

2015 Regular Session

HOUSE BILL NO. 693

BY REPRESENTATIVE LEGER

DISTRICTS/SPECIAL: Creates the New Orleans Exhibition Hall Authority Economic Growth and Development District

1 AN ACT

2 To enact Subpart B-48 of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes
3 of 1950, to be comprised of R.S. 33:130.861 through 130.867, relative to economic
4 and community development in Orleans Parish; to create the New Orleans Exhibition
5 Hall Authority Economic Growth and Development District as a political subdivision
6 of the state; to provide for the boundaries and governance of the district; to provide
7 for the authority, powers, duties, and functions of the board of commissioners; to
8 authorize the district to issue and sell bonds and other debt obligations; and to
9 provide for related matters.

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

13 Be it enacted by the Legislature of Louisiana:

14 Section 1. Subpart B-48 of Part IV of Chapter 1 of Title 33 of the Louisiana Revised
15 Statutes of 1950, comprised of R.S. 33:130.861 through 130.867, is hereby enacted to read
16 as follows:

1 SUBPART B-48. NEW ORLEANS EXHIBITION HALL AUTHORITY ECONOMIC

2 GROWTH AND DEVELOPMENT DISTRICT

3 §130.861. Title

4 The provisions of this Subpart shall hereafter be known as and may be cited
5 as the "New Orleans Exhibition Hall Authority Economic Growth and Development
6 District Act".

7 §130.862. New Orleans Exhibition Hall Authority Economic Growth and
8 Development District; creation; territorial jurisdiction

9 A. The New Orleans Exhibition Hall Authority Economic Growth and
10 Development District, a body politic and corporate, referred to in this Subpart as the
11 "district", is hereby created in the city of New Orleans, referred to in this Subpart as
12 the "city". The district shall be comprised of all the property bounded by the
13 floodwall at Girod Street to Market Street, Market Street to Tchoupitoulas Street,
14 north on Tchoupitoulas Street to Euterpe Street, west on Euterpe Street to Chippewa
15 Street (extended), north on Chippewa Street (extended) to Melpomene Street, west
16 on Melpomene Street to Annunciation Street, north on Annunciation Street to Thalia
17 Street, east on Thalia Street to St. Thomas Street (extended), north on St. Thomas
18 Street (extended) to Calliope Street riverbound, north on Convention Center
19 Boulevard to Girod Street, and east on Girod Street to the floodwall, referred to in
20 this Subpart as the "property".

21 B. The district shall be a political subdivision of the state as defined in
22 Article VI, Section 44 of the Constitution of Louisiana. Pursuant to Article VI,
23 Sections 19 and 21 of the Constitution of Louisiana, the district is hereby granted all
24 of the rights, powers, privileges, and immunities accorded by law and the
25 Constitution of Louisiana to political subdivisions of the state, subject to the
26 limitations provided in this Subpart.

27 §130.863. Purpose

28 The district is created to provide for cooperative economic and community
29 development among the district, the city, the state, and the owners of property in the

1 district, to enhance the development of and improvement to the property within the
2 area of the district, and to promote economic growth, safety, and development.

3 §130.864. Governance

4 In order to provide for the orderly development of the district and effect the
5 purposes of the district, the district shall be administered and governed by the board
6 of commissioners, referred to in this Subpart as the "board", composed of those
7 members and officers duly appointed to and serving on the board of commissioners
8 of the New Orleans Exhibition Hall Authority, as established in Act No. 305 of the
9 1978 Regular Session of the Legislature as amended.

10 §130.865. Rights and powers

11 The district, acting by and through its board, shall have and exercise all
12 powers of a political subdivision necessary or convenient for the carrying out of its
13 objects and purposes, including but not limited to the following in addition to the
14 other rights and powers set out in this Subpart:

15 (1) To sue and be sued.

16 (2) To adopt, use, and alter at will a corporate seal.

17 (3) To acquire by gift, grant, or purchase all property, including rights-of-
18 way and to hold and use any franchise or property, immovable, movable, mixed,
19 corporeal, or incorporeal, or any interest therein, necessary or desirable for carrying
20 out the objects and purposes of the district.

21 (4) To enter into contracts for the purchase, lease, acquisition, construction,
22 and improvement of works and facilities necessary in connection with the purposes
23 of the district and to mortgage its properties and enter into leases and other
24 agreements on terms the board approves. Any lease or sublease, including any
25 assignment, extension, or renewal thereof, shall be exempt from the provisions of
26 R.S. 38:2211 et seq. and any other provision of law with respect to the lease or
27 sublease of property by public entities.

28 (5) To require and issue licenses with respect to properties and facilities
29 owned by the district.

1 (6) To regulate the imposition of fees and rentals charged by the district for
2 its facilities leased, operated, or owned and services rendered by it.

3 (7) To appoint agents and employees, prescribe their duties, and fix their
4 compensation.

5 (8) To enter into cooperative endeavor agreements with any other party,
6 public or private, to accomplish the purposes of this Subpart and to expend its
7 funding within and without of the territorial boundaries of the district to accomplish
8 its purpose.

9 (9) To exercise any and all of the powers granted to an economic
10 development district as if the district were an economic development district
11 established pursuant to Part II of Chapter 27 of Title 33 of the Louisiana Revised
12 Statutes of 1950, excluding, however, the powers of tax increment financing
13 pursuant to R.S.33:9038.33 and 9038.34 and the power to levy taxes within the
14 district pursuant to R.S. 33:9038.39.

15 §130.866. Bonds of the district

16 A. The district may issue and sell from time to time bonds, notes, renewal
17 notes, refunding bonds, interim certificates, certificates of indebtedness, certificates
18 of participation, debentures, warrants, commercial paper, or other obligations or
19 evidences of indebtedness to provide funds for and to fulfill and achieve its public
20 purpose or corporate purposes, as set forth in this Subpart, including but not limited
21 to the payment of all or a portion of the costs of a project, to provide amounts
22 necessary for any corporate purposes, including necessary and incidental expenses
23 in connection with the issuance of the obligations, the payment of principal and
24 interest on the obligations of the district, the establishment of reserves to secure such
25 obligations, and all other purposes and expenditures of the district incident to and
26 necessary or convenient to carry out its public functions or corporate purposes, and
27 any credit enhancement for such obligations.

28 B. Except as may otherwise be provided by the board, all obligations issued
29 by the district shall be negotiable instruments and payable solely from the revenues

1 of the district as determined by the board, or from any other sources whatsoever, that
2 may be available to the district, but shall not be secured by the full faith and credit
3 of the state or the city.

4 C. Obligations shall be authorized, issued, and sold by a resolution or
5 resolutions of the board. Such bonds or obligations may be of such series, bear such
6 date or dates, mature at such time or times, bear interest at such rate or rates,
7 including variable, adjustable, or zero interest rates, be payable at such time or times,
8 be in such denominations and in such form, carry such registration and
9 exchangeability privileges, be payable at such place or places, be subject to such
10 terms of redemption, and be entitled to such priorities on the income, revenue, and
11 receipts of, or available to, the district as may be provided by the board in the
12 resolution or resolutions providing for the issuance and sale of the bonds or
13 obligations of the district.

14 D. The obligations of the district shall be signed by such officers of the board
15 by either manual or facsimile signatures as shall be determined by resolution or
16 resolutions of the board, and shall have impressed or imprinted thereon the seal of
17 the district, or a facsimile thereof.

18 E. Any obligations of the district may be validly issued, sold, and delivered,
19 notwithstanding that one or more of the officers of the board signing such
20 obligations, or whose facsimile signature or signatures may be on the obligations,
21 shall have ceased to be such officer of the board at the time such obligations shall
22 actually have been delivered.

23 F. Obligations of the district may be sold at such price or prices, at public or
24 private negotiated sale, in such manner and from time to time as may be determined
25 by the district to be most beneficial, subject to approval of the State Bond
26 Commission, and the district may pay all expenses, premiums, fees, or commissions,
27 which it may deem necessary or advantageous in connection with the issuance and
28 sale thereof.

1 G. The board may authorize the establishment of a fund or funds for the
2 creation of a debt service reserve, a renewal and replacement reserve, or such other
3 funds or reserves as the board may approve with respect to the financing and
4 operation of any project funded with the proceeds of such bonds and as may be
5 authorized by any bond resolution, trust agreement, indenture of trust, or similar
6 instrument or agreement pursuant to the provisions of which the issuance of bonds
7 or other obligations of the district may be authorized.

8 H. Any cost, obligation, or expense incurred for any of the purposes or
9 powers of the district specified in this Subpart shall be a part of the project costs and
10 may be paid or reimbursed as such out of the proceeds of bonds or other obligations
11 issued by the district.

12 I. For a period of thirty days from the date of publication of the resolution
13 authorizing the issuance of such bonds, any person in interest shall have the right to
14 contest the legality of the resolution and the legality of the bond issue for any cause,
15 after which time no one shall have any cause or right of action to contest the legality
16 of such resolution or of the bonds authorized thereby for any cause whatsoever. If
17 no suit, action, or proceeding is begun contesting the validity of the bond issue
18 within the thirty days prescribed in this Subsection, the authority to issue the bonds
19 and to provide for the payment thereof, and the legality thereof and all of the
20 provisions of the resolution authorizing the issuance of the bonds shall be
21 conclusively presumed, and no court shall have authority to inquire into such
22 matters.

23 J. Neither the members of the board nor any person executing the bonds shall
24 be personally liable for the bonds or be subject to any personal liability by reason of
25 the issuance thereof; however, the limitation of liability provided for in this
26 Subsection shall not apply to any gross negligence or criminal negligence on the part
27 of any member of the board or person executing the bonds.

1 K. All obligations authorized to be issued by the district pursuant to the
2 provisions of this Subpart, together with interest thereof, income therefrom, and gain
3 upon the sale thereof shall be exempt from all state and local taxes.

4 L. The state and all public officers, any parish, municipality, or other
5 subdivision or instrumentality of the state, any political subdivision, any bank,
6 banker, trust company, savings bank and institution, building and loan association,
7 savings and loan association, investment company or any person carrying on a
8 banking or investment business, any insurance company or business, insurance
9 association, and any person carrying on an insurance business, and any executor,
10 administrator, curator, trustee, and other fiduciary, and any retirement system or
11 pension fund may legally invest any funds belonging to it or within its control in any
12 bonds or other obligations issued by the district pursuant to the provisions of this
13 Subpart, and such bonds or other obligations shall be authorized security for all
14 public deposits. It is the purpose of this Subsection to authorize such persons, firms,
15 corporations, associations, political subdivisions and officers, or other entities, public
16 or private, to use any funds owned or controlled by them, including but not limited
17 to sinking, insurance, investment, retirement, compensation, pension and trust funds,
18 and funds held on deposit, for the purchase of any such bonds or other obligations
19 of the district and to provide that any such bonds shall be authorized security for all
20 public deposits; however, nothing contained in this Subsection with regard to legal
21 investments or security for public deposits shall be construed as relieving any such
22 person, firm, corporation, or other entity from any duty of exercising reasonable care
23 in selecting securities.

24 §130.867. Liberal construction

25 This Subpart, being necessary for the welfare of the state, the city, and their
26 residents, shall be liberally construed to effect the purposes thereof.

27 Section 2. 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)]

HB 693 Reengrossed

2015 Regular Session

Leger

Abstract: Creates the New Orleans Exhibition Hall Authority Economic Growth and Development District, with bond authority, to provide for cooperative economic and community development and to enhance the development and improvement of property and expand promote economic growth, safety, and development.

Proposed law enacts the New Orleans Exhibition Hall Authority Economic Growth and Development District Act, including the following provisions:

- (1) Creates the New Orleans Exhibition Hall Authority Economic Growth and Development District as a political subdivision with the following boundaries: the floodwall at Girod St. to Market St., to Tchoupitoulas St., to Euterpe St., to Chippewa St. (extended), to Melpomene St., to Annunciation St., to Thalia St., to St. Thomas St. (extended), to Calliope St. riverbound, to Convention Center Blvd., to Girod Street, and to the floodwall. Grants the district all the rights, powers, privileges, and immunities of a political subdivision, subject to the limitations of proposed law.
- (2) Provides that the district's purpose is to provide for cooperative economic and community development among the district, the city, the state, and the owners of property in the district, to enhance the development of and improvement to the property within the area of the district, and to promote economic growth, safety, and development.
- (3) Provides for governance and administration by the board of commissioners of the New Orleans Exhibition Hall Authority.
- (4) Grants the district, through the board, certain powers to carry out its purposes, including the power to:
 - (a) Sue and be sued.
 - (b) Adopt, use, and alter a corporate seal.
 - (c) Acquire property by gift, grant, or purchase; to hold and use any franchise or property, or any interest therein.
 - (d) Enter into contracts for the purchase, lease, acquisition, construction, and improvement of works and facilities. Specifically exempts any lease or sublease from present law on the letting of public contracts which generally requires advertisement and letting to lowest bidder.
 - (e) Mortgage its properties and enter into leases and other agreements.
 - (f) Require and issue licenses with respect to its properties and facilities.

- (g) Regulate the imposition of fees and rentals charged by the district for its facilities and services rendered by it.
 - (h) Appoint officers, agents, and employees, prescribe their duties, and fix their compensation.
 - (i) Enter into cooperative endeavor agreements and to expend its funding within and beyond its territorial boundaries to accomplish its purpose.
- (5) Grants the district the powers of an economic development district as if the district were an economic development district established pursuant to present law (Part II of Chapter 27 of Title 33 of the Louisiana Revised Statutes of 1950), excluding, however, the powers of tax increment financing and the power to levy taxes.
- (6) Authorizes the district to issue bonds or other obligations or evidences of indebtedness to provide funds to achieve its purposes, including payment of all or a portion of the costs of a project or otherwise as necessary or convenient to carry out its purposes. Provides with respect to such debt issuance and procedures therefor. Requires approval of the State Bond Commission to issue bonds or other obligations, and authorizes the district to pay related expenses. Authorizes establishment of a fund(s) by the board for the creation of a debt service reserve, a renewal and replacement reserve, or other funds or reserves with respect to the financing and operation of any project funded with bond proceeds. Authorizes payment of related costs from proceeds of bonds or other obligations. Provides procedures for contesting legality of debt issuance. Provides for exemption from state and local taxes for obligations issued by the district and authorizes investment in such obligations by public bodies and specified financial institutions, insurance related entities, specified fiduciaries, and retirement systems or pension funds.
- (7) Provides for liberal construction of proposed law to effect its purposes.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 33:130.861-130.869)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Municipal, Parochial and Cultural Affairs to the original bill:

1. Remove the district's authority to levy taxes and use tax increment financing. Additionally, remove the district's authority to create subdistricts.
2. Remove authority for the district to acquire property by means other than gift, grant, or purchase.

The House Floor Amendments to the engrossed bill:

1. Remove all references to subdistricts in conformity with committee amendments removing authority to create subdistricts.