

Regular Session, 2012

SENATE BILL NO. 608

BY SENATOR MURRAY

SPECIAL DISTRICTS. Creates the New Orleans Hospitality Zone District. (gov sig)

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AN ACT

To enact 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, relative to economic and community development in Orleans Parish; to create the district; to provide for the boundaries of the district; to provide for the governance of the district; to provide for the powers, duties, and functions of the district; to provide for the creation of subdistricts; to provide for the incurrence of debt; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. 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, is hereby enacted to read as follows:

**SUBPART B. NEW ORLEANS HOSPITALITY ZONE DISTRICT**

**§130.851. Title.**

**The provisions of this Subpart shall hereafter be known as the "New Orleans Hospitality Zone District Act."**

**§130.852. New Orleans Hospitality Zone District; creation; territorial**

1        **jurisdiction.**

2            **A. There is hereby created in the city of New Orleans, referred to in this**  
3        **Subpart as the "city," the New Orleans Hospitality Zone District, a body politic**  
4        **and corporate of the State, referred to in this Subpart as the "district," which**  
5        **shall be comprised of all territories within the boundaries of the Pontchartrain**  
6        **Expressway, at the point where it intersects with Claiborne Avenue, down to the**  
7        **Mississippi River; the Mississippi River to a point where it intersects with a line**  
8        **drawn straight down from the end of Elysian Fields; Elysian Fields to a point**  
9        **where it intersects with Claiborne Avenue; Claiborne Avenue back to the point**  
10       **where it intersects with the Pontchartrain Expressway.**

11           **B. The district shall be a political subdivision of the state as defined in**  
12        **Article VI, Section 44 of the Constitution of Louisiana and is granted all of the**  
13        **rights, powers, privileges and immunities accorded by law and the Constitution**  
14        **of Louisiana to political subdivisions of the state, subject to the limitations**  
15        **provided in this Subpart.**

16        **§130.853. Definitions.**

17           **As used in this Subpart:**

18           **(1) "Board" means the board of commissioners of the New Orleans**  
19        **Hospitality and Entertainment District.**

20           **(2) "City" means the City of New Orleans.**

21           **(3) "District" means the New Orleans Hospitality Zone District, created**  
22        **as a body politic and corporate and political subdivision of the State of**  
23        **Louisiana comprised of all of the territory in the parish of Orleans.**

24           **(4) "Hospitality zone" means all territories within the boundaries of the**  
25        **Pontchartrain Expressway, at the point where it intersects with Claiborne**  
26        **Avenue, down to the Mississippi River; the Mississippi River to a point where**  
27        **it intersects with a line drawn straight down from the end of Elysian Fields;**  
28        **Elysian Fields to a point where it intersects with Claiborne Avenue; Claiborne**  
29        **Avenue back to the point where it intersects with the Pontchartrain**

1           Expressway.

2                   (5) "Hotel" means any establishment engaged in the business of  
3 furnishing or providing rooms intended or designed for dwelling, lodging, or  
4 sleeping purposes to transient guests where such establishment consists of ten  
5 or more guest rooms but does not include any hospital, convalescent or nursing  
6 home or sanitarium, or any hotel-like facility operated by or in connection with  
7 a hospital or medical clinic providing rooms exclusively for patients and their  
8 families.

9                   (6) "Mayor" means the mayor of the City of New Orleans.

10           §130.854. Purpose.

11                   The district is created to provide for cooperative economic and  
12 community development among the district, the city, the state, the organizations  
13 listed in this Subpart and the owners of property in the hospitality zone, to  
14 enhance the development of and improvement to the properties within the  
15 hospitality zone, to promote tourism within the hospitality zone, to provide  
16 enhanced public safety and sanitation within the zone, to provide for signage  
17 and lighting within the hospitality zone, to provide for property renewal and  
18 repair within the zone and to expand the entertainment and leisure activities  
19 and facilities within the hospitality zone.

20           §130.855. Governance.

21                   A. In order to effect the purposes of the district, the district shall be  
22 administered and governed by a board of commissioners, referred to in this  
23 Subpart as the "board", composed of ten members appointed and qualified as  
24 follows:

25                   (1) The chair or holder of equivalent office of each of the Greater New  
26 Orleans Hotel and Lodging Association, Inc.; the New Orleans Chapter of the  
27 Louisiana Restaurant Association, Inc; the New Orleans Convention and  
28 Visitors Bureau; the Louisiana Stadium and Exposition District; the New  
29 Orleans Tourism Marketing Corporation; and the Ernest N. Morial-New

1 Orleans Exhibition Hall Authority, or the successor in function of each, as  
2 applicable, who shall serve ex officio and shall have full voting rights on all  
3 matters coming before the board.

4 (2) Five residents of Orleans Parish appointed by the mayor, all of whom  
5 shall be of the full age of majority and registered voters of Orleans Parish and  
6 none of whom may hold local, municipal, parish, state, or federal elective office  
7 or any local, municipal, parish, state or federal non-elective office or  
8 employment, and all of whom shall have substantial business interests related  
9 directly to tourism in the hospitality zone, either as owners or operators of  
10 hotels or other tourism or hospitality businesses. The members so appointed by  
11 the mayor shall serve at the pleasure of the mayor and shall have full voting  
12 rights on all matters coming before the board.

13 B. The members of the board shall serve without salary or per diem.  
14 The board may reimburse any member for reasonable, actual and necessary  
15 expenses incurred in the performance of his or her duties pursuant to this  
16 Subpart.

17 C. The mayor shall appoint from among the ex officio members of the  
18 board a chair of the board to serve for a term of six years and until a successor  
19 is designated. Any vacancy in the office of chair during original six-year term  
20 shall be filled by the mayor from among the ex officio members of the board.  
21 After the expiration of the original six-year term, the board shall elect a chair  
22 from among its members. The board may elect from among its members a  
23 secretary, treasurer and such other board officers as it deems appropriate.

24 D. The board shall meet in regular session once each quarter and shall  
25 also meet in special session as often as the chairman of the board convenes the  
26 board or upon the written request of three members. A majority of the  
27 members of the board shall constitute a quorum for the transaction of business.  
28 All such meetings shall be public meetings subject to the Louisiana Open  
29 Meetings Law. The board shall keep minutes of all meetings and shall make

1 them available for inspection through the board's secretary or secretary-  
2 treasurer, who shall also maintain the minute books and archives of the district.  
3 The monies, funds, and accounts of the district shall be in the official custody  
4 of the board.

5 E. The domicile of the board shall be established by the board at a  
6 location within the district. The official journal of the district shall be the  
7 official journal of the city.

8 F. All administrative duties requiring staff assistance to the board shall  
9 be furnished from the personnel of the New Orleans Convention and Visitors  
10 Bureau and New Orleans Tourism Marketing Corporation.

11 §130.856. Rights and Powers.

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

16 (1) To sue and be sued.

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

18 (3) To acquire by gift, grant, purchase, or otherwise all property,  
19 including rights of way; to hold and use any franchise or property, real,  
20 personal, or mixed, tangible or intangible, or any interest therein, necessary or  
21 desirable for carrying out the objects and purposes of the district.

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

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

29 (6) To regulate the imposition of fees and rentals charged by the district

1 for its facilities and services rendered by it.

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

4 (8) To exercise any and all of the powers granted to an economic  
5 development district as if the district were an economic development district  
6 established pursuant to Part 2 of Chapter 27 of Title 33 of the Louisiana  
7 Revised Statutes of 1950, including but not limited to the powers of tax  
8 increment financing pursuant to R.S. 33:9038.33 and 33:9038.34 and the power  
9 to levy taxes within the district pursuant to R.S. 33:9038.39, provided that any  
10 such powers exercised by the district shall be subject to the provisions of Part  
11 2 of Chapter 27 of Title 33 of the Louisiana Revised Statutes of 1950.

12 §130.857. Applicability of Public Bid Laws.

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

16 §130.858. Creation of Subdistricts.

17 The district may create subdistricts as provided in this Section. The  
18 district shall publish notice of its intent to create a subdistrict in the official  
19 journal of the district. At least ten days after publication of such notice in the  
20 official journal of the district, the board shall conduct a public hearing on the  
21 question of creating such subdistrict. Thereafter, the board may designate one  
22 or more areas within the boundaries of the district as a subdistrict of the  
23 district. Each subdistrict shall constitute a political subdivision of the state and  
24 shall be governed by the board. Each subdistrict shall have the same powers  
25 and purposes as the district and shall be given a name and designated as "New  
26 Orleans Hospitality Zone District Subdistrict No. \_\_\_\_\_" or such other suitable  
27 name as the board may designate.

28 §130.859. Liberal Construction.

29 This Subpart, being necessary for the welfare of the state, the city-parish

1 **and its residents, shall be liberally construed to effect the purposes thereof.**

2 **§130.860. Severability.**

3 **The provisions of this Subpart are severable. It is intended that if any**  
 4 **provision of this Subpart should be adjudged invalid or unenforceable, then**  
 5 **such provision shall be ineffective to the extent of such invalidity or**  
 6 **unenforceability without invalidating the remaining provisions of this Subpart.**

7 Section 2. This Act shall become effective upon signature by the governor or, if not  
 8 signed by the governor, upon expiration of the time for bills to become law without signature  
 9 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
 10 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
 11 effective on the day following such approval.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Michael Bell.

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#### DIGEST

Proposed law creates the New Orleans Hospitality Zone District.

Proposed law provides for boundaries of the district.

Proposed law provides that the district is created to provide for cooperative economic and community development among the district, the city, the state, organizations and the owners of property in the hospitality zone.

Proposed law provides for the district to be administered and governed by a board of commissioners, composed of 10 appointed members.

Proposed law provides for the following rights and powers:

- (1) To sue and be sued.
- (2) To adopt, use, and alter at will a corporate seal.
- (3) To acquire by gift, grant, purchase, or otherwise all property, including rights of way; to hold and use any franchise or property, real, personal, or mixed, tangible or intangible, or any interest therein, necessary or desirable for carrying out the objects and purposes of the district.
- (4) To enter into contracts for the purchase, lease, acquisition, finance, construction, and improvement of works and facilities.
- (5) To require and issue licenses with respect to its properties and facilities.
- (6) To regulate the imposition of fees and rentals charged by the district for its facilities and services rendered by it.

- (7) To appoint agents and independent contractors, prescribe their duties, and fix their compensation.
- (8) To exercise any and all of the powers granted to an economic development district as if the district were an economic development district established pursuant to law, including powers of tax incremental financing.

Proposed law provides for the creation of subdistricts within the Hospitality Zone District.

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

(Adds R.S.33:130.851 through 130.860)