

Regular Session, 2012

HOUSE BILL NO. 967

BY REPRESENTATIVES LEGER AND MORENO

DISTRICTS/SPECIAL: Creates the New Orleans Hospitality District

1 AN ACT

2 To enact Subpart B-47 of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes
3 of 1950, to be comprised of R.S. 33:130.851 through 130.860, relative to the New
4 Orleans Hospitality District; to create the district; to provide for the boundaries of
5 the district; to provide for the governance of the district; to provide for the powers,
6 duties, and functions of the district; to provide for the creation of subdistricts; to
7 provide for the incurrence of debt; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Subpart B-47 of Part IV of Chapter 1 of Title 33 of the Louisiana Revised
10 Statutes of 1950, to be comprised of R.S. 33:130.851 through 130.860, is hereby enacted to
11 read as follows:

12 SUBPART B-47 NEW ORLEANS HOSPITALITY DISTRICT

13 §130.851. Short Title

14 The provisions of this Subpart shall be known as the “New Orleans
15 Hospitality District Act”.

16 §130.852. New Orleans Hospitality District; creation; territorial jurisdiction

17 (A) There is hereby created in the city of New Orleans, referred to in this
18 Subpart as the “city,” the New Orleans Hospitality District, a body politic and
19 corporate of the State, referred to in this Subpart as the “district,” which shall be
20 comprised of all the territory within the parish of Orleans.

1 (B) The district shall be a political subdivision of the state as defined in
2 Article VI, Section 44 of the Constitution of Louisiana and is granted all of the
3 rights, powers, privileges, and immunities accorded by law and the Constitution of
4 Louisiana to political subdivisions of the state, subject to the limitations provided in
5 this Subpart.

6 §130.853. Definitions

7 As used in this Subpart:

8 (1) “Board” means the board of commissioners of the New Orleans
9 Hospitality District.

10 (2) “City” means the City of New Orleans.

11 (3) “District” means the New Orleans Hospitality District.

12 (4) “Hospitality zone” means all territory within the following boundaries:
13 The Ponchartrain Expressway, at the point where it intersects with Claiborne
14 Avenue, down to the Mississippi River; the Mississippi River to a point where it
15 intersects with a line drawn straight down from the end of Elysian Fields; Elysian
16 Fields to a point where it intersects with Claiborne Avenue; Claiborne Avenue back
17 to the point where it intersects with the Ponchartrain Expressway.

18 (5) “Hotel” means any establishment engaged in the business of furnishing
19 or providing rooms intended or designed for dwelling, lodging, or sleeping purposes
20 to transient guests where such establishment consists of ten or more guest rooms but
21 does not include any hospital, convalescent or nursing home or sanitarium, or any
22 facility that would otherwise qualify as a hotel but is operated by or in connection
23 with a hospital or medical clinic providing rooms exclusively for patients and their
24 families.

25 (6) “Mayor” means the mayor of the City of New Orleans.

26 §130.854. Purpose

27 The district is created to provide for cooperative economic and community
28 development among the district, the city, the state, the organizations listed in R.S.
29 33:130.855(A)(1) of this Subpart and the owners of property in the hospitality zone,

1 to enhance the development and improvement of the properties within the hospitality
2 zone, to promote tourism within the hospitality zone, to provide enhanced public
3 safety and sanitation within the hospitality zone, to provide for signage and lighting
4 within the hospitality zone, and to provide for property renewal and repair within the
5 hospitality zone.

6 §130.855. Governance

7 (A) In order to effect the purposes of the district, the district shall be
8 administered and governed by a board of commissioners, referred to in this Subpart
9 as the “board,” composed of eleven members appointed and qualified as follows:

10 (1) The chair or equivalent office-holder of each of the Greater New Orleans
11 Hotel and Lodging Association, Inc.; the New Orleans Chapter of the Louisiana
12 Restaurant Association, Inc; the New Orleans Convention and Visitors Bureau; the
13 Louisiana Stadium and Exposition District; the New Orleans Tourism Marketing
14 Corporation; and the Ernest N. Morial-New Orleans Exhibition Hall Authority, or
15 the successor in function of each, as applicable, who shall serve ex officio and shall
16 have full voting rights on all matters coming before the board.

17 (2) Five residents of Orleans Parish appointed by the mayor, all of whom
18 shall be registered voters of Orleans Parish and none of whom may hold local,
19 municipal, parish, state, or federal office, either elected or appointed, or employment
20 with any such governmental entity, and all of whom shall be owners or operators of
21 hotels or other tourism or hospitality businesses within the district. The members so
22 appointed by the mayor shall serve at the pleasure of the mayor and shall have full
23 voting rights on all matters coming before the board.

24 (B) The members of the board shall serve without salary or per diem. The
25 board may reimburse any member for reasonable, actual, and necessary expenses
26 incurred in the performance of his or her duties pursuant to this Subpart.

27 (C) The mayor shall appoint from among the ex officio members of the
28 board a chair of the board to serve for a term of six years. Any vacancy in the office
29 of chair during the original six-year term shall be filled by appointment by the mayor

1 from among the ex officio members of the board. After the expiration of the original
2 six-year term, the board shall elect a chair from among its members. The board may
3 elect from among its members a secretary, treasurer, and such other board officers
4 as it deems appropriate.

5 (D) The board shall meet in regular session once each quarter and shall also
6 meet in special session as often as the chairman of the board convenes the board or
7 upon the written request of three or more members. A majority of the members of
8 the board shall constitute a quorum for the transaction of business. All such
9 meetings shall be public meetings subject to the Louisiana Open Meetings Law. The
10 board shall keep minutes of all meetings and shall make them available for
11 inspection through the board's secretary or secretary-treasurer, who shall also
12 maintain the minute books and archives of the district. The monies, funds, and
13 accounts of the district shall be in the official custody of the board.

14 (E) The domicile of the board shall be established by the board at a location
15 within the district. The official journal of the district shall be the official journal of
16 the city.

17 (F) All administrative duties requiring staff assistance to the board shall be
18 furnished from the personnel of the New Orleans Convention and Visitors Bureau
19 and New Orleans Tourism Marketing Corporation.

20 §130.856. Rights and Powers

21 The district, acting by and through its board, shall have and exercise all
22 powers necessary or convenient for the carrying out of its objects and purposes,
23 including but not limited to the following in addition to the other rights and powers
24 set out in this Subpart:

25 (1) To sue and be sued.

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

27 (3) To acquire by gift, grant, purchase, or otherwise all property, including
28 rights of way; to hold and use any franchise or property, real, personal, or mixed,

1 tangible or intangible, or any interest therein, necessary or desirable for carrying out
2 the objects and purposes of the district.

3 (4) To enter into contracts for the purchase, lease, acquisition, finance,
4 construction, and improvement of works and facilities necessary in connection with
5 the purposes of the district, and to mortgage and otherwise encumber its properties
6 and enter into leases and other agreements on terms the board approves.

7 (5) To require and issue licenses with respect to its properties and facilities.

8 (6) To regulate the imposition of fees and rentals charged by the district for
9 its facilities and services rendered by it.

10 (7) To appoint agents and independent contractors, prescribe their duties, and
11 fix their compensation.

12 (8) To exercise any and all of the powers granted to an economic
13 development district as if the district were an economic development district
14 established pursuant to Part II of Chapter 27 of Title 33 of the Louisiana Revised
15 Statutes of 1950, including but not limited to the powers of tax increment financing
16 pursuant to R.S. 33:9038.33 and 33:9038.34 and the power to levy taxes within the
17 district pursuant to R.S. 33:9038.39, provided that any such powers exercised by the
18 district shall be subject to the provisions of Part II of Chapter 27 of Title 33 of the
19 Louisiana Revised Statutes of 1950.

20 §130.857. Applicability of Public Bid Laws

21 Any purchases or contracts made or entered into by the district shall be in
22 accordance with Part II of Chapter 10 of Title 38 of the Louisiana Revised Statutes
23 of 1950.

24 §130.858. Creation of Subdistricts

25 The district may create subdistricts as provided in this Section. The district
26 shall publish notice of its intent to create a subdistrict in the official journal of the
27 district. At least ten days after publication of such notice in the official journal of the
28 district, the board shall conduct a public hearing on the question of creating such
29 subdistrict. Thereafter, the board may designate one or more areas within the

1 boundaries of the district as a subdistrict of the district. Each subdistrict shall
 2 constitute a political subdivision of the state and shall be governed by the board.
 3 Each subdistrict shall have the same powers and purposes as the district and shall be
 4 given a name and designated as “New Orleans Hospitality District Subdistrict No.
 5 _____” or such other suitable name as the board may designate.

6 §130.859. Liberal Construction

7 This Subpart, being necessary for the welfare of the state, the city, and its
 8 residents, shall be liberally construed to effect the purposes thereof.

9 §130.860. Severability

10 The provisions of this Subpart are severable. If any provision of this Subpart
 11 should be found to be invalid or unenforceable in a final, unappealable judgement
 12 by a court of competent jurisdiction, then such provision shall be ineffective to the
 13 extent of such invalidity or unenforceability without invalidating the remaining
 14 provisions of this Subpart.

15 Section 2. 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.

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. 967

Abstract: Creates the New Orleans Hospitality District in Orleans Parish

Proposed law creates the New Orleans Hospitality District in Orleans Parish. Provides for boundaries of the district, which are coterminous with the boundaries of Orleans Parish.

Proposed law provides for the governance of the district by a board of commissioners comprised of 11 members as follows:

- (1) The chair or equivalent office-holder of each of:
 - (a) The Greater New Orleans Hotel and Lodging Association, Inc.

- (b) The New Orleans Chapter of the Louisiana Restaurant Association, Inc.
 - (c) The New Orleans Convention and Visitors Bureau.
 - (d) The Louisiana Stadium and Exposition District.
 - (e) The New Orleans Tourism Marketing Corporation.
 - (f) The Ernest N. Morial-New Orleans Exhibition Hall Authority.
- (2) Five residents of Orleans Parish appointed by the mayor, all of whom must be registered voters in the parish and none of whom may hold local, state, or federal office (elected or appointed), or employment with any such entity. All appointees must also be owners or operators of hotels or other tourism or hospitality businesses within the district.

Proposed law provides that the commissioners shall not receive a salary or per diem for their service but may be reimbursed for all reasonable, actual, and necessary expenses incurred in the performance of his or her duties.

Proposed law further provides for the powers, rights and duties of the district which include but are not limited to:

- (1) To sue and be sued.
- (2) To acquire property of any type and use it to accomplish the purposes of the district.
- (2) To enter into contracts.
- (4) To use tax increment financing.

Proposed law requires the district to act in conformity with the state's public bid law (present law comprised of Part II of Chapter 10 of Title 38 of the Louisiana Revised Statutes of 1950).

Proposed law authorizes the governing authority of the district to create subdistricts.

Proposed law provides for a liberal construction of the provisions of proposed law.

Further provides for severability if any provision of proposed law is deemed in valid or unenforceable by a court of law.

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

(Adds Subpart B-47 of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:130.851 through 130.860)