

ACT No. 617

Regular Session, 2004

SENATE BILL NO. 133

BY SENATOR FIELDS

1 AN ACT

2 To enact Part III of Chapter 29 of Title 33 of the Louisiana Revised Statute of 1950, to be
3 comprised of R.S. 33:9097.1, relative to crime prevention and security districts in
4 East Baton Rouge Parish; to create the Concord Estates Crime Prevention District;
5 to provide relative to the purposes, governance, duties, and authority of the district;
6 to authorize the governing authority of East Baton Rouge Parish, subject to the
7 approval of district voters; to impose a parcel fee within the district and to provide
8 relative to such fee; to provide relative to funds of the district; and to provide for
9 related matters.

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

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. Part III of Chapter 29 of Title 33 of the Louisiana Revised Statute of 1950,
13 to be comprised of R.S. 33:9097.1 is hereby enacted to read as follows:

14 PART III. EAST BATON ROUGE PARISH

15 **Part III is all new law.**

16 §9097.1. Concord Estates Crime Prevention District

17 **R.S. 33:9097.1 is all new law.**

18 A. Creation. There is hereby created within the parish of East Baton Rouge,
19 as more specifically provided in Subsection B of this Section, a body politic and
20 corporate which shall be known as the Concord Estates Crime Prevention District,
21 hereinafter referred to as the "district." The district shall be a political subdivision
22 of the state as defined in the Constitution of Louisiana.

23 B. Boundaries. The boundaries of the district shall be coterminous with the
24 boundaries of the Concord Estates Subdivision in East Baton Rouge Parish as

1 established in the official subdivision plat filed with the clerk of court of East Baton
2 Rouge Parish.

3 C. Purpose. The purpose of the district shall be to aid in crime prevention
4 and to add to the security of district residents by providing for an increase in the
5 presence of law enforcement personnel in the district.

6 D. Governance. (1) The district shall be governed by a board of
7 commissioners consisting of seven members as follows:

8 (a) The president of the Concord Estates Homeowners Association shall be
9 an ex officio member.

10 (b) The board of directors of the Concord Estates Homeowners Association
11 or its successor shall appoint one member.

12 (c) The member or members of the Louisiana House of Representatives who
13 represent the area which comprises the district shall appoint one member.

14 (d) The member or members of the Louisiana Senate who represent the area
15 which comprises the district shall appoint one member.

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

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

18 (g) The Metro Council member or council members who represent the
19 district shall appoint one member.

20 (2) All members of the board shall own property within the district.

21 (3)(a) The terms of the members appointed pursuant to Subparagraphs (1)(c)
22 through (g) of this Subsection shall be concurrent with the respective appointing
23 authority.

24 (b) The member serving pursuant to Subparagraph (1)(a) of this Subsection
25 shall serve during his term of office as president of the Concord Estates Homeowners
26 Association.

27 (c) The member serving pursuant to Subparagraph (1)(b) of this Subsection
28 shall serve an initial term of two years and each successor of such member shall serve
29 a four-year term. Vacancies resulting from the expiration of a term or any other

1 reason shall be filled in the manner of the original appointment. Members shall be
2 eligible for reappointment.

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

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

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 and in
13 accordance with a budget adopted as provided by Subsection G of this Section.

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

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

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

20 F. Parcel fee. The governing authority of East Baton Rouge Parish is hereby
21 authorized to impose and collect a parcel fee within the district subject to and in
22 accordance with the provisions of this Subsection:

23 (1) The amount of the fee shall be as requested by duly adopted resolution
24 of the governing authority of the district. The fee, however, shall not exceed twenty-
25 five dollars per parcel per year.

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

28 (b) For purposes of this Section, "parcel" means a lot, a subdivided portion
29 of ground, or an individual tract and does not mean a "condominium parcel" as

1 defined in R.S. 9:1121.103. Thus, with respect to condominiums, the fee collector
2 shall impose the parcel fee on each lot on which condominiums are situated and not
3 on individual condominium units.

4 (c) The owner of the parcel shall be responsible for payment of the fee. The
5 tax collector shall submit the bill for a parcel fee which is to be collected from
6 condominium owners to the condominium owners association and the association
7 shall pay the fee from funds available for that purpose. The association shall remain
8 liable for the entire fee until it is paid.

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

17 (b) The fee shall expire four years from its initial levy but may be renewed as
18 provided in Subparagraph (3)(a) of this Subsection. If renewed, the term of the
19 imposition of the fee shall be as provided in the proposition authorizing such
20 renewal, not to exceed four years.

21 (4) The fee shall be collected at the same time and in the same manner as ad
22 valorem taxes are collected by the sheriff, as ex officio tax collector, of East Baton
23 Rouge Parish. The sheriff shall collect and remit to the district all amounts collected
24 not more than sixty days after collection. He shall retain the same commissions as
25 he receives for the collection of ad valorem taxes.

26 (5) Any parcel fee which is unpaid shall be added to the tax rolls of the city
27 and shall be enforced with the same authority and subject to the same penalties and
28 procedures as unpaid ad valorem taxes.

29 G. Budget. (1) The board of commissioners shall adopt an annual budget

1 in accordance with the Louisiana Local Government Budget Act, R.S. 39:1301 et seq.
2 The budget and all amendments shall be subject to the approval of the East Baton
3 Rouge Metropolitan Council.

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

6 H. Miscellaneous provisions. (1) It is the purpose and intent of this Section
7 that the additional law enforcement personnel and their services provided for through
8 the fees authorized herein shall be supplemental to and not in lieu of personnel and
9 services provided in the district by the city of Baton Rouge and East Baton Rouge
10 Parish.

11 (2) If the district ceases to exist, any funds of the district shall be transmitted
12 to the governing authority of East Baton Rouge Parish and shall be used for law
13 enforcement purposes in the district.

14 Section 2. This Act shall become effective upon signature by the governor or,
15 if not signed by the governor, upon expiration of the time for bills to become law
16 without signature by the governor, as provided by Article III, Section 18 of the
17 Constitution of Louisiana. If vetoed by the governor and subsequently approved by
18 the legislature, this Act shall become effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____