

2022 Regular Session

SENATE BILL NO. 380

BY SENATOR PETERSON

SPECIAL DISTRICTS. Provides relative to the BioDistrict New Orleans in Orleans Parish.
(8/1/22)

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AN ACT

To amend and reenact 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), and to enact R.S. 33:9039.63.1, 9039.68(B)(2)(c), 9039.69(C), and 9039.72(D), relative to Orleans Parish; to provide relative to the BioDistrict New Orleans; to provide relative to the boundaries and powers and duties of the district; to provide relative to the creation of subdistrict; to require that district projects be in compliance with certain rules and regulations; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. 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) are hereby amended and reenacted and R.S. 33:9039.63.1, 9039.68(B)(2)(c), 9039.69(C), and 9039.72(D) are hereby enacted to read as follows:

§9039.62. BioDistrict New Orleans; creation; territorial jurisdiction

A. There is hereby created the BioDistrict New Orleans, referred to in this Chapter as the "district". The district shall be composed of ~~all of the~~ **designated** territory located in the parish of Orleans bounded by Earhart Blvd., Carrollton Ave., Loyola Ave., and Iberville St.

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

8 * * *

9 **§9039.63.1. Additional limitations; expropriation**

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

17 * * *

18 §9039.68. General powers

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

23 * * *

24 (3) To acquire by gift, grant, purchase, **or** lease, ~~or otherwise~~ and to hold and
 25 use any property, real, personal, or mixed, tangible or intangible, or any interest
 26 therein necessary or desirable for carrying out the objects and purposes of the
 27 district. **The district shall not have the power of expropriation.**

28 * * *

29 B.(1) At least ten days after publication of a notice in the official journal of

1 the district, a public hearing shall be conducted, and the board may then designate
 2 one or more areas within or without the boundaries of the district as they may exist
 3 from time to time as a separate subdistrict, or as an enlargement or reduction of the
 4 original district, provided that subdistricts created by the board outside the then
 5 current boundaries of the district need not be contiguous to the district. Any territory
 6 outside the original boundaries of the district that is sought to be included or
 7 excluded in the district, or designated as a separate subdistrict, may only be so
 8 included, excluded, or designated subject to the approval of the Legislature of
 9 Louisiana **and the governing authority of the city of New Orleans, by ordinance.**

10 Each subdistrict shall constitute a separate political subdivision of the state, governed
 11 by the district board with the same powers **and limitations** of the district. Each
 12 designated subdistrict area shall be representative of its geographic location and
 13 designated as "BioDistrict Economic Development Subdistrict for
 14 _____".

15 (2)(a) * * *

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

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

29 (3) No territorial jurisdiction or boundaries of the district shall be expanded,

1 reduced, or extended and no subdistrict shall be created to include any area that is not
 2 entirely contained within the New Orleans Metropolitan Statistical Area without the
 3 approval of the Legislature of Louisiana **and the governing authority of the city**
 4 **of New Orleans, by ordinance.**

5 §9039.69. Special powers

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

8 * * *

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

11 * * *

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

17 * * *

18 **C. The district shall enter into a payment in lieu of taxes agreement with**
 19 **the city of New Orleans prior to the development of any property owned by the**
 20 **district that was not exempt from ad valorem taxes immediately preceding the**
 21 **district acquisition of such property.**

22 * * *

23 §9039.72. Projects

24 A.(1) * * *

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,

1 janitorial services, maintenance services (grass cutting, street cleaning), development
 2 and enforcement of district standards for buildings (architectural), landscaping,
 3 streets and sidewalks, lighting and signage.

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

7 * * *

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

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

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

DIGEST

SB 380 Engrossed

2022 Regular Session

Peterson

Present law 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.

- (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.

(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 Senate

Committee Amendments Proposed by Senate Committee on Local and Municipal Affairs to the original bill

1. Make changes to the districts' boundaries.
2. Specifies that the district will have no power of expropriation.

3. Requires approval of the Legislature and the city of New Orleans of any designation of a separate subdistrict within the boundaries of the district.
4. Any district identity or any district standards will require approval from the city of New Orleans.
5. All projects of the district will be performed only within the boundaries of the district and will be done in accordance with the master plan and all ordinances and rules and regulations governing zoning, building land use, historic preservation, historic districts, and neighborhood participation plans for the city of New Orleans.