

Regular Session, 2010

# ACT No. 1030

HOUSE BILL NO. 955

BY REPRESENTATIVE LEGER

1 AN ACT

2 To amend and reenact R.S. 33:4720.56(20), to enact R.S. 33:4720.56(21) through (25) and  
3 4720.56.1, and to repeal R.S. 33:4720.67, relative to the New Orleans  
4 Redevelopment Authority; to provide relative to the powers and duties of the  
5 authority, including the power to create subdistricts; to provide relative to the  
6 boundaries, governance, and powers and duties of any such subdistrict, including the  
7 power to implement tax increment financing; to repeal provisions that prohibit the  
8 authority from levying taxes; and to provide for related matters.

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

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 33:4720.56(20) is hereby amended and reenacted and R.S.  
14 33:4720.56(21) through (25) and 4720.56.1 are hereby enacted to read as follows:

15 §4720.56. Authority

16 The New Orleans Redevelopment Authority shall have all the authority and  
17 power necessary or convenient to carry out and effectuate the purposes and  
18 provisions of this Chapter, including without limiting the generality of the foregoing,  
19 the following authority which shall be in addition to others herein granted:

20 \* \* \*

21 (20) To levy annually and cause to be collected ad valorem taxes, provided  
22 that the amount, term, and purpose of such taxes, as set out in propositions submitted  
23 to a vote in accordance with the Louisiana Election Code, shall be approved by a  
24 majority of the qualified electors of the parish voting on the proposition in an  
25 election held for that purpose.

1           (21)(a) To levy and collect sales and use taxes within the boundaries of the  
2           authority for such purposes and at such rate as provided by the propositions  
3           authorizing their levy, not to exceed in aggregate one percent, which taxes may not  
4           exceed the limitation set forth in the Constitution of Louisiana, provided the  
5           proposition submitted to a vote in accordance with the Louisiana Election Code shall  
6           be approved by a majority of the qualified electors of the parish voting on the  
7           proposition in an election held for that purpose. In submitting a sales tax proposition  
8           to a vote, the board may enter into a cooperative endeavor agreement with the parish  
9           governing authority providing for the sales tax to be divided into parts between the  
10           parish and the authority for such purposes and in such amounts as may be set forth  
11           in the proposition.

12           (b) The tax shall be levied upon the sale at retail, the use, the lease or rental,  
13           the consumption, the distribution, and storage for use or consumption of tangible  
14           personal property, and upon the sales of services within the parish, all as defined in  
15           R.S. 47:301 et seq.

16           (c) Except where inapplicable, the procedure established by R.S. 47:301 et  
17           seq. shall be followed in the imposition, collection, and enforcement of the tax, and  
18           procedural details necessary to supplement those Sections and to make them  
19           applicable to the tax authorized by this Paragraph shall be fixed in the resolution  
20           imposing the tax.

21           (d) The tax shall be imposed and collected uniformly throughout the parish.

22           (e) Any tax levied under this Paragraph shall be in addition to all other taxes  
23           which the parish or any other political subdivision within the parish is now or  
24           hereafter authorized to levy and collect.

25           (22)(a) To purchase property at a sale conducted pursuant to enforcement of  
26           judicial mortgages created in accordance with R.S. 13:2575(C) by tendering a bid  
27           equal to or greater than the minimum bid advertised, which bid may be a credit bid  
28           consisting of the obligation of the authority to satisfy the bid by payment to the  
29           political subdivision holding the lien being enforced in accordance with  
30           intergovernmental agreements between the authority and such political subdivision.

1           Such a bid shall be given priority over all other bids regardless of amount, except for  
2           a higher bid submitted by a conventional mortgage holder holding a mortgage on the  
3           subject property.

4           (b) The state and any political subdivision with liens on the property may,  
5           pursuant to intergovernmental agreements with the authority, cancel such liens  
6           contemporaneously with or subject to the transfer of the property to the authority.

7           (23)(a) The authority shall have the right, subject to the provisions of this  
8           Section, to purchase properties at tax sales conducted in accordance with R.S.  
9           47:2155 and 2156, and any and all such purchases shall be a purchase pursuant to  
10          R.S. 47:2155 and 2156 and not an adjudication to a political subdivision.

11          (b) Notwithstanding the provisions of Chapter 5 of Subtitle III of Title 47 of  
12          the Louisiana Revised Statutes of 1950, the authority may tender a bid at a tax sale  
13          which is a credit bid, consisting of the obligation of the authority to satisfy the  
14          component parts of the bid by payments to the respective political subdivisions and  
15          taxing entities in accordance with intergovernmental agreements between the  
16          authority and such political subdivisions and taxing entities.

17          (c) A bid by the authority at a tax sale for the minimum amount shall take  
18          priority over all other bids for the same quantity of property, except for a higher bid  
19          submitted by a conventional mortgage holder holding a mortgage on the subject  
20          property.

21          (24) The authority shall have the right and cause of action to enforce any  
22          and all liens and other encumbrances assigned by the city of New Orleans.

23          (25) To exercise all or any part or combination of powers granted to it in this  
24          Chapter.

25          §4720.56.1. Creation of subdistricts

26          A(1) The authority may, in the implementation of a redevelopment plan,  
27          create one or more subdistricts to conduct, oversee, or assist in the implementation  
28          of such redevelopment plan. The boundaries of such a subdistrict may include all or  
29          part of the redevelopment area. Such a subdistrict shall have and exercise such  
30          powers and responsibilities as the authority shall specify in the enabling resolution.

1           The full extent of such powers and responsibilities may include such powers as the  
2           authority itself may exercise, and such other powers as are given to the subdistrict  
3           by this Paragraph or any other law, but any exercise of such powers by the subdistrict  
4           shall be confined solely to the geographical limits of the subdistrict. Such a  
5           subdistrict may be established to exist at the pleasure of the authority, or for any  
6           period of time, or until the happening of any occurrence or occurrences, that the  
7           authority may specify.

8           (2) The creation of a subdistrict shall in no instance result in the detachment,  
9           severance, or loss of any power or responsibility granted to the authority by this  
10          Chapter, and within the confines of any subdistrict, the authority shall have full  
11          jurisdiction, concurrent with that of the subdistrict, to exercise said powers and  
12          responsibilities. The fact that a certain power is expressed or implied in this  
13          Paragraph as pertinent to a subdistrict's conduct, overseeing, or assistance in the  
14          implementation of the redevelopment plan shall not suggest or imply that such power  
15          is otherwise denied to the authority. However, the authority and its subdistricts shall  
16          not, collectively, have any greater power to tax than that granted, in the first instance,  
17          to the authority alone.

18          (3) Unless otherwise specified in the resolution or other formal act creating  
19          the subdistrict, the board members of the authority shall constitute the governing  
20          authority of the subdistrict.

21          (4) Unless otherwise specified in the resolution or other formal act creating  
22          the subdistrict, the subdistrict shall be a distinct and separate juridical entity, and the  
23          rights, interests, and liabilities of the subdistrict shall not under any circumstances  
24          be considered those of the authority.

25          (5)(a) In addition to the other powers it may be granted, a subdistrict may  
26          enjoy, within its geographical boundaries, the powers of tax increment financing, the  
27          issuance of revenue bonds, and those other powers that may be exercised by an  
28          economic development district created by a local governmental subdivision pursuant  
29          to R.S. 33:9038.32. However, the subdistrict shall remain subject to all limitations  
30          and reservations applicable to the powers of the authority.

1           (b) Prior to the dedication of any state sales tax increments to be used for an  
2           authorized purpose of a subdistrict, the secretary of the Department of Economic  
3           Development shall submit the proposal to the Joint Legislative Committee on the  
4           Budget for approval. The submittal shall also include a written evaluation and  
5           determination by the department, with input from and certification by the  
6           Department of Revenue, of the anticipated increase in state sales tax revenues to be  
7           collected within the state over state sales tax revenues that were collected within the  
8           state in the year immediately prior to the year in which the proposal is submitted to  
9           the committee that would be a direct result of the proposal. In addition, any  
10           cooperative endeavor agreement or other agreement providing for the expenditure  
11           of funds collected by the state as state sales tax increments and dedicated to a project  
12           or for the payment of revenue bonds therefor shall be subject to approval by the State  
13           Bond Commission prior to execution by the state.

14           Section 2. R.S. 33:4720.67 is hereby repealed.

15           Section 3. 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.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_