Regular Session, 2014

## **ACT No. 557**

HOUSE BILL NO. 788

1

BY REPRESENTATIVES LEGER, WESLEY BISHOP, STOKES, AND WILLMOTT

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

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

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

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

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D. To enter into contracts with any person, firm, or corporation, public or private, including the state of Louisiana or any department, agency, or political subdivision thereof, on such terms and conditions as the board may determine, with respect to the acquisition, construction, reconstruction, extension, improvement, maintenance, or operation of projects or the furnishing or distribution of the services, facilities, or commodities thereof, including but not limited to the leasing or subleasing for allied services such as <a href="https://doi.org/10.1001/journal.org/10.1001/jo

or both, to an exhibition or convention user, or both, including any assignments thereof, any lease or sublease or extensions or renewals thereof, including any assignments thereof, for allied services such as <a href="https://hotels.notels

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

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

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

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

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

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

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

(3) Phase V Convention Center Expansion Project. The term "Phase V

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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 private development of lodging facilities on property owned by the Exhibition Hall 5 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	(1) Development of a rivertront restrival park along the Mississippi River at
2	existing wharfs, providing access to the river through the development of
3	approximately five acres for recreational, hospitality, commercial, and residential
4	<u>use.</u>
5	(ii) Development of Riverfront Festival Park infrastructure, including public
6	utilities, lighting, and landscaping.
7	(c)(i) Stage Three is to further integrate the Convention Center with its
8	surrounding urban areas through the following:
9	(aa) Renovation of the south end of the existing Convention Center in order
10	to create a new south entrance in response to adjacent development.
11	(bb) Development of an executive conference center which may be
12	integrated as part of a new, privately developed hotel.
13	(ii) Stage Three projects shall be accomplished in a manner which ensure no
14	impairment or diminishment of vehicular access to the facilities of the Board of
15	Commissioners of the Port of New Orleans which are or may be accessed in the
16	future via Henderson Street.
17	(d)(i) Stage Four is to provide for the renovation, restoration, construction,
18	or demolition of building or buildings, and site preparation related thereto, to
19	facilitate the creation and development of a riverfront festival park.
20	(ii) Activity associated with the renovation, restoration, construction, or
21	demolition of the said building or buildings and the development and operation of
22	the park is to be conducted in a fashion which ensures no interference with or
23	adverse effect upon the main line track of the New Orleans Public Belt Railroad.
24	* * *
25	Section 3. Section 20F of Act No. 305 of the 1978 Regular Session of the
26	Legislature, as amended by Act No. 657 of the 1979 Regular Session of the Legislature, Act
27	No. 99 of the 1980 Regular Session of the Legislature, Act No. 9 of the 1980 Second
28	Extraordinary Session of the Legislature, Act No. 287 of the 1982 Regular Session of the
29	Legislature, Act No. 572 of the 1984 Regular Session of the Legislature, Act No. 390 of the
30	1987 Regular Session of the Legislature, Act No. 43 of the 1992 Regular Session of the

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

Section 20.

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F. Without reference to any other provision of the Constitution or of laws of Louisiana, including the Act, 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 the Phase V Convention Center Expansion Project of the Ernest N. Morial Convention Center in accordance with the provisions of Section 21 hereof; said bonds to be payable from all revenues derived by the Authority as more particularly set forth in the resolution or resolutions providing for their issuance.

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

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

HB NO. 788 **ENROLLED** 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.

APPROVED: \_