

SENATE BILL NO. 319

BY SENATOR CASSIDY

1 AN ACT

2 To enact Chapter 6-E of Title 18 of the Louisiana Revised Statutes of 1950, to be comprised
3 of R.S. 18:1300.31 through 1300.33 and Chapter 30 of Title 33 of the Louisiana
4 Revised Statutes of 1950, to be comprised of R.S. 33:9100.1, relative to creating
5 neighborhood crime prevention and security districts and levying parcel fees; to
6 provide for an additional procedure to create such districts and levy such fees; to
7 provide for approval of certain local governing authorities; to provide for collecting
8 signatures of certain electors for the purpose of authorizing an election concerning
9 such matters; to provide for the district, its boundaries and its powers and duties; and
10 to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. Chapter 6-E of Title 18 of the Louisiana Revised Statutes of 1950,
13 comprised of R.S. 18:1300.31 through 1300.33, is hereby enacted to read as follows:

14 **CHAPTER 6-E. NEIGHBORHOOD CRIME PREVENTION**

15 **AND SECURITY DISTRICT ELECTIONS**

16 **§1300.31. Petition for neighborhood crime prevention and security district and**
17 **parcel fee**

18 **A. Whenever the creation of a neighborhood crime prevention and**
19 **security district and approval of a parcel fee for such district is proposed as**
20 **provided for in R.S. 33:9100.1, the board of directors of the homeowners'**
21 **association or associations of the subdivision or subdivisions which are to**
22 **compose the district shall adopt a resolution proposing the district and parcel**
23 **fee addressed to the governing authority of the municipality, if the subdivision**
24 **or subdivisions are located within a municipality, or the governing authority of**

1 the parish if the subdivision or subdivisions are not located within a
2 municipality, hereinafter "the appropriate local governing authority." The
3 resolution shall state all of the following:

4 (1) The name of the district proposed to be created and its proposed
5 boundaries.

6 (2) The purpose for which the district is to be formed, including the
7 amount of any parcel fee proposed to be levied on parcels within the district, a
8 definition of the parcels upon which it will be levied, including whether the fee
9 will be levied on all parcels located within the district, or on only improved
10 parcels, the term of the fee, any possible renewal of the fee at the end of such
11 term, and the purposes for which the fee proceeds may be expended.

12 (3) The composition of the board of commissioners which will govern the
13 district.

14 (4) A reference to R.S. 33:9100.1 and this Section.

15 (5) A request that the appropriate local governing authority authorize
16 the collection of signatures within the subdivision or subdivisions comprising
17 the proposed district for a petition requesting the governing authority to call an
18 election to approve the district and parcel fee and, if such petition is signed by
19 not less than thirty percent of the number of the total electors of such
20 subdivision or subdivisions, that the appropriate local governing authority then
21 may adopt a resolution ordering an election for the purpose of creating the
22 district and approving the levy of the parcel fee.

23 (6) A designation of the chairman to act for the signers of the petition in
24 all matters, and a vice chairman to act on order of the chairman or in case of
25 the death, disability, absence, or resignation of the chairman, including their
26 full names and residence addresses, each of whom shall be a qualified voter in
27 the subdivision or subdivisions for which the district is proposed to be created.

28 (7) A list of the precincts included within the boundaries of the district
29 and, in the case of a precinct not entirely within the district, a description of the
30 part of the precinct that is within the district. Prior to adoption of the

1 resolution by the association or associations, the association or associations shall
2 submit a description of the boundaries of the proposed district to the registrar
3 of voters for the parish and the registrar shall prepare a precinct list as
4 required by this Paragraph to be included in the resolution.

5 B.(1) Upon the adoption of a resolution by the appropriate local
6 governing authority authorizing the collection of signatures for such a petition
7 within such area, a petition may be circulated which requests that an election
8 be called and held within the area comprising the proposed district to authorize
9 creation of the district and the levy of the parcel fee.

10 (2)(a) The secretary of state shall provide a form approved by the
11 attorney general to be used for the petition to request an election to authorize
12 the creation of a neighborhood crime prevention and security district and the
13 levy of a parcel fee for such district. The form shall describe all of the
14 information set forth in Paragraphs (A)(1), (2), and (3) of this Section.

15 (b) Such form shall be in conformity with the provisions of this Chapter
16 and Chapters 6-A and 6-B of this Title. All such petitions shall be on an
17 approved form or on a form which contains the same information as required
18 by the approved form and any petition not on such a form shall be invalid.

19 C. All signatures on such petitions shall be handwritten. The appropriate
20 local governing authority shall have the authority to call an election as provided
21 in R.S. 18:1300.33 only if the petition is signed by a number of the electors of the
22 subdivision or subdivisions proposing to create the district as will in number
23 equal not less than thirty percent of the number of the total electors of such
24 voting area wherein and for which an election is petitioned.

25 D.(1) Prior to the entering of any signatures on a petition, the person
26 designated to represent the petitioners shall file with the appropriate local
27 governing authority as provided for in Subsection A of this Section a copy of the
28 petition which will be used, and upon receipt of the petition, the fact and the
29 date of filing with the governing authority shall be endorsed thereon. A copy
30 shall be transmitted by such governing authority to the secretary of state and

1 to the registrar of voters for the parish in which the election is to be held. The
2 chairman shall describe on the petition the subdivision or subdivisions within
3 the municipality or parish in which the election is to be held. The petition shall
4 be deemed filed when the petition is either:

5 (a) Received in the office of the appropriate local governing authority.

6 (b) Postmarked by the United States Postal Service, if subsequently
7 received in the office of the appropriate local governing authority.

8 (c) Receipted on a return receipt form, if subsequently received by the
9 office of the appropriate local governing authority.

10 (2) The signed and dated petition shall be submitted to the appropriate
11 local governing authority and to the registrar of voters for the parish not later
12 than one hundred eighty days after the day on which the copy of the petition
13 was filed with the appropriate local governing authority. If the final day for
14 submitting the signed and dated petition falls on a Saturday, Sunday, or legal
15 holiday, the deadline for filing such petition shall be on the next day which is not
16 a Saturday, Sunday, or legal holiday.

17 (3) The chairman shall file notice with the appropriate local governing
18 authority and the registrar on the third day before the petition is submitted to
19 them that he will submit the petition and the date of such submission, unless
20 such submission is made within three days prior to the expiration of the period
21 for submitting such petition. Such notice of submission shall be a public record.
22 If the notice filed with the appropriate local governing authority and the
23 registrar on the third day before the petition is submitted includes a date for
24 submitting the signed and dated petition which falls on a Saturday, Sunday, or
25 other legal holiday, the appropriate local governing authority shall so inform
26 the chairman and the registrar and advise them of the next day which is not a
27 Saturday, Sunday, or other legal holiday and on which the petition is to be
28 submitted.

29 E.(1) Each elector, at the time of signing the petition, shall enter his
30 address and the date on which he signed beside or underneath his signature;

1 however, if a person is unable to write, such incapacitated person shall affix his
2 mark to the petition, and the person circulating the petition shall affix the name
3 and address of such incapacitated person, as well as the date on which such
4 incapacitated person affixed his mark to the petition, in the presence of two
5 witnesses who shall also sign their names as witnesses to the mark and date their
6 signatures.

7 (2) In addition, each petition shall be in compliance with the provisions
8 of R.S. 18:3.

9 F. In determining the number of qualified electors who signed the
10 petition in any subdivision or subdivisions comprising a proposed district, the
11 registrar of voters shall not count any signature which is undated or bears a
12 date prior to the date on which the copy of the petition initially was filed with
13 the appropriate local governing authority or after the date of the submission of
14 the petition to the appropriate local governing authority, except as provided for
15 in R.S. 18:1300.32(B). The registrar shall not receive or certify a petition
16 submitted to him for certification unless it is submitted to him timely.

17 §1300.32. Certification of registrar of voters; addition or withdrawal of
18 signatures; form of names

19 A. The registrar of the parish shall certify on the petition within fifteen
20 working days after it is presented to him for that purpose, the number of names
21 appearing thereon, the number of qualified electors of the voting area within the
22 parish whose handwritten signatures appear on the petition, and also the total
23 number of electors of the voting area within the parish as of the date of the
24 filing of the petition with the appropriate local governing authority. The
25 registrar also shall indicate on the petition the names appearing thereon who
26 are not electors of the voting area. Each person who participates in the review
27 of the names on the petition for certification by the registrar as required in this
28 Section shall initial each of those portions of the petition which he reviews for
29 certification by the registrar.

30 B.(1) The registrar of voters shall honor the written request of any voter

1 who either desires to have his handwritten signature stricken from the petition
2 or desires to have his handwritten signature added to the petition at any time
3 after receipt of the signed petition as provided in R.S. 18:1300.31(D) but prior
4 to certification of the petition or within five days after receipt of such signed
5 petition, whichever is earlier. The written request of the voter shall include the
6 name and address of the voter, the signature of the voter, and the date.

7 (2) Upon the signature of the voter, the written request of the voter to
8 have his signature stricken or added to the petition shall be a public record.
9 Any person in possession of such a written request shall be the custodian
10 thereof. The voter or any other person who is the custodian of the written
11 request shall transmit the written request to the registrar of voters for each
12 parish within the voting area by mail or directly by hand, immediately upon
13 signature of the voter or upon receipt of the signed, written request.

14 C. When there is no registrar of voters, or deputy registrar of voters in
15 any parish, or in case of the absence or inability of that officer, the clerk of the
16 district court of the parish shall execute the certificate. Immediately after the
17 petition is certified a copy of the petition shall be made and the original petition
18 shall be sent to the appropriate local governing authority by the officer
19 executing the certificate. Such copy shall be retained in the office of the
20 registrar of voters and shall be a public record.

21 D. When any officer designated in this Chapter refuses to execute the
22 certificates provided for, any signer of a petition, or the chairman or vice
23 chairman designated to represent the signers, may compel the execution of the
24 certificates by summary process in the district court having jurisdiction over
25 the officer.

26 E. The registrar of voters shall comply with the provisions of R.S.
27 18:3(C) when determining the number of qualified electors of the voting area
28 who signed the petition.

29 §1300.33. Appropriate local governing authority to order election

30 A. If the required number of qualified electors within the subdivision or

1 subdivisions proposing the creation of a district and the levy of a parcel fee sign
 2 the petition, the appropriate local governing authority may adopt a resolution
 3 ordering an election within such area for the purpose of creating the district and
 4 approving the levy of the parcel fee in the manner provided for in Chapter 6-A
 5 of this Title; such election shall only occur in a congressional general election
 6 or gubernatorial primary election.

7 B. At least thirty days prior to such election, the local governing
 8 authority calling the election shall mail notification of the upcoming election to
 9 each registered voter in the proposed district and each owner of a parcel in the
 10 proposed district if the owner is not a registered voter. No other election shall
 11 be required except as provided by this Section.

12 Section 2. Chapter 30 of Title 33 of the Louisiana Revised Statutes of 1950,
 13 comprised of R.S. 33:9100.1, is hereby enacted to read as follows:

14 CHAPTER 30. STATEWIDE CRIME PREVENTION AND SECURITY

15 DISTRICT IMPLEMENTATION PROCEDURE

16 §9100.1. Neighborhood crime prevention and security district implementation
 17 procedure

18 A. Purpose. It is the intention of the legislature that the need for
 19 individual local laws be eliminated by the establishment of a procedure by
 20 which citizens living in neighborhoods within the state may, with the consent of
 21 the appropriate local governing authority, establish neighborhood crime
 22 prevention and security districts to aid in crime prevention and to add to the
 23 security of neighborhood residents by providing for an increase in the presence
 24 of law enforcement personnel in the neighborhood. For purposes of this Section,
 25 the "appropriate local governing authority" means the governing authority of
 26 the municipality, if the subdivision or subdivisions are located within a
 27 municipality, or the governing authority of the parish if the subdivision or
 28 subdivisions are not located within a municipality.

29 B. Creation and boundaries. (1) A neighborhood crime prevention and
 30 security district shall be created only upon the adoption of a resolution by the

1 appropriate local governing authority authorizing the collection of signatures
 2 for a petition seeking an election to approve the district and parcel fee; the
 3 signing of such petition by thirty percent of the qualified electors in the
 4 proposed district; and approval by a majority of the electors of the proposed
 5 district voting on the proposition at an election held for the purpose, all in the
 6 manner and according to the procedure provided for in Chapter 6-E of Title 18
 7 of the Louisiana Revised Statutes of 1950, R.S. 18:1300.31 et seq. Such election
 8 shall be held at the same time as a congressional general election or a
 9 gubernatorial primary election.

10 (2) If the district and the fee are not approved at such election, the
 11 district shall not be created and the parcel fee shall not be levied unless the
 12 entire procedure set forth in Paragraph (1) of this Subsection is completed
 13 again.

14 C.(1) Any district created pursuant to this Section shall be a body politic
 15 and corporate and shall be known by the name provided for in the ballot
 16 proposition proposing the creation of the district which is approved by the
 17 voters of the district, hereinafter referred in this Section as the "district." Such
 18 district shall be a political subdivision of the state as defined in the Constitution
 19 of Louisiana.

20 (2) The boundaries of a district shall be coterminous with the boundaries
 21 of one or more subdivisions within a parish as established in an official
 22 subdivision plat filed with the clerk of court for such parish.

23 D. Governance. (1) Any district established as provided for in this
 24 Section shall be governed by a board of commissioners consisting of the
 25 following members:

26 (a) The president of the homeowners' association of the subdivision
 27 composing the district.

28 (b) One member appointed by the board of directors of the
 29 homeowners' association of the subdivision composing the district.

30 (c) One member appointed by the member or members of the House of

1 Representatives who represent the subdivision.

2 (d) One member appointed by the member or members of the Senate
3 who represent the subdivision.

4 (e) One member appointed by the assessor of the parish or district in
5 which the subdivision is located.

6 (f) One member appointed by the mayor of the municipality if the
7 subdivision is located within a municipality, or if not located within a
8 municipality, the head of the parish governing authority in which the
9 subdivision is located.

10 (g) One member appointed by the member or members of the
11 appropriate local governing authority who represent the subdivision.

12 (2) In the event a district is composed of multiple subdivisions, then the
13 board of commissioners shall include the president of and a member appointed
14 by the homeowners' association of each such subdivision, and additional
15 members appointed by such members of the legislature and appropriate local
16 governing authorities if the multiple subdivisions are represented by different
17 legislators or authority representatives.

18 (3) All members of the board shall reside within the district.

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

22 (b) The member serving pursuant to Subparagraph (1)(b) of this
23 Subsection shall serve a term of four years.

24 (c) The member serving pursuant to Subparagraph (1)(a) shall serve
25 during his term of office.

26 (5) Vacancies resulting from the expiration of a term or any other
27 reason shall be filled in the manner of the original appointment. Members shall
28 be eligible for reappointment.

29 (6) The members of the board shall select from among themselves a
30 president and such other officers as they deem appropriate. The responsibilities

1 of the officers shall be as provided by the bylaws of the board.

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

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

6 (1) To sue and be sued.

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

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

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

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

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

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

20 (1) The amount of the fee shall be the same as is provided for in the
21 ballot proposition approved by the voters pursuant to Chapter 6-E of Title 18
22 of the Louisiana Revised Statutes of 1950, R.S. 18:1300.31 et seq., as requested
23 by a duly adopted resolution of the governing authority of the district. The fee,
24 however, shall not exceed three hundred fifty dollars per parcel per year.

25 (2)(a) The fee shall be imposed on all parcels located within the district,
26 or on only improved parcels, as is provided for in the ballot proposition
27 approved by the voters pursuant to Chapter 6-E of Title 18 of the Louisiana
28 Revised Statutes of 1950, R.S. 18:1300.31 et seq., as requested by a duly adopted
29 resolution of the governing authority of the district.

30 (b) For purposes of this Section, "parcel" means a lot, a subdivided

1 portion of ground, or an individual tract and does not mean a "condominium
 2 parcel" as defined in R.S. 9:1121.103. Thus, with respect to condominiums, the
 3 fee collector shall impose the parcel fee on each lot on which condominiums are
 4 situated and not on individual condominium units.

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

6 (d) The fee shall expire ten years from its initial levy as provided for in
 7 the ballot proposition approved by the voters pursuant to Chapter 6-E of Title
 8 18 of the Louisiana Revised Statutes of 1950, R.S. 18:1300.31, but may be
 9 renewed for an additional ten years only after the question of its imposition has
 10 been approved by a majority of the registered voters of the district voting on the
 11 proposition at an election held for the purpose prior to the expiration of the fee.
 12 Such an election shall be held at the same time as a congressional general
 13 election or a gubernatorial primary election. At least thirty days prior to such
 14 election, the board of commissioners shall mail notification of the upcoming
 15 election as provided for in R.S. 18:1300.33(B). No other election for renewal of
 16 the parcel fee shall be required except as provided by this Subparagraph.

17 (3) The fee shall be collected at the same time and in the same manner
 18 as ad valorem taxes are collected in the parish.

19 (4) Any parcel fee which is unpaid shall be added to the tax rolls of the
 20 parish and shall be enforced with the same authority and subject to the same
 21 penalties and procedures as unpaid ad valorem taxes.

22 (5) The appropriate local governing authority shall remit to the district
 23 all amounts collected not more than sixty days after collection. However, such
 24 authority may retain one percent of the amount collected as a collection fee.

25 G. Budget; audit; applicability of other laws. (1) The board of
 26 commissioners shall adopt an annual budget in accordance with the Louisiana
 27 Local Government Budget Act, R.S. 39:1301 et seq. The budget and all
 28 amendments shall be subject to the approval of the appropriate local governing
 29 authority.

30 (2) The district shall be subject to audit by the legislative auditor

1 pursuant to R.S. 24:513.

2 (3) Except as otherwise specifically provided in this Part, the board of
3 commissioners shall be subject to the Open Meetings Law, the Public Records
4 Law, and the Code of Governmental Ethics.

5 H. Miscellaneous provisions. (1) It is the purpose and intent of this
6 Section that the additional law enforcement personnel and services provided by
7 the district shall be supplemental to and not in lieu of personnel and services
8 provided in the district by the municipality or parish.

9 (2) If the district ceases to exist, any funds of the district shall be
10 transferred to the appropriate local governing authority and shall be used for
11 law enforcement purposes within the former boundaries of the district.

12 I. The provisions of this Section shall not apply to any subdivision or
13 other area in which a neighborhood crime prevention and security district or
14 a similar entity has been authorized by any other provision of law.

15 Section 3. This Act shall become effective upon signature by the governor or, if not
16 signed by the governor, upon expiration of the time for bills to become law without signature
17 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
18 vetoed by the governor and subsequently approved by the legislature, this Act shall become
19 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____