

Regular Session, 2014

SENATE BILL NO. 678

BY SENATOR GALLOT

SPECIAL DISTRICTS. Creates the Louisiana Economic Development District as a political subdivision. (gov sig)

AN ACT

To enact Chapter 34 of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:9301 through 9309, relative to economic and community development in Orleans Parish; to create the Louisiana Economic Development District, a political subdivision of the State of Louisiana; to provide for the boundaries of the district; to provide for the governance of the district; to provide for the authority, powers, duties, and function of the governing body; to allow for the levy and collection of taxes and special assessments within the district; to provide for the authority to create subdistricts within the district; to authorize the district to issue and sell bonds; to provide for the duration of the district; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 34 of the Louisiana Revised Statutes of 1950, comprised of R.S. 33:9301 through 9309, is hereby enacted to read as follows:

CHAPTER 34. LOUISIANA ECONOMIC DEVELOPMENT DISTRICT

§9301. Title

The provisions of this Chapter shall hereafter be known as the "Louisiana

Economic**Development District Act".****§9302. Louisiana Sports and Entertainment District; creation; territorial jurisdiction**

A. There is hereby created in the city of New Orleans, referred to in this Chapter as the "city", the Economic Development District, a body politic and corporate of the state, referred to in this Chapter as the "district", which shall be comprised of all the property within Orleans Parish, referred to in this Chapter as the "property".

B. The district shall be a political subdivision of the state as defined in Article VI, Section 44 of the Constitution of Louisiana. Pursuant to Article VI, Sections 19 and 21 of the Constitution of Louisiana, the district is hereby granted all of the rights, powers, privileges and immunities accorded by law and the Constitution of Louisiana to political subdivisions of the state, subject to the limitations provided in this Chapter.

§9033. Purpose

The district is created to provide for cooperative economic and community development among the district, the city, the state and the owners of property in the district, to enhance the development of and improvement to the property within the area of the district, and to expand the entertainment and leisure activities within the district.

§9034. Governance

A. In order to provide for the orderly development of the district and effect the purposes of the district, the district shall be administered and governed by a board of commissioners, referred to in this Chapter as the "board," composed of those members duly appointed to and serving on the board of commissioners of the Louisiana Stadium and Exposition District, referred to in this Section as the "LSED."

B. The members of the board shall serve without salary or per diem. The

1 board may reimburse any member for reasonable, actual and necessary
2 expenses incurred in the performance of his or her duties pursuant to this
3 Chapter.

4 C. The board shall elect from among its members a president, a vice
5 president, a secretary, and a treasurer, whose duties shall be those usual to such
6 offices. At the option of the board, the offices of secretary and treasurer may be
7 held by one person.

8 D. The board shall meet in regular session once each month and shall
9 also meet in special session as often as the president of the board convenes the
10 board or upon the written request of three members. A majority of the
11 members of the board shall constitute a quorum for the transaction of business.
12 All such meetings shall be public meetings to the provisions of R.S. 42:5. The
13 board shall keep minutes of all meetings and shall make them available for
14 inspection through the board's secretary or secretary-treasurer, who shall also
15 maintain the minute books and archives of the district. The monies, funds, and
16 accounts of the district shall be in the official custody of the board.

17 E. The domicile of the board shall be established by the board at a
18 location within the district. The official journal of the district shall be the
19 official journal of the LSED.

20 §9305. Rights and powers

21 The district, acting by and through its board, shall have and exercise all
22 powers of a political subdivision necessary or convenient for the carrying out
23 of its objects and purposes, including but not limited to the following in addition
24 to the other rights and powers set out in this Chapter:

25 (1) To sue and be sued.

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

27 (3) To acquire by gift, grant, purchase, or otherwise all property,
28 including rights of way; to hold and use any franchise or property, real,
29 personal, or mixed, tangible or intangible, or any interest therein, necessary or

desirable for carrying out the objects and purposes of the district.

(4) To enter into contracts for the purchase, lease, acquisition, construction, and improvement of works and facilities necessary in connection with the purposes of the district, and to mortgage its properties and enter into leases and other agreements on terms the board approves.

(5) To require and issue licenses with respect to its properties and facilities.

(6) To regulate the imposition of fees and rentals charged by the district for its facilities and services rendered by it.

(7) To appoint officers, agents, and employees, prescribe their duties, and fix their compensation.

(8) To enter into cooperative endeavor agreements with any other party, public or private, to accomplish the purposes of this Chapter.

(9) To exercise any and all of the powers granted to an economic development district as if the district were an economic development district established pursuant to Part 2 of Chapter 27 of Title 33 of the Louisiana Revised Statutes of 1950, including but not limited to the powers of tax increment financing pursuant to R.S. 33:9038.33 and 33:9038.34 and the power to levy taxes within the district pursuant to R.S. 33:9038.39, provided that any such powers exercised by the district shall be subject to the provisions of Part 2 of Chapter 27 of Title 33 of the Louisiana Revised Statutes of 1950.

§9306. Levy of taxes

A. It is expressly provided that any taxes levied by the district, or any subdistrict created by the district, may exceed the limitation set forth by Article VI, Section 29(A) of the Constitution of Louisiana and shall be imposed, collected and enforced subject to the terms of the resolution imposing the tax and the provisions of Chapter 2 of Subtitle II of Chapter 47 of the Louisiana Revised Statutes of 1950.

B. Any taxes or assessments of any type to be levied by the district, or

1 any subdistrict created by the district, shall be levied only after the board has
2 adopted an appropriate resolution giving notice of its intention to levy such
3 taxes or assessments, which resolution shall include a general description of the
4 taxes or assessments to be levied, and notice of this intention shall be published
5 once a week for two weeks in the official journal of the district, the first
6 publication to appear at least fourteen days before the public meeting of the
7 board at which the board will meet in open and public session to hear any
8 objections to the proposed taxes or assessments. The notice of intent so
9 published shall state the date, time, and place of the public hearing. Such taxes
10 or assessments may be levied only after the board has called a special election
11 submitting the proposition for the levy of such taxes or assessments to the
12 qualified electors of the district or subdistrict, as applicable, and the proposition
13 has received the favorable vote of a majority of the electors voting in the
14 election; however, in the event there are no qualified electors in the district or
15 subdistrict, as applicable, as certified by the registrar of voters, no such election
16 shall be required. The powers and rights conferred by this Section shall be in
17 addition to the powers and rights conferred by any other general or special law.
18 This Section does and shall be construed to provide a complete and additional
19 method for the levy of any taxes or assessments. No election, proceeding, notice,
20 or approval shall be required for the levy of such taxes or assessments except
21 as provided herein.

22 §9307. Creation of subdistricts

23 A. The district may create subdistricts as provided in this Section. The
24 district shall publish notice of its intent to create a subdistrict in the official
25 journal of the district. At least ten days after publication of such notice in the
26 official journal of the district, the board shall conduct a public hearing on the
27 question of creating such subdistrict. Thereafter, the board may designate one
28 or more areas within the boundaries of the district as a subdistrict of the
29 district. Each subdistrict shall constitute a political subdivision of the state and

1 shall be governed by the board.

2 B. Each subdistrict shall have the same powers as the district and shall
3 be given a name and designated as "Louisiana Economic Development District
4 Subdistrict No. or such other suitable name as the board may designate.

5 §9308. Bonds of the district

6 A. The district, or any subdistrict created by the district, is hereby
7 authorized and empowered to issue and sell from time to time bonds, notes,
8 renewal notes, refunding bonds, interim certificates, certificates of indebtedness,
9 certificates of participation, debentures, warrants, commercial paper, or other
10 obligations or evidences of indebtedness to provide funds for and to fulfill and
11 achieve its public purpose or corporate purposes, as set forth in this Chapter,
12 including but not limited to the payment of all or a portion of the costs of a
13 project, to provide amounts necessary for any corporate purposes, including
14 necessary and incidental expenses in connection with the issuance of the
15 obligations, the payment of principal and interest on the obligations of the
16 district, the establishment of reserves to secure such obligations, and all other
17 purposes and expenditures of the district incident to and necessary or
18 convenient to carry out its public functions or corporate purposes, and any
19 credit enhancement for said obligations.

20 B. Except as may otherwise be provided by the board, all obligations
21 issued by the district, or any subdistrict created by the district, shall be
22 negotiable instruments and payable solely from the revenues of the district or
23 subdistrict, as applicable, as determined by the board, or from any other
24 sources whatsoever, that may be available to the district or subdistrict, as
25 applicable, but shall not be secured by the full faith and credit of the state or the
26 city.

27 C. Obligations shall be authorized, issued, and sold by a resolution or
28 resolutions of the board. Such bonds or obligations may be of such series, bear
29 such date or dates, mature at such time or times, bear interest at such rate or

1 rates, including variable, adjustable, or zero interest rates, be payable at such
2 time or times, be in such denominations and in such form, carry such
3 registration and exchangeability privileges, be payable at such place or places,
4 be subject to such terms of redemption, and be entitled to such priorities on the
5 income, revenue, and receipts of, or available to, the district or subdistrict, as
6 applicable, as may be provided by the board in the resolution or resolutions
7 providing for the issuance and sale of the bonds or obligations of the district.

8 D. The obligations of the district, or any subdistrict created by the
9 district, shall be signed by such officers of the board by either manual or
10 facsimile signatures as shall be determined by resolution or resolutions of the
11 board, and shall have impressed or imprinted thereon the seal of the district, or
12 a facsimile thereof.

13 E. Any obligations of the district, or any subdistrict created by the
14 district, may be validly issued, sold, and delivered, notwithstanding that one or
15 more of the officers of the board signing such obligations, or whose facsimile
16 signature or signatures may be on the obligations, shall have ceased to be such
17 officer of the board at the time such obligations shall actually have been
18 delivered.

19 F. Obligations of the district, or any subdistrict created by the district,
20 may be sold at such price or prices, at public or private negotiated sale, in such
21 manner and from time to time as may be determined by the district to be most
22 beneficial, subject to approval of the State Bond Commission, and the district
23 may pay all expenses, premiums, fees, or commissions, which it may deem
24 necessary or advantageous in connection with the issuance and sale thereof.

25 G. The board may authorize the establishment of a fund or funds for the
26 creation of a debt service reserve, a renewal and replacement reserve, or such
27 other funds or reserves as the board may approve with respect to the financing
28 and operation of any project funded with the proceeds of such bonds and as
29 may be authorized by any bond resolution, trust agreement, indenture of trust

1 or similar instrument or agreement pursuant to the provisions of which the
2 issuance of bonds or other obligations of the district or subdistrict may be
3 authorized.

4 H. Any cost, obligation, or expense incurred for any of the purposes or
5 powers of the district specified in this Chapter shall be a part of the project
6 costs and may be paid or reimbursed as such out of the proceeds of bonds or
7 other obligations issued by the district or subdistrict.

8 I. For a period of thirty days from the date of publication of the
9 resolution authorizing the issuance of bonds hereunder, any persons in interest
10 shall have the right to contest the legality of the resolution and the legality of the
11 bond issue for any cause, after which time no one shall have any cause or right
12 of action to contest the legality of said resolution or of the bonds authorized
13 thereby for any cause whatsoever. If no suit, action, or proceeding is begun
14 contesting the validity of the bond issue within the thirty days herein
15 prescribed, the authority to issue the bonds and to provide for the payment
16 thereof, and the legality thereof and all of the provisions of the resolution
17 authorizing the issuance of the bonds shall be conclusively presumed, and no
18 court shall have authority to inquire into such matters.

19 J. Neither the members of the board nor any person executing the bonds
20 shall be personally liable for the bonds or be subject to any personal liability by
21 reason of the issuance thereof. However, the limitation of liability provided for
22 in this Subsection shall not apply to any gross negligence or criminal negligence
23 on the part of any member of the board or person executing the bonds.

24 K. All obligations authorized to be issued by the district, or any
25 subdistrict created by the district, pursuant to the provisions of this Chapter,
26 together with interest thereof, income therefrom, and gain upon the sale thereof
27 shall be exempt from all state and local taxes.

28 L. The state and all public officers, any parish, municipality, or other
29 subdivision or instrumentality of the state, any political subdivision, any bank,

banker, trust company, savings bank and institution, building and loan association, savings and loan association, investment company or any person carrying on a banking or investment business, any insurance company or business, insurance association, and any person carrying on an insurance business, and any executor, administrator, curator, trustee, and other fiduciary, and any retirement system or pension fund may legally invest any funds belonging to them or within their control in any bonds or other obligations issued by the district, or any subdistrict created by the district, pursuant to the provisions of this Chapter, and such bonds or other obligations shall be authorized security for all public deposits. It is the purpose of this Subsection to authorize such persons, firms, corporations, associations, political subdivisions and officers, or other entities, public or private, to use any funds owned or controlled by them, including but not limited to sinking, insurance, investment, retirement, compensation, pension and trust funds, and funds held on deposit, for the purchase of any such bonds or other obligations of the district or subdistrict, and that any such bonds shall be authorized security for all public deposits. However, nothing contained in this Subsection with regard to legal investments or security for public deposits shall be construed as relieving any such person, firm, corporation, or other entity from any duty of exercising reasonable care in selecting securities.

§9309. Liberal construction

This Chapter, being necessary for the welfare of the state, the city-parish and its residents, shall be liberally construed to effect the purposes thereof.

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

The original instrument and the following digest, which constitutes no part

of the legislative instrument, were prepared by Jerry J. Guillot.

DIGEST

Gallot (SB 678)

Enacts the "Louisiana Economic Development District Act."

Creates in the city of New Orleans, the Economic Development District, comprised of all the property within Orleans Parish.

Provides that the district is political subdivision and granted all of the rights, powers, privileges and immunities accorded by law and the constitution to political subdivisions, subject to the limitations provided in proposed law.

Provides that the district is created to provide for cooperative economic and community development among the district, the city, the state and the owners of property in the district, to enhance the development of and improvement to the property within the area of the district, and to expand the entertainment and leisure activities within the district.

Provides that in order to provide for the orderly development of the district and effect the purposes of the district, the district shall be administered and governed by a board of commissioners, composed of those members duly appointed to and serving on the board of commissioners of the Louisiana Stadium and Exposition District ("LSED").

Provides that the board members shall serve without salary or per diem, but may reimburse any member for reasonable, actual and necessary expenses incurred in the performance of his or her duties pursuant to proposed law.

Provide that the board shall elect from among its members a president, a vice president, a secretary, and a treasurer, whose duties shall be those usual to such offices. At the option of the board, the offices of secretary and treasurer may be held by one person.

Provides that the board shall meet in regular session once each month and shall also meet in special session as often as the president of the board convenes the board or upon the written request of three members. A majority of the members of the board shall constitute a quorum for the transaction of business. All such meetings shall be public meetings to the provisions of R.S. 42:5. The board shall keep minutes of all meetings and shall make them available for inspection through the board's secretary or secretary-treasurer, who shall also maintain the minute books and archives of the district. The monies, funds, and accounts of the district shall be in the official custody of the board.

Provides that the domicile of the board shall be established by the board at a location within the district and that the official journal of the district shall be the official journal of the LSED.

Provides that the district, acting by and through its board, shall have and exercise all powers of a political subdivision necessary or convenient for the carrying out of its objects and purposes, including but not limited to the following in addition to the other rights and powers set out in proposed law:

- (1) To sue and be sued.
- (2) To adopt, use, and alter at will a corporate seal.
- (3) To acquire by gift, grant, purchase, or otherwise all property, including rights of way; to hold and use any franchise or property, real, personal, or mixed, tangible or intangible, or any interest therein, necessary or desirable for carrying out the objects and purposes of the district.
- (4) To enter into contracts for the purchase, lease, acquisition, construction, and

- improvement of works and facilities necessary in connection with the purposes of the district, and to mortgage its properties and enter into leases and other agreements on terms the board approves.
- (5) To require and issue licenses with respect to its properties and facilities.
 - (6) To regulate the imposition of fees and rentals charged by the district for its facilities and services rendered by it.
 - (7) To appoint officers, agents, and employees, prescribe their duties, and fix their compensation.
 - (8) To enter into cooperative endeavor agreements with any other party, public or private, to accomplish the purposes of proposed law.
 - (9) To exercise any and all of the powers granted to an economic development district as if the district were an economic development district established pursuant to Part 2 of Chapter 27 of Title 33 of the LRS, including but not limited to the powers of tax increment financing pursuant to R.S. 33:9038.33 and 33:9038.34 and the power to levy taxes within the district pursuant to R.S. 33:9038.39, provided that any such powers exercised by the district shall be subject to the provisions of Part 2 of Chapter 27 of Title 33 of the LRS.

Provides that it is expressly provided that any taxes levied by the district, or any subdistrict created by the district, may exceed the limitation set forth by Article VI, Section 29(A) of the constitution and shall be imposed, collected and enforced subject to the terms of the resolution imposing the tax and the provisions of Chapter 2 of Subtitle II of Chapter 47 of the LRS.

Provides that any taxes or assessments of any type to be levied by the district, or any subdistrict created by the district, shall be levied only after the board has adopted an appropriate resolution giving notice of its intention to levy such taxes or assessments, which resolution shall include a general description of the taxes or assessments to be levied, and notice of this intention shall be published once a week for two weeks in the official journal of the district, the first publication to appear at least fourteen days before the public meeting of the board at which the board will meet in open and public session to hear any objections to the proposed taxes or assessments. The notice of intent so published shall state the date, time, and place of the public hearing. Such taxes or assessments may be levied only after the board has called a special election submitting the proposition for the levy of such taxes or assessments to the qualified electors of the district or subdistrict, as applicable, and the proposition has received the favorable vote of a majority of the electors voting in the election; however, in the event there are no qualified electors in the district or subdistrict, as applicable, as certified by the registrar of voters, no such election shall be required. The powers and rights conferred by proposed law shall be in addition to the powers and rights conferred by any other general or special law. Proposed law does and shall be construed to provide a complete and additional method for the levy of any taxes or assessments. No election, proceeding, notice, or approval shall be required for the levy of such taxes or assessments except as provided herein.

Provides that the district may create subdistricts. The district shall publish notice of its intent to create a subdistrict in the official journal of the district. At least 10 days after publication of such notice in the official journal of the district, the board shall conduct a public hearing on the question of creating such subdistrict. Thereafter, the board may designate one or more areas within the boundaries of the district as a subdistrict of the district. Each subdistrict shall constitute a political subdivision of the state and shall be governed by the board.

Provides that each subdistrict shall have the same powers as the district and shall be given a name and designated as "Louisiana Economic Development District Subdistrict No. or such other suitable name as the board may designate.

Provides that the district, or any subdistrict created by the district, is hereby authorized and empowered to issue and sell from time to time bonds, notes, renewal notes, refunding bonds, interim certificates, certificates of indebtedness, certificates of participation, debentures,

warrants, commercial paper, or other obligations or evidences of indebtedness to provide funds for and to fulfill and achieve its public purpose or corporate purposes, as set forth in this Subpart, including but not limited to the payment of all or a portion of the costs of a project, to provide amounts necessary for any corporate purposes, including necessary and incidental expenses in connection with the issuance of the obligations, the payment of principal and interest on the obligations of the district, the establishment of reserves to secure such obligations, and all other purposes and expenditures of the district incident to and necessary or convenient to carry out its public functions or corporate purposes, and any credit enhancement for said obligations.

Provides that except as may otherwise be provided by the board, all obligations issued by the district, or any subdistrict created by the district, shall be negotiable instruments and payable solely from the revenues of the district or subdistrict, as applicable, as determined by the board, or from any other sources whatsoever, that may be available to the district or subdistrict, as applicable, but shall not be secured by the full faith and credit of the state or the city.

Provides that obligations shall be authorized, issued, and sold by a resolution or resolutions of the board. Such bonds or obligations may be of such series, bear such date or dates, mature at such time or times, bear interest at such rate or rates, including variable, adjustable, or zero interest rates, be payable at such time or times, be in such denominations and in such form, carry such registration and exchangeability privileges, be payable at such place or places, be subject to such terms of redemption, and be entitled to such priorities on the income, revenue, and receipts of, or available to, the district or subdistrict, as applicable, as may be provided by the board in the resolution or resolutions providing for the issuance and sale of the bonds or obligations of the district.

Provides that the obligations of the district, or any subdistrict created by the district, shall be signed by such officers of the board by either manual or facsimile signatures as shall be determined by resolution or resolutions of the board, and shall have impressed or imprinted thereon the seal of the district, or a facsimile thereof.

Provides that any obligations of the district, or any subdistrict created by the district, may be validly issued, sold, and delivered, notwithstanding that one or more of the officers of the board signing such obligations, or whose facsimile signature or signatures may be on the obligations, shall have ceased to be such officer of the board at the time such obligations shall actually have been delivered.

Provides that obligations of the district, or any subdistrict created by the district, may be sold at such price or prices, at public or private negotiated sale, in such manner and from time to time as may be determined by the district to be most beneficial, subject to approval of the State Bond Commission, and the district may pay all expenses, premiums, fees, or commissions, which it may deem necessary or advantageous in connection with the issuance and sale thereof.

Provides that the board may authorize the establishment of a fund or funds for the creation of a debt service reserve, a renewal and replacement reserve, or such other funds or reserves as the board may approve with respect to the financing and operation of any project funded with the proceeds of such bonds and as may be authorized by any bond resolution, trust agreement, indenture of trust or similar instrument or agreement pursuant to the provisions of which the issuance of bonds or other obligations of the district or subdistrict may be authorized.

Provides that any cost, obligation, or expense incurred for any of the purposes or powers of the district specified in proposed law shall be a part of the project costs and may be paid or reimbursed as such out of the proceeds of bonds or other obligations issued by the district or subdistrict.

Provides that for a period of 30 days from the date of publication of the resolution authorizing the issuance of bonds hereunder, any persons in interest shall have the right to contest the legality of the resolution and the legality of the bond issue for any cause, after which time no one shall have any cause or right of action to contest the legality of said resolution or of the bonds authorized thereby for any cause whatsoever. If no suit, action, or proceeding is begun contesting the validity of the bond issue within the thirty days herein prescribed, the authority to issue the bonds and to provide for the payment thereof, and the legality thereof and all of the provisions of the resolution authorizing the issuance of the bonds shall be conclusively presumed, and no court shall have authority to inquire into such matters.

Provides that neither the members of the board nor any person executing the bonds shall be personally liable for the bonds or be subject to any personal liability by reason of the issuance thereof. However, this limitation of liability shall not apply to any gross negligence or criminal negligence on the part of any member of the board or person executing the bonds.

Provides that all obligations authorized to be issued by the district, or any subdistrict created by the district, pursuant to proposed law, together with interest thereof, income therefrom, and gain upon the sale thereof shall be exempt from all state and local taxes.

Provides that the state and all public officers, any parish, municipality, or other subdivision or instrumentality of the state, any political subdivision, any bank, banker, trust company, savings bank and institution, building and loan association, savings and loan association, investment company or any person carrying on a banking or investment business, any insurance company or business, insurance association, and any person carrying on an insurance business, and any executor, administrator, curator, trustee, and other fiduciary, and any retirement system or pension fund may legally invest any funds belonging to them or within their control in any bonds or other obligations issued by the district, or any subdistrict created by the district, pursuant to proposed law, and such bonds or other obligations shall be authorized security for all public deposits. It is the purpose of this Subsection to authorize such persons, firms, corporations, associations, political subdivisions and officers, or other entities, public or private, to use any funds owned or controlled by them, including but not limited to sinking, insurance, investment, retirement, compensation, pension and trust funds, and funds held on deposit, for the purchase of any such bonds or other obligations of the district or subdistrict, and that any such bonds shall be authorized security for all public deposits. However, nothing contained in this provision with regard to legal investments or security for public deposits shall be construed as relieving any such person, firm, corporation, or other entity from any duty of exercising reasonable care in selecting securities.

Provides that proposed law, being necessary for the welfare of the state, the city-parish and its residents, shall be liberally construed to effect the purposes thereof.

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

(Adds R.S. 33:9301-9309)