

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

1 Galvez Street for two blocks to the intersection with Perdido Street. Thence follow
2 the apparent northern right of way of Perdido Street east to where Perdido Street
3 intersects with the eastern property line of Lot B and Part of 15 of Square 517.

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

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

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

24 Thence run east towards South Dorgenois Street along the rear line of Lot 22
25 or Part of Lot 22, and Lot 30. Thence turn at a ninety degree angle north and follow
26 the westernmost property line of Lot 40 and Lot 41. Thence run east along the
27 northern property line of Lot 41. until it intersects with South Dorgenois Street.
28 Thence proceed north along the apparent western right of way of South Dorgenois
29 Street (crossing Tulane Avenue) until you reach the intersection of the apparent

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

10 Thence turn southwest along the westernmost property line of Part of Lot 12,
11 Lot 13, or Lot 25 or the Rear Part of Lot 26, Lot 14 or Lot 26 or Lot 27 and proceed
12 until it intersects with the northern property line of Lot V, Lot W, Lot X OR Part of
13 Lot 23 Lot 24, and Lot 25. Proceed west along the northern property line of Lot V,
14 Lot W, Lot X OR Part of Lot 23 Lot 24, and Lot 25 to the point it intersects with the
15 eastern side of South Broad Street. Thence cross South Broad Street at a slight
16 southwest angle to the intersection of South Broad Street and Baudin Street. Proceed
17 west along the apparent southern right of way of Baudin Street for two blocks.
18 Thence south along the apparent eastern right of way of South Dupre Street one
19 block to the intersection with Tulane Avenue. Thence proceed southwesterly along
20 the apparent northern right of way of Tulane Avenue, approximately two-thirds of
21 a block to the intersection of Tulane Avenue and the eastern property line of Lot 13
22 in Square 627. Thence Proceed northward along said line until it intersects with the
23 southern property line of the rear part of Lot 21. Thence proceed in a westward
24 direction along the rear property line of Lot 13 until it intersects with the easternmost
25 property line of Lot A. Thence turn south along the eastern property line of Lot 13
26 to where it intersects with the northeastern corner of Lot 12. Thence proceed west
27 along the rear property lines of Lot 12 and Lot 11 to the intersection with South
28 Gayoso Street. Crossing South Gayoso Street proceed west along the entire northern
29 property line of Lot 1-A, crossing the entirety of Square 636 stopping at the

1 intersection of said property line and the apparent western right of way of South
2 Salcedo Street. Thence run north along the apparent western right of way of South
3 Salcedo Street back to the apparent southern right of way of Baudin Street. Thence
4 proceed west along the apparent southern right of way of Baudin Street one block to
5 the corner of South Lopez Street. Thence proceed south on the apparent eastern right
6 of way of south Lopez Street (crossing Tulane Avenue) and reaching the intersection
7 of South Lopez Street and the apparent southern right of way of Tulane Avenue.
8 Proceed northeast along the apparent southern right of way of Tulane Avenue two
9 blocks to the intersection with the apparent eastern right of way of South Gayoso
10 Street. Turn south on the apparent eastern right of way of South Gayoso Street until
11 it intersects with the northern property line of Lot 16., Square 626. Proceed thence
12 east along the northmost property lines of Lot 16 and Lot 27 across the entirety of
13 Square 626 until you reach the apparent western right of way of South Dupre Street.
14 Cross South Dupre Street at a slight southeast angle intersecting with the apparent
15 eastern right of way of South Dupre Street and the southwest corner of Lot 21A.
16 Thence proceed east along the entire southernmost property line of 21A across the
17 entirety of Square 613 to where it intersects with the apparent western right of way
18 of South White Street. Thence south on the apparent western right of way of South
19 White Street until you reach the corner of South White Street and Gravier Street.
20 Proceed thence southwest along the apparent northern right of way of Gravier Street
21 one block west to the corner of Gravier Street and South Dupre Street. Thence
22 proceed south along the apparent eastern right of way of South Dupre Street south
23 one block to the intersection of Perdido Street and South Dupre Street. Thence
24 proceed in a southwesterly direction five blocks along the apparent northern right of
25 way of Perdido Street to the corner of Perdido Street and the eastern side of S.
26 Norman C. Francis Parkway. Proceed from this corner approximately one and
27 one-half blocks north on South Norman C. Francis Parkway until the intersection
28 with South Norman C. Francis Parkway and the southernmost property line of Lot
29 B and Part of Lot 14 or 15 of Square 677. Thence an easterly direction towards

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

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

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

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

* * *

27 §9039.63.1. Additional limitations; expropriation

28 Notwithstanding any right, power, authority, privilege, exemption, or
 29 immunity that the district may have under the Constitution of Louisiana, this

1 designated subdistrict area shall be representative of its geographic location and
2 designated as "BioDistrict Economic Development Subdistrict for _____".

3 (2)

4 * * *

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

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

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

22 §9039.69. Special powers

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

25 * * *

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

28 * * *

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

6 * * *

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

15 * * *

16 §9039.72. Projects

17 A.

18 * * *

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

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

29 * * *

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

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

8 Section 2. This Act shall become effective upon signature by the governor or, if not
9 signed by the governor, upon expiration of the time for bills to become law without signature
10 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
11 vetoed by the governor and subsequently approved by the legislature, this Act shall become
12 effective on the day following such approval.

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)]

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.