that appointed members serve three-year staggered terms.

Proposed law establishes the powers of the district which include:

- (1) To receive and expend funds collected pursuant to proposed law in accordance with a budget adopted pursuant to proposed law.
- (2) To enter into contracts.
- (3) To purchase items and supplies necessary for achieving any purpose of the district.
- (4) To accept private grants and donations.
- (5) To purchase and maintain liability insurance for board members for actions taken in the course of their duties on the board.
- (6) To perform or have performed any other function or activity necessary to achieve the purposes of the district.

Proposed law authorizes the governing authority of East Baton Rouge Parish to collect a parcel fee within the district, not to exceed \$250 per year, subject to voter approval.

Provides that the amount of the fee shall be as provided by duly adopted resolution of the board and the fee shall only be imposed on lots containing single-family dwellings.

Proposed law provides that the fee expires 10 years from its initial levy, but may be renewed in the same manner as its imposition. Further provides that the fee shall be collected at the same time and in the same manner as ad valorem taxes, and that any unpaid parcel fees shall be added to the tax rolls of the parish and enforced with the same authority and the same penalties as unpaid ad valorem taxes.

Proposed law requires the district to adopt an annual budget in accordance with present law and shall be subject to audit by the legislative auditor's office.

Proposed law provides that the intent of proposed law is to enhance the law enforcement personnel and services provided by the city and not to be in lieu of such services. Further provides that if the district ceases to exist all of its funds shall be transmitted to the governing authority of East Baton Rouge Parish and shall be used to enhance security and beautification in the area formerly comprising the district. Further provides that upon dissolution of the district, the authority to levy the parcel fee provided for in proposed law shall cease.

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

(Adds R.S. 33:9097.35)