

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 to provide for an effective date; 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 A. 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 territory located~~
19 ~~in the parish of Orleans bounded by Earhart Blvd., Carrollton Ave., Loyola Ave., and~~
20 ~~Herbville St.~~ all of the territory located in the parish of Orleans included within the

1 following perimeter: From the corner of Iberville Street and North Derbigny Street
2 proceed south along the apparent eastern right of way of North Derbigny Street to
3 the point where the northern property line of Lot A. of Square 217 intersects with
4 North Derbigny Street. Thence proceed west through the entirety of Square 217
5 along the northern property lines of Lot A, Lots 4 and 5, Lots 25, 26, and part of 24,
6 Lot C, Lots 9, 10, and 11 and Lot 21 or 12 of Square 217. Crossing North Roman
7 Street, proceed west along the southern property line of Lot 2 of Square 45. Thence
8 turn north and proceed in Square 245 along the western property lines of Lot 2, Lot
9 3, Lot 4, and Lot 5. Thence turn west and proceed along the southern property lines
10 of Lot 11, Lot 12, Lot 13 or 19, Lot 14 or 18, Lot 15 or 17, and Lot 16 of Square 245
11 to where it intersects with the apparent eastern right of way of North Prieur Street.
12 Crossing North Prieur Street at an oblique southwest angle, proceed along the
13 northern property lines of Lot C, Lot 3, Lot 4, Lot 5, Lot 6, Lot 16, Lot 17, Lot 20,
14 Lot 21, and Lot 19 of Square 246. Crossing North Johnson Street proceed west
15 along the northern property lines of Lot 23, Lot A, Lot B or 7R, Lot C or Part of Lot
16 4-7, Lot A or 8, Lot A or 9, Lots 8, 9, and 10, and Lot C, of Square 275. Thence,
17 from where the rear property line of Lot B, Lot 8, Lot 9, Lot 10, and Lot C, Square
18 275 intersects with North Galvez Street, proceed South along the apparent eastern
19 right of way of North Galvez Street to the intersection of North Galvez street and the
20 apparent southern right of way of Canal Street. Thence west along the apparent
21 southern right of way of Canal Street for three blocks to the intersection of the
22 apparent southern right of way of Canal Street and the apparent eastern right of way
23 of North Rocheblave Street. Thence three blocks south along the apparent eastern
24 right of way of South Rocheblave Street to the southeast corner of South Rocheblave
25 Street and Banks Street. Thence one block west along the apparent southern right
26 of way of Banks Street to the intersection of Banks Street and South Dorgenois
27 Street. Follow the apparent eastern right of way of South Dorgenois Street south one
28 block to the intersection of Tulane Avenue. Thence follow the apparent northern
29 right of way of Tulane Avenue in a northeast direction four blocks to the corner of

1 South Galvez Street. Thence south along the apparent eastern right of way of South
2 Galvez Street for two blocks to the intersection with Perdido Street. Thence follow
3 the apparent northern right of way of Perdido Street east to where Perdido Street
4 intersects with the eastern property line of Lot B and Part of 15, and Lot 18 or 14 of
5 Square 517.

6 Follow said property line in a southern direction to the northern boundary of
7 Lot A-1. Thence proceed west to the most northerly northwest corner of Lot A-1.

8 Thence proceed south in the direction of Poydras Street along the eastern
9 boundary lines of Lot 19, Lot 11 or 21, Lot 12 or 20, and Lot 22. Thence proceed
10 west along the southern property line of Lot 22 to where it intersects with the eastern
11 side of South Galvez Street. Thence, proceed south along the apparent eastern right
12 of way of South Galvez Street to the intersection of South Galvez Street and Poydras
13 Street. Thence proceed along Poydras Street in a westward direction to the
14 intersection of Poydras Street and South Broad Street. Thence proceed north along
15 South Broad Street one block to the corner of South Broad Street and Perdido Street.

16 Proceed east along the apparent northern right of way of Perdido Street to the
17 eastern property line of the Lot owned by HTJ Investments, LLC. Proceed north
18 following said property line the width of Square 586 to where said property line
19 intersects with Gravier Street. Thence proceed west along the apparent northern
20 right of way of Gravier Street to where the western property line of Lot 26, in Square
21 585 intersects with Gravier Street. Thence, proceed north along said property line
22 until the southern property line of Lot 22 or Part of Lot 22. Thence proceed in an
23 easterly direction towards South Dorgenois Street along the northern boundary lines
24 of Lot 26, Lot 27, and Lot 28, Thence proceed north toward Tulane Avenue along
25 the westernmost property line of Lot 22 or Part of Lot 22, and Lot 30.

26 Thence run east towards South Dorgenois Street along the rear line of Lot 22
27 or Part of Lot 22, and Lot 30. Thence turn at a ninety degree angle north and follow
28 the westernmost property line of Lot 40 and Lot 41. Thence run east along the
29 northern property line of Lot 41. until it intersects with South Dorgenois Street.

1 Thence proceed north along the apparent western right of way of South Dorgenois
2 Street (crossing Tulane Avenue) until you reach the intersection of the apparent
3 western right of way of South Dorgenois Street and the southern property line of Part
4 of Lot 29, Lot 30 or P, Lot 40, Lot 41 in Square-1 of Square 584. Proceed west
5 along said property line until it intersects with the easternmost border of Lot A or Lot
6 47. Thence turn south along the easternmost property line of Lot A or Lot 47 until
7 it intersects with the northernmost property line of Lot 22. Thence continue in a
8 westerly direction along the northernmost property lines of Lot 22 or 33, Lot 21 or
9 32, and Lot 19 or 20 or Lot 30 and 31. Crossing Manassas Place into Square
10 Number 584, continue westward along the northernmost property lines of Lot 17 or
11 29 or B, Lot 16-B., and Part of Lot 12, Lot 13, or Lot 25 or the Rear Part of Lot 27,
12 Lot 14 or Lot 26, Lot 15 or Lot 27.

13 Thence turn southwest along the westernmost property line of Part of Lot 17
14 or 29 or Lot B, Lot 16-B, and Part of Lot 12, Lot 13, or Lot 25 or the Rear Part of
15 Lot 27, Lot 14 or Lot 26, 15 or Lot 27 until it intersects with the northern property
16 line of Lot V, Lot W, Lot X or Part of Lot 23 Lot 24, and Lot 25. Proceed west
17 along the northern property line of Lot V, Lot W, Lot X or Part of Lot 23 Lot 24, and
18 Lot 25 to the point it intersects with the eastern side of South Broad Street. Thence
19 cross South Broad Street at a slight southwest angle to the intersection of South
20 Broad Street and Baudin Street. Proceed west along the apparent southern right of
21 way of Baudin Street for two blocks. Thence south along the apparent eastern right
22 of way of South Dupre Street one block to the intersection with Tulane Avenue.
23 Thence proceed southwesterly along the apparent northern right of way of Tulane
24 Avenue, approximately two-thirds of a block to the intersection of Tulane Avenue
25 and the eastern property line of Lot 13 in Square 627. Thence Proceed northward
26 along said line until it intersects with the southern property line of the rear part of
27 Lot 21. Thence proceed in a westward direction along the rear property line of Lot
28 13 until it intersects with the easternmost property line of Lot A. Thence turn south
29 along the eastern property line of Lot 13 to where it intersects with the northeastern

1 corner of Lot 12. Thence proceed west along the rear property lines of Lot 12 and
2 Lot 11 to the intersection with South Gayoso Street. Crossing South Gayoso Street
3 proceed west along the entire northern property line of Lot 1-A, crossing the entirety
4 of Square 636 stopping at the intersection of said property line and the apparent
5 western right of way of South Salcedo Street. Thence run north along the apparent
6 western right of way of South Salcedo Street back to the apparent southern right of
7 way of Baudin Street. Thence proceed west along the apparent southern right of way
8 of Baudin Street one block to the corner of South Lopez Street. Thence proceed
9 south on the apparent eastern right of way of south Lopez Street (crossing Tulane
10 Avenue) and reaching the intersection of South Lopez Street and the apparent
11 southern right of way of Tulane Avenue. Proceed northeast along the apparent
12 southern right of way of Tulane Avenue two blocks to the intersection with the
13 apparent eastern right of way of South Gayoso Street. Turn south on the apparent
14 eastern right of way of South Gayoso Street until it intersects with the northern
15 property line of Lot 16., Square 626. Proceed thence east along the northmost
16 property lines of Lot 16 and Lot 27 across the entirety of Square 626 until you reach
17 the apparent western right of way of South Dupre Street. Cross South Dupre Street
18 at a slight southeast angle intersecting with the apparent eastern right of way of
19 South Dupre Street and the southwest corner of Lot 21A. Thence proceed east along
20 the entire southernmost property line of 21A across the entirety of Square 613 to
21 where it intersects with the apparent western right of way of South White Street.
22 Thence south on the apparent western right of way of South White Street until you
23 reach the corner of South White Street and Gravier Street. Proceed thence southwest
24 along the apparent northern right of way of Gravier Street one block west to the
25 corner of Gravier Street and South Dupre Street. Thence proceed south along the
26 apparent eastern right of way of South Dupre Street south one block to the
27 intersection of Perdido Street and South Dupre Street. Thence proceed in a
28 southwesterly direction five blocks along the apparent northern right of way of
29 Perdido Street to the corner of Perdido Street and the eastern side of S. Norman C.

1 Francis Parkway. Proceed from this corner approximately one and one-half blocks
2 north on South Norman C. Francis Parkway until the intersection with South Norman
3 C. Francis Parkway and the southernmost property line of Lot B and Part of Lot 14
4 or 15 of Square 677. Thence an easterly direction towards South Rendon Street
5 along the southernmost property line of Lot B and Part of Lot 14 or 15 and the
6 northernmost property line of Lot 29 where said property line intersects with the
7 apparent western right of way of South Rendon Street. Thence north along the
8 apparent western right of way of South Rendon Street to where it intersects with the
9 apparent northern right of way of Tulane Avenue. Thence proceed in a slight
10 northeast angle to the intersections of Tulane Avenue, South Lopez Street, and
11 D'Hemecourt Street. Thence proceed in a westerly direction along the apparent
12 southern right of way of D'Hemecourt Street three blocks (Crossing South Norman
13 C. Francis Parkway) to the corner of D'Hemecourt Street and the apparent eastern
14 right of way of South Clark Street. From the corner of D'Hemecourt and South
15 Clark, proceed south to the point where the apparent eastern right of way of South
16 Clark Street intersects the northern property line of Lot Z or 3, Square 689. Proceed
17 east along the northern property line of Lot Z or 3 to where it intersects with the
18 western property line of Lot 3. Thence turn south and follow the western property
19 line of Lot 3 until it intersects with the northernmost apparent right of way of Tulane
20 Avenue. Thence turn west and follow Tulane Avenue to the intersection with South
21 Clark Street. Proceed south along the apparent eastern right of way of South Clark
22 Street (crossing Tulane Avenue) to the corner of South Clark Street and the apparent
23 northern right of way of Gravier Street. Proceed west along the apparent northern
24 right of way of Gravier Street approximately one and one-half blocks to the point on
25 Gravier Street where it intersects with the western property line of Lot 5 and Part of
26 Lot K Square 715. Continue in a northern direction along the western property lines
27 of Lot 6, Lot 7, Lot 8, Lot 9, Lot 10, and part of Lot 11 until it intersects with the
28 southwest corner of Lot 13. Proceed thence east along the southern property lines
29 of Lot 13, Lot 14, Lot 15, and Lot 17, Square 715 to the intersection with the

1 apparent western right of way of South Genois Street. Thence proceed north along
2 the apparent western right of way of South Genois Street to the intersection with
3 Tulane Avenue. Thence proceed westerly along the apparent southern right of way
4 of Tulane Avenue two blocks to the southwest corner of Tulane Avenue and South
5 Cortez Street. Thence briefly north on the apparent western right of way of South
6 Cortez Street (crossing Tulane Avenue) to the intersection of South Cortez Street and
7 Ulloa Street. Thence west three blocks along the apparent southern right of way of
8 Ulloa Street to the corner of South Carrollton Avenue. Thence proceed briefly south
9 along the eastern side of South Carrollton Avenue (crossing Tulane Avenue) until
10 it intersects with the northernmost property line of Lot 1, Square 763. Proceed
11 thence along the northern boundary line of Lot 3 in a meandering southeast direction
12 and then south along the property lines of Lot 3 and Lot 2 to the intersection with the
13 southernmost boundary of Square 763 and the apparent northern right of way of
14 Gravier Street. Proceed thence west along the apparent northern right of way of
15 Gravier Street to the intersection with South Carrollton Avenue. Proceed south
16 along the eastern side of South Carrollton Avenue to the corner of South Carrollton
17 Avenue and Edinburgh Street. From the corner of South Carrollton Avenue and
18 Edinburgh Street, proceed east five blocks along the apparent northern right of way
19 of Edinburgh Street to the corner of Edinburgh Street and Broadway Street. Thence
20 proceed north one block along the apparent western right of way of Broadway Street
21 to the intersection with Palm Street. From the intersection of Broadway and Palm
22 Streets, proceed east along the apparent northern right of way of Palm Street moving
23 at a slight northeast angle at the intersection of Palm Street and Audubon Street until
24 you come to the dividing line between Square 23 and Square 128. Proceed north
25 along said boundary line of Squares 23 and 128 to the intersection with the apparent
26 southern right of way of Washington Avenue. Continue along Washington Avenue
27 in a northwesterly direction to the southwest corner of Broadway Street and
28 Washington Avenue. Thence proceed north (crossing Washington Avenue and
29 Drexel Drive), continuing north along the apparent eastern right of way of Broadway

1 Street two blocks to the intersection of Broadway Street and Dixon Street. Thence
2 one block west along the apparent southern right of way of Dixon Street to the
3 intersection of Dixon Street and Pine Street. Thence proceed one block north along
4 the apparent western right of way of Pine Street to the intersection of Pine Street and
5 Howard Avenue. Proceed east along Howard Avenue three blocks to the corner of
6 Howard Avenue and South Genois Street. Thence proceed south along the apparent
7 eastern right of way of South Genois Street for two blocks to the intersection of
8 South Genois Street and Drexel Drive. Thence east one block along the apparent
9 northern right of way of Drexel Drive to the intersection of South Clark Street. From
10 the corner of South Clark Street and Drexel Drive proceed south along the apparent
11 eastern right of way of South Clark two blocks to the intersection with Washington
12 Avenue and South Clark Street. Proceed along the apparent southern right of way
13 of Washington Avenue in a southeast direction to the intersection of Washington
14 Avenue and Earhart Boulevard. From the corner of Earhart Boulevard and
15 Washington Avenue proceed on Earhart Boulevard in a generally northeast direction
16 until Earhart Boulevard intersects with Loyola Avenue. From the intersection of
17 Loyola Avenue and Earhart Boulevard, proceed in a meandering northwest direction
18 along the western side of Loyola Avenue and Elk Place to the intersection of Elk
19 Place and Iberville Street. Proceed thence west along the apparent southern right of
20 way of Iberville Street seven blocks (crossing North Claiborne) to the intersection
21 with Iberville and North Derbigny Street to a point. Said point being the point of
22 beginning.

23 B. The district shall be a political subdivision of the state as defined in
24 Article VI, Section 44(2) of the Constitution of Louisiana. Pursuant to Article VI,
25 Sections 19 and 20 of the Constitution of Louisiana, the district, acting through its
26 board of commissioners, the governing authority of the district, is hereby granted all
27 of the rights, powers, privileges, and immunities accorded by law and the

1 Constitution of Louisiana to political subdivisions of the state, including but not
2 limited to the power to incur debt, except as otherwise provided in this Chapter.

3 * * *

4 §9039.63.1. Additional limitations; expropriation

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

12 * * *

13 §9039.68. General powers

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

18 * * *

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

23 * * *

24 B.(1) At least ten days after publication of a notice in the official journal of
25 the district, a public hearing shall be conducted, and the board may then designate
26 one or more areas within or without the boundaries of the district as they may exist
27 from time to time as a separate subdistrict, or as an enlargement or reduction of the
28 original district, provided that subdistricts created by the board outside the then
29 current boundaries of the district need not be contiguous to the district. Any territory

1 outside the original boundaries of the district that is sought to be included or
2 excluded in the district, or designated as a separate subdistrict, may only be so
3 included, excluded, or designated subject to the approval of the Legislature of
4 Louisiana and the governing authority of the city of New Orleans, by ordinance.

5 Each subdistrict shall constitute a separate political subdivision of the state, governed
6 by the district board with the same powers and limitations of the district. Each
7 designated subdistrict area shall be representative of its geographic location and
8 designated as "BioDistrict Economic Development Subdistrict for _____".

9 (2)

10 * * *

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

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

23 (3) No territorial jurisdiction or boundaries of the district shall be expanded,
24 reduced, or extended and no subdistrict shall be created to include any area that is not
25 entirely contained within the New Orleans Metropolitan Statistical Area without the
26 approval of the Legislature of Louisiana and the governing authority of the city of
27 New Orleans, by ordinance.

1 §9039.69. Special powers

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

4 * * *

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

7 * * *

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

13 * * *

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

22 * * *

23 §9039.72. Projects

24 A.

25 * * *

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

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.
- (5) 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.

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

(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))

Summary of Amendments Adopted by House

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

1. Change the district's boundaries.
2. Provide for an emergency effective date.

The House Floor Amendments to the engrossed bill:

1. Change the district's boundaries.