

2016 Regular Session

SENATE BILL NO. 111

BY SENATOR BARROW

SPECIAL DISTRICTS. Creates the Parkwood Terrace Crime Prevention and Neighborhood Improvement District in East Baton Rouge Parish. (gov sig)

1 AN ACT

2 To enact R.S. 33:9097.28, relative to East Baton Rouge Parish; to create the Parkwood
3 Terrace Crime Prevention and Neighborhood Improvement District within the
4 parish; to provide relative to the purpose, boundaries, governance, and powers and
5 duties of the district; to provide for the imposition of a parcel fee and for the use
6 thereof; and to provide for related matters.

7 Notice of intention to introduce this Act has been published.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 33:9097.28 is hereby enacted to read as follows:

10 **§9097.28. Parkwood Terrace Crime Prevention and Neighborhood**

11 **Improvement District**

12 **A. Creation. There is hereby created within the parish of East Baton**
13 **Rouge, as more specifically provided in Subsection B of this Section, a body**
14 **politic and corporate which shall be known as the Parkwood Terrace Crime**
15 **Prevention and Neighborhood Improvement District, referred to in this Section**
16 **as the "district". The district shall be a political subdivision of the state as**
17 **defined in Article VI, Section 44 of the Constitution of Louisiana.**

1 **B. Boundaries. The boundaries of the district shall include all property**
2 **shown on the final subdivision plats for Parkwood Terrace Subdivision filings**
3 **First, Second and Third filed with the East Baton Rouge Parish Clerk of Court**
4 **including lots one through two-hundred and ninety-three as more particularly**
5 **described as follows: beginning on the north by Lavey Lane, on the West by V.J.**
6 **Mire Track on the Northwest to City Parish Recreation and Park Commission**
7 **Greenwood Community Park to Greenwood Community Park on the South to**
8 **Cypress Bayou on the North and Morvant Subdivision on the East.**

9 **C. Purpose. The purposes of the district shall be to aid in crime**
10 **prevention by providing security for district residents and to serve the needs of**
11 **the residents of the district by funding beautification and improvements for the**
12 **overall betterment of the district.**

13 **D. Governance. (1) The district shall be governed by a board of**
14 **commissioners, referred to in this Section as the "board", consisting of seven**
15 **members as follows:**

16 **(a) The president of the Parkwood Terrace Improvement Association**
17 **shall be an ex officio member.**

18 **(b) The board of directors of the Parkwood Terrace Improvement**
19 **Association or its successor shall appoint one member.**

20 **(c) The member or members of the Louisiana House of Representatives**
21 **who represent District 29 shall appoint one member.**

22 **(d) The member or members of the Louisiana Senate who represent**
23 **District 15 shall appoint one member.**

24 **(e) The assessor for East Baton Rouge Parish shall appoint one member.**

25 **(f) The mayor-president shall appoint one member.**

26 **(g) One member shall be appointed by the member or members of the**
27 **governing authority of the parish of East Baton Rouge who represent the**
28 **district.**

29 **(2) All members of the board shall be residents and qualified voters**

1 within the district.

2 (3) Members of the board appointed pursuant to Subparagraph (D)(1)(b)
3 through (g) of this Subsection shall serve four-year terms after initial terms as
4 follows: two members shall serve an initial term of one year; two members shall
5 serve two years; one member shall serve three years; and one member shall
6 serve four years, as determined by lot at the first meeting of the board.

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

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

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

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

17 (1) To sue and be sued.

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

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

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

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

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

28 F. Parcel fee. The governing authority of East Baton Rouge Parish may
29 impose and collect a parcel fee within the district subject to and in accordance

1 with the provisions of this Subsection:

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

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

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

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

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

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

24 (c) The fee shall expire ten years from its initial levy but may be renewed
25 as provided in Subparagraph (a) of this Paragraph. If the fee is renewed, the
26 term of the imposition of the fee shall be as provided in the proposition
27 authorizing such renewal, not to exceed ten years.

28 (4) The fee shall be collected at the same time and in the same manner
29 as ad valorem taxes are collected within the parish.

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

4 **(6) The sheriff of the parish of East Baton Rouge shall remit to the**
5 **district all amounts collected not more than sixty days after collection; however,**
6 **the board may enter into an agreement with the sheriff to authorize the sheriff**
7 **to retain a collection fee.**

8 **G. Budget. (1) The board of commissioners shall adopt an annual budget**
9 **in accordance with the Louisiana Local Government Budget Act, R.S. 39:1301**
10 **et seq.**

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

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

18 **(2) If the district ceases to exist, any funds of the district shall be**
19 **transmitted to the governing authority of the city of Baton Rouge and parish of**
20 **East Baton Rouge and shall be used for law enforcement purposes in the area**
21 **included within the district.**

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.

The original instrument was prepared by Michael Bell. The following digest, which does not constitute a part of the legislative instrument, was prepared by Nancy Vicknair.

DIGEST

SB 111 Reengrossed

2016 Regular Session

Barrow

Proposed law creates the Parkwood Terrace Crime Prevention and Neighborhood Improvement District in East Baton Rouge Parish for the purposes of providing security for district residents and serving the needs of district residents by funding beautification and improvements for the overall betterment of the district. Provides for district boundaries.

Proposed law provides that the district is governed by a board of commissioners. Requires each board member to be a resident and qualified voter in the district. Provides that the board shall be composed of seven members as follows:

- (1) The president of the Parkwood Terrace Improvement Association shall be an ex officio member.
- (2) The board of directors of the Parkwood Terrace Improvement Association or its successor shall appoint one member.
- (3) The member or members of the Louisiana House of Representatives who represent House District 29 shall appoint one member.
- (4) The member or members of the Louisiana Senate who represent Senate District 15 shall appoint one member.
- (5) The assessor for East Baton Rouge Parish shall appoint one member.
- (6) The mayor-president shall appoint one member.
- (7) The Metro Council member or council members who represent the district shall appoint one member.

Proposed law provides that members serve staggered four-year 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 less than \$100 per parcel per year for lots zoned for residential. 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 10 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 in the parish. Provides that any fee shall be added to the tax rolls of the parish and shall be enforced with the same authority and subject to the same penalties and procedures as ad valorem taxes.

Proposed law requires the sheriff to collect and remit to the district all amounts collected not more than 60 days after collection. Authorizes the board to enter into an agreement with the sheriff to authorize the sheriff to retain a collection fee.

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. 33:9097.28)

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Make technical changes.