

2015 Regular Session

HOUSE BILL NO. 693

BY REPRESENTATIVE LEGER

DISTRICTS/SPECIAL: Creates the New Orleans Exhibition Hall Authority Economic Growth and Development District

1 AN ACT

2 To enact Subpart B-48 of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes
3 of 1950, to be comprised of R.S. 33:130.861 through 130.869, relative to economic
4 and community development in Orleans Parish; to create the New Orleans Exhibition
5 Hall Authority Economic Growth and Development District as a political subdivision
6 of the state; to provide for the boundaries and governance of the district; to provide
7 for the authority, powers, duties, and functions of the board of commissioners; to
8 provide for the levy and collection of taxes and special assessments within the
9 district; to provide for the authority to create subdistricts within the district; to
10 authorize the district to issue and sell bonds and other debt obligations and to finance
11 debt by the pledge of tax increments; and to provide for related matters.

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

15 Be it enacted by the Legislature of Louisiana:

16 Section 1. Subpart B-48 of Part IV of Chapter 1 of Title 33 of the Louisiana Revised
17 Statutes of 1950, comprised of R.S. 33:130.861 through 130.869, is hereby enacted to read
18 as follows:

1 SUBPART B-48. NEW ORLEANS EXHIBITION HALL AUTHORITY ECONOMIC

2 GROWTH AND DEVELOPMENT DISTRICT

3 §130.861. Title

4 The provisions of this Subpart shall hereafter be known as and may be cited
5 as the "New Orleans Exhibition Hall Authority Economic Growth and Development
6 District Act".

7 §130.862. New Orleans Exhibition Hall Authority Economic Growth and
8 Development District; creation; territorial jurisdiction

9 A. The New Orleans Exhibition Hall Authority Economic Growth and
10 Development District, a body politic and corporate, referred to in this Subpart as the
11 "district", is hereby created in the city of New Orleans, referred to in this Subpart as
12 the "city". The district shall be comprised of all the property bounded by floodwall
13 at Girod Street to Market Street, Market Street to Tchoupitoulas Street, north on
14 Tchoupitoulas Street to Euterpe Street, west on Euterpe Street to Chippewa Street
15 (extended), north on Chippewa Street (extended) to Melpomne Street, west on
16 Melpomne Street to Annunciation Street, north on Annunciation Street to Thalia
17 Street, east on Thalia Street to St. Thomas Street (extended), north on St. Thomas
18 Street (extended) to Calliope Street riverbound, north on Convention Center
19 Boulevard to Girod Street, and east on Girod Street to floodwall, referred to in this
20 Subpart as the "property".

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

27 §130.863. Purpose

28 The district is created to provide for cooperative economic and community
29 development among the district, the city, the state, and the owners of property in the

1 district, to enhance the development of and improvement to the property within the
2 area of the district, and to promote economic growth, safety, and development.

3 §130.864. Governance

4 In order to provide for the orderly development of the district and effect the
5 purposes of the district, the district shall be administered and governed by the board
6 of commissioners, referred to in this Subpart as the "board", composed of those
7 members and officers duly appointed to and serving on the Board of Commissioners
8 of the New Orleans Exhibition Hall Authority, as established in Act. 305 of the 1978
9 Regular Session of the Legislature as amended.

10 §130.865. Rights and powers

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

15 (1) To sue and be sued.

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

17 (3) To acquire by gift, grant, purchase, or otherwise all property, including
18 rights-of-way; to hold and use any franchise or property, real, personal, or mixed,
19 tangible or intangible, or any interest therein, necessary or desirable for carrying out
20 the objects and purposes of the district.

21 (4) To enter into contracts for the purchase, lease, acquisition, construction,
22 and improvement of works and facilities necessary in connection with the purposes
23 of the district and to mortgage its properties and enter into leases and other
24 agreements on terms the board approves. Any lease or sublease, including any
25 assignment, extension, or renewal thereof, shall be exempt from the provisions of
26 R.S. 38:2211 et seq. and any other provision of law with respect to the lease or
27 sublease of property by public entities.

28 (5) To require and issue licenses with respect to properties and facilities
29 owned by the district.

1 (6) To regulate the imposition of fees and rentals charged by the district for
2 its facilities leased, operated, or owned and services rendered by it.

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

5 (8) To enter into cooperative endeavor agreements with any other party,
6 public or private, to accomplish the purposes of this Subpart and to expend its
7 funding within and without of the territorial boundaries of the district to accomplish
8 its purpose.

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

17 §130.866. Levy of taxes

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

23 B. Any taxes or assessments of any type to be levied by the district, or any
24 subdistrict created by the district, shall be levied only after the board has adopted an
25 appropriate resolution giving notice of its intention to levy such taxes or assessments,
26 which resolution shall include a general description of the taxes or assessments to be
27 levied, and notice of this intention shall be published once a week for two weeks in
28 the official journal of the district, the first publication to appear at least fourteen days
29 before the public meeting of the board at which the board will meet in open and

1 public session to hear any objections to the proposed taxes or assessments. The
2 notice of intent so published shall state the date, time, and place of the public
3 hearing. Such taxes or assessments may be levied only after the board has called a
4 special election submitting the proposition for the levy of such taxes or assessments
5 to the qualified electors of the district or subdistrict, as applicable, and the
6 proposition has received the favorable vote of a majority of the electors voting in the
7 election; however, if there are no qualified electors in the district or subdistrict, as
8 applicable, as certified by the registrar of voters, no such election shall be required.
9 The powers and rights conferred by this Section shall be in addition to the powers
10 and rights conferred by any other general or local law. This Section does and shall
11 be construed to provide a complete and additional method for the levy of any taxes
12 or assessments. No election, proceeding, notice, or approval shall be required for the
13 levy of such taxes or assessments except as provided in this Section.

14 §130.867. Creation of subdistricts

15 The district may create subdistricts as provided in this Section. The district
16 shall publish notice of its intent to create a subdistrict in the official journal of the
17 district. At least ten days after publication of such notice in the official journal of the
18 district, the board shall conduct a public hearing on the question of creating such
19 subdistrict. Thereafter, the board may designate one or more areas within the
20 boundaries of the district as a subdistrict of the district. Each subdistrict shall
21 constitute a political subdivision of the state and shall be governed by the board.
22 Each subdistrict shall have the same powers as the district and shall be given a name
23 and designated as " New Orleans Exhibition Hall Authority Economic Growth and
24 Development District Subdistrict No. " or such other suitable name as the board
25 may designate.

26 §130.868. Bonds of the district

27 A. The district, or any subdistrict created by the district, may issue and sell
28 from time to time bonds, notes, renewal notes, refunding bonds, interim certificates,
29 certificates of indebtedness, certificates of participation, debentures, warrants,

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

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

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

27 D. The obligations of the district, or any subdistrict created by the district,
28 shall be signed by such officers of the board by either manual or facsimile signatures

1 as shall be determined by resolution or resolutions of the board, and shall have
2 impressed or imprinted thereon the seal of the district, or a facsimile thereof.

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

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

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

21 H. Any cost, obligation, or expense incurred for any of the purposes or
22 powers of the district specified in this Subpart shall be a part of the project costs and
23 may be paid or reimbursed as such out of the proceeds of bonds or other obligations
24 issued by the district or subdistrict.

25 I. For a period of thirty days from the date of publication of the resolution
26 authorizing the issuance of such bonds, any person in interest shall have the right to
27 contest the legality of the resolution and the legality of the bond issue for any cause,
28 after which time no one shall have any cause or right of action to contest the legality
29 of such resolution or of the bonds authorized thereby for any cause whatsoever. If

1 no suit, action, or proceeding is begun contesting the validity of the bond issue
2 within the thirty days prescribed in this Subsection, the authority to issue the bonds
3 and to provide for the payment thereof, and the legality thereof and all of the
4 provisions of the resolution authorizing the issuance of the bonds shall be
5 conclusively presumed, and no court shall have authority to inquire into such
6 matters.

7 J. Neither the members of the board nor any person executing the bonds shall
8 be personally liable for the bonds or be subject to any personal liability by reason of
9 the issuance thereof; however, the limitation of liability provided for in this
10 Subsection shall not apply to any gross negligence or criminal negligence on the part
11 of any member of the board or person executing the bonds.

12 K. All obligations authorized to be issued by the district, or any subdistrict
13 created by the district, pursuant to the provisions of this Subpart, together with
14 interest thereof, income therefrom, and gain upon the sale thereof shall be exempt
15 from all state and local taxes.

16 L. The state and all public officers, any parish, municipality, or other
17 subdivision or instrumentality of the state, any political subdivision, any bank,
18 banker, trust company, savings bank and institution, building and loan association,
19 savings and loan association, investment company or any person carrying on a
20 banking or investment business, any insurance company or business, insurance
21 association, and any person carrying on an insurance business, and any executor,
22 administrator, curator, trustee, and other fiduciary, and any retirement system or
23 pension fund may legally invest any funds belonging to it or within its control in any
24 bonds or other obligations issued by the district, or any subdistrict created by the
25 district, pursuant to the provisions of this Subpart, and such bonds or other
26 obligations shall be authorized security for all public deposits. It is the purpose of
27 this Subsection to authorize such persons, firms, corporations, associations, political
28 subdivisions and officers, or other entities, public or private, to use any funds owned
29 or controlled by them, including but not limited to sinking, insurance, investment,

1 retirement, compensation, pension and trust funds, and funds held on deposit, for the
2 purchase of any such bonds or other obligations of the district or subdistrict, and that
3 any such bonds shall be authorized security for all public deposits; however, nothing
4 contained in this Subsection with regard to legal investments or security for public
5 deposits shall be construed as relieving any such person, firm, corporation, or other
6 entity from any duty of exercising reasonable care in selecting securities.

7 §130.869. Liberal construction

8 This Subpart, being necessary for the welfare of the state, the city, and their
9 residents, shall be liberally construed to effect the purposes thereof.

10 Section 2. This Act shall become effective upon signature by the governor or, if not
11 signed by the governor, upon expiration of the time for bills to become law without signature
12 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
13 vetoed by the governor and subsequently approved by the legislature, this Act shall become
14 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 693 Original

2015 Regular Session

Leger

Abstract: Creates the New Orleans Exhibition Hall Authority Economic Growth and Development District, with tax, bond, and tax increment financing authority, to provide for cooperative economic and community development and to enhance the development and improvement of property and expand promote economic growth, safety, and development.

Proposed law enacts the New Orleans Exhibition Hall Authority Economic Growth and Development District Act, including the following provisions:

- (1) Creates the New Orleans Exhibition Hall Authority Economic Growth and Development District as a political subdivision with the following boundaries: the floodwall at Girod St. to Market St., to Tchoupitoulas St., to Euterpe St., to Chippewa St. (extended), to Melpomne St., to Annunciation St., to Thalia St., to St. Thomas St. (extended), to Calliope St. riverbound, to Convention Center Blvd., to Girod Street, and to the floodwall. Grants the district all the rights, powers, privileges, and immunities of a political subdivision, subject to the limitations of proposed law.
- (2) Provides that the district's purpose is 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 promote economic growth, safety, and development.
- (3) Provides for governance and administration by the Board of Commissions of the New Orleans Exhibition Hall Authority.
- (4) Grants the district, through the board, certain powers to carry out its purposes, including the power to:
- (a) Sue and be sued.
 - (b) Adopt, use, and alter a corporate seal.
 - (c) Acquire property by gift, grant, purchase, or otherwise; to hold and use any franchise or property, or any interest therein.
 - (d) Enter into contracts for the purchase, lease, acquisition, construction, and improvement of works and facilities. Specifically exempts any lease or sublease from present law on the letting of public contracts which generally requires advertisement and letting to lowest bidder.
 - (e) Mortgage its properties and enter into leases and other agreements.
 - (f) Require and issue licenses with respect to its properties and facilities.
 - (g) Regulate the imposition of fees and rentals charged by the district for its facilities and services rendered by it.
 - (h) Appoint officers, agents, and employees, prescribe their duties, and fix their compensation.
 - (i) Enter into cooperative endeavor agreements and to expend its funding within and beyond its territorial boundaries to accomplish its purpose.
- (5) Grants the district the powers of an economic development district as if the district were an economic development district established pursuant to present law (Part II of Chapter 27 of Title 33 of the Louisiana Revised Statutes of 1950), including powers of tax increment financing as provided in present law (R.S. 33:9038.33 and 9038.34) and the power to levy taxes within the district as provided in present law (R.S. 33:9038.39 which authorizes ad valorem taxes, sales taxes, or hotel occupancy taxes within the district up to five mills of ad valorem taxes, up to 2% of sales taxes, or up to 2% of hotel occupancy taxes, or any combination of such taxes) all subject to present law (Part II of Chapter 27 of Title 33 of the Louisiana Revised Statutes of 1950, which requires approval at an election unless there are no voters in the district).
- (6) Relative to tax levies by the district (or a subdistrict of the district), provides that:
- (a) Sales taxes may exceed the constitutional limitation (Const. Art. VI, §29(A)) and are subject to the terms of the resolution imposing the tax and the provisions of present law (Chapter 2 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, relative to sales taxes).
 - (b) Taxes or assessments may be levied only after the board has adopted an appropriate resolution giving notice of its intention and including a general description of the taxes or assessments to be levied, has published notice of this intention once a week for two weeks in the official journal of the district, the first publication at least 14 days before a public hearing of the board on

the proposed taxes or assessments. Also requires voter approval of such taxes or assessments at a special election unless there are no qualified electors in the district or subdistrict.

- (7) Authorizes the district to create subdistricts, after notice and public hearing. Provides that each subdistrict shall constitute a political subdivision of the state and be governed by the board.
- (8) Authorizes the district or a subdistrict to issue bonds or other obligations or evidences of indebtedness to provide funds to achieve its purposes, including payment of all or a portion of the costs of a project or otherwise as necessary or convenient to carry out its purposes. Provides with respect to such debt issuance and procedures therefor. Requires approval of the State Bond Commission to issue bonds or other obligations, and authorizes the district to pay related expenses. Authorizes establishment of a fund(s) by the board for the creation of a debt service reserve, a renewal and replacement reserve, or other funds or reserves with respect to the financing and operation of any project funded with bond proceeds. Authorizes payment of related costs from proceeds of bonds or other obligations. Provides procedures for contesting legality of debt issuance. Provides for exemption from state and local taxes for obligations issued by the district or a subdistrict and authorizes investment in such obligations by public bodies and specified financial institutions, insurance related entities, specified fiduciaries, and retirement systems or pension funds.
- (9) Provides for liberal construction of proposed law to effect its purposes.

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

(Adds R.S. 33:130.861 - 130.869)