
DIGEST

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HB 797 Engrossed

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.
- (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.