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 subdistricts; to require that district projects be in compliance with certain rules and regulations; and to provide for related matters.

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

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

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

§9039.63.1. Additional limitations; expropriation

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

§9039.68. General powers

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

(3) To acquire by gift, grant, purchase, or 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. The district shall have no power of expropriation or eminent domain.

B.(1) At least ten days after publication of a notice in the official journal of the district, a public hearing shall be conducted, and the board may then designate
one or more areas within or without the boundaries of the district as they may exist
from time to time as a separate subdistrict, or as an enlargement or reduction of the
original district, provided that subdistricts created by the board outside the then
current boundaries of the district need not be contiguous to the district. 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
Louisiana and the governing authority of the city of New Orleans, by ordinance.
Each subdistrict shall constitute a separate political subdivision of the state, governed
by the district board with the same powers and limitations of the district. Each
designated subdistrict area shall be representative of its geographic location and
designated as "BioDistrict Economic Development Subdistrict for ____________".

(2)

*          *          *

(b) Subdistricts created outside the then-current boundaries of the district
also need not be contiguous to the district. 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 Louisiana and the governing
authority of the city of New Orleans, by ordinance. Each subdistrict shall constitute
a separate political subdivision of the state, governed by the district board with the
same powers and limitations of the district. Each designated subdistrict area shall
be representative of its geographic location and designated as "BioDistrict Economic
Development Subdistrict for ____________".

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

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

§9039.69. Special powers

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

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

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

*(C. The district or any subdistrict shall 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. The agreement shall provide that the district or subdistrict shall annually pay to the city of New Orleans an amount equal to the ad valorem taxes that would have been payable to the city had the property not been exempt from such taxation by reason of its ownership by the district or subdistrict.*

§9039.72. Projects

A. *(14)(a) The support of any other type of bioscience projects or safety, security (police), parking, housing (student and workforce), conference and meeting facilities, transportation (pedestrian and vehicular), emergency preparedness,*
emergency operations, beautification, image, district identity, centralized laundry,  
janitorial services, maintenance services (grass cutting, street cleaning), development  
and enforcement of district standards for buildings (architectural), landscaping,  
streets and sidewalks, lighting and signage.

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

*        *        *

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

(2) All projects of the district and any subdistrict in the city of New Orleans  
shall be subject to and shall 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 applicable to the  
area in which the project is located.

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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<th>HB 797 Original</th>
<th>2022 Regular Session</th>
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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.

CODING: Words in struck through type are deletions from existing law; words underscored  
are additions.
(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))