

2018 Regular Session

HOUSE BILL NO. 542

BY REPRESENTATIVE MARCELLE

DISTRICTS/CRIME PREVENT: Provides relative to the Melrose Place Crime Prevention District

1 AN ACT

2 To amend and reenact R.S. 33:9097.4(C), (E), (F)(introductory paragraph), (1), (4), and (6),  
3 and (G)(1) and to enact R.S. 33:9097.4(I), relative to the Melrose Place Crime  
4 Prevention District; to authorize the district rather than the parish to impose the  
5 district's parcel fee; to provide relative to collection of the fee; to provide relative to  
6 approval of the district's budget; to provide relative to the purposes of the district and  
7 powers of its governing board; to provide relative to liability of board members; and  
8 to provide for related matters.

9 Notice of intention to introduce this Act has been published  
10 as provided by Article III, Section 13 of the Constitution of  
11 Louisiana.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 33:9097.4(C), (E), (F)(introductory paragraph), (1), (4), and (6), and  
14 (G)(1) are hereby amended and reenacted and R.S. 33:9097.4(I) is hereby enacted to read  
15 as follows:

16 §9097.4. Melrose Place Crime Prevention District

17 \* \* \*

18 C. Purpose. The ~~purpose~~ purposes of the district shall be; ~~to~~

1           (1) To aid in crime prevention and to add to the security of district residents  
 2           by providing for an increase in the presence of law enforcement personnel in the  
 3           district.

4           (2) To provide for the beautification of the public spaces within the district  
 5           and to promote and encourage beautification of private spaces within the district.

6           (3) To provide for the overall betterment of the district.

7   \*       \*       \*

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

10           (1) To sue and be sued.

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

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

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

17           (5) To purchase or lease items and supplies which the board deems  
 18           instrumental to achieving the ~~purpose~~ purposes of the district.

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

23           (7) To solicit, accept, and expend additional voluntary contributions and  
 24           grants to carry out the purposes of the district.

25           (8) To perform or have performed any other function or activity necessary  
 26           for the achievement of the purpose of the district.

27           F. Parcel fee. The ~~governing authority of East Baton Rouge Parish~~ district,  
 28           through the board, may impose and collect a parcel fee within the district subject to  
 29           and in accordance with the provisions of this Subsection:

1           (1) The amount of the fee shall be ~~as requested by duly~~ adopted by resolution  
2 of the board. The fee, however, shall not exceed two hundred dollars per parcel per  
3 year for lots zoned for residential use and one thousand dollars per year for lots  
4 zoned for commercial use.

5   \*       \*       \*

6           (4) The fee shall be collected at the same time and in the same manner as ad  
7 valorem taxes are collected ~~by the parish~~ for East Baton Rouge Parish.

8   \*       \*       \*

9           (6) The ~~parish~~ sheriff of East Baton Rouge Parish shall remit to the district  
10 all amounts collected not more than sixty days after collection. However, the ~~parish~~  
11 sheriff may retain up to one percent of the amount collected as a collection fee.

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

16   \*       \*       \*

17           I. Indemnification and exculpation. (1) The district shall indemnify its  
18 officers and board members to the fullest extent permitted by R.S. 12:227 as fully  
19 as if the district were a nonprofit corporation governed thereby and as may be  
20 provided in the district's bylaws.

21           (2) No board member or officer of the district shall be liable to the district  
22 or to any individual who resides, owns property, visits, or otherwise conducts  
23 business in the district for monetary damages for breach of his duties as a board  
24 member or officer. However, this provision does not eliminate or limit the liability  
25 of a board member or officer for any of the following:

26           (a) Acts or omissions not in good faith or which involve intentional  
27 misconduct or a knowing violation of law.

28           (b) Any transaction from which he derived an improper personal benefit.

1           (3) To the fullest extent permitted by R.S. 9:2792 et seq., including R.S.  
 2           9:2792.1 through 2792.9, a person serving the district as a board member or officer  
 3           shall not be individually liable for any act or omission arising out of the performance  
 4           of his duties.

5           Section 2. Notwithstanding R.S. 33:9097.4(F) as amended and reenacted by this Act,  
 6 the governing authority of East Baton Rouge Parish shall continue to impose and collect the  
 7 parcel fee that it is collecting on the effective date of this Act for the remainder of the period  
 8 that it has been authorized to do so by the voters of the Melrose Place Crime Prevention  
 9 District. However, the governing authority of the parish, after the effective date of this Act,  
 10 may authorize the sheriff to remit amounts collected from this fee directly to the district. At  
 11 no time shall a property owner in the district be subject to an annual parcel fee, whether paid  
 12 to the district or to the parish on behalf of the district or both, that exceeds the rate limits  
 13 provided in R.S. 33:9097.4(F)(1) as amended by this Act.

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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 542 Original

2018 Regular Session

Marcelle

**Abstract:** Relative to the Melrose Place Crime Prevention District in East Baton Rouge Parish, authorizes the district rather than the parish to impose the parcel fee, provides relative to the collection of the parcel fee, provides relative to the powers of the district, and provides relative to liability of board members.

Present law creates the Melrose Place Crime Prevention District. Provides that the purpose of the district is to aid in crime prevention and to add to the security of district residents by providing for an increase in the presence of law enforcement personnel in the district. Proposed law retains present law and provides that district purposes also include providing for beautification of public spaces, promotion of beautification of private spaces, and providing for the overall betterment of the district.

Present law provides for the powers and duties of the district, which include the power to purchase items and supplies. Proposed law additionally authorizes the district to lease items and supplies. Adds the following to the powers and duties of the district:

- (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.

Present law authorizes the governing authority of East Baton Rouge Parish to impose a parcel fee to fund the district; the maximum annual fee is \$200 per residential parcel and

\$1,000 per commercial parcel. Proposed law authorizes the district, rather than the parish, to impose the parcel fee after the term of the currently imposed parcel fee expires. Present law provides for the parish to collect the fee and remit amounts collected to the district. Authorizes the parish to retain 1% as a collection fee. Proposed law provides for the sheriff to collect the fee and authorizes him to retain a collection fee of up to 1%.

Present law provides that the district's budget is subject to approval of the parish governing authority. Proposed law removes present law.

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 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 derives an improper personal benefit.

(Amends R.S. 33:9097.4(C), (E), (F)(intro. para.), (1), (4), and (6), and (G)(1); Adds R.S. 33:9097.4(I))