

Regular Session, 2009

HOUSE BILL NO. 877

BY REPRESENTATIVES MICHAEL JACKSON, BARROW, CARTER, HONEY,
PATRICIA SMITH, AND WHITE AND SENATORS BROOME, DORSEY, AND
N. GAUTREAUX

DISTRICTS/TAXING: Creates the Bluebonnet/Perkins Conference Hotel Taxing District
in East Baton Rouge Parish

1 AN ACT

2 To enact R.S. 33:9038.63, relative to cooperative economic development; to create the
3 Bluebonnet/Perkins Conference Hotel Taxing District in East Baton Rouge Parish;
4 to provide relative to the governance, purpose, and powers and duties of the district;
5 to provide relative to district funding, including the power to provide for tax
6 increment financing and to incur debt and issue evidences of indebtedness; and to
7 provide for related matters.

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

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 33:9038.63 is hereby enacted to read as follows:

13 §9038.63. Bluebonnet/Perkins Convention Hotel Taxing District

14 A. Creation. The Bluebonnet/Perkins Convention Hotel Taxing District, a
15 special taxing district and political subdivision of the state, referred to in this Section
16 as the "district", is hereby created in the city of Baton Rouge, parish of East Baton
17 Rouge, referred to in this Section as the "city-parish".

1 B. Boundaries. The district shall be comprised of the following described
2 parcels or tracts of land located in the city-parish, referred to in this Section as the
3 "property".

4 A certain tract of land together with all improvements containing 0.91 Acres
5 located in Section 58, Township 8 South, Range 1 East, Greensburg Land District,
6 East Baton Rouge Parish, Louisiana, shown on an Exhibit by Benchmark Group,
7 L.L.C. as Proposed Tract A-4-A and more fully described as follows:

8 Commencing at the intersection of the east right-of-way line of Bluebonnet
9 Boulevard and the centerline Park Rowe private all purpose access and utility
10 servitude; Thence along the centerline of the Park Rowe private servitude South 61
11 degrees 13 minutes 56 seconds East, 286.36 feet; Thence leaving the centerline of
12 the servitude North 28 degrees 46 minutes 04 seconds East, 20.63 feet to the POINT
13 OF BEGINNING; Thence along a curve concaving to the northeast having a Radius
14 of 20.00 feet, a Length of 31.42 feet, a Chord Bearing of North 16 degrees 13
15 minutes 56 seconds West and a Chord of 28.28 feet; Thence North 28 degrees 46
16 minutes 04 seconds East, 79.20 feet; Thence along a curve concaving to the
17 southeast having a Radius of 10.00 feet, a Length of 15.71 feet, a Chord Bearing of
18 North 73 degrees 46 minutes 04 seconds East and a Chord of 14.14 feet; Thence
19 South 61 degrees 13 minutes 56 seconds East, 332.31 feet; Thence along a curve
20 concaving to the southwest having a Radius of 18.00 feet, a Length of 12.75 feet, a
21 Chord Bearing of South 40 degrees 56 minutes 31 seconds East and a Chord of 12.48
22 feet; Thence along a curve concaving to the northeast having a Radius of 151.00 feet,
23 a Length of 22.56 feet, a Chord Bearing of South 24 degrees 55 minutes 57 seconds
24 and a Chord of 22.54 feet; Thence along a curve concaving to the southwest having
25 a Radius of 18.00 feet, a Length of 18.22 feet, a Chord Bearing of South 00 degrees
26 13 minutes 23 seconds East and a Chord of 17.45 feet; Thence South 28 degrees 46
27 minutes 03 seconds West, 64.08 feet; Thence along a curve concaving to the
28 northwest having a Radius of 27.00 feet, a Length of 13.60 feet, a Chord Bearing of
29 South 53 degrees 51 minutes 53 seconds West and a Chord of 13.46 feet; Thence

1 North 61 degrees 13 minutes 56 seconds West, 354.94 feet to the POINT OF
2 BEGINNING.

3 C. Purpose. The state hereby acknowledges that the property of the district
4 currently contains a vacant parcel which is in need of an economic development
5 project. The district is created to provide for cooperative economic development
6 among the city-parish, the owner of a hotel in the district, the district, and the state
7 in order to provide for the development of and improvement to the area within the
8 district located in the city-parish, specifically to include a hotel with
9 conference/meeting and related facilities.

10 D. Governance. (1) In order to provide for the orderly development of the
11 district and effectuation of the purposes of the district, the district shall be
12 administered and governed by a board of commissioners, referred to in this Section
13 as the "board", comprised of three persons as follows:

14 (a) The mayor-president of the city-parish or his designee.

15 (b) The mayor-president pro-tempore of the city-parish or his designee.

16 (c) The council member for metropolitan council district 3 of the city-parish
17 or his designee.

18 (2) A majority of the members of the board shall constitute a quorum for the
19 transaction of business. The board shall keep minutes of all meetings and shall make
20 them available for inspection through the board's secretary-treasurer. The minute
21 books and archives of the district shall be maintained by the board's
22 secretary-treasurer. The monies, funds, and accounts of the district shall be in the
23 official custody of the board.

24 (3) The board shall adopt bylaws and prescribe rules to govern its meetings.
25 The members of the board shall serve without salary or per diem and shall be entitled
26 to reimbursement for reasonable, actual, and necessary expenses incurred in the
27 performance of their duties.

28 (4) The domicile of the board shall be established by the board at a location
29 within the district.

1 (5) The board shall elect from its own members a president, vice president,
2 and secretary-treasurer, whose duties shall be common to such offices or as may be
3 provided by bylaws adopted by the district. The board shall hold regular meetings
4 and may hold special meetings as provided in the bylaws. All such meetings shall
5 be public meetings subject to the provisions of R.S. 42:4.1 et seq.

6 E. Rights and powers. The district, acting by and through its board, shall
7 have and exercise all powers of a political subdivision and special taxing district
8 necessary or convenient for carrying out its objects and purposes, including but not
9 limited to the following:

10 (1) To sue and to be sued.

11 (2) To adopt bylaws and rules and regulations.

12 (3) To receive by gift, grant, donation, or otherwise any sum of money,
13 property, aid, or assistance from the United States, the state of Louisiana, or any
14 political subdivision thereof or from any person, firm, or corporation.

15 (4) To enter into contracts, agreements, or cooperative endeavors with the
16 state and its political subdivisions or political corporations and with any public or
17 private association, corporation, business entity, or person.

18 (5) To appoint officers, agents, and employees and to prescribe their duties
19 and fix their compensation.

20 (6) To acquire by gift, grant, purchase, lease, or otherwise property and to
21 mortgage and sell such property.

22 (7) In its own name and on its own behalf to incur debt or to issue bonds,
23 notes, certificates, and other evidences of indebtedness. For this purpose the district
24 shall be deemed and considered to be an issuer for purposes of R.S. 33:9037 and
25 shall, to the extent not in conflict with this Section, be subject to the provisions of
26 R.S. 33:9037.

27 (8) To establish such funds or accounts as are necessary for the conduct of
28 the affairs of the district.

1 F. Tax. (1) In order to provide funds for the purposes of the district, the
2 district, acting by and through its board, may levy and collect within the district a tax
3 upon the occupancy of hotel rooms, motel rooms, and overnight camping facilities
4 and a tax upon the sale of food and beverage. The aggregate tax rate upon the
5 occupancy of hotel rooms, motel rooms, and overnight camping facilities within the
6 district shall be at least equal to the aggregate rate of all taxes upon the occupancy
7 of hotel rooms, motel rooms, and overnight camping facilities levied and collected
8 within the parish of East Baton Rouge. The aggregate food and beverage tax rate
9 within the district shall be at least equal to the aggregate rate of all food and
10 beverage taxes levied and collected within the parish of East Baton Rouge.

11 (2)(a) The word "hotel" as used in this Section shall mean and include any
12 establishment, both public and private, engaged in the business of furnishing or
13 providing rooms and overnight camping facilities intended or designed for dwelling,
14 lodging, or sleeping purposes to transient guests where such establishment consists
15 of two or more guest rooms and does not encompass any hospital, convalescent or
16 nursing home, or sanitarium or any hotel-like facility operated by or in connection
17 with a hospital or medical clinic providing rooms exclusively for patients and their
18 families.

19 (b) The occupancy tax shall be paid by the person who exercises or is
20 entitled to occupancy of the hotel room and shall be paid at the time the rent or fee
21 of occupancy is paid.

22 (c) The food and beverage tax shall be paid by the person who pays for the
23 food and beverages at the point of sale.

24 (d) The word "person" as used in this Section shall have the same meaning
25 as contained in R.S. 47:301(8).

26 (3) The taxes authorized in this Section shall be imposed by ordinance
27 adopted by the district, acting by and through its board, without the need of an
28 election.

1 (4) It is hereby recognized that without the accomplishment of the purposes
2 of the district, there would be no collection of a hotel occupancy tax or food and
3 beverage tax by any taxing authority within the district. Accordingly if the district
4 elects to levy and collect any tax authorized in this Section, such levy shall be
5 deemed to supersede and be in lieu of only such other taxes on hotel occupancy and
6 sales within the district that do not secure bonds that have been authorized, that have
7 not been dedicated by other law or by proposition approved by electors voting in an
8 election for such purpose, and that are not based on a per head or per person basis.
9 Additionally, if during the term of the district such other taxes on hotel occupancy
10 or sales within the district that currently secure bonds that have been authorized
11 cease to be authorized to secure bonds or cease to secure bonds that have been
12 authorized, then such levy shall at such time be deemed to supersede and be in lieu
13 of such other taxes on hotel occupancy or sales within the district and shall be
14 available for use for the purposes of the district.

15 (5) The authority granted to the district pursuant to the provisions of this
16 Section shall be subject to the limitations provided in R.S. 33:9038.42.

17 G. Financing. (1)(a) The district may issue revenue bonds, in one or more
18 series, payable from an irrevocable pledge and dedication of up to the full amount
19 of hotel occupancy and food and beverage sales tax increments, in an amount to be
20 determined by the district, to finance or refinance any project or projects, or parts
21 thereof, which are consistent with the purposes of the district. For purposes of this
22 Section, for each of the food and beverage taxes and the hotel occupancy taxes
23 collected within the district, a tax increment shall consist of that portion of the
24 aggregate of such tax revenues collected by the district as determined by the board.

25 (b) Dedication of tax increments to pay the revenue bonds shall not impair
26 existing obligations of the district and shall not include tax revenues previously
27 dedicated by the district for a special purpose.

28 (2) The district may pledge the taxes collected under the authority of this
29 Section to any financing or multiple refinancings of a hotel and related facilities

1 within the district in furtherance of the purposes of the district. Such financing may
 2 include, but shall not be limited to loans, mortgages, the issuance of bonds, or the
 3 issuance of certificates of indebtedness.

4 H. Term. The district shall dissolve and cease to exist one year after the date
 5 on which all loans, bonds, notes, and other evidences of indebtedness of the district,
 6 including refunding bonds, are paid in full as to both principal and interest; however,
 7 the district shall not exist for more than forty years.

8 I. The district shall not receive any state sales tax increments until such time
 9 as the governing authority of the city of Baton Rouge, Parish of East Baton Rouge,
 10 provides matching local sales tax increments to the district.

11 J. Liberal Construction. This Section, being necessary for the welfare of the
 12 city-parish and its residents, shall be liberally construed to effect the purposes hereof.

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)]

Michael Jackson

HB No. 877

Abstract: Creates the Bluebonnet/Perkins Convention Hotel Taxing District as a special taxing district and political subdivision of the state in the city of Baton Rouge, parish of East Baton Rouge.

Proposed law creates the Bluebonnet/Perkins Convention Hotel Taxing District as a special taxing district and political subdivision of the state in Baton Rouge. Provides for district boundaries.

Proposed law provides that the district is created to provide for cooperative economic development among the city-parish, the owner of a hotel in the district, the district, and the state in order to provide for the development of and improvement to the area within the district located in the city-parish, specifically to include a hotel with conference/meeting and related facilities.

Proposed law provides that the district shall be administered and governed by a board of commissioners comprised of three members as follows:

- (1) The mayor-president of the city-parish or his designee.
- (2) The mayor-president pro tempore of the city-parish or his designee.
- (3) The council member for metropolitan council district 3 of the city-parish or his designee.

Proposed law provides that the board shall elect from its own members a president, vice president, and secretary-treasurer, whose duties shall be common to such offices or may be provided by bylaws. Provides that the board shall hold regular meetings and may hold special meetings as provided in the bylaws.

Proposed law provides that all board members shall serve without salary, per diem, or other compensation, except reimbursement for reasonable, actual, and necessary expenses incurred in the performance of their duties.

Proposed law provides that the district shall have and exercise all powers of a political subdivision and special taxing district necessary or convenient for the carrying out of its purposes, including but not limited to the following:

- (1) To sue and be sued.
- (2) To adopt bylaws and rules and regulations.
- (3) To receive by gift, grant, donation, or otherwise any sum of money, property, aid, or assistance from the U.S., the state, or any political subdivision thereof, or any person, firm, or corporation.
- (4) To appoint officers, agents, and employees, prescribe their duties, and fix their compensation.
- (5) To acquire by gift, grant, purchase, lease, or otherwise such property and to mortgage and sell such property.
- (6) In its own name and on its own behalf to incur debt or to issue bonds, notes, certificates, and other evidences of indebtedness.

Proposed law authorizes the district to levy and collect within the district a tax upon the occupancy of hotel rooms, motel rooms, and overnight camping facilities and a tax upon the sale of food and beverage. Requires that any such tax be imposed by ordinance of the district without the need for an election.

Proposed law provides that the aggregate tax rate upon the occupancy of hotel rooms, motel rooms, and overnight camping facilities within the district and the aggregate tax rate on food and beverage within the district shall be at least equal to the aggregate rate of all such taxes levied and collected within the parish of East Baton Rouge.

Proposed law authorizes the district to issue revenue bonds payable from an irrevocable pledge and dedication of up to the full amount of hotel occupancy and food and beverage sales tax increments, in an amount to be determined by the district.

Proposed law requires that the district dissolve one year after the date all debt is paid in full as to both principal and interest. Provides that under no event shall the district have an existence of more than 40 years.

Proposed law provides that the district shall not receive any state sales tax increments until the governing authority of the City of Baton Rouge has provided matching local sales tax increments to the district.

Proposed law provides that the provisions of proposed law shall be liberally construed to effect the purposes thereof.

(Adds R.S. 33:9038.63)

Summary of Amendments Adopted by House

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

1. Changes the name of the district from the Bluebonnet Convention Hotel Taxing District to the Bluebonnet/Perkins Convention Hotel Taxing District. Additionally changes the boundaries and purpose of the district.
2. Changes the lead author of the bill from Rep. Carter to Rep. Richardson.

House Floor Amendments to the engrossed bill.

1. Changes the lead author of the bill from Rep. Richardson to Rep. M. Jackson.
2. Requires the district to receive matching local sales tax increments from the City of Baton Rouge before the district can receive any state sales tax increments.