

2022 Regular Session

HOUSE BILL NO. 797

BY REPRESENTATIVE DUPLESSIS

DISTRICTS/SPECIAL: Provides relative to the BioDistrict New Orleans in Orleans Parish

1 AN ACT

2 To amend and reenact R.S. 33:9039.62, 9039.68(A)(3) and (B)(1), (2)(b), and (3),  
3 9039.69(A)(3) and (5), and 9039.72(A)(14) and to enact R.S. 33:9039.63.1,  
4 9039.68(B)(2)(c), 9039.69(C), and 9039.72(D), relative to Orleans Parish; to provide  
5 relative to the BioDistrict New Orleans; to provide relative to the boundaries and  
6 powers and duties of the district; to provide relative to the creation of subdistricts;  
7 to require that district projects be in compliance with certain rules and regulations;  
8 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. 33:9039.62, 9039.68(A)(3) and (B)(1), (2)(b), and (3), 9039.69(A)(3)  
14 and (5), and 9039.72(A)(14) are hereby amended and reenacted and R.S. 33:9039.63.1,  
15 9039.68(B)(2)(c), 9039.69(C), and 9039.72(D) are hereby enacted to read as follows:

16 §9039.62. BioDistrict New Orleans; creation; territorial jurisdiction

17 There is hereby created the BioDistrict New Orleans, referred to in this  
18 Chapter as the "district". The district shall be composed of ~~all~~ of the designated  
19 territory located in the parish of Orleans bounded by Earhart Blvd., Carrollton Ave.,  
20 Loyola Ave., and Iberville St. The district shall be a political subdivision of the state

1 as defined in Article VI, Section 44(2) of the Constitution of Louisiana. Pursuant to  
2 Article VI, Sections 19 and 20 of the Constitution of Louisiana, the district, acting  
3 through its board of commissioners, the governing authority of the district, is hereby  
4 granted all of the rights, powers, privileges, and immunities accorded by law and the  
5 Constitution of Louisiana to political subdivisions of the state, including but not  
6 limited to the power to incur debt, except as otherwise provided in this Chapter.

7 \* \* \*

8 §9039.63.1. Additional limitations; expropriation

9 Notwithstanding any right, power, authority, privilege, exemption, or  
10 immunity that the district may have under the Constitution of Louisiana, this  
11 Chapter, or any other provision of general law, the district and any subdistricts shall  
12 not have the right to, and shall not acquire property by expropriation or exercise any  
13 power of eminent domain over any property and shall not enter into any cooperative  
14 endeavor agreement with any other entity, public or private, to acquire property by  
15 expropriation or eminent domain.

16 \* \* \*

17 §9039.68. General powers

18 A. In addition to the powers and duties elsewhere granted in this Chapter, the  
19 board is hereby granted and shall have and may exercise all powers necessary or  
20 convenient for the carrying out of its objects and purposes, including but not limited  
21 to the following:

22 \* \* \*

23 (3) To acquire by gift, grant, purchase, or lease, ~~or otherwise~~ and to hold and  
24 use any property, real, personal, or mixed, tangible or intangible, or any interest  
25 therein necessary or desirable for carrying out the objects and purposes of the  
26 district. The district shall have no power of expropriation or eminent domain.

27 \* \* \*

28 B.(1) At least ten days after publication of a notice in the official journal of  
29 the district, a public hearing shall be conducted, and the board may then designate

1 one or more areas within or without the boundaries of the district as they may exist  
 2 from time to time as a separate subdistrict, or as an enlargement or reduction of the  
 3 original district, provided that subdistricts created by the board outside the then  
 4 current boundaries of the district need not be contiguous to the district. Any territory  
 5 outside the original boundaries of the district that is sought to be included or  
 6 excluded in the district, or designated as a separate subdistrict, may only be so  
 7 included, excluded, or designated subject to the approval of the Legislature of  
 8 Louisiana and the governing authority of the city of New Orleans, by ordinance.  
 9 Each subdistrict shall constitute a separate political subdivision of the state, governed  
 10 by the district board with the same powers and limitations of the district. Each  
 11 designated subdistrict area shall be representative of its geographic location and  
 12 designated as "BioDistrict Economic Development Subdistrict for \_\_\_\_\_".

13 (2)

14 \* \* \*

15 (b) Subdistricts created outside the ~~then-current~~ boundaries of the district  
 16 also need not be contiguous to the district. Any territory outside the district that is  
 17 sought to be included or excluded in the district or designated as a subdistrict, may  
 18 only be so subject to the approval of the Legislature of Louisiana and the governing  
 19 authority of the city of New Orleans, by ordinance. Each subdistrict shall constitute  
 20 a separate political subdivision of the state, governed by the district board with the  
 21 same powers and limitations of the district. Each designated subdistrict area shall  
 22 be representative of its geographic location and designated as " BioDistrict Economic  
 23 Development Subdistrict for \_\_\_\_\_".

24 (c) The board shall not designate as a separate subdistrict any area wholly  
 25 within the boundaries of the district without prior approval of the Legislature of  
 26 Louisiana and the governing authority of the city of New Orleans, by ordinance.

27 (3) No territorial jurisdiction or boundaries of the district shall be expanded,  
 28 reduced, or extended and no subdistrict shall be created to include any area that is not  
 29 entirely contained within the New Orleans Metropolitan Statistical Area without the

1 approval of the Legislature of Louisiana and the governing authority of the city of  
2 New Orleans, by ordinance.

3 §9039.69. Special powers

4 A. In addition to the general powers granted in this Chapter, the district shall  
5 have the following special powers:

6 \* \* \*

7 (3) To undertake any project ~~or program~~ beneficial to the district ~~whether~~  
8 ~~within or outside~~ the boundaries of the district.

9 (5) To acquire real and personal property, including health education and  
10 enhancement facilities, by lease, purchase, or donation, ~~or otherwise~~ including but  
11 not limited to the following: land; improvements, oil, gas, and mineral rights; stocks;  
12 bonds; notes; and any other things of value. Title thereto shall be taken in the name  
13 of the district.

14 \* \* \*

15 C. The district or any subdistrict shall enter into a payment in lieu of taxes  
16 agreement with the city of New Orleans prior to the acquisition of any property  
17 owned by the district that was not exempt from ad valorem taxes immediately  
18 preceding the district's acquisition of such property. The agreement shall provide  
19 that the district or subdistrict shall annually pay to the city of New Orleans an  
20 amount equal to the ad valorem taxes that would have been payable to the city had  
21 the property not been exempt from such taxation by reason of its ownership by the  
22 district or subdistrict.

23 \* \* \*

24 §9039.72. Projects

25 A.

26 \* \* \*

27 (14)(a) The support of any other type of bioscience projects or safety,  
28 security (police), parking, housing (student and workforce), conference and meeting  
29 facilities, transportation (pedestrian and vehicular), emergency preparedness,

1 emergency operations, beautification, image, district identity, centralized laundry,  
2 janitorial services, maintenance services (grass cutting, street cleaning), development  
3 and enforcement of district standards for buildings (architectural), landscaping,  
4 streets and sidewalks, lighting and signage.

5 (b) The district or any subdistrict shall not adopt a district identity or any district  
6 standards for any area of the city of New Orleans without the prior approval  
7 of the governing authority of the city of New Orleans, by ordinance.

8 \* \* \*

9 D.(1) All projects of the district and any subdistrict in the city of New  
10 Orleans shall be performed only within the boundaries of the district or subdistrict.

11 (2) All projects of the district and any subdistrict in the city of New Orleans  
12 shall be subject to and shall comply with the city of New Orleans master plan and all  
13 ordinances and rules and regulations governing zoning, building land use, historic  
14 preservation, historic districts, and neighborhood participation plans applicable to the  
15 area in which the project is located.

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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)]

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HB 797 Original

2022 Regular Session

Duplessis

**Abstract:** Provides relative to the powers and duties of the BioDistrict New Orleans in Orleans Parish.

Present law (R.S. 33:9039.61 et seq.) creates the BioDistrict New Orleans as a political subdivision of the state within the city of New Orleans. Provides for district boundaries. Provides that the district shall be governed by a board of commissioners composed of 15 members.

Proposed law retains present law but changes the boundaries of the district.

Present law provides relative to the powers and duties of the district including but not limited to the following:

- (1) To sue and be sued.
- (2) To adopt, use, and alter at will a corporate seal.

- (3) To acquire by gift, grant, purchase, lease, or otherwise and to hold and use any 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 sell, transfer, convey, or alienate any property acquired by it, or any interest therein at any time, by negotiation, to accomplish the objects and purposes of the district.
- (6) To make and collect reasonable charges for the use of property owned by the district and for services rendered by the district and to regulate reasonably the fees and charges to be made by privately owned, leased, or otherwise authorized uses of property owned by the district, or sold or leased by the district, when same are offered for the use of the public.

Proposed law retains present law but prohibits the district or any subdistrict from acquiring property by expropriation or from exercising any power of eminent domain.

Present law authorizes the district, after publication and a public hearing, to designate one or more areas within or without the boundaries of the district as a separate subdistrict, or as an enlargement or reduction of the original district. Provides that any territory outside the original boundaries of the district that is sought to be included or excluded in the district, or designated as a separate subdistrict, may only be so included, excluded, or designated subject to the approval of the Legislature of La. Present law provides that each subdistrict constitutes a separate political subdivision of the state, governed by the district board with the same powers of the district.

Present law further provides that subdistricts created outside the boundaries of the district also need not be contiguous to the district. Provides that any territory outside the district that is sought to be included or excluded in the district or designated as a subdistrict, may only be so subject to the approval of the Legislature of La.

Proposed law retains present law and additionally requires the approval of the governing authority of the city of New Orleans by ordinance with respect to boundary changes and the creation of subdistricts. Proposed law additionally provides that subdistricts are subject to the same limitations as districts. Prohibits the board from designating as a separate subdistrict any area wholly within the boundaries of the district without prior approval of the Legislature of La. and the governing authority of the city of New Orleans, by ordinance.

Proposed law requires the district or any subdistrict to enter into a payment in lieu of taxes agreement with the city of New Orleans prior to the acquisition of any property owned by the district that was not exempt from ad valorem taxes immediately preceding the district's acquisition of such property.

Present law authorizes the district to undertake any project or program beneficial to the district whether within or outside the boundaries of the district.

Proposed law restricts the district's and any subdistrict's authority to perform projects inside of the boundaries of the district. Provides that projects must comply with the city of New Orleans master plan and all ordinances and rules and regulations governing zoning, building land use, historic preservation, historic districts, and neighborhood participation plans. Proposed law prohibits the district or any subdistrict from adopting a district identity or any district standards without the prior approval of the governing authority of the city of New Orleans, by ordinance.

(Amends R.S. 33:9039.62, 9039.68(A)(3) and (B)(1), (2)(b), and (3), 9039.69(A)(3) and (5), and 9039.72(A)(14); Adds R.S. 33:9039.63.1, 9039.68(B)(2)(c), 9039.69(C), and 9039.72(D))