

Regular Session, 2013

HOUSE BILL NO. 500

BY REPRESENTATIVE MORENO

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

ELECTIONS/DATES: Limits election dates for security or neighborhood improvement district elections in certain parishes

1 AN ACT

2 To amend and reenact R.S. 18:402(F)(2) and 1300.33(A) and R.S. 33:9100.21(B)(1) and
3 (F)(2)(d), relative to election dates; to provide for the election dates that may be used
4 for elections relative to security or neighborhood improvement districts in certain
5 parishes; to provide for definitions; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 18:402(F)(2) and 1300.33(A) are hereby amended and reenacted to
8 read as follows:

9 §402. Dates of primary and general elections

10 * * *

11 F. Bond, tax, or other elections. Every bond, tax, or other election at which
12 a proposition or question is to be submitted to the voters shall be held only on one
13 of the following dates:

14 * * *

15 (2)(a) The first Tuesday after the first Monday in November or the fifth
16 Saturday after the first Tuesday after the first Monday in November of
17 even-numbered years.

18 (b) Notwithstanding the provisions of Subparagraph (a) of this Paragraph,
19 the fifth Saturday after the first Tuesday after the first Monday in November shall
20 not be applicable in a parish containing a municipality with a population of three
21 hundred thousand or more for an election relative to a parcel fee imposed within a

1 security or neighborhood improvement district. For purposes of this Subparagraph,
2 "security or neighborhood improvement district" means a special district, one of the
3 primary purposes of which is aiding in crime prevention and adding to the security
4 of district residents by providing for an increased presence of law enforcement
5 personnel in the district or otherwise promoting and encouraging security in the
6 district.

7 * * *

8 §1300.33. Appropriate local governing authority to order election

9 A. If the required number of qualified electors within the subdivision or
10 subdivisions proposing the creation of a district and the levy of a parcel fee sign the
11 petition, the appropriate local governing authority may adopt a resolution ordering
12 an election within such area for the purpose of creating the district and approving the
13 levy of the parcel fee in the manner provided for in Chapter 6-A of this Title; ~~such.~~
14 Such election shall only occur in a congressional general election or gubernatorial
15 primary election; however, in a parish containing a municipality with a population
16 of three hundred thousand or more, such election shall only occur in a gubernatorial
17 primary election.

18 * * *

19 Section 2. R.S. 33:9100.21(B)(1) and (F)(2)(d) are hereby amended and reenacted
20 to read as follows:

21 §9100.21. Neighborhood crime prevention and security district implementation
22 procedure

23 * * *

24 B. Creation and boundaries. (1) A neighborhood crime prevention and
25 security district shall be created only upon the adoption of a resolution by the
26 appropriate local governing authority authorizing the collection of signatures for a
27 petition seeking an election to approve the district and parcel fee; the signing of such
28 petition by thirty percent of the qualified electors in the proposed district; and
29 approval by a majority of the electors of the proposed district voting on the

1 proposition at an election held for the purpose, all in the manner and according to the
 2 procedure provided for in Chapter 6-E of Title 18 of the Louisiana Revised Statutes
 3 of 1950, R.S. 18:1300.31 et seq. Such election shall be held at the same time as a
 4 congressional general election or a gubernatorial primary election; however, in a
 5 parish containing a municipality with a population of three hundred thousand or
 6 more, such election shall only be held at the same time as a gubernatorial primary
 7 election.

8 * * *

9 F. Parcel fee. The appropriate local governing authority may impose and
 10 collect a parcel fee within the district subject to and in accordance with the
 11 provisions of this Subsection:

12 * * *

13 (2)

14 * * *

15 (d) The fee shall expire ten years from its initial levy as provided for in the
 16 ballot proposition approved by the voters pursuant to Chapter 6-E of Title 18 of the
 17 Louisiana Revised Statutes of 1950, R.S. 18:1300.31, but may be renewed for an
 18 additional ten years only after the question of its imposition has been approved by
 19 a majority of the registered voters of the district voting on the proposition at an
 20 election held for the purpose prior to the expiration of the fee. Such an election shall
 21 be held at the same time as a congressional general election or a gubernatorial
 22 primary election; however, in a parish containing a municipality with a population
 23 of three hundred thousand or more, such election shall only be held at the same time
 24 as a gubernatorial primary election. At least thirty days prior to such election, the
 25 board of commissioners shall mail notification of the upcoming election as provided
 26 for in R.S. 18:1300.33(B). No other election for renewal of the parcel fee shall be
 27 required except as provided by this Subparagraph.

28 * * *

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)]

Moreno

HB No. 500

Abstract: Removes the congressional general election date as an option for an election relative to a parcel fee imposed within a security or neighborhood improvement district in certain parishes.

Present law (Ch. 29 of Title 33 of the La. Revised Statutes of 1950) contains various provisions establishing security and neighborhood improvement districts for the purpose of aiding in crime prevention and adding to the security of district residents by providing for an increased presence of law enforcement personnel in the district or otherwise promoting and encouraging security in the district. Authorizes the imposition and renewal of a parcel fee within such a district subject to the approval of voters within the district. Provides that notwithstanding any other provision of law, an election to renew a parcel fee imposed within any crime prevention and security district or neighborhood improvement district created pursuant to present law may be held at an election held for that purpose in accordance with the La. Election Code.

Present law (R.S. 18:402–La. Election Code) provides exclusive dates for bond, tax, and other elections at which a proposition or question is submitted to voters. Provides that one date that such elections may be held is the fifth Sat. after the first Tues. after the first Mon. in Nov. of even-numbered years. Proposed law provides that the fifth Sat. after the first Tues. after the first Mon. in Nov. shall not be applicable in a parish containing a municipality with a population of 300,000 or more for an election relative to a parcel fee imposed within a security or neighborhood improvement district. Provides that for purposes of proposed law, "security or neighborhood improvement district" means a special district, the primary purpose of which includes aiding in crime prevention and adding to the security of district residents by providing for an increased presence of law enforcement personnel in the district or otherwise promoting and encouraging security in the district. Otherwise retains present law.

Present law provides procedures and requirements for establishing neighborhood crime prevention and security districts and the levying of parcel fees without legislative action with the consent of the appropriate local governing authority. Provides that if the required number of qualified electors within the area proposing the creation of a district and the levy of a parcel fee sign a petition, the appropriate local governing authority may adopt a resolution ordering an election within such area for the purpose of creating the district and approving the levy of the parcel fee. Provides that such election shall only occur in a congressional general election or gubernatorial primary election. Proposed law provides that in a parish containing a municipality with a population of 300,000 or more, such election shall only occur in a gubernatorial primary election. Otherwise retains present law.

Present law provides that the parcel fee shall expire 10 years from its initial levy as provided for in the ballot proposition approved by the voters pursuant to present law, but may be renewed for an additional 10 years 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 the purpose prior to the expiration of the fee. Provides that such an election shall be held at the same time as a congressional general election or a gubernatorial primary election. Proposed law provides that in a parish containing a municipality with a population of 300,000 or more, such election shall only occur in a gubernatorial primary election. Otherwise retains present law.

(Amends R.S. 18:402(F)(2) and 1300.33(A) and R.S. 33:9100.21(B)(1) and (F)(2)(d))