

2020 Regular Session

HOUSE BILL NO. 664

BY REPRESENTATIVE DUPLESSIS

DISTRICTS/ECONOMIC DEVEL: Creates the Infrastructure and Economic Development District in the city of New Orleans

1 AN ACT

2 To enact R.S. 33:4690.15, relative the city of New Orleans; to create the Infrastructure and
3 Economic Development District within the city; to provide for the district's
4 boundaries, governance, and powers and duties; to provide for district funding,
5 including the authority to levy a sales and use tax; to provide for the use of tax
6 proceeds; and to provide for related matters.

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

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 33:4690.15 is hereby enacted to read as follows:

12 §4690.15. New Orleans Infrastructure and Economic Development District

13 A. Creation. There is hereby created within the city of New Orleans, as
14 more specifically provided in Subsection B of this Section, a body politic and
15 corporate which shall be known as the New Orleans Infrastructure and Economic
16 Development District, referred to in this Section as the "district". The district shall
17 be a political subdivision of the state as defined in the Constitution of Louisiana.

18 B. Boundaries. The boundaries of the district are coterminous with the
19 boundaries of the city of New Orleans.

1 C. Purpose. The district is established for the primary object and purpose of
2 providing for the supplemental construction, operation, and maintenance of the
3 infrastructure located within the district in order to promote the economic growth
4 and development of the district, and to improve the quality of life of the residents of
5 the district.

6 D. Governance. (1) The district shall be governed by a board of
7 commissioners, referred to in this Section as the "board", comprised of the members
8 of the governing authority of the city of New Orleans.

9 (2) The board shall elect from its members a chairman, a vice chairman, a
10 secretary, a treasurer, and other officers as it deems necessary. The duties of the
11 officers shall be fixed by bylaws adopted by the board.

12 (3) The board shall adopt rules and regulations as it deems necessary or
13 advisable for conducting its business affairs. Rules and regulations of the board
14 relative to the notice and conduct of meetings shall conform to applicable law,
15 including laws relative to open meetings. The board shall hold regular meetings as
16 provided for in the bylaws and may hold special meetings at such times and places
17 within the district as prescribed in the bylaws.

18 (4) The board shall keep minutes of all meetings and shall make them
19 available through the secretary of the board to residents of the district.

20 (5) The monies, funds, and accounts of the district shall be in the official
21 custody of the board.

22 (6) A majority of the members of the board shall constitute a quorum for the
23 transaction of business.

24 (7) The members of the board shall serve without compensation.

25 E. Powers and duties. (1) The district, through the board, may exercise all
26 powers of a political subdivision necessary or convenient for the carrying out of its
27 objects and purposes, including but not limited to the following:

28 (a) To sue and be sued.

29 (b) To adopt, use, and alter at will a corporate seal and bylaws.

1 (c) To incur debt and issue bonds, certificates, warrants, notes, or other
2 evidences of indebtedness.

3 (d) To receive by gift, grant, donation, or otherwise any sum of money,
4 property, aid, or assistance from the United States, the state of Louisiana, or any
5 political subdivision thereof, or any person, firm, or corporation.

6 (e) To enter into contracts, agreements, or cooperative endeavors with the
7 state and its political subdivisions or political corporations and with any public or
8 private association, corporation, business entity, or individual.

9 (f) To appoint officers, agents, and employees, to prescribe their duties, and
10 to fix their compensation.

11 (g) To receive and expend funds collected pursuant to Subsection F of this
12 Section in accordance with a budget adopted as provided by Subsection H of this
13 Section.

14 (2) The district shall not be deemed an instrumentality of the state for
15 purposes of Article X, Section 1(A) of the Constitution of Louisiana.

16 F. District funding. (1) The district, through the board, may levy and collect
17 a sales and use tax, at a rate not to exceed forty-five hundredths of one percent,
18 within the boundaries of the district.

19 (2) The tax shall be imposed by resolution of the board and shall be levied
20 upon the sale at retail, the use, the lease or rental, the consumption, and the storage
21 for use or consumption of tangible personal property, and on sales of services in the
22 district, all as defined in Chapter 2 of Subtitle II of Title 47 of the Louisiana Revised
23 Statutes of 1950.

24 (3) The tax shall be imposed and collected uniformly throughout district and
25 shall be collected at the same time and in the same manner as all other sales and use
26 taxes levied and collected within the boundaries of the district by any other political
27 subdivision in the parish of Orleans.

28 (4) The board may enter into a contract with any public entity authorized to
29 collect sales or use taxes, under such terms and conditions as it deems appropriate,

1 including payment of a reasonable collection fee, for the collection of the tax
2 authorized by this Subsection.

3 (5) The proceeds of the tax shall be used solely and exclusively for the
4 purpose and benefit of the district.

5 (6) The authority granted by this Subsection shall not limit in any respect any
6 prior taxing authority granted by any other provision of law to any other political
7 subdivision.

8 (7) No tax shall be levied and collected pursuant to the provisions of this
9 Subsection prior to the expiration of the tax levied by R.S. 47:321.1. At no time
10 shall both the tax authorized by this Subsection and the tax levied by R.S. 47:321.1
11 be levied.

12 G. Additional contributions. The district may solicit and accept additional
13 voluntary contributions and grants to further its purposes.

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

16 (2) The district is subject to audit by the legislative auditor pursuant to R.S.
17 24:513.

18 I. Cooperation with federal, state, and local agencies. The district, through
19 the board, may cooperate with the government of the United States, the state of
20 Louisiana, and any agencies, departments, and political subdivisions of the state of
21 Louisiana in all undertakings, the purpose of which is the furtherance of the objects
22 and purposes for which the district is created.

23 J. Miscellaneous. (1) It is the purpose and intent of this Section that any
24 additional infrastructure improvements provided by the district shall be supplemental
25 to and not be in lieu of services to be provided in the district by the state of Louisiana
26 or the city of New Orleans or their departments or agencies or by other political
27 subdivisions.

28 (2) If the district ceases to exist, all funds of the district shall be transmitted
29 by the board to the city of New Orleans, and those funds, together with any other

1 funds collected by the city of New Orleans pursuant to this Section, shall be
 2 maintained in a separate account by the city and shall be used only for the
 3 construction, operation, and maintenance of the infrastructure located within the
 4 district.

5 Section 2. This Act shall become effective on July 1, 2020; if vetoed by the governor
 6 and subsequently approved by the legislature, this Act shall become effective on July 1,
 7 2020, or on the day following such approval by the legislature, whichever is later.

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 664 Original

2020 Regular Session

Duplessis

Abstract: Creates the New Orleans Infrastructure and Economic Development District as a political subdivision of the state located in the city of New Orleans.

Proposed law creates and provides for the New Orleans Infrastructure and Economic Development District as a political subdivision of the state in the city of New Orleans to promote the economic growth of the district by providing for the supplemental construction, operation, and maintenance of the infrastructure located within the district. Provides that the district's boundaries are coterminous with the boundaries of the city. Provides that the district is governed by a board of commissioners comprised of the members of the governing authority of the city of New Orleans.

Proposed law provides for the powers and duties of the district, including but not limited to the following:

- (1) To sue and be sued.
- (2) To adopt, use, and alter at will a corporate seal and bylaws.
- (3) To incur debt and issue bonds, certificates, warrants, notes, or other evidences of indebtedness.
- (4) To receive by gift, grant, donation, or otherwise any sum of money, property, aid, or assistance from the U.S., the state, or any political subdivision thereof, or any person, firm, or corporation.

Provides that the district shall not be deemed to be an instrumentality of the state for purposes of civil service provisions of the Constitution of La.

Proposed law authorizes the district to levy and collect a sales and use tax not to exceed .45%. Requires that the tax be imposed by resolution of the board and authorizes the board to enter into a contract with any public entity authorized to collect sales and use tax. Requires that the proceeds of the tax be used solely and exclusively for the purpose and benefit of the district.

Proposed law prohibits the levy and collection of a tax pursuant to proposed law prior to the expiration of the .45% state sales tax levied by present law (R.S. 47:321.1).

Proposed law requires the district to adopt an annual budget in accordance with the Local Government Budget Act (R.S. 39:1301 et seq.) and provides that the district is subject to audit by the legislative auditor.

Proposed law authorizes the district to cooperate with the government of the U.S., the state, and any agencies, departments, and political subdivisions of the state of La. in all undertakings to accomplish the district's objects and purposes.

Proposed law provides that any additional infrastructure improvements provided by the district pursuant to proposed law shall be supplemental to and not be in lieu of services to be provided in the district by the state or the city of New Orleans or their departments or agencies or by other political subdivisions. Provides that if the district ceases to exist, the funds shall be transmitted to the city and maintained in a separate account to be used only for infrastructure improvements within the district.

Effective July 1, 2020.

(Adds R.S. 33:4690.15)