

2022 Regular Session

HOUSE BILL NO. 148

BY REPRESENTATIVE FREEMAN

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

1 AN ACT

2 To enact R.S. 33:9091.27, relative to Orleans Parish; to create the Bouigny 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. Bouigny 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 Bouigny 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 encompass the area
19 included within the following perimeter: Upperline Street (both sides) to Prytania
20 Street (river side only) to Napoleon Avenue (upper side only) to Tchoupitoulas Street

1 (both sides) and back to Upperline Street. All municipal numbers on Prytania Street
2 and Napoleon Avenue 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 immovable property within its
10 boundaries in 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, referred to collectively in this Section as the "plan", specifying
13 the public improvements, facilities, and services proposed to be furnished,
14 constructed, or acquired for the district. The board shall conduct such hearings,
15 publish such notice with respect thereto, and disseminate such information as it, in
16 the exercise of its sound discretion, may deem to be appropriate or advisable and in
17 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 immovable property within the district in order to
23 provide the funds required for the implementation or effectuation of the plan for
24 furnishing 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 immovable property situated within the boundaries of the
2 district. A tax or fee authorized by this Subsection shall be levied and collected only
3 after the question of its imposition has been submitted to and approved by a majority
4 of the 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. The amount of the tax or fee shall be as requested by duly adopted resolution
7 of the board.

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

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

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

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

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

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

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

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)]

HB 148 Reengrossed

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. Provides that the amount of the tax or fee shall be as provided by a resolution of the board. 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)

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Remove proposed law that requires the board to adopt a plan prior to the levy of any taxes or fees.
2. Make additional technical changes.