

2019 Regular Session

HOUSE BILL NO. 589

BY REPRESENTATIVE LEGER

DISTRICTS/SPECIAL: Provides relative to the Ernest N. Morial-New Orleans Exhibition Hall Authority

1 AN ACT

2 To amend and reenact Sections 2(A), 4(introductory paragraph) and (H), 6, 6.1,

3 8(unnnumbered paragraphs 1, 5, and 8), 9, 10, 11, 18, 19, 20, 20.1, 20.2, 21(A), (D),

4 (F), and (K), 22(B) and 24 of Act No. 305 of the 1978 Regular Session of the

5 Legislature as the Act has been amended by Act No. 657 of the 1979 Regular

6 Session of the Legislature, Act No. 99 of the 1980 Regular Session of the

7 Legislature, Act No. 9 of the 1980 Second Extraordinary Session of the Legislature,

8 Act No. 287 of the 1982 Regular Session of the Legislature, Act No. 572 of the 1984

9 Regular Session of the Legislature, Act No. 390 of the 1987 Regular Session of the

10 Legislature, Act No. 43 of the 1992 Regular Session of the Legislature, Act No. 1013

11 of the 1993 Regular Session of the Legislature, Act Nos. 13 and 42 of the 1994

12 Regular Session of the Legislature, Act Nos. 1174 and 1176 of the 1997 Regular

13 Session of the Legislature, Act No. 72 of the 2002 First Extraordinary Session of the

14 Legislature, and Act No. 557 of the 2014 Regular Session of the Legislature and to

15 repeal Sections 2(D), 7, and 23 of Act No. 305 of the 1978 Regular Session of the

16 Legislature as the Act has been amended by Act No. 657 of the 1979 Regular

17 Session of the Legislature, Act No. 99 of the 1980 Regular Session of the

18 Legislature, Act No. 9 of the 1980 Second Extraordinary Session of the Legislature,

19 Act No. 287 of the 1982 Regular Session of the Legislature, Act No. 572 of the 1984

20 Regular Session of the Legislature, Act No. 390 of the 1987 Regular Session of the

1 Legislature, Act No. 43 of the 1992 Regular Session of the Legislature, Act No. 1013  
2 of the 1993 Regular Session of the Legislature, Act Nos. 13 and 42 of the 1994  
3 Regular Session of the Legislature, Act Nos. 1174 and 1176 of the 1997 Regular  
4 Session of the Legislature, Act No. 72 of the 2002 First Extraordinary Session of the  
5 Legislature, and Act No. 557 of the 2014 Regular Session of the Legislature, relative  
6 to the Ernest N. Morial-New Orleans Exhibition Hall Authority; to provide relative  
7 to taxing and bonding authority of the authority; to provide relative to projects the  
8 authority is authorized to undertake; to provide relative to contracts with minority-  
9 owned businesses; to provide relative to the use of revenues of the authority; and to  
10 provide for related matters.

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

14 Be it enacted by the Legislature of Louisiana:

15 Section 1. Sections 2(A), 4(introductory paragraph) and (H), 6, 6.1, 8(unnnumbered  
16 paragraphs 1, 5, and 8), 9, 10, 11, 18, 19, 20, 20.1, 20.2, 21(A), (D), (F), and (K), 22(B) and  
17 24 of Act No. 305 of the 1978 Regular Session of the Legislature as the Act has been  
18 amended by Act No. 657 of the 1979 Regular Session of the Legislature, Act No. 99 of the  
19 1980 Regular Session of the Legislature, Act No. 9 of the 1980 Second Extraordinary  
20 Session of the Legislature, Act No. 287 of the 1982 Regular Session of the Legislature, Act  
21 No. 572 of the 1984 Regular Session of the Legislature, Act No. 390 of the 1987 Regular  
22 Session of the Legislature, Act No. 43 of the 1992 Regular Session of the Legislature, Act  
23 No. 1013 of the 1993 Regular Session of the Legislature, Act Nos. 13 and 42 of the 1994  
24 Regular Session of the Legislature, Act Nos. 1174 and 1176 of the 1997 Regular Session of  
25 the Legislature, Act No. 72 of the 2002 First Extraordinary Session of the Legislature, and  
26 Act No. 557 of the 2014 Regular Session of the Legislature are hereby amended and  
27 reenacted to read as follows:

28 Section ~~2a.~~ 2.A. The authority shall be governed by a board of  
29 commissioners, ~~hereinafter~~ hereafter in this Act called the "board", which shall be

1 composed of twelve appointed members. Three members shall be appointed by the  
 2 governor. One member shall be appointed by the mayor of the city of New Orleans  
 3 with the consent of the council of the city of New Orleans. One member shall be  
 4 appointed by the governor from a list of three names submitted by the ~~New Orleans~~  
 5 ~~Restaurant Association~~ Louisiana Restaurant Association, Greater New Orleans  
 6 Chapter. Two members shall be appointed by the governor, who shall be persons  
 7 that reside within the territorial limits of the authority. One member shall be  
 8 appointed by the governor from a list of three names submitted by the Greater New  
 9 Orleans Hotel and ~~Motel~~ Lodging Association. One member shall be appointed by  
 10 the mayor of the city of New Orleans from a list of three names submitted by ~~the~~  
 11 ~~Greater New Orleans Tourist and Convention Commission~~ New Orleans and  
 12 Company, formerly the New Orleans Convention and Visitors Bureau, with the  
 13 consent of the council of the city of New Orleans. One member shall be appointed  
 14 by the mayor of the city of New Orleans from a list of three names submitted by the  
 15 Chamber-New Orleans and the River Region with the consent of the council of the  
 16 city of New Orleans. One member shall be appointed by the governor who shall be  
 17 a resident of the legislative district in which the Ernest N. Morial Convention Center  
 18 is located, and who shall be selected by the state representative and state senator  
 19 from that district. From the names remaining on the list of the various aforesaid  
 20 organizations, the governor shall select and appoint one of them as a member of the  
 21 authority and who shall also serve as its president. Except as provided in ~~the~~ this  
 22 Subsection, all persons who are appointed to the board shall be residents of or have  
 23 their principal place of business in the parish of Orleans.

24 \* \* \*

25 Section 4. As used ~~hereinafter~~ in this Act, the word "project" or "projects"  
 26 shall mean any one or more of any combination of convention, exhibition, and tourist  
 27 facilities, including a convention center hotel with multi-story parking garage and  
 28 bridge connecting the hotel and the south end of the convention center, the  
 29 "Convention Center Headquarters Hotel Project", and the necessary land, acquired



1 charged for such occupancy. ~~Said~~ The tax shall be in addition to all taxation upon  
2 the occupancy of hotel rooms located in the parish of Orleans.

3 (2) For purposes of any hotel occupancy tax authorized by this Act:

4 (a) The word "hotel" ~~in this Act~~ shall mean and include any establishment  
5 engaged in the business of furnishing or providing rooms intended or designed for  
6 dwelling, lodging, or sleeping purposes to transient guests, where such establishment  
7 consists of ten or more guest rooms.

8 (b) "Hotel" does not include any hospital, convalescent or nursing home, or  
9 sanitarium, or hotel-like facility operated by or in connection with a hospital or  
10 medical clinic providing ~~room~~ rooms exclusively for patients and their families.

11 (c) The tax shall be paid by the person who exercises or is entitled to  
12 occupancy of the hotel room, and shall be paid at the time the rent or fee for  
13 occupancy is paid. "Person" ~~as used herein~~ shall have the same definition as that  
14 contained in R.S. 47:301(8).

15 (d) The tax shall not apply to the rent for hotel ~~room~~ rooms rented to the  
16 same occupant for a period of thirty or more consecutive calendar days, nor shall it  
17 apply to hotel rooms rented for less than three dollars a day.

18 (3) ~~The Authority~~ authority shall impose the tax by resolution adopted by the  
19 board ~~who shall have the right to~~ which may provide in the resolution necessary and  
20 appropriate rules and regulations for the imposition, collection, and enforcement of  
21 the tax. The ~~said~~ resolution levying and imposing the hotel occupancy tax may not  
22 be adopted by the board and no real property or leasehold interest may be acquired  
23 and no obligation to acquire any real property or leasehold interest may be incurred  
24 by the ~~Authority~~ authority unless prior thereto the council of the city of New Orleans  
25 approves the levy of such tax by a favorable vote of a majority of the members  
26 thereof, and the question of or proposition to authorize the levy of the tax and the  
27 funding of the same into bonds ~~shall have been~~ is submitted to the electors of the city  
28 at an election called, conducted, canvassed, and promulgated by the governing  
29 authority of the city, in accordance with the laws of Louisiana governing the conduct

1 of elections to authorize the issuance of bonds and the levying of taxes, and a  
2 majority of those electors voting in such election ~~shall have voted~~ vote in favor of  
3 the question or proposition to impose the tax and fund the avails of the same into  
4 bonds.

5 (4) ~~In the event~~ If the levy of the hotel occupancy tax is authorized to be  
6 imposed as herein provided in this Subsection, the Authority ~~shall have the right to~~  
7 authority may contract with the state of Louisiana ~~and/or~~ or the city, or both, for the  
8 collection of the tax, which tax may be collected in the same manner and subject to  
9 the same conditions as the hotel occupancy tax now being imposed by the Louisiana  
10 Stadium and Exposition District on hotels located in the city of New Orleans. ~~Said~~  
11 The tax shall be in addition to all taxation upon the occupancy of hotel rooms located  
12 in the parish of Orleans.

13 B.(1) Notwithstanding any other provision of this Act or other law to the  
14 contrary, in order to provide funds for the purposes of the authority, the authority  
15 may levy and collect a tax upon the occupancy of hotel rooms located within the  
16 parish of Orleans. The tax shall be in the amount of one percent of the rent or fee  
17 charged for such occupancy. The tax authorized by this Subsection shall be levied  
18 and collected in lieu of the tax authorized by Subsection A of this Section, and at no  
19 time shall the authority collect taxes pursuant to both authorizations. The proceeds  
20 of the tax levied pursuant to this Subsection are subject to any and all pledges of the  
21 proceeds of the tax authorized by Subsection A of this Section.

22 (2) The authority shall impose the tax by resolution adopted by the board  
23 which may provide in the resolution necessary and appropriate rules and regulations  
24 for the imposition, collection, and enforcement of the tax.

25 (3) The proceeds of the tax, after paying reasonable and necessary costs and  
26 expenses of collecting and administering the tax, shall be used for the purposes of  
27 providing funds to acquire, construct, reconstruct, extend, improve, maintain, and  
28 operate convention, exhibition, and tourist facilities and projects within the parish  
29 of Orleans in order to promote the economic growth and development of the parish.

1        The authority may fund the proceeds of the tax into bonds to be issued in series from  
2        time to time by the authority for the purpose of defraying the costs of the acquisition,  
3        construction, reconstruction, extension, or improvement of any one or more or any  
4        combination of convention, exhibition, and tourist facilities and projects, and the  
5        necessary furnishings, machinery, equipment, and appurtenances thereof, to the  
6        extent and in the manner permitted by the laws of this state, including particularly  
7        this Act.

8                (4) The authority may contract with the state of Louisiana or the city, or  
9        both, for the collection of the tax, which tax may be collected in the same manner  
10       and subject to the same conditions as the hotel occupancy tax now being imposed by  
11       the Louisiana Stadium and Exposition District on hotels located in the city of New  
12       Orleans.

13                Section 6.1.A. In addition to the ~~one percent~~ hotel occupancy tax authorized  
14       ~~to be levied and collected by the Authority pursuant to~~ by Section 6 ~~hereof of this~~  
15       Act, the Authority is hereby further authorized and empowered to authority may levy  
16       and collect an additional tax on the occupancy of hotel rooms located within the  
17       parish of Orleans. Such tax shall be in the amount of one percent of the rent or fee  
18       charged for such occupancy and shall be in addition to all taxation upon the  
19       occupancy of hotel rooms located in the parish of Orleans, ~~including the tax~~  
20       ~~authorized by Section 6 hereof.~~ Said The tax shall be levied and collected in the  
21       same manner, according to the same procedures, and upon the same terms and  
22       conditions, including the approval of the council of the city of New Orleans and the  
23       electorate of the city, as required for the imposition of the tax authorized by Section  
24       ~~6 hereof~~ Subsection 6(A) of this Act. ~~The herein authorized additional one percent~~  
25       ~~tax shall be automatically terminated upon the payment in full of all bonds or other~~  
26       ~~obligations secured in whole or in part by said tax.~~

27                B.(1) Notwithstanding any other provision of this Act or other law to the  
28       contrary, in addition to the hotel occupancy tax authorized by Section 6 of this Act,  
29       the authority may levy and collect a tax on the occupancy of hotel rooms located

1       within the parish of Orleans. The tax shall be in the amount of one percent of the  
 2       rent or fee charged for such occupancy and shall be in addition to all taxation upon  
 3       the occupancy of hotel rooms located in the parish of Orleans. The tax authorized  
 4       by this Subsection shall be levied and collected in lieu of the tax authorized by  
 5       Subsection A of this Section, and at no time shall the authority collect taxes pursuant  
 6       to both authorizations. The proceeds of the tax levied pursuant to this Subsection are  
 7       subject to any and all pledges of the proceeds of the tax authorized by Subsection A  
 8       of this Section to the outstanding bonds of the authority.

9               (2) The authority shall impose the tax by resolution of the board which may  
 10       provide in the resolution necessary and appropriate rules and regulations for the  
 11       imposition, collection, and enforcement of the tax.

12               (3) The proceeds of the tax, after paying reasonable and necessary costs and  
 13       expenses of collecting and administering the tax, shall be used for the purposes of  
 14       providing funds to acquire, construct, reconstruct, extend, improve, maintain, and  
 15       operate convention, exhibition, and tourist facilities, and projects within the city of  
 16       New Orleans in order to promote the economic growth and development of the city,  
 17       and the authority may fund the proceeds of the tax into bonds to be issued in series  
 18       from time to time by the authority for the purpose of defraying the costs of the  
 19       acquisition, construction, reconstruction, extension, or improvement of any one or  
 20       more or any combination of convention, exhibition, and tourist facilities and projects  
 21       and the necessary furnishings, machinery, equipment, and appurtenances therefor,  
 22       to the extent and in the manner permitted by the laws of this state, including  
 23       particularly this Act.

24               Section 8. The ~~Authority shall have the power and is hereby authorized~~  
 25       authority may, from time to time, with the approval of the State Bond Commission,  
 26       ~~to issue its~~ negotiable bonds in one or more series in such principal amount as, in the  
 27       opinion of its board, ~~shall be~~ is necessary to provide for the acquisition, construction,  
 28       reconstruction, extension, or improvement of one or more projects, including  
 29       engineering, architectural, inspection, legal, and financial fees and costs, interest on



1 such bonds during construction and for a reasonable period thereafter, establishment  
 2 of reserves to secure such bonds, and all other expenditures of the ~~Authority~~  
 3 authority incidental or necessary or convenient thereto. The annual payments due  
 4 on bonds of the ~~Authority~~ authority for principal, interest, premium, or otherwise  
 5 shall not exceed the estimated annual revenues of the hotel occupancy taxes  
 6 authorized by this Act, and other income and revenues of the ~~Authority~~ authority  
 7 derived from any source whatsoever, including without limitation any and all taxes,  
 8 fees, and charges authorized by this Act, and revenues derived from one or more  
 9 projects ~~or expansion projects~~ and leases and agreements securing the payment of  
 10 bonds. Such bonds shall be authorized and issued by a resolution of the board of the  
 11 ~~Authority~~ authority and shall be of such series, bear such date or dates, be serial or  
 12 term bonds or a combination of the same, mature at such ~~times~~ time or times, bear  
 13 interest at such rate or rates payable on such date or dates, be in such denominations,  
 14 be in such form, carry such registration and exchangeability privilege, be payable in  
 15 such medium of payment and at such place or places, be subject to such terms of  
 16 redemption, and be secured in such manner consistent with the authority contained  
 17 herein as the resolution authorizing such bonds may provide.

\* \* \*

18  
 19 Any holder of the bonds ~~or any of the coupons thereto attached~~ may by  
 20 appropriate legal action compel performance of all duties required of the ~~Authority~~  
 21 authority and its officials ~~of the Authority~~ and the board by this Act.

\* \* \*

22  
 23 The board ~~is authorized to~~ may provide by resolution for the issuance of  
 24 refunding bonds of the ~~Authority~~ authority for the purpose of refunding outstanding  
 25 bonds ~~of the Authority~~ issued pursuant to the provisions of this Act, such refunding  
 26 bonds to be issued pursuant to the provisions of Chapter 14-A of Title 39 of the  
 27 Louisiana Revised Statutes of 1950, ~~as amended~~ or pursuant to the Consolidated  
 28 Local Government Public Finance Act.

\* \* \*

1           Section 9. When any bonds secured by ~~the aforesaid~~ hotel occupancy tax  
2           taxes, food and beverage taxes, or other taxes, fees, or charges authorized by this Act  
3           ~~shall~~ have been issued ~~hereunder~~, neither the legislature nor the Authority authority  
4           shall discontinue or decrease ~~the tax~~ such taxes, fees, or charges or permit to be  
5           discontinued or decreased ~~the tax~~ such taxes, fees, or charges in anticipation of the  
6           collection of which such bonds have been issued, or in any way make any change in  
7           the allocation and dedication of the proceeds of such ~~tax~~ taxes, fees, or charges  
8           which would diminish the amount of ~~the tax revenues~~ such taxes, fees, or charges to  
9           be received by the Authority authority until all of such bonds ~~shall~~ have been retired  
10          as to principal and interest or irrevocable provision made for the payment of  
11          principal and interest on such bonds, and there is hereby vested in the holders from  
12          time to time of such bonds ~~and the coupons representing interest thereon~~ a  
13          contractual right under the provisions of this Act.

14          Section 10. All such bonds shall be negotiable instruments and shall be  
15          solely the obligations of the Authority authority and not of the state of Louisiana or  
16          any other agency or political subdivision thereof. The full faith and credit of the  
17          state of Louisiana or of any other state agency shall not secure nor shall the full faith  
18          and credit of the state at any time in the future be pledged to secure the payment of  
19          any indebtedness incurred by the Authority authority. The bonds issued by the  
20          Authority authority do not constitute an indebtedness, general or special, or a  
21          liability of the state or any other political subdivision thereof. The issuance of the  
22          bonds does not directly or indirectly obligate the state or any other political  
23          subdivision thereof to provide any funds for the payment of such bonds. The bonds  
24          ~~and interest coupons attached thereto~~ shall not at the time of issuance nor shall they  
25          ever be considered a debt of the state or any other political subdivision thereof within  
26          the meaning of the constitution or the statutes of the state and shall not at the time  
27          of issuance and shall never constitute a charge against the credit or taxing power of  
28          the state or any other political subdivision thereof. Neither the state or any other  
29          political subdivision thereof shall in any manner be liable for the payment of the

1 principal, interest on premiums, sinking or reserve fund requirements, or other  
2 requirements of the bonds or for the performance of any agreement or pledge of any  
3 kind which may be undertaken by the ~~Authority~~ authority. No breach by the  
4 ~~Authority~~ authority of any pledge or agreement shall create any obligation upon the  
5 state or any other political subdivision, including any charge against its credit or  
6 taxing power.

7 Section 11. Notwithstanding any other provisions in this Act to the contrary,  
8 ~~in the event that the Authority shall issue~~ if the authority issues bonds and ~~pledge~~  
9 ~~pledges~~ to the payment thereof the proceeds or avails of the hotel occupancy ~~tax~~  
10 ~~taxes, food and beverage taxes, authorized to be levied hereunder, or other taxes,~~  
11 ~~fees, and charges authorized by this Act,~~ the net proceeds of such ~~tax~~ taxes, fees, or  
12 charges in each fiscal year shall be used to satisfy the ~~Authority's~~ authority's  
13 obligations under the resolutions providing for the issuance of the bonds, including  
14 the payment of the expenses of operating, maintaining or improving the project or  
15 projects financed with the proceeds of such bonds. After provision has been made  
16 for the discharge of such obligations, any balance remaining from such ~~tax~~ taxes,  
17 fees, or charges shall be used for the following purposes and in the following order  
18 of priority:

- 19 1. ~~For the payment of rents due by the Authority.~~
- 20 2. (1) For the payment of bond service charges.
- 21 3. (2) For the payment of the administrative and operating expenses of the  
22 ~~Authority~~ authority.
- 23 4. (3) For the payment of the cost of maintaining, improving, and operating  
24 ~~exhibition or convention facilities~~ projects, provided the ~~Authority~~ authority shall  
25 undertake the maintenance, improvement, and operation of the same pursuant to a  
26 contract with the city of New Orleans or any other person; ~~provided, however, that~~  
27 ~~where~~ if any contract is entered into by the ~~Authority~~ authority with any private  
28 person, firm, or corporation for the maintenance or operation of any exhibition or

1 convention facility or project, it shall be made and entered into in accordance with  
2 the provisions of R.S. 38:2211, et seq.

3 5: (4) To establish a reserve fund for replacement and for future needs for  
4 the purposes provided for in this Act.

5 ~~6. For the payment to the city of New Orleans of any surplus created at the~~  
6 ~~end of the year as described in Section 7 of this Act.~~

7 \* \* \*

8 Section 18.A.(1) In addition to ~~the~~ hotel occupancy tax taxes authorized to  
9 ~~be levied and collected by the authority pursuant to Section 6 and 6.1 hereof~~ Sections  
10 6 and 6.1 of this Act, the authority is ~~hereby further authorized and empowered to~~  
11 may levy and collect a tax upon the paid occupancy of hotel rooms located within  
12 the parish of Orleans. ~~Said~~ The hotel occupancy tax shall be in the amount of fifty  
13 cents per occupied hotel room per night for hotels containing ten to two hundred  
14 ninety-nine guest rooms, one dollar per occupied hotel room per night for hotels  
15 containing three hundred to nine hundred ninety-nine guest rooms, and two dollars  
16 per occupied hotel room per night for hotels containing one thousand or more guest  
17 rooms. ~~The word "hotel" in this Section shall mean and include any establishment~~  
18 ~~engaged in the business of furnishing or providing rooms intended or designated for~~  
19 ~~dwelling, lodging, or sleeping purposes to transient guests, where such establishment~~  
20 ~~contains ten or more guest rooms. "Hotel" does not include any hospital,~~  
21 ~~convalescent or nursing home or sanitarium, or hotel-like facility operated by or in~~  
22 ~~connection with a hospital or medical clinic providing rooms exclusively for patients~~  
23 ~~and their families. The hotel occupancy tax shall be paid by the person who~~  
24 ~~exercises or is entitled to occupancy of the hotel room and shall be paid at the time~~  
25 ~~the rent or fee for occupancy is paid. "Person" as used herein shall have the same~~  
26 ~~definition as that contained in R.S. 47:301(8).~~

27 B: (2) The authority shall impose the hotel occupancy tax by resolution  
28 adopted by the board which ~~shall have the right to~~ may provide in the resolution  
29 necessary and appropriate rules and regulations for the imposition, collection, and

1 enforcement of the hotel occupancy tax. ~~Said~~ The resolution levying and imposing  
 2 the hotel occupancy tax may not be adopted by the board unless prior thereto: ~~(i)~~ the  
 3 council of the city of New Orleans approves the levy of such hotel occupancy tax by  
 4 a favorable vote of a majority of the members present and voting, ~~and~~ ~~(ii)~~ the  
 5 question of or proposition to authorize the levy of the hotel occupancy tax and the  
 6 use of the avails thereof ~~shall have been~~ is submitted to the electors of the city of  
 7 New Orleans at an election called, conducted, canvassed, and promulgated by the  
 8 governing authority of the city, in accordance with the laws of Louisiana governing  
 9 the conduct of elections to authorize the issuance of bonds and the levying of taxes,  
 10 and a majority of those electors voting in such election ~~shall have voted~~ vote in favor  
 11 of the question or proposition to impose the hotel occupancy tax.

12 ~~C.~~ (3) The authority ~~shall have the right to~~ may contract with the state of  
 13 Louisiana or the city of New Orleans, or both, for the collection of the hotel  
 14 occupancy tax authorized ~~hereby~~ by this Subsection. ~~Said~~ The hotel occupancy tax  
 15 shall be in addition to all taxes presently being levied upon the occupancy of hotel  
 16 rooms located in the parish of Orleans.

17 ~~D.~~ ~~Said additional hotel occupancy tax shall be automatically terminated~~  
 18 ~~upon payment in full of all bonds or other obligations of the authority payable in~~  
 19 ~~whole or in part from or secured by such hotel occupancy tax.~~

20 B.(1) Notwithstanding any other provision of this Act or other law to the  
 21 contrary, in addition to hotel occupancy taxes authorized by Sections 6 and 6.1 of  
 22 this Act, the authority may levy and collect a tax upon the paid occupancy of hotel  
 23 rooms located within the parish of Orleans. The hotel occupancy tax shall be in the  
 24 amount of fifty cents per occupied hotel room per night for hotels containing ten to  
 25 two hundred ninety-nine guest rooms, one dollar per occupied hotel room per night  
 26 for hotels containing three hundred to nine hundred ninety-nine guest rooms, and two  
 27 dollars per occupied hotel room per night for hotels containing one thousand or more  
 28 guest rooms. The tax authorized by this Subsection shall be levied and collected in  
 29 lieu of the tax authorized by Subsection A of this Section, and at no time shall the

1 authority collect taxes pursuant to both authorizations. The proceeds of the tax  
2 levied pursuant to this Subsection are subject to any and all pledges of the proceeds  
3 of the tax authorized by Subsection A of this Section to the outstanding bonds of the  
4 authority.

5 (2) The authority shall impose the tax by resolution adopted by the board  
6 which may provide in the resolution necessary and appropriate rules and regulations  
7 for the imposition, collection, and enforcement of the tax.

8 (3) The proceeds of the tax, after paying the reasonable and necessary costs  
9 and expenses of collecting and administering the tax, shall be used for the purposes  
10 of providing funds to expand and improve the convention, exhibition, and tourist  
11 facilities and projects and the necessary furnishings, machinery, equipment, and  
12 appurtenances therefor, including the acquisition of land through lease or purchase  
13 needed therefor; and the authority may fund the proceeds of the tax into bonds or  
14 other obligations of the authority for the purposes described in this Subsection, to the  
15 extent and in the manner permitted by this Act.

16 (4) The authority may contract with the state of Louisiana or the city of New  
17 Orleans, or both, for the collection of the hotel occupancy tax authorized by this  
18 Subsection. The hotel occupancy tax shall be in addition to all taxes being levied  
19 upon the occupancy of hotel rooms located in the parish of Orleans.

20 Section 19.A.(1) ~~In addition to the hotel occupancy tax taxes~~ authorized to  
21 ~~be levied and collected by the authority pursuant to Sections 6, 6.1, and 18 hereof of~~  
22 this Act, the authority ~~is hereby further authorized and empowered to~~ may levy and  
23 collect a tax on food and beverages sold by any food service establishment, as  
24 defined ~~herein~~ in this Subsection, located within the parish of Orleans or in any  
25 airport or air transportation facility owned and operated by the city of New Orleans,  
26 excluding any food service establishment owned by any individual or corporation  
27 who had gross annual receipts of less than two hundred thousand dollars from the  
28 operation of all such establishments during the calendar year prior to the year in  
29 which the food and beverage tax is assessed. ~~Said~~ The food and beverage tax shall

1 be in an amount not exceeding one-half of one percent of gross receipts from the  
2 sales of food and beverages by ~~said~~ food service establishments; such tax shall be  
3 paid by the person who purchases such food or beverage and shall be paid at the time  
4 that the charge for the food or beverage is paid. The words "food service  
5 establishment" shall mean any fixed or mobile restaurant; coffee shop; cafeteria;  
6 short order café; luncheonette; grill; tearoom; sandwich shop; soda fountain; tavern;  
7 bar; cocktail lounge; night club; roadside stand; industrial feeding establishment;  
8 private, public, or nonprofit organization or institution routinely serving food;  
9 catering kitchen; commissary; delicatessen; convenience store; grocery store; or  
10 similar place in which food or drink is prepared for sale or for service on the  
11 premises or elsewhere; and any other establishment or operation where food or drink  
12 is served or provided for the public. However, the food and beverage tax shall not  
13 apply to meals furnished to any of the following: the staff and students of educational  
14 institutions, including kindergartens; the staff and patients of hospitals; the staff,  
15 inmates, and patients of mental institutions; and the boarders of rooming houses.  
16 Such tax shall also not apply to occasional meals furnished in connection with or by  
17 educational, religious, or medical organizations if the meals are consumed on the  
18 premises where purchased. However, sales by any of the above institutions or  
19 organizations in facilities open to outsiders or to the general public are not exempt  
20 from the food and beverage tax authorized by this Section.

21 ~~B:~~ (2) The authority shall impose the food and beverage tax by resolution  
22 adopted by the board ~~who shall have the right to~~ which may provide in the resolution  
23 necessary and appropriate rules and regulations for the imposition, collection, and  
24 enforcement of the food and beverage tax, including rules relative to issuance of tax  
25 exemption certificates. ~~Said~~ The resolution levying and imposing the food and  
26 beverage tax may not be adopted by the board unless prior thereto: ~~(i)~~ the council  
27 of the city of New Orleans approves the levy of such food and beverage tax by a  
28 favorable vote of a majority of the members present and voting, ~~and (ii)~~ the question  
29 of or proposition to authorize the levy of the food and beverage tax and the use of

1       avails thereof ~~shall have been~~ is submitted to the electors of the city of New Orleans  
2       at an election called, conducted, canvassed, and promulgated by the governing  
3       authority of the city, in accordance with the laws of Louisiana governing the conduct  
4       of elections to authorize the issuance of bonds and the levying of taxes, and a  
5       majority of those electors voting in such election ~~shall have voted~~ vote in favor of  
6       the question or proposition to impose the food and beverage tax.

7             ~~C. (3)~~ The authority ~~shall have the right to~~ may contract with the state of  
8       Louisiana or the city of New Orleans, or both, for the collection of the food and  
9       beverage tax authorized ~~hereby~~ by this Subsection.

10            ~~D. Said food and beverage tax shall be automatically terminated upon~~  
11       ~~payment in full of all bonds or other obligations of the authority payable in whole or~~  
12       ~~in part from or secured by such food and beverage tax.~~

13            B.(1) Notwithstanding any other provision of this Act or law to the contrary,  
14       in addition to other taxes authorized by this Act, the authority may levy and collect  
15       a tax on food and beverages sold by any food service establishment, as defined in  
16       this Subsection, located within the parish of Orleans or in any airport or air  
17       transportation facility owned and operated by the city of New Orleans, excluding any  
18       food service establishment owned by any individual or corporation who had gross  
19       annual receipts of less than two hundred thousand dollars from the operation of all  
20       such establishments during the calendar year prior to the year in which the food and  
21       beverage tax is assessed. The food and beverage tax shall be in an amount not  
22       exceeding one-half of one percent of gross receipts from the sales of food and  
23       beverages by food service establishments; such tax shall be paid by the person who  
24       purchases such food or beverage and shall be paid at the time that the charge for the  
25       food or beverage is paid. The tax authorized by this Subsection shall be levied and  
26       collected in lieu of the tax authorized by Subsection A of this Section, and at no time  
27       shall the authority collect taxes pursuant to both authorizations. The proceeds of the  
28       tax levied pursuant to this Subsection are subject to any and all pledges of the taxes  
29       authorized in Subsection A of this Section to the outstanding bonds of the authority.



1        The words "food service establishment" mean any fixed or mobile restaurant; coffee  
2        shop; cafeteria; short order café; luncheonette; grill; tearoom; sandwich shop; soda  
3        fountain; tavern; bar; cocktail lounge; night club; roadside stand; industrial feeding  
4        establishment; private, public, or nonprofit organization or institution routinely  
5        servicing food; catering kitchen; commissary; delicatessen; convenience store; grocery  
6        store; or similar place in which food or drink is prepared for sale or for service on the  
7        premises or elsewhere; and any other establishment or operation where food or drink  
8        is served or provided for the public. However, the food and beverage tax shall not  
9        apply to meals furnished to any of the following: the staff and students of educational  
10       institutions, including kindergartens; the staff and patients of hospitals; the staff,  
11       inmates, and patients of mental institutions; and the boarders of rooming houses.  
12       Such tax shall also not apply to occasional meals furnished in connection with or by  
13       educational, religious, or medical organizations if the meals are consumed on the  
14       premises where purchased. However, sales by any of the above institutions or  
15       organizations in facilities open to outsiders or to the general public are not exempt  
16       from the food and beverage tax authorized by this Subsection.

17            (2) The authority shall impose the food and beverage tax by resolution  
18        adopted by the board which may provide in the resolution necessary and appropriate  
19        rules and regulations for the imposition, collection, and enforcement of the tax,  
20        including rules relative to issuance of tax exemption certificates.

21            (3) The proceeds of the tax, after paying the reasonable and necessary costs  
22        and expenses of collecting and administering the tax, shall be used for the purposes  
23        of providing funds to expand and improve the convention, exhibition, and tourist  
24        facilities and projects and the necessary furnishings, machinery, equipment, and  
25        appurtenances therefor, including the acquisition of land through lease or purchase  
26        needed therefor; and the authority may fund the proceeds of the tax into bonds or  
27        other obligations of the authority for the purposes described in this Subsection, to the  
28        extent and in the manner permitted by this Act.

1           Section 20.A. ~~As used herein, "expansion project" shall mean a project or~~  
2 ~~projects for the acquisition, construction, installation, and equipping of additions or~~  
3 ~~improvements to the Ernest N. Morial Convention Center-New Orleans (Convention~~  
4 ~~Center), including, but not by way of limitation, each of the following:~~

5           ~~(1) Phase III Convention Center Expansion Project consisting of a building~~  
6 ~~attached to the Convention Center containing additional exhibit space, meeting~~  
7 ~~rooms, ballroom space, a food court, exhibit hall concession stands, food production~~  
8 ~~facilities, and other structures and facilities functionally related to the Convention~~  
9 ~~Center and completed in April of 1999.~~

10           ~~(2) Phase IV Convention Center Expansion Project. The term "Phase IV~~  
11 ~~Convention Center Expansion Project" shall mean the project to construct a free-~~  
12 ~~standing building across Henderson Street from the existing Convention Center, on~~  
13 ~~a site owned by the authority, containing approximately 1,500,000 square feet under~~  
14 ~~roof including approximately 500,000 square feet of exhibit space, with~~  
15 ~~accompanying meeting rooms, food service areas, building service areas and other~~  
16 ~~facilities functionally related thereto. It will be connected to Phase III by a~~  
17 ~~pedestrian bridge above Henderson.~~

18           ~~(3) Phase V Convention Center Expansion Project. The term "Phase V~~  
19 ~~Convention Center Expansion Project" means a project to advance a tourism~~  
20 ~~development plan for the Convention Center, including enhancements to the facility~~  
21 ~~and installation of basic infrastructure to facilitate private development including the~~  
22 ~~private development of lodging facilities on property owned by the Exhibition Hall~~  
23 ~~Authority, the private component of which may involve a joint project between the~~  
24 ~~Authority and a private entity and the public component of which is to be developed~~  
25 ~~and funded in the following four stages in the order and according to the priorities~~  
26 ~~determined by the Authority:~~

27           ~~(a) Stage One is to provide infrastructure including but not limited to the~~  
28 ~~following:~~

1           ~~(i) Making public infrastructure improvements on Convention Center~~  
2           ~~Boulevard, from Poydras Street to Orange Street, including utility improvements,~~  
3           ~~redevelopment of north and south bound traffic lanes, the incorporation of a~~  
4           ~~landscaped linear park and pedestrian mall, and the relocation, redirection, and~~  
5           ~~redevelopment of traffic along South Peters Street and Tchoupitoulas Street.~~

6           (ii) ~~The development of public infrastructure in the area generally bounded~~  
7           ~~by Henderson Street, Tchoupitoulas Street, Orange Street, and the Mississippi River~~  
8           ~~flood wall to include the extension of Convention Center Boulevard from Henderson~~  
9           ~~Street to Orange Street, public utility infrastructure to support anticipated private~~  
10          ~~development, and any needed soil remediation.~~

11          (iii) ~~The relocation of existing power lines along Convention Center~~  
12          ~~Boulevard and the incorporation of a mechanical means of mass transit, such as a~~  
13          ~~moving sidewalk or a monorail, to transport people along Convention Center~~  
14          ~~Boulevard, from Poydras Street to Orange Street. Stage One projects shall be~~  
15          ~~accomplished in a manner which ensures that there is no reduction or impairment of~~  
16          ~~current vehicular capacity in that area, particularly with respect to any improvements~~  
17          ~~in the vicinity of Convention Center Boulevard and Poydras and Orange Streets.~~

18          (b) ~~Stage Two is to make improvements at or on the riverfront to provide the~~  
19          ~~following:~~

20               (i) ~~Development of a riverfront festival park along the Mississippi River at~~  
21               ~~existing wharfs, providing access to the river through the development of~~  
22               ~~approximately five acres for recreational, hospitality, commercial, and residential~~  
23               ~~use.~~

24               (ii) ~~Development of Riverfront Festival Park infrastructure, including public~~  
25               ~~utilities, lighting, and landscaping.~~

26          (c)(i) ~~Stage Three is to further integrate the Convention Center with its~~  
27          ~~surrounding urban areas through the following:~~

28               (aa) ~~Renovation of the south end of the existing Convention Center in order~~  
29               ~~to create a new south entrance in response to adjacent development.~~

1           ~~(bb) Development of an executive conference center which may be~~  
2           ~~integrated as part of a new, privately developed hotel.~~

3           ~~(ii) Stage Three projects shall be accomplished in a manner which ensure no~~  
4           ~~impairment or diminishment of vehicular access to the facilities of the Board of~~  
5           ~~Commissioners of the Port of New Orleans which are or may be accessed in the~~  
6           ~~future via Henderson Street.~~

7           ~~(d)(i) Stage Four is to provide for the renovation, restoration, construction,~~  
8           ~~or demolition of building or buildings, and site preparation related thereto, to~~  
9           ~~facilitate the creation and development of a riverfront festival park.~~

10          ~~(ii) Activity associated with the renovation, restoration, construction, or~~  
11          ~~demolition of the said building or buildings and the development and operation of~~  
12          ~~the park is to be conducted in a fashion which ensures no interference with or~~  
13          ~~adverse effect upon the main line track of the New Orleans Public Belt Railroad.~~

14          ~~B. Without regard to and notwithstanding any other provisions hereof or~~  
15          ~~laws Notwithstanding any other provision of this Act or other law to the contrary,~~  
16          ~~in order to provide funds for the Phase IV Convention Center Expansion Project any~~  
17          ~~project and for the use of such funds, along with existing taxes, fees, and charges to~~  
18          ~~secure any bonds issued for the Phase IV Convention Center Expansion Project such~~  
19          ~~project, the authority is ~~authorized and empowered to~~ may levy and collect within~~  
20          ~~the parish of Orleans, in addition to the hotel occupancy taxes and other taxes~~  
21          ~~authorized to be levied and collected by the authority pursuant to Act 305, as~~  
22          ~~amended this Act, an additional a tax of one percent on the occupancy of hotel rooms~~  
23          ~~located in Orleans Parish.~~

24          ~~C. B. In addition to the food and beverage tax authorized to be levied and~~  
25          ~~collected pursuant to Section 19 hereof other taxes authorized by this Act and to~~  
26          ~~provide additional funds for the Phase IV Convention Center Expansion Project any~~  
27          ~~project, the authority is ~~authorized and empowered to~~ may levy and collect within~~  
28          ~~the parish of Orleans an additional tax on food and beverages sold by any food~~  
29          ~~service establishment, ~~as defined herein~~, located within the parish of Orleans or in~~

1 any airport or air transportation facility owned and operated by the city of New  
2 Orleans, excluding any food service establishment owned by any individual or  
3 corporation who had gross annual receipts of less than five hundred thousand dollars  
4 from the operation of all such establishments during the calendar year prior to the  
5 year in which the additional food and beverage tax is assessed. ~~Said~~ The additional  
6 food and beverage tax shall be in the amount of one-fourth of one percent of gross  
7 receipts from the sales of goods and beverages by said food service establishments;  
8 such additional tax shall be paid by the person who purchases such food or beverage  
9 and shall be paid at the time that the charge for the food or beverage is paid. The  
10 words "food service establishment" shall have the meaning set forth in Section 19(A)  
11 ~~hereof of this Act~~ and shall not mean or include convenience stores or grocery stores.  
12 However, the additional food and beverage tax shall not apply to meals furnished to  
13 any of the following: the staff and students of educational institutions, including  
14 kindergartens and pre-kindergartens; the staff and patients of hospitals; the staff,  
15 inmates, and patients of mental institutions; and the boarders of rooming houses.  
16 Such additional food and beverage tax also shall not apply to occasional meals  
17 furnished in connection with or by educational, religious, or medical organizations  
18 if the meals are consumed on the premises where purchased. However, sales by any  
19 of the above institutions or organizations in facilities open to outsiders or to the  
20 general public are not exempt from the additional food and beverage tax authorized  
21 by this Section.

22 ~~D: C.~~ C. The authority shall impose the additional ~~hotel occupancy tax~~  
23 ~~authorized in Section 20(B) hereof and the additional food and beverage tax~~  
24 ~~authorized in Section 20(C) hereof~~ taxes authorized by this Section by resolutions  
25 adopted by the board ~~who shall have the right to~~ which may provide in the  
26 resolutions necessary and appropriate rules and regulations for the imposition,  
27 collection, and enforcement of ~~said additional hotel occupancy tax and the additional~~  
28 ~~food and beverage tax~~ such additional taxes, including rules relative to issuance of  
29 tax exemption certificates for the additional food and beverage tax. The authority

1 ~~shall have the right to~~ may contract with the state of Louisiana or the city of New  
2 Orleans, or both, for the collection of ~~said hotel occupancy and food and beverage~~  
3 taxes authorized ~~hereby~~ by this Section. ~~Said additional hotel occupancy and food~~  
4 ~~and beverage taxes shall be automatically terminated upon payment in full of all~~  
5 ~~bonds or other obligations payable in whole or in part from or secured by said taxes.~~

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

14 F: E. Without reference to any other provision of the Constitution or of laws  
15 of Louisiana, including ~~the~~ this Act, the ~~Authority is authorized~~ authority may, from  
16 time to time, with the approval of the State Bond Commission, ~~to issue its negotiable~~  
17 bonds in one or more series for the purpose of providing funds to finance projects ~~the~~  
18 ~~Phase V Convention Center Expansion Project of the Ernest N. Morial Convention~~  
19 ~~Center~~ in accordance with the provisions of Section 21 ~~hereof~~ of this Act; ~~said such~~  
20 bonds to be payable from all revenues derived by the ~~Authority~~ authority as more  
21 particularly set forth in the resolution or resolutions providing for their issuance.

22 Section 20.1.A. Notwithstanding any other provision of law to the contrary,  
23 ~~the Authority is authorized to~~ authority may levy and collect, within the parish of  
24 Orleans, a tax on the furnishing of goods and services which are provided on a  
25 contractual basis by service contractors in conjunction with trade shows,  
26 conventions, exhibitions, and other events, whether public or private, such services  
27 to include goods and services provided in connection with the installation and  
28 dismantling of exhibits, displays and booths, decorations, electrical supplies, material  
29 handling, drayage, flowers and floral decorations, computers, audio and visual

1 equipment, bands and orchestras, lighting trusses, rigging and associated equipment,  
 2 furniture, carpets, signs, props, floats, business machines, plumbing, telephones,  
 3 photography, catering food services, compressed air or gas, balloons, scaffolding,  
 4 fork lifts, highlights, security, information retrieval systems, and any other services  
 5 or items associated with the above. ~~Said~~ The tax shall be levied on the service  
 6 contractor providing the services in an amount equal to two percent of total charges  
 7 specified in the contract to be paid to the service contractor for the furnishing of the  
 8 goods and services; however, the amount of the tax may be included in the contract  
 9 as a charge to be paid by the person for whom the goods and services were provided.

10 B. In the ordinance imposing the tax (~~the service contractor tax ordinance~~),  
 11 the ~~Authority~~ authority shall provide for the administration and enforcement of the  
 12 tax and the collection of the tax from persons subject to the tax as the ~~Authority~~  
 13 authority determines to be necessary or practicable for the effective collection,  
 14 administration, and enforcement of the tax. The ~~Authority~~ authority may enter into  
 15 agreements as it deems appropriate with any governmental agency providing for the  
 16 governmental agency to act as the ~~Authority's~~ authority's agent to collect the tax. For  
 17 purposes of this Section, "service contractors" shall mean and include those persons  
 18 who contract to furnish the services and items listed in this Section in conjunction  
 19 with trade shows, conventions, and exhibitions, whether public or private, which are  
 20 held and conducted within the parish of Orleans.

21 ~~All proceeds of the tax, penalties, and interest collected under the service~~  
 22 ~~contractor tax ordinance shall be paid to the treasurer of the Authority or, at the~~  
 23 ~~discretion of the Authority, to a bank designated by the Authority or trustee in~~  
 24 ~~accordance with the provisions of a bond resolution and deposited into a trust fund~~  
 25 ~~held in the name of the Authority and administered by the treasurer or trustee as~~  
 26 ~~provided hereinafter in this Section.~~

27 ~~All amounts deposited from the proceeds of the aforesaid tax imposed by the~~  
 28 ~~Authority to the credit of said trust fund shall be administered and/or disbursed as~~  
 29 ~~follows: first, an amount, if any, necessary for the payment of costs of collection of~~

1       ~~the tax shall be set aside in a special account established for such purpose; second,~~  
2       ~~an amount necessary for the payment of refunds shall be retained in the trust fund or~~  
3       ~~set aside in a special account established for such purpose; and third, the balance of~~  
4       ~~the proceeds shall be used solely for the purpose of paying costs of the Phase III~~  
5       ~~Expansion Project and may be pledged to and used for the payment of bonds secured~~  
6       ~~in whole or in part by such tax and for the payment of all costs and expenses~~  
7       ~~associated with the issuance, sale, and delivery of such bonds, including credit~~  
8       ~~enhancement, derivative products, underwriter's discount, and funding of reserves~~  
9       ~~or other accounts required by the resolution or trust indenture authorizing their~~  
10       ~~issuance.~~

11               When all bonds secured in whole or in part by the tax have been retired or are  
12       no longer deemed to be outstanding under the terms of their issuance, the authority  
13       to levy and collect the tax authorized in this Section shall be null and void and such  
14       tax shall no longer be collected.

15               Section 20.2.A. As used in this Section, the following words and terms shall  
16       have the following meanings:

17               (1) "Per capita sight-seeing tour" means a sight-seeing tour sold to  
18       individuals, ~~and/or~~ groups of individuals, or both on a cost per person basis.

19               (2) "Sight-seeing tour" means a tour of places and things, including but not  
20       by way of limitation points of interest, historic buildings, parks, and other sites  
21       conducted by persons acting as sight-seeing guides ~~and/or~~ or lecturers, and includes  
22       walking tours and those conducted on any type of vehicle or other means of  
23       conveyance. "Sight-seeing tour" shall not mean any of the following types of tours:  
24       (i) tours for a group or groups of individuals who collectively hire a guide, ~~and/or~~ a  
25       vehicle, or both for an exclusive private tour limited to such group or groups of  
26       individuals, or (ii) tours of museums, historic buildings or homes, churches,  
27       cemeteries, buildings, planetariums, libraries, zoos, or aquariums when a fee is  
28       charged by such establishment, place, or facility for a tour of, or visit to, such  
29       establishment, place, or facility; however, the definition of "sight-seeing tour" shall



1 mean and include tours of, or visits to, any of the establishments, places, or facilities  
2 set forth ~~herein in this Section~~, if such tours or visits are a part of a general tour of  
3 multiple sites, establishments, places, or facilities.

4 (3) "Ticket" means a certificate, token, or any document evidencing that  
5 payment of an admission fee or fare has been made.

6 B. Notwithstanding any other provisions of law to the contrary, the ~~Authority~~  
7 ~~is hereby authorized to~~ authority may levy and collect a tax of one dollar on all  
8 tickets sold in the parish of Orleans for per capita sight-seeing tours in the parish of  
9 Orleans, or for tours, a portion of which includes sight-seeing in the parish of  
10 Orleans, except those sold by a governmental agency. ~~Said~~ The tax shall be imposed  
11 by ordinance ~~(the tour tax ordinance)~~ adopted by the board which shall provide for  
12 the administration and enforcement of the tax and the collection of the tax from  
13 persons subject to the tax as the ~~Authority~~ authority determines to be necessary or  
14 practical for the effective collection, administration, and enforcement of the tax.  
15 ~~Said~~ The tax shall be paid by the purchasers of the tickets at the time of purchase.  
16 The ~~Authority~~ authority may enter into agreements as it deems appropriate with any  
17 governmental agency providing for that entity or agency to act as the ~~Authority's~~  
18 authority's agent to collect the tax.

19 ~~All proceeds of the tax, penalties, and interest collected under the tour tax~~  
20 ~~ordinance shall be paid to the treasurer of the Authority or, at the discretion of the~~  
21 ~~Authority, to a bank designated by the Authority or trustee in accordance with the~~  
22 ~~provisions of a bond resolution and deposited into a trust fund held in the name of~~  
23 ~~the Authority and administered by the treasurer or trustee as provided hereinafter in~~  
24 ~~this Section.~~

25 ~~All amounts deposited from the proceeds of the aforesaid tax imposed by the~~  
26 ~~Authority to the credit of said trust fund shall be administered and/or disbursed as~~  
27 ~~follows: first, an amount, if any, necessary for the payment of costs of collection of~~  
28 ~~the tax shall be set aside in a special account established for such purpose; second,~~  
29 ~~an amount necessary for the payment of refunds shall be retained in the trust fund or~~

1       ~~set aside in a special account established for such purpose; and third, the balance of~~  
2       ~~the proceeds deposited in the trust fund shall be used solely for the purpose of~~  
3       ~~financing a portion of the Phase III Expansion Project and may be pledged to and~~  
4       ~~used for the payment of bonds secured in whole or in part by such tax and for the~~  
5       ~~payment of all costs and expenses associated with the issuance, sale, and delivery of~~  
6       ~~such bonds, including credit enhancement, derivative products, underwriter's~~  
7       ~~discount, and funding of reserves or other accounts required by the resolution or trust~~  
8       ~~indenture authorizing their issuance.~~

9               ~~Until such time as bonds have been issued by the Authority and secured by~~  
10       ~~all or any part of the proceeds of the tax, monies on deposit in the trust fund shall be~~  
11       ~~used solely to pay costs of the Phase III Expansion Project.~~

12               ~~When all bonds secured in whole or in part by the tax have been retired or are~~  
13       ~~no longer deemed to be outstanding under the terms of their issuance, the authority~~  
14       ~~to levy and collect the tax authorized in this Section shall be null and void and such~~  
15       ~~tax shall no longer be collected.~~

16               Section 21. A. Without reference to any other provision of the Constitution  
17       of Louisiana or of the laws of Louisiana and as a grant of power in addition to the  
18       authority to issue bonds contained in Section 8 ~~hereof~~ of this Act and to carry out the  
19       purposes hereunder, the ~~Authority is authorized~~ authority may, from time to time,  
20       with the approval of the State Bond Commission, ~~to issue its negotiable bonds in one~~  
21       or more series for the purpose of providing funds to finance ~~an expansion~~ a project  
22       or projects, including engineering, architectural, inspection, legal, and financial fees  
23       and costs, interest on such bonds during construction and for a reasonable period  
24       thereafter, establishment of reserves to secure such bonds, all costs associated with  
25       the issuance of such bonds, including credit enhancement, derivative products,  
26       underwriter's discount, and funding of accounts, if any, required by the terms of the  
27       resolution or trust indenture authorizing their issuance, and all other expenditures of  
28       the ~~Authority~~ authority incidental or necessary or convenient thereto. Such bonds  
29       shall be authorized and issued by a resolution or resolutions of the board and shall

1 be of such series, bear such date or dates, be of such type, mature at such time or  
 2 times, bear interest at such rate or rates payable on such date or dates, be in such  
 3 denominations, be in such form, carry such registration and exchangeability  
 4 privilege, be payable in such medium of payment and at such place or places, be  
 5 subject to such terms of redemption, and be secured in such manner consistent with  
 6 the authority contained herein as the resolution authorizing such bonds may provide.  
 7 Payment of the bonds authorized hereunder may be secured by a pledge of the avails  
 8 or proceeds of ~~(i)~~ the hotel occupancy taxes and food and beverage ~~tax~~ taxes  
 9 ~~authorized to be levied~~ by this Act, ~~(ii)~~ such other taxes, fees, and charges authorized  
 10 ~~to be levied~~ by this Act, and ~~(iii)~~ any other income and revenue of the ~~Authority~~  
 11 authority as may be determined by the board and as authorized or permitted by law.  
 12 The word "bonds" as used in this Section shall mean and include bonds, notes,  
 13 certificates of indebtedness, or other evidence of indebtedness for the repayment of  
 14 borrowed money.

\* \* \*

16 D. The board may in any resolution authorizing the issuance of such bonds  
 17 enter into such covenants with the future owner or owners of the bonds as to the  
 18 management and operation of ~~expansion~~ projects, the lease or rental thereof, the  
 19 imposition and collection of fees and charges for services and facilities furnished by  
 20 the authority, the disposition of such fees and revenues, the issuance of future bonds  
 21 and the creation of future liens and encumbrances against the ~~expansion~~ projects and  
 22 the revenues therefrom, the carrying of insurance on the ~~expansion~~ projects, the  
 23 keeping of books and records, and other pertinent matters, including the appointment  
 24 of a receiver in the event of default, as may be deemed proper by the board to assure  
 25 the marketability of the bonds.

\* \* \*

27 F. The board is authorized to issue refunding bonds of the authority for the  
 28 purpose of refunding outstanding bonds issued pursuant to the provisions of this  
 29 Section in accordance with Chapter 14-A of Title 39 of the Louisiana Revised

1 Statutes of 1950 or pursuant to the Consolidated Local Government Public Finance  
2 Act.

3 \* \* \*

4 K. All bonds ~~and any interest coupons appertaining thereto~~ issued pursuant  
5 to this Section shall be and are hereby made negotiable instruments within the  
6 meaning of and for all purposes of the negotiable instruments law of Louisiana,  
7 subject only to the provisions of bonds for registration.

8 \* \* \*

9 Section 22.

10 \* \* \*

11 B. When any leases or subleases, or both, are secured by ~~(i) the hotel~~  
12 ~~occupancy tax taxes, levied pursuant to Section 18 hereof and/or (ii) the food and~~  
13 ~~beverage tax taxes, levied pursuant to Section 19 hereof, or other taxes, fees, and~~  
14 ~~charges authorized by this Act,~~ neither the legislature nor the authority shall  
15 discontinue or decrease the applicable ~~tax taxes, fees, or charges~~ or permit to be  
16 discontinued or decreased the applicable ~~tax taxes, fees, or charges~~ in anticipation  
17 of the collection of which such leases or subleases, or both, have been entered into,  
18 or in any way make any change in the allocation and dedication of the proceeds of  
19 such ~~tax taxes, fees, or charges~~ which would diminish the amount of the applicable  
20 ~~tax revenues~~ to be received by the authority until all of such leases or subleases, or  
21 both, shall have expired.

22 \* \* \*

23 Section 24. ~~To provide equal procurement, contractual, and employment~~  
24 ~~participation in any expansion project, as defined in Section 20 hereof, the authority~~  
25 ~~is authorized and directed to prescribe rules and regulations as may be necessary to~~  
26 ~~provide for the following protections for the rights of minority citizens:~~

27 ~~(1) To designate and set aside for awarding to minority businesses not less~~  
28 ~~than thirty percent of anticipated local procurement of goods and services~~

1           ~~respectively, including contracts for professional services but excluding construction,~~  
2           ~~for any expansion project, based upon the total value of such procurement.~~

3           ~~(2) To designate and set aside for awarding to minority contractors not less~~  
4           ~~than twenty percent of the construction contracts for any expansion project, based~~  
5           ~~upon the total value of such contracts.~~

6           ~~(3) To establish an affirmative action plan for the hiring and maintenance of~~  
7           ~~personnel for any expansion project.~~

8           ~~(4) To establish an affirmative action plan to guarantee that equal~~  
9           ~~opportunity in employment is incorporated into each agreement or contract with any~~  
10          ~~provider of services to the authority for any expansion project.~~

11          ~~(5) To prescribe and promulgate rules and regulations to provide for~~  
12          ~~effective enforcement of the rights herein granted including injunctive relief and~~  
13          ~~penalties for violations.~~

14          ~~(6) To prescribe and promulgate rules and regulations for the certification~~  
15          ~~of businesses as bona fide minority businesses or minority contractors.~~

16          ~~B. For purposes of this Act, the following definitions shall apply:~~

17          ~~(1) "Minority" means a person who is a citizen or lawful permanent resident~~  
18          ~~of the United States and who is:~~

19                 ~~(a) Black: having origins in any of the black racial groups of Africa.~~

20                 ~~(b) Hispanic: of Mexican, Puerto Rican, Cuban, Central or South American,~~  
21                 ~~or other Spanish or Portuguese culture or origin regardless of race.~~

22                 ~~(c) Asian American: having origins in any of the original peoples of the Far~~  
23                 ~~East, Southeast Asia, the Indian subcontinent, or the Pacific Islands.~~

24                 ~~(d) American Indian or Alaskan Native: having origins in any of the original~~  
25                 ~~peoples of North America.~~

26          ~~(2) "Minority business" or "minority contractor" means a small business~~  
27          ~~organized for profit performing a commercially useful function which is owned and~~  
28          ~~controlled by one or more minority individuals or a minority enterprise as defined~~  
29          ~~in R.S. 39:1952. "Owned and controlled" means a business in which one or more~~

1 ~~minorities or minority business enterprises own at least fifty-one percent or in the~~  
2 ~~case of a corporation at least fifty-one percent of the voting stock and control at least~~  
3 ~~fifty-one percent of the management and daily operations of the business.~~

4 A. To provide equal procurement, contractual, and employment participation  
5 in a designated project, the authority shall prescribe rules and regulations as  
6 necessary to provide adequate protections for the rights and opportunities of minority  
7 citizens and minority-owned businesses, which may include but are not limited to  
8 designating and setting aside for awards to minority businesses, pursuant to R.S.  
9 38:2233.2, a fixed percentage of the total value of anticipated local procurement of  
10 goods and services respectively, including contracts for professional services and  
11 construction for the project; incorporating equal employment opportunity provisions  
12 into each agreement or contract for the project; establishing effective enforcement  
13 of rights, including injunctive relief and penalties, for violations occurring on the  
14 project; and establishing certification procedures for minority businesses or minority  
15 contractors on the project.

16 B. Notwithstanding the provisions of this Section, nothing shall prohibit the  
17 authority from employing all lawful policies, procedures, and programs at its  
18 disposal in any and all of its contracting opportunities to promote contractor,  
19 subcontractor, vendor, and supplier opportunities for firms certified pursuant to the  
20 Hudson Initiative and disadvantaged business enterprises.

21 Section 2. Sections 2(D), 7, and 23 of Act No. 305 of the 1978 Regular Session of  
22 the Legislature as the Act has been amended by Act No. 657 of the 1979 Regular Session  
23 of the Legislature, Act No. 99 of the 1980 Regular Session of the Legislature, Act No. 9 of  
24 the 1980 Second Extraordinary Session of the Legislature, Act No. 287 of the 1982 Regular  
25 Session of the Legislature, Act No. 572 of the 1984 Regular Session of the Legislature, Act  
26 No. 390 of the 1987 Regular Session of the Legislature, Act No. 43 of the 1992 Regular  
27 Session of the Legislature, Act No. 1013 of the 1993 Regular Session of the Legislature, Act  
28 Nos. 13 and 42 of the 1994 Regular Session of the Legislature, Act Nos. 1174 and 1176 of  
29 the 1997 Regular Session of the Legislature, Act No. 72 of the 2002 First Extraordinary

- 1 Session of the Legislature, and Act No. 557 of the 2014 Regular Session of the Legislature  
2 are hereby repealed in their entirety.

## 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 589 Original

2019 Regular Session

Leger

**Abstract:** Provides relative to the taxing and bonding authority of the Ernest N. Morial-New Orleans Exhibition Hall Authority.

Present law creates the Ernest N. Morial-New Orleans Exhibition Hall Authority (convention center authority). The purpose of the convention center 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.

Present law defines "project" to mean convention, exhibition, and tourist facilities and necessary site improvements, infrastructure, furnishings, machinery, equipment, and appurtenances. Proposed law adds acquisition of necessary land and a hotel with multi-story parking garage and bridge connecting the hotel and the south end of the convention center to the definition of project.

Present law defines "expansion project" to include various specified phases and stages of expansion of the existing convention center. Proposed law deletes present law.

Present law authorizes the convention center authority to levy the following taxes and pledge the proceeds thereof as security for bonds for purposes of projects:

- (1) A hotel occupancy tax at a rate of 1%.
- (2) A hotel occupancy tax at a rate of 1%.
- (3) A hotel occupancy tax at a rate of \$.50 at a hotel with 10 to 299 guest rooms; \$1 at a hotel with 300 to 999 guest rooms; \$2 at a hotel with 1,000 or more guest rooms.
- (4) A food and beverage tax at a rate of not more than 1/2%.

Proposed law retains present law.

Present law provides that taxes as described in (2), (3), and (4) expire when obligations secured thereby are paid. Proposed law deletes present law.

Present law provides that the levy of all of the above taxes is subject to approval of the governing authority of New Orleans and the voters of New Orleans.

Proposed law authorizes the convention center authority to levy taxes of the same type and at the same rates as described above. Such taxes are not subject to approval of the governing authority of New Orleans or of the voters of New Orleans. Provides that taxes authorized by proposed law are to be levied in lieu of the equivalent tax authorized by present law and that proceeds of taxes authorized by proposed law are subject to the same pledges as the equivalent tax authorized by present law.

Present law authorizes the convention center authority to levy an additional hotel occupancy tax at a rate of 1% and an additional food and beverage tax at a rate of 1/4% for purposes of funding certain phases of the convention center expansion project provided for by present law. Proposed law retains present law except to remove the requirement that tax proceeds be used for an expansion project.

Present law authorizes the convention center authority to levy the following taxes:

- (1) A tax on contractor services provided to trade shows, conventions, exhibitions, and other events. Provides that the rate of the tax is 2% of the charges for the contract service and that the tax may be charged to the person paying for the service.
- (2) A sight-seeing tour tax of \$1 per ticket.

Proposed law retains present law.

Present law provides relative to the payment of the contractor service tax and the sight-seeing tour tax and dedicates proceeds to specific purposes including one phase of the expansion project. Provides that these taxes expire when obligations secured thereby are paid. Proposed law deletes present law.

Present law authorizes the convention center authority to use revenue to pay administrative and operating expenses of the board and for the payment of any expenses incurred in determining the feasibility of a project and developing plans, including engineering, architectural, legal, and administrative costs and fees incidental thereto. Provides that any revenue remaining at the end of a fiscal year, prior to the issuance of bonds and after the payment of expenses, is considered surplus and may be distributed to the city of New Orleans or retained for future expenses, capital expenditures, or costs reasonably anticipated to be incurred. Proposed law repeals present law.

Present law requires that proceeds of certain taxes remaining after the payment of obligations secured by those taxes be deposited into a special escrow fund to be used solely to retire certain obligations in advance of their maturities at a price not greater than the applicable redemption price. Proposed law repeals present law.

Present law requires the convention center authority to prescribe rules to provide for protections for the rights of minority citizens. Proposed law retains present law.

Present law requires that such rules include, for any expansion project, the setting aside for minority businesses of not less than 30% of anticipated local procurement of goods and services other than construction and not less than 20% of the construction contracts. Requires adoption of affirmative action plans.

Proposed law provides instead, relative to any project, that the rules may include setting aside for awards to minority businesses a fixed percentage of the total value of anticipated local procurement of goods and services, including construction, and may include provision for incorporating equal employment opportunity provisions into each agreement or contract.

Proposed law provides that nothing shall prohibit the authority from employing all lawful policies, procedures, and programs at its disposal in any and all of its contracting opportunities to promote contractor, subcontractor, vendor, and supplier opportunities for Hudson-certified firms and disadvantaged business enterprises.

(Amends §§2(A), 4(intro. para.) and (H), 6, 6.1, 8(unnumbered paragraphs 1, 5, and 8), 9, 10, 11, 18, 19, 20, 20.1, 20.2, 21(A), (D), (F), and (K), 22(B), and 24 of Act No. 305 of 1978 R.S., as amended; Repeals §§2(D), 7, and 23 of Act No. 305 of 1978 R.S., as amended)