

Regular Session, 2014

HOUSE BILL NO. 788

BY REPRESENTATIVES LEGER, WESLEY BISHOP, STOKES, AND WILLMOTT

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.

20 Be it enacted by the Legislature of Louisiana:

21 Section 1. Sections 4(introductory paragraph), 4D, 4G, and 4M of Act No. 305 of
22 the 1978 Regular Session of the Legislature, as amended by Act No. 657 of the 1979 Regular
23 Session of the Legislature, Act No. 99 of the 1980 Regular Session of the Legislature, Act
24 No. 9 of the 1980 Second Extraordinary Session of the Legislature, Act No. 287 of the 1982

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

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

22 * * *

23 D. To enter into contracts with any person, firm, or corporation, public or
24 private, including the state of Louisiana or any department, agency, or political
25 subdivision thereof, on such terms and conditions as the board may determine, with
26 respect to the acquisition, construction, reconstruction, extension, improvement,
27 maintenance, or operation of projects or the furnishing or distribution of the services,
28 facilities, or commodities thereof, including but not limited to the leasing or
29 subleasing for allied services such as hotels, restaurants, retail outlets, offices,
30 parking, entertainment, and similar activities. Any lease or sublease of the authority,

1 or both, to an exhibition or convention user, or both, including any assignments
 2 thereof, any lease or sublease or extensions or renewals thereof, including any
 3 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, including any
 7 assignment thereof, shall be entered into in accordance with the provisions of R.S.
 8 38:2211.

9 * * *

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

15 * * *

16 M. Except as limited by the terms and conditions of that certain lease
 17 covering and affecting the Poydras Street Wharf, to lease or sublease to or from any
 18 person, firm, or corporation, public or private, all or any part of any project upon
 19 such terms and conditions and for such term of years not in excess of sixty years, as
 20 the board may deem advisable to carry out the provisions of this Act, and to provide,
 21 if deemed advisable by the board, for an option to purchase or otherwise lawfully
 22 acquire such project upon the terms and conditions therein specified. Any lease or
 23 sublease, or both, of the authority to an exhibition or convention user, or ~~both to~~ to
 24 facilitate the private development and funding of lodging facilities, including any
 25 assignments thereof, any lease or sublease or extension or renewal thereof, including
 26 any assignments thereof, for allied services such as hotels, restaurants, retail outlets,
 27 offices and entertainment, shall be exempt from the provisions of R.S. 38:2211 et
 28 seq., and any other provision of law with respect to the purchase or lease of property
 29 by public entities; all other contracts, leases or subleases, or both, of the authority,

1 including any assignment thereof, shall be entered into in accordance with the
2 provisions of R.S. 38:2211.

3 * * *

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

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

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

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

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

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

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

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

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

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

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

5 Section 20.

6 * * *

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

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

25 Section 23. In each fiscal year, after payment of all obligations of the
26 authority secured by or payable from all or any part of the taxes levied pursuant to
27 Sections 18 and 19 hereof, the authority shall deposit the balance of such taxes into
28 a special escrow fund to be used solely to retire said obligations in advance of their
29 maturities at a price or prices not greater than the applicable redemption price;
30 provided, however, the provisions of this Section shall be applicable only to

1 outstanding obligations of the authority issued or incurred prior to the effective date
 2 of this amendment to this Section and shall not be applicable with respect to any
 3 bonds or other obligations issued or incurred thereafter to pay any costs of the Phase
 4 III Expansion Project, ~~or the Phase IV Expansion Project,~~ or the Phase V Convention
 5 Center Expansion Project.

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

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

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

15 Section 8. This Act shall become effective upon signature by the governor or, if not
 16 signed by the governor, upon expiration of the time for bills to become law without signature
 17 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 18 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 19 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____