

Regular Session, 2014

HOUSE BILL NO. 788

BY REPRESENTATIVES LEGER, WESLEY BISHOP, STOKES, AND WILLMOTT

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 is 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 other
17 than lodging facilities but including infrastructure and site improvements to facilitate
18 the private development and funding of lodging facilities. The purpose for which the
19 Authority is created is to acquire, construct, reconstruct, extend, improve, maintain,
20 and operate projects within the city of New Orleans, subject to the zoning and other
21 applicable ordinances of the city of New Orleans, except as to the Poydras Street
22 Wharf and other properties under the administration of the Board of Commissioners
23 of the Port of New Orleans, in order to promote the economic growth and
24 development of the city and its neighboring parishes. The Authority shall have all the
25 powers and authority necessary or convenient to carry out the purposes of this Act
26 including but not limited to the following powers and authority:

27 * * *

28 D. To enter into contracts with any person, firm, or corporation, public or
29 private, including the state of Louisiana or any department, agency, or political

1 subdivision thereof, on such terms and conditions as the board may determine, with
 2 respect to the acquisition, construction, reconstruction, extension, improvement,
 3 maintenance, or operation of projects or the furnishing or distribution of the services,
 4 facilities, or commodities thereof, including but not limited to the leasing or
 5 subleasing for allied services such as hotels, restaurants, retail outlets, offices,
 6 parking, entertainment, and similar activities. Any lease or sublease of the authority,
 7 or both, to an exhibition or convention user, or both, including any assignments
 8 thereof, any lease or sublease or extensions or renewals thereof, including any
 9 assignments thereof, for allied services such as hotels, restaurants, retail outlets,
 10 offices, and entertainment, shall be exempt from the provisions of R.S. 38:2211 et
 11 seq. and any other provision of law with respect to the purchase or lease of property
 12 by public entities; all other contracts, leases or subleases, or both, including any
 13 assignment thereof, shall be entered into in accordance with the provisions of R.S.
 14 38:2211.

15 * * *

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

21 * * *

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

1 facilitate the private development and funding of lodging facilities, including any
 2 assignments thereof, any lease or sublease or extension or renewal thereof, including
 3 any assignments thereof, for allied services such as hotels, restaurants, retail outlets,
 4 offices and entertainment, shall be exempt from the provisions of R.S. 38:2211 et
 5 seq., and any other provision of law with respect to the purchase or lease of property
 6 by public entities; all other contracts, leases or subleases, or both, of the authority,
 7 including any assignment thereof, shall be entered into in accordance with the
 8 provisions of R.S. 38:2211.

9 * * *

10 Section 2. Section 20A of Act No. 305 of the 1978 Regular Session of the
 11 Legislature, as amended by Act No. 657 of the 1979 Regular Session of the Legislature, Act
 12 No. 99 of the 1980 Regular Session of the Legislature, Act No. 9 of the 1980 Second
 13 Extraordinary Session of the Legislature, Act No. 287 of the 1982 Regular Session of the
 14 Legislature, Act No. 572 of the 1984 Regular Session of the Legislature, Act No. 390 of the
 15 1987 Regular Session of the Legislature, Act No. 43 of the 1992 Regular Session of the
 16 Legislature, Act No. 1013 of the 1993 Regular Session of the Legislature, Act Nos. 13 and
 17 42 of the 1994 Regular Session of the Legislature, Act Nos. 1174 and 1176 of the 1997
 18 Regular Session of the Legislature, and Act No. 72 of the 2002 First Extraordinary Session
 19 of the Legislature is hereby amended and reenacted to read as follows:

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

24 ~~(i) the~~ (1) Phase III Convention Center Expansion Project consisting of a
 25 building attached to the Convention Center containing additional exhibit space,
 26 meeting rooms, ballroom space, a food court, exhibit hall concession stands, food
 27 production facilities, and other structures and facilities functionally related to the
 28 Convention Center and completed in April of 1999, ~~and.~~

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

9 (3) Phase V Convention Center Expansion Project. The term "Phase V
10 Convention Center Expansion Project" means a project to advance a tourism
11 development plan for the Convention Center, including enhancements to the facility
12 and installation of basic infrastructure to facilitate private development including the
13 private development of lodging facilities on property owned by the Exhibition Hall
14 Authority, the private component of which may involve a joint project between the
15 Authority and a private entity and the public component of which is to be developed
16 and funded in the following four stages in the order and according to the priorities
17 determined by the Authority:

18 (a) Stage One is to provide infrastructure including but not limited to the
19 following:

20 (i) Making public infrastructure improvements on Convention Center
21 Boulevard, from Poydras Street to Orange Street, including utility improvements,
22 redevelopment of north and south bound traffic lanes, the incorporation of a
23 landscaped linear park and pedestrian mall, and the relocation, redirection, and
24 redevelopment of traffic along South Peters Street and Tchoupitoulas Street.

25 (ii) The development of public infrastructure in the area generally bounded
26 by Henderson Street, Tchoupitoulas Street, Orange Street, and the Mississippi River
27 flood wall to include the extension of Convention Center Boulevard from Henderson
28 Street to Orange Street, public utility infrastructure to support anticipated private
29 development, and any needed soil remediation.

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

8 (b) Stage Two is to make improvements at or on the riverfront to provide the
9 following:

10 (i) Development of a riverfront festival park along the Mississippi River at
11 existing wharfs, providing access to the river through the development of
12 approximately five acres for recreational, hospitality, commercial, and residential
13 use.

14 (ii) Development of Riverfront Festival Park infrastructure, including public
15 utilities, lighting, and landscaping.

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

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

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

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

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

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

5 * * *

6 Section 3. Section 20F of Act No. 305 of the 1978 Regular Session of the
7 Legislature, as amended by Act No. 657 of the 1979 Regular Session of the Legislature, Act
8 No. 99 of the 1980 Regular Session of the Legislature, Act No. 9 of the 1980 Second
9 Extraordinary Session of the Legislature, Act No. 287 of the 1982 Regular Session of the
10 Legislature, Act No. 572 of the 1984 Regular Session of the Legislature, Act No. 390 of the
11 1987 Regular Session of the Legislature, Act No. 43 of the 1992 Regular Session of the
12 Legislature, Act No. 1013 of the 1993 Regular Session of the Legislature, Act Nos. 13 and
13 42 of the 1994 Regular Session of the Legislature, Act Nos. 1174 and 1176 of the 1997
14 Regular Session of the Legislature, and Act No. 72 of the 2002 First Extraordinary Session
15 of the Legislature is hereby enacted to read as follows:

16 Section 20.

17 * * *

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

26 Section 4. Section 23 of Act No. 305 of the 1978 Regular Session of the Legislature,
27 as amended by Act No. 657 of the 1979 Regular Session of the Legislature, Act No. 99 of
28 the 1980 Regular Session of the Legislature, Act No. 9 of the 1980 Second Extraordinary
29 Session of the Legislature, Act No. 287 of the 1982 Regular Session of the Legislature, Act

1 No. 572 of the 1984 Regular Session of the Legislature, Act No. 390 of the 1987 Regular
2 Session of the Legislature, Act No. 43 of the 1992 Regular Session of the Legislature, Act
3 No. 1013 of the 1993 Regular Session of the Legislature, Act Nos. 13 and 42 of the 1994
4 Regular Session of the Legislature, Act Nos. 1174 and 1176 of the 1997 Regular Session of
5 the Legislature, and Act No. 72 of the 2002 First Extraordinary Session of the Legislature
6 is hereby amended and reenacted to read as follows:

7 Section 23. In each fiscal year, after payment of all obligations of the
8 authority secured by or payable from all or any part of the taxes levied pursuant to
9 Sections 18 and 19 hereof, the authority shall deposit the balance of such taxes into
10 a special escrow fund to be used solely to retire said obligations in advance of their
11 maturities at a price or prices not greater than the applicable redemption price;
12 provided, however, the provisions of this Section shall be applicable only to
13 outstanding obligations of the authority issued or incurred prior to the effective date
14 of this amendment to this Section and shall not be applicable with respect to any
15 bonds or other obligations issued or incurred thereafter to pay any costs of the Phase
16 III Expansion Project, ~~or the Phase IV Expansion Project,~~ or the Phase V Convention
17 Center Expansion Project.

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

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

24 Section 7. To the extent that the provisions of this Act are inconsistent with any
25 provision of statutory law or any special act of the legislature, or any part thereof, the
26 provisions of this Act shall prevail.

27 Section 8. This Act shall become effective upon signature by the governor or, if not
28 signed by the governor, upon expiration of the time for bills to become law without signature
29 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

- 1 vetoed by the governor and subsequently approved by the legislature, this Act shall become
2 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. 788

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 retains present law but includes within the definition of "project", infrastructure and site improvements to facilitate the private development and funding of lodging facilities.

Present law authorizes the Authority to enter into contracts to acquire, construct, reconstruct, extend, improve, maintain, or operate projects relative to restaurants, retail outlets, offices, parking, entertainment, and similar activities. Proposed law further authorizes the Authority to enter into 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 person, firm, or corporation and proposed law eliminates this prohibition.

Present law authorizes "expansion projects" including Phase III and IV. Proposed law authorizes Phase V which is a tourism development plan to enhance the Convention Center and install basic infrastructure to facilitate private development, including private development of lodging facilities, on property owned by the Exhibition Hall Authority, the public component of which is divided into the following four stages:

- (1) Public infrastructure improvements on Convention Center Blvd., from Poydras St. to Orange St., including utility improvements, redevelopment of traffic lanes, a linear park and pedestrian mall, and the relocation and redevelopment of traffic along S. Peters St. and Tchoupitoulas St.; 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., public utility infrastructure to support anticipated 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) Development of a riverfront festival park along the Mississippi 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) 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; and development of an executive conference center which may be integrated as part of a new, privately developed hotel.
 - (4) Renovation, restoration, construction, or demolition of building or buildings and site preparation related thereto, to facilitate the creation and development of a riverfront festival park.

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 bonds in one or more series for the purpose of providing funds to finance Phase V, in accordance with present law contained in Section 21; said bonds to be payable from all revenues derived by the Authority as more particularly set forth in the resolution providing for their issuance.

Proposed law further provides that this Act does not nor is it intended to impair outstanding bonded debt obligations of the Authority, and to any extent that any provision of this Act is inconsistent with other laws, this Act prevails.

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 Sections 4(intro. para.), 4D, 4G, 4M, 20A, and 23 of Act No. 305 of the 1978 R.S., as amended; Adds Section 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 reducing or impairing current vehicular traffic capacity.
2. Added provision that proposed law shall not affect, alter, or diminish any rights, powers and jurisdiction of the Board of Commissioners of the Port of New Orleans over any property it owns, operates, or administers.