

2022 Regular Session

HOUSE BILL NO. 148

BY REPRESENTATIVE FREEMAN

DISTRICTS/CRIME PREVENT: Creates the Bouligny Improvement District in Orleans Parish

1 AN ACT

2 To enact R.S. 33:9091.27, relative to Orleans Parish; to create the Bouligny Improvement  
3 District; to provide relative to the boundaries, purpose, governance, and powers and  
4 duties of the district; to provide relative to district funding, including the authority  
5 to levy taxes or fees, subject to voter approval; to provide for an effective date; and  
6 to provide for related matters.

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

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 33:9091.27 is hereby enacted to read as follows:

12 §9091.27. Bouligny Improvement District in Orleans Parish

13 A. Creation. There is hereby created within the parish of Orleans, as more  
14 specifically provided in Subsection B of this Section, a body politic and corporate  
15 which shall be known as the Bouligny Improvement District, referred to in this  
16 Section as the "district". The district shall be a political subdivision of the state as  
17 defined in the Constitution of Louisiana.

18 B. Boundaries. The boundaries of the district shall be that area within the  
19 following perimeter: Upperline Street (both sides) to Prytania Street (river side only)  
20 to Napoleon Avenue (upper side only) to Tchoupitoulas Street (both sides) and back

1 to Upperline Street. All municipal numbers on Prytania Street and Napoleon Avenue  
2 are excluded from this district.

3 C. Purpose. The district is established for the primary object and purpose of  
4 promoting and encouraging security in the area included within the district.

5 D. Governance. (1) In order to provide for the orderly development of the  
6 district and effectuation of the services to be furnished by the district and to provide  
7 for the representation in the affairs of the district of those persons and interests  
8 immediately concerned with and affected by security in the area, the district shall be  
9 managed by a seven-member board of commissioners, referred to in this Section as  
10 the "board". The board shall be composed as follows:

11 (a) The president of the Bouigny Improvement Association or its successor,  
12 referred to in this Section as the "association".

13 (b) The board of directors of the association shall appoint two members.

14 (c) The mayor of the city of New Orleans shall appoint one member from a  
15 list of nominations submitted by the association.

16 (d) The member of the Louisiana House of Representatives whose district  
17 encompasses all or the greater portion of the area of the district shall appoint one  
18 member from a list of nominations submitted by the association.

19 (e) The member of the Louisiana Senate whose district encompasses all or  
20 the greater portion of the area of the district shall appoint one member from a list of  
21 nominations submitted by the association.

22 (f) The member of the governing authority of the city of New Orleans whose  
23 council district encompasses all or the greater portion of the area of the district shall  
24 appoint one member from a list of nominations submitted by the association.

25 (2) All members of the board shall be residents of the district.

26 (3)(a) Board members serving pursuant to Subparagraphs (1)(b) through (f)  
27 of this Subsection shall serve four-year terms after initial terms as provided in this  
28 Subparagraph. Two members shall serve an initial term of four years; two shall  
29 serve an initial term of three years; one shall serve an initial term of two years; and

1       one shall serve an initial term of one year, as determined by lot at the first meeting  
2       of the board.

3               (b) The member serving pursuant to Subparagraph (1)(a) of this Subsection  
4       shall serve during his term of office as president of the association.

5               (c) Any vacancy which occurs prior to the expiration of the term for which  
6       a member of the board has been appointed shall be filled for the remainder of the  
7       unexpired term in the same manner as the original appointment.

8               (4) The board shall elect from its members a president, a vice president, a  
9       secretary-treasurer, and such other officers as it may deem necessary. The duties of  
10       the officers shall be fixed by the bylaws adopted by the board.

11               (5) The minute books and archives of the district shall be maintained by the  
12       secretary of the board. The monies, funds, and accounts of the district shall be in the  
13       official custody of the board.

14               (6) The board shall adopt such rules and regulations as it deems necessary  
15       or advisable for conducting its business affairs. It shall hold regular meetings as  
16       shall be provided for in the bylaws and may hold special meetings at such times and  
17       places within the district as may be prescribed in the bylaws.

18               (7) A majority of the members of the board shall constitute a quorum for the  
19       transaction of business. The board shall keep minutes of all meetings and shall make  
20       them available through the secretary of the board to residents of the district.

21               (8) The members of the board shall serve without compensation but may be  
22       reimbursed for out-of-pocket expenses.

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

25                       (1) To sue and be sued.

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

27                       (3) To receive and expend funds collected pursuant to Subsection G of this  
28       Section and in accordance with a budget adopted as provided by Subsection H of this  
29       Section.

1           (4) To enter into contracts with individuals or entities private or public for  
2           the provision of security patrols in the district. The district, through the board, may  
3           contract with the New Orleans Police Department or with a private security company  
4           for the provision of security patrols in the district.

5           (5) To purchase items or supplies which the board deems instrumental in  
6           achieving the purpose of the district.

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

9           (7) To acquire, lease, insure, and sell real property within its boundaries in  
10          accordance with district plans.

11          F. Plan. (1) The board shall prepare or cause to be prepared a plan or plans,  
12          such plan or plans and the plan provided for in Subsection G of this Section, referred  
13          to collectively in this Section as the "plan", specifying the public improvements,  
14          facilities, and services proposed to be furnished, constructed, or acquired for the  
15          district, and it shall conduct such hearings, publish such notice with respect thereto,  
16          and disseminate such information as it, in the exercise of its sound discretion, may  
17          deem to be appropriate or advisable and in the public interest.

18          (2) Any plan shall include:

19           (a) An estimate of the annual and aggregate cost of acquiring, constructing,  
20           or providing the services, improvements, or facilities set forth therein.

21           (b) An estimate of the aggregate number of mills or fees required to be  
22           levied in each year on the taxable real property within the district in order to provide  
23           the funds required for the implementation or effectuation of the plan for furnishing  
24           the services specified and for capital improvements, or both.

25          G. Taxing authority. (1)(a) The governing authority of the city of New  
26          Orleans may levy and collect, as authorized by the district and as specifically  
27          provided for in this Section, for a term not to exceed eight years, in the same manner  
28          and at the same time as all other ad valorem taxes on property subject to taxation by  
29          the city are levied and collected, a special ad valorem tax not to exceed twenty mills

1 or fees upon all taxable real property situated within the boundaries of the district.

2 A tax or fee authorized by this Subsection shall be levied and collected only after the  
3 question of its imposition has been submitted to and approved by a majority of the  
4 registered voters of the district voting on the question at a regularly scheduled  
5 election to be conducted in accordance with provisions of the Louisiana Election  
6 Code. No such tax or fee shall be levied until a plan requiring or requesting the levy  
7 of a tax or fee is finally and conclusively adopted in accordance with the procedures  
8 prescribed in this Section.

9 (b) The tax or fee may be renewed subject to the provisions of Subparagraph  
10 (a) of this Paragraph.

11 (2) No fee shall be imposed upon any parcel whose owner qualifies for and  
12 receives the special assessment level provided by Article VII, Section 18(G)(1) of  
13 the Constitution of Louisiana.

14 (3) The proceeds of a tax or fee shall be used solely and exclusively for the  
15 purpose and benefit of the district; however, the city may retain one percent of the  
16 amount collected as a collection fee. The city of New Orleans shall remit to the  
17 district all amounts collected not more than sixty days after collection.

18 H. Budget. (1) The board of commissioners shall adopt an annual budget  
19 in accordance with the Local Government Budget Act, R.S. 39:1301 et seq.

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

22 I. Miscellaneous. It is the purpose and intent of this Section that any  
23 additional security patrols, public or private, provided by the district shall be  
24 supplemental to and not in lieu of personnel and services provided in the district by  
25 the New Orleans Police Department.

26 Section 2. This Act shall become effective upon signature by the governor or, if not  
27 signed by the governor, upon expiration of the time for bills to become law without signature  
28 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

- 1 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
2 effective on the day following such approval.

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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 148 Original

2022 Regular Session

Freeman

**Abstract:** Creates the Bouligny Improvement District in Orleans Parish. Provides for the district's boundaries, purpose, governance, and funding, including the authority to levy taxes or fees.

Proposed law creates the Bouligny Improvement District in Orleans Parish as a political subdivision of the state for the purpose of promoting and encouraging security in the area included within the district. Provides for district boundaries. Provides that the district shall be governed by a board of commissioners composed as follows:

- (1) The president of the Bouligny Improvement Assoc. (association).
- (2) Two members appointed by the board of directors of the association.
- (3) One member appointed by the mayor of the city of New Orleans from a list of nominations submitted by the association.
- (4) One member appointed by the member of the La. House of Representatives whose district encompasses all or the greater portion of the area of the district from a list of nominations submitted by the association.
- (5) One member appointed by the member of the La. Senate whose district encompasses all or the greater portion of the area of the district from a list of nominations submitted by the association.
- (6) One member appointed by the member of the governing authority of the city of New Orleans whose council district encompasses all or the greater portion of the area of the district from a list of nominations submitted by the association.

Requires board members to be residents and qualified voters of the district.

Proposed law provides for the district's powers and duties including the following:

- (1) To sue and be sued.
- (2) To adopt, use, and alter at will a corporate seal.
- (3) To receive and expend funds from authorized taxes or fees in accordance with an adopted budget.
- (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 or supplies which the board deems instrumental in achieving the purpose of the district.

- (6) To acquire, lease, insure, and sell real property within its boundaries in accordance with district plans.

Proposed law requires the board to prepare a plan(s) specifying the public improvements, facilities, and services proposed to be furnished, constructed, or acquired for the district. Further requires that the plan include:

- (1) An estimate of the annual and aggregate cost of acquiring, constructing, or providing the services, improvements, or facilities.
- (2) An estimate of the aggregate number of mills required to be levied in each year on the taxable real property within the district in order to provide the funds required for the implementation or effectuation of the plan for furnishing the services specified and for capital improvements, or both.

Proposed law authorizes the governing authority of the city of New Orleans to levy and collect special taxes or fees within the district not to exceed 20 mills or fees on all taxable real property within the district, subject to voter approval. Provides that the taxes or fees shall be levied for a term not to exceed eight years, but authorizes renewal of the taxes or fees, subject to voter approval. Requires the board to adopt a plan pursuant to proposed law prior to the levy of any taxes or fees. Proposed law prohibits the levy of taxes or fees on any parcel whose owner qualifies for the property tax special assessment level as provided by the state constitution (Const. Art. VII, §18(G)(1))

Proposed law requires that the taxes or fees be levied and collected in the same manner and at the same time as all other ad valorem taxes on property subject to taxation by the city. Authorizes the city to retain 1% of the amount collected.

Proposed law provides that any additional security patrols, public or private, provided by the district shall be supplemental to and not in lieu of personnel and services provided in the district by the New Orleans Police Department.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 33:9091.27)