

Regular Session, 2013

HOUSE BILL NO. 516

BY REPRESENTATIVE LEGER

CONVENTION FACILITIES: Provides with respect to the Ernest N. Morial-New Orleans Exhibition Hall Authority

1 AN ACT

2 To amend and reenact Sections 4 (introductory paragraph), 4D, 4G, 4M, 20A, and 23 and
3 to enact Section 20F of Act No. 305 of the 1978 Regular Session of the Legislature,
4 as amended by Act No. 657 of the 1979 Regular Session of the Legislature, Act No.
5 99 of the 1980 Regular Session of the Legislature, Act No. 9 of the 1980 Second
6 Extraordinary Session of the Legislature, Act No. 287 of the 1982 Regular Session
7 of the Legislature, Act No. 572 of the 1984 Regular Session of the Legislature, Act
8 No. 390 of the 1987 Regular Session of the Legislature, Act No. 43 of the 1992
9 Regular Session of the Legislature, Act No. 1013 of the 1993 Regular Session of the
10 Legislature, Act Nos. 13 and 42 of the 1994 Regular Session of the Legislature, Act
11 Nos. 1174 and 1176 of the 1997 Regular Session of the Legislature, and Act No. 72
12 of the 2002 First Extraordinary Session of the Legislature, all relative to the Ernest
13 N. Morial-New Orleans Exhibition Hall Authority, to grant additional powers to the
14 authority, to provide for the issuance of bonds and other obligations of the authority
15 to finance expansion projects; to provide for additional bonding capacity of the
16 authority; to provide an effective date; and to provide for related matters.

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

1 Be it enacted by the Legislature of Louisiana:

2 Section 1. Sections 4 (introductory paragraph), 4D, 4G, and 4M of Act No. 305 of
 3 the 1978 Regular Session of the Legislature, as amended by Act No. 657 of the 1979 Regular
 4 Session of the Legislature, Act No. 99 of the 1980 Regular Session of the Legislature, Act
 5 No. 9 of the 1980 Second Extraordinary Session of the Legislature, Act No. 287 of the 1982
 6 Regular Session of the Legislature, Act No. 572 of the 1984 Regular Session of the
 7 Legislature, Act No. 390 of the 1987 Regular Session of the Legislature, Act No. 43 of the
 8 1992 Regular Session of the Legislature, Act No. 1013 of the 1993 Regular Session of the
 9 Legislature, Act Nos. 13 and 42 of the 1994 Regular Session of the Legislature, Act Nos.
 10 1174 and 1176 of the 1997 Regular Session of the Legislature, and Act No. 72 of the 2002
 11 First Extraordinary Session of the Legislature are hereby amended and reenacted to read as
 12 follows:

13 Section 4. As used hereinafter in this Act, the word "project" or "projects"
 14 shall mean any one or more of any combination of convention, exhibition, and tourist
 15 facilities, ~~other than lodging facilities,~~ and the necessary site improvements,
 16 infrastructure, furnishings, machinery, equipment, and appurtenances therefor. The
 17 purpose for which the Authority is created is to acquire, construct, reconstruct,
 18 extend, improve, maintain, and operate projects within the city of New Orleans,
 19 subject to the zoning and other applicable ordinances of the city of New Orleans,
 20 except as to the Poydras Street Wharf and other properties under the administration
 21 of the Board of Commissioners of the Port of New Orleans, in order to promote the
 22 economic growth and development of the city and its neighboring parishes. The
 23 Authority shall have all the powers and authority necessary or convenient to carry
 24 out the purposes of this Act including but not limited to the following powers and
 25 authority:

26 * * *

27 D. To enter into contracts with any person, firm, or corporation, public or
 28 private, including the state of Louisiana or any department, agency, or political
 29 subdivision thereof, on such terms and conditions as the board may determine, with

1 respect to the acquisition, construction, reconstruction, extension, improvement,
 2 maintenance, or operation of projects or the furnishing or distribution of the services,
 3 facilities, or commodities thereof, including but not limited to the leasing or
 4 subleasing for allied services such as hotels, restaurants, retail outlets, offices,
 5 parking, entertainment, and similar activities. Any lease or sublease of the authority,
 6 or both, to an exhibition or convention user, or both, including any assignments
 7 thereof, any lease or sublease or extensions or renewals thereof, including any
 8 assignments thereof, for allied services such as restaurants, retail outlets, offices, and
 9 entertainment, shall be exempt from the provisions of R.S. 38:2211 et seq. and any
 10 other provision of law with respect to the purchase or lease of property by public
 11 entities; all other contracts, leases or subleases, or both, including any assignment
 12 thereof, shall be entered into in accordance with the provisions of R.S. 38:2211.

13 * * *

14 G. To incur debt and issue bonds or other obligations for the purpose of the
 15 Authority in the manner hereinafter provided. ~~The Authority is hereby specifically~~
 16 ~~prohibited from utilizing nontraditional tax free bonds from any source whatsoever~~
 17 ~~when such use would benefit any properties being developed by a private person,~~
 18 ~~firm, or corporation.~~

19 * * *

20 M. Except as limited by the terms and conditions of that certain lease
 21 covering and affecting the Poydras Street Wharf, to lease or sublease to or from any
 22 person, firm, or corporation, public or private, all or any part of any project upon
 23 such terms and conditions and for such term of years not in excess of sixty years, as
 24 the board may deem advisable to carry out the provisions of this Act, and to provide,
 25 if deemed advisable by the board, for an option to purchase or otherwise lawfully
 26 acquire such project upon the terms and conditions therein specified. Any lease or
 27 sublease, or both, of the authority to an exhibition or convention user, or both,
 28 including any assignments thereof, any lease or sublease or extension or renewal
 29 thereof, including any assignments thereof, for allied services such as hotels,

1 restaurants, retail outlets, offices and entertainment, shall be exempt from the
2 provisions of R.S. 38:2211 et seq., and any other provision of law with respect to the
3 purchase or lease of property by public entities; all other contracts, leases or
4 subleases, or both, of the authority, including any assignment thereof, shall be
5 entered into in accordance with the provisions of R.S. 38:2211.

6 * * *

7 Section 2. Section 20A of Act No. 305 of the 1978 Regular Session of the
8 Legislature, as amended by Act No. 657 of the 1979 Regular Session of the Legislature, Act
9 No. 99 of the 1980 Regular Session of the Legislature, Act No. 9 of the 1980 Second
10 Extraordinary Session of the Legislature, Act No. 287 of the 1982 Regular Session of the
11 Legislature, Act No. 572 of the 1984 Regular Session of the Legislature, Act No. 390 of the
12 1987 Regular Session of the Legislature, Act No. 43 of the 1992 Regular Session of the
13 Legislature, Act No. 1013 of the 1993 Regular Session of the Legislature, Act Nos. 13 and
14 42 of the 1994 Regular Session of the Legislature, Act Nos. 1174 and 1176 of the 1997
15 Regular Session of the Legislature, and Act No. 72 of the 2002 First Extraordinary Session
16 of the Legislature are hereby amended and reenacted to read as follows:

17 Section 20.A. As used herein, "expansion project" shall mean a project or
18 projects for the acquisition, construction, installation, and equipping of additions or
19 improvements to the Ernest N. Morial Convention Center-New Orleans
20 ("Convention Center"), including, but not by way of limitation, (i) the Phase III
21 Convention Center Expansion Project consisting of a building attached to the
22 Convention Center containing additional exhibit space, meeting rooms, ballroom
23 space, a food court, exhibit hall concession stands, food production facilities, and
24 other structures and facilities functionally related to the Convention Center and
25 completed in April of 1999, ~~and~~ (ii) the Phase IV Convention Center Expansion
26 Project and, (iii) the Phase V Convention Center Expansion Project. The term
27 "Phase IV Convention Center Expansion Project" shall mean the project to construct
28 a free-standing building across Henderson Street from the existing Convention
29 Center, on a site owned by the authority, containing approximately 1,500,000 square

1 feet under roof including approximately 500,000 square feet of exhibit space, with
2 accompanying meeting rooms, food service areas, building service areas and other
3 facilities functionally related thereto. It will be connected to Phase III by a pedestrian
4 bridge above Henderson. The term "Phase V Convention Center Expansion Project"
5 shall mean a public/private project for the Convention Center to advance a tourism
6 development plan (including enhancements to the facility and installation of basic
7 infrastructure to facilitate private development on acreage owned by the Exhibition
8 Hall Authority) the public component of which will be developed and funded in four
9 stages. The four stages shall be developed and funded in the order and according to
10 the priorities as determined by the authority.

11 Stage One shall provide infrastructure including but not limited to: (i)
12 Making public infrastructure improvements on Convention Center Boulevard, from
13 Poydras Street to Orange Street, including utility improvements, redevelopment of
14 north and south bound traffic lanes, and the incorporation of a landscaped linear park
15 and pedestrian mall; (ii) The development of public infrastructure in the area
16 generally bounded by Henderson Street, Tchoupitoulas Street, Orange Street, and the
17 Mississippi River flood wall to include the extension of Convention Center
18 Boulevard from Henderson Street to Orange Street (including traffic circle at
19 Henderson intersection) public utility infrastructure to support anticipated private
20 development, and six acres of soil remediation; and (iii) The relocation of existing
21 power lines along Convention Center Boulevard and the incorporation of a "people
22 mover" system along Convention Center Boulevard, from Poydras Street to Orange
23 Street. Stage One projects shall be accomplished in a manner which ensures that
24 there is no reduction or impairment of current vehicular capacity in that area,
25 particularly with respect to any improvements in the vicinity of Convention Center
26 Boulevard and Poydras and Orange Streets.

27 Stage Two shall make improvements at or on the riverfront to provide:
28 (i) Development of a riverfront festival park along the Mississippi River at existing
29 wharfs, providing access to the river through the development of approximately five

1 acres for recreational, hospitality, commercial, and residential use; and
2 (ii) Development of Riverfront Festival Park infrastructure, including public utilities,
3 lighting, and landscaping.

4 Stage Three shall further integrate the Convention Center with its
5 surrounding urban areas through the: (i) Renovation of the south end of the existing
6 Convention Center in order to create a new south entrance in response to adjacent
7 development; (ii) Incorporation of a new kitchen and restaurant facility at the south
8 end of the Convention Center; (iii) Development of an executive conference center
9 to be integrated as part of a new, privately developed hotel; and (iv) Relocation of
10 existing Convention Center functions currently at the south end of the facility in
11 order to accommodate new entrance and connection to executive conference
12 center/hotel. Stage Three projects shall be accomplished in a manner which ensures
13 that there is no impairment or diminishment of vehicular access to the facilities of
14 the Board of Commissioners of the Port of New Orleans which are or may be
15 accessed in the future via Henderson Street.

16 Stage Four to provide for the renovation, restoration, construction, or
17 demolition of the buildings known as the World Trade Center in the city of New
18 Orleans and the site preparation related thereto to facilitate the creation and
19 development of a riverfront festival park or other buildings or structures. Activity
20 associated with the modification or demolition of the World Trade Center and the
21 development and operation of the park will be conducted in a fashion which ensures
22 no interference with or adverse effect upon the main line trackage of the New
23 Orleans Public Belt Railroad.

24 * * *

25 Section 3. Section 20F of Act No. 305 of the 1978 Regular Session of the
26 Legislature, as amended by Act No. 657 of the 1979 Regular Session of the Legislature, Act
27 No. 99 of the 1980 Regular Session of the Legislature, Act No. 9 of the 1980 Second
28 Extraordinary Session of the Legislature, Act No. 287 of the 1982 Regular Session of the
29 Legislature, Act No. 572 of the 1984 Regular Session of the Legislature, Act No. 390 of the

1 1987 Regular Session of the Legislature, Act No. 43 of the 1992 Regular Session of the
2 Legislature, Act No. 1013 of the 1993 Regular Session of the Legislature, Act Nos. 13 and
3 42 of the 1994 Regular Session of the Legislature, Act Nos. 1174 and 1176 of the 1997
4 Regular Session of the Legislature, and Act No. 72 of the 2002 First Extraordinary Session
5 of the Legislature are hereby enacted to read as follows:

6 Section 20.

7 * * *

8 F. Without reference to any other provision of the Constitution or of laws of
9 Louisiana, including the Act, the authority is authorized from time to time, with the
10 approval of the State Bond Commission, to issue its negotiable bonds in one or more
11 series for the purpose of providing funds to finance the Phase V Convention Center
12 Expansion Project of the Ernest N. Morial Convention Center in accordance with the
13 provisions of Section 21 hereof; the bonds to be payable from all revenues derived
14 by the authority as more particularly set forth in the resolution or resolutions
15 providing for their issuance.

16 Section 4. Section 23 of Act No. 305 of the 1978 Regular Session of the Legislature,
17 as amended by Act No. 657 of the 1979 Regular Session of the Legislature, Act No. 99 of
18 the 1980 Regular Session of the Legislature, Act No. 9 of the 1980 Second Extraordinary
19 Session of the Legislature, Act No. 287 of the 1982 Regular Session of the Legislature, Act
20 No. 572 of the 1984 Regular Session of the Legislature, Act No. 390 of the 1987 Regular
21 Session of the Legislature, Act No. 43 of the 1992 Regular Session of the Legislature, Act
22 No. 1013 of the 1993 Regular Session of the Legislature, Act Nos. 13 and 42 of the 1994
23 Regular Session of the Legislature, Act Nos. 1174 and 1176 of the 1997 Regular Session of
24 the Legislature, and Act No. 72 of the 2002 First Extraordinary Session of the Legislature
25 are hereby amended and reenacted to read as follows:

26 Section 23. In each fiscal year, after payment of all obligations of the
27 authority secured by or payable from all or any part of the taxes levied pursuant to
28 Sections 18 and 19 hereof, the authority shall deposit the balance of such taxes into
29 a special escrow fund to be used solely to retire said obligations in advance of their

1 maturities at a price or prices not greater than the applicable redemption price;
2 provided, however, the provisions of this Section shall be applicable only to
3 outstanding obligations of the authority issued or incurred prior to the effective date
4 of this amendment to this Section and shall not be applicable with respect to any
5 bonds or other obligations issued or incurred thereafter to pay any costs of the Phase
6 III Expansion Project, ~~or the Phase IV Expansion Project,~~ or the Phase V Convention
7 Center Expansion Project.

8 Section 5. The legislature hereby specifically declares that this Act in no way and
9 to no extent is intended to nor shall it be construed in any manner which will impair
10 outstanding bonded debt obligations of the authority.

11 Section 6. No provision of this Act shall affect, alter, or diminish the rights, powers,
12 and jurisdiction of the Board of Commissioners of the Port of New Orleans over any
13 property it owns, operates, or administers.

14 Section 7. To the extent that the provisions of this Act are inconsistent with any
15 provision of general statute or any special act, or any part thereof, the provisions of this Act
16 shall be deemed controlling.

17 Section 8. This Act shall become effective upon signature by the governor or, if not
18 signed by the governor, upon expiration of the time for bills to become law without signature
19 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
20 vetoed by the governor and subsequently approved by the legislature, this Act shall become
21 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)]

Leger

HB No. 516

Abstract: Expands the authority of the Ernest N. Morial-New Orleans Exhibition Hall Authority, including authorization of a Phase V expansion project.

Present law (uncodified) creates the Ernest N. Morial-New Orleans Exhibition Hall Authority (authority). The purpose of the authority is to acquire, construct, reconstruct, extend, improve, maintain, and operate projects within the city of New Orleans in order to

promote the economic growth and development of the city and its neighboring parishes. Proposed law retains present law.

Present law defines "project" as any convention, exhibition, or tourist facility, other than lodging facilities, and the necessary furnishings, machinery, equipment, and items incidental thereto. Proposed law specifically removes the limitation relative to lodging facilities and allows for site improvements and infrastructure relative to the authorized projects.

Present law authorizes the authority to enter into contracts to acquire, construct, improve, or operate projects relative to restaurants, retail outlets, offices, parking, entertainment, and similar activities. Proposed law further authorizes such contracts relative to hotels.

Present law exempts the authority from state law on the letting of public contracts for the making of any public works or for the purchase of any materials or supplies as it relates to any lease or sublease for allied services such as restaurants, retail outlets, offices, and entertainment. Proposed law further extends such exemption to hotel services.

Present law authorizes the authority to incur debt and issue bonds. Proposed law retains this authorization. However, present law specifically precludes the authority from utilizing nontraditional tax-free bonds from any source when such use would benefit any properties being developed by a private entity; proposed law eliminates this prohibition.

Present law authorizes "expansion projects" for the Earnest N. Morial-New Orleans Exhibition Hall (convention center), including Phase III and IV. Proposed law authorizes a Phase V expansion which will allow a joint venture between the authority and a private entity for a tourism development plan to enhance the convention center and install basic infrastructure to facilitate private development on property owned by the authority, the public component of which is divided into the following four stages:

- (1) Stage 1-Public infrastructure improvements on Convention Center Blvd., from Poydras St. to Orange St., including utility and traffic improvements, and a park and pedestrian mall; public infrastructure improvements by Henderson St., Tchoupitoulas St., Orange St., and the Mississippi River flood wall to extend Convention Center Blvd. from Henderson St. to Orange St., including a traffic circle, public utility infrastructure to support private development, and soil remediation; and the relocation of existing power lines along Convention Center Blvd. and the incorporation of a "people mover" system along Convention Center Blvd., from Poydras St. to Orange St. Such projects shall neither impair nor reduce current vehicular traffic capacity in that area, particularly with respect to any improvements in the vicinity of Convention Center Blvd. and Poydras and Orange Streets.
- (2) Stage 2-Development of a riverfront festival park along the river at existing wharfs, providing access to the river through the development of approximately five acres for recreational, hospitality, commercial, and residential use; and development of Riverfront Festival Park infrastructure, including public utilities, lighting, and landscaping.
- (3) Stage 3-Integration of the convention center with its surrounding urban areas through the renovation of the south end of the existing convention center by creating a new south entrance; incorporation of a new kitchen and restaurant facility at the south end of the Convention Center; development of an executive conference center to be integrated as part of a new, privately developed hotel; and relocation of existing convention center functions currently at the south end of the facility to accommodate a new entrance. Such projects shall neither impair nor otherwise adversely affect vehicular access to the facilities of the Board of Commissioners of the Port of New Orleans which are or may be accessed in the future via Henderson Street.

- (4) Stage 4-Renovation, restoration, construction, or demolition of the New Orleans World Trade Center buildings and site preparation for the development of a riverfront festival park. Activity associated with the modification or demolition of the World Trade Center and the development and operation of the park will be conducted in a fashion which ensures no interference with or adverse effect upon the main line trackage of the New Orleans Public Belt Railroad.

Proposed law provides that without reference to any other provision of the Constitution or of laws of Louisiana, the authority is authorized from time to time, with the approval of the State Bond Commission, to issue its negotiable revenue bonds in one or more series for the purpose of providing funds to finance the Phase V expansion project, in accordance with present law.

Proposed law further provides that proposed law shall not impair outstanding bonded debt obligations of the authority, and that to any extent that any provision of proposed law is inconsistent with present law, proposed law shall prevail.

Proposed law further provides that provisions of proposed law shall not affect, alter, or diminish any rights or powers of the Board of Commissioners of the Port of New Orleans with respect to any property it owns, operates, or administers.

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

(Amends §§4(intro. para.), 4D, 4G, 4M, 20A, and 23 of Act No. 305 of the 1978 R.S., as amended; Adds §20F of Act No. 305 of the 1978 R.S., as amended)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Ways and Means to the original bill.

1. Added provision prohibiting Stage One projects from reduction or impairment of current vehicular traffic capacity.
2. Added provision prohibiting Stage Three projects from diminishment or impairment of vehicular access to facilities of the Board of Commissioners of the Port of New Orleans via Henderson Street.
3. Added provision that Stage Four may include renovation, restoration, or construction of the World Trade Center site.
4. Added provisions that Stage Four activities may include development of "other buildings and structures".
5. Added provisions prohibiting Stage Four activities from interfering with the main line trackage of the New Orleans Public Belt Railroad.
6. Added provisions that proposed law shall not affect or diminish any rights or powers of the Board of Commissioners of the Port of New Orleans.