

Regular Session, 2005

ACT No. 487

HOUSE BILL NO. 742

BY REPRESENTATIVES K. CARTER, GRAY, JEFFERSON, ARNOLD, BADON, BURNS, HEATON, HUTTER, MARCHAND, RICHMOND, SCALISE, SHEPHERD, AND WINSTON AND SENATORS BAJOIE, DUPLESSIS, MURRAY, AND SCHEDLER

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AN ACT

To enact Chapter 27-C of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:9039.51 through 9039.66, and to repeal R.S. 36:109(M) and Part III of Chapter 6 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:811 through 813.1, relative to the Greater New Orleans Biosciences Economic Development District; to facilitate public and private research functions in the district; to create and provide for such district and its board of commissioners and their powers, duties, functions, and responsibilities; to repeal provisions providing for the Louisiana Biomedical Research and Development Park Commission; 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. Chapter 27-C of Title 33 of the Louisiana Revised Statutes of 1950, comprised of R.S. 33:9039.51 through 9039.66, is hereby enacted to read as follows:

CHAPTER 27-C. GREATER NEW ORLEANS BIOSCIENCES

ECONOMIC DEVELOPMENT DISTRICT ACT

§9039.51. The Greater New Orleans Biosciences Economic Development District

Act

This Chapter shall be known as the "Greater New Orleans Biosciences Economic Development District Act".

1 §9039.52. Greater New Orleans Biosciences Economic Development District;
2 creation; territorial jurisdiction

3 There is hereby created the Greater New Orleans Biosciences Economic
4 Development District, referred to in this Chapter as the "district". The district shall
5 be composed of all of the territory located in the parish of Orleans bounded by
6 Earhart Blvd., Carrollton Ave., Loyola Ave., and Iberville St. The district shall be
7 a political subdivision of the state as defined in Article VI, Section 44(2) of the
8 Constitution of Louisiana. Pursuant to Article VI, Sections 19 and 20 of the
9 Constitution of Louisiana, the district, acting through its board of commissioners, the
10 governing authority of the district, is hereby granted all of the rights, powers,
11 privileges, and immunities accorded by law and the Constitution of Louisiana to
12 political subdivisions of the state, including but not limited to the power to incur
13 debt.

14 §9039.53. Limitations

15 Notwithstanding any other provision of this Chapter to the contrary, the
16 provisions of this Chapter shall not affect the authority of the city of New Orleans,
17 the medical institutions or the educational institutions within the district, or any other
18 political subdivision. No action of the district or any subdistrict created by or
19 pursuant to this Chapter shall adversely affect current or future revenues of primary
20 partners and independent consortia. The authority of the Louisiana Board of Regents
21 and the managing boards of any public system of higher education, having facilities
22 in the district, shall not be affected by the provisions of this Chapter. The legislature
23 creates the district hereby to facilitate public and private research functions in the
24 district. Participation by any public institution of higher education in any project or
25 program of the district or any subdistrict created by or pursuant to this Chapter shall
26 require the prior approval of the Board of Regents and the managing board
27 responsible for the institution. The district shall not have or exercise any authority
28 relative to any public or private medical or educational institution.

1 §9039.54. Legislative findings and intent

2 The New Orleans medical and biosciences efforts employed approximately
 3 twenty-four thousand persons in 2004 with average salaries well above the state
 4 average and receives considerable federal research bioscience funding. The district
 5 is created for the purpose of (1) facilitating the creation of high paying jobs by
 6 assisting the biomedical institutions and employees in the district with development
 7 of bioscience facilities and programs; (2) acting to acquire and develop real estate
 8 needed to grow the academic research institutions within the district; (3) receiving
 9 public and private funds for such purpose; (4) assisting with increasing research and
 10 training dollars for institutions within the district; (5) receiving public and private
 11 funds for such purpose; (6) assisting with increasing research dollars for health-
 12 related research and training; (7) increasing basic and clinical research and the health
 13 and bioscience workforce; (8) working to bridge commercialization opportunities
 14 from research developed within the district; (9) enhancing interdisciplinary
 15 biosciences; and (10) acting as a link to private sector life sciences companies in the
 16 state, all with a view toward job growth in the district.

17 §9039.55. Definitions

18 The following words or terms as used in this Chapter shall have the following
 19 meaning:

20 (1) "Biosciences" means any of the branches of natural science dealing with
 21 the structure and behavior of living organisms, including but not limited to research,
 22 development, manufacture, testing, marketing and/or distribution of pharmaceuticals,
 23 biotechnology products, and medical devices that will eventually be used by
 24 healthcare providers to treat, cure, prevent, or mitigate disease or conditions.

25 (2) "Bond" means the bonds, notes, renewal notes, refunding bonds, interim
 26 certificates, certificates of indebtedness, certificates of participation, debentures,
 27 warrants, commercial paper, capital leases, revenue bonds, or other obligations or
 28 evidences of indebtedness authorized to be issued by the district.

29 (3) "District" means the Greater New Orleans Biosciences Economic
 30 Development District as further defined in R.S. 33:9039.52.

1 (4) "Obligation" means any bond and any cooperative endeavor agreement,
 2 financing or loan agreement, lease, sublease, or other agreement creating a duty to
 3 repay borrowed money or for another duty to be performed.

4 (5) "Project" means a project as defined in R.S. 33:9039.62.

5 (6) "Public entities" means: (a) state boards, agencies or commissions,
 6 parishes, municipalities, parish and municipal school boards and districts, levee
 7 boards and districts, port boards and commissions, port, harbor, terminal and
 8 industrial districts, drainage and land reclamation districts, all special service
 9 districts including but not limited to road, water, sewerage, fire protection,
 10 recreation, hospital service, gas utility, and garbage districts; (b) all other political
 11 subdivisions, special authorities, commissions, public trusts, and boards heretofore
 12 or hereafter created by or pursuant to the constitution or statutes of the state, any
 13 laws incorporated into or ratified or confirmed by the constitution, or general or
 14 special charters of any parish or municipality; and (c) all other units of local
 15 government created by or governed by the governing authorities of parishes or
 16 municipalities.

17 §9039.56. Board of commissioners; members; officers; advisory committee

18 A.(1) The district shall be governed by a board of commissioners referred
 19 to in this Chapter as the "board" consisting of thirteen members comprised of the
 20 following:

21 (a) The president of the Louisiana State University System or his designee.

22 (b) The president of the Tulane University Health Sciences Center or the
 23 president's designee.

24 (c) The president of Xavier University or the president's designee.

25 (d) The chancellor of Delgado Community College or the chancellor's
 26 designee.

27 (e) The mayor of the city of New Orleans or the mayor's designee.

28 (f) Three appointments by the mayor of the city of New Orleans from
 29 nominees submitted by Greater New Orleans, Inc., the New Orleans Chamber of
 30 Commerce, and the New Orleans Business Council.

1 (g) Four appointed by the governor, at least two of which shall be residents
2 of Orleans Parish.

3 (h) The secretary of the Department of Economic Development or the
4 secretary's designee.

5 (2) At least one member of the board appointed by the governor and at least
6 one member of the board appointed by the mayor of the city of New Orleans shall
7 be a minority.

8 B. Except as otherwise provided in this Chapter, the term of office of
9 members of the board shall be six years. The initial term for the appointee
10 nominated by the New Orleans Business Council shall be two years. The initial term
11 for the appointee nominated by the New Orleans Chamber of Commerce shall be
12 four years. The initial term for the appointee nominated by Greater New Orleans,
13 Inc. shall be six years. The governor's at-large appointments shall serve initial terms
14 of two years, three years, four years, and six years as designated by the governor.
15 The governor, the secretary of the Department of Economic Development, and the
16 mayor of the city of New Orleans shall each serve concurrently with their term in
17 office. No individual may serve as a member of the board if such individual is
18 affiliated with any private institution or organization represented on the board
19 pursuant to this Section or with a right to appoint or nominate members to the board.

20 C. Any vacancy in the membership of the board occurring by reason of the
21 expiration of the term of office, or by reason of death, resignation, disqualification,
22 or otherwise, shall be filled by the respective appointing entity, or its successor in
23 function, within thirty days after receipt by such party of written notification of the
24 vacancy. In the event that the respective appointing entity fails to fill the vacancy
25 within thirty days after receipt of written notification of the vacancy, the board shall
26 appoint an interim successor to serve on the board until the position is filled by the
27 respective appointing entity responsible for the appointment of such member.

28 D. Members of the board shall serve without compensation from the district,
29 shall have the power to organize and reorganize the executive, administrative,
30 clerical, and other departments and forces of the district, and to fix the duties,

1 powers, and compensation of all employees, agents, and consultants of the district.
 2 The board may reimburse any member for expenses actually incurred with the
 3 authorization of the board in the performance of his duties on behalf of the district.

4 E. The board shall elect yearly from its number a chairman, vice chairman,
 5 and secretary-treasurer and establish their duties as may be regulated in bylaws
 6 adopted by the board. The board shall meet in regular session once each month and
 7 also shall meet in special session as convened by the chairman, or upon written
 8 notice of two-thirds of the members. A majority of the members of the board shall
 9 constitute a quorum. All actions of the board shall be approved by the affirmative
 10 vote of a majority of the full board.

11 F. The board shall maintain an office at such place as it may designate.

12 G. The board may invest any funds held in reserve or sinking funds, or any
 13 monies not required for immediate use or disbursements at the discretion of the
 14 board in any investments or securities in which monies of a political subdivision are
 15 authorized to be invested.

16 H. The board may invest idle funds in any investment available to any other
 17 political subdivision of the state.

18 I. The district may enter into agreements with political subdivisions through
 19 which such political subdivisions may agree to share in the costs of operating the
 20 district and to pay such charges and fees as may be imposed by the district.

21 J. There shall be an advisory committee of the district created by the board
 22 of commissioners of the district, which may include but not be limited to
 23 representatives of the Ochsner Foundation, the New Orleans Foundation, Children's
 24 Hospital, Department of Veteran's Affairs Medical Center, the University of New
 25 Orleans, the Greater New Orleans Foundation, Black Economic Development
 26 Council, the New Orleans Downtown Development District, Dillard University, and
 27 Southern University of New Orleans.

28 §9039.57. District functions

29 The exercise by the board of the powers conferred by this Chapter shall be
 30 deemed and held to be essential governmental functions of the state. As the exercise

1 of the powers granted hereby will be in all respects for the benefit of the people of
2 the state, for the increase of commerce and prosperity, and for the improvement of
3 their health and living conditions, the district and any subdistrict created by the
4 district shall not be required to pay any taxes including but not limited to sales and
5 use taxes, ad valorem taxes, income, or any other taxes of any kind or nature, or
6 assessments upon any property acquired or leased by the district and any subdistrict
7 created by the district under the provisions of this Chapter, or upon the income
8 therefrom, and any bonds issued hereunder and the income therefrom shall be
9 exempt from taxation by the state and by any parish, municipality, or other political
10 subdivision of the state. The district shall be subject to public laws governing
11 political subdivisions generally, including the Public Bid Law, public records law,
12 open meetings law, and Code of Governmental Ethics.

13 §9039.58. 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 (1) To sue and be sued.

19 (2) To adopt, use, and alter at will a corporate seal.

20 (3) To acquire by gift, grant, purchase, lease, or otherwise and to hold and
21 use any property, real, personal, or mixed, tangible or intangible, or any interest
22 therein necessary or desirable for carrying out the objects and purposes of the
23 district.

24 (4) To sell, transfer, convey, or alienate any property acquired by it, or any
25 interest therein at any time, by negotiation, to accomplish the objects and purposes
26 of the district.

27 (5) To lease or sublease all or any portion of any property, by negotiation,
28 for a term not exceeding ninety-nine years at a fixed or variable rental and without
29 advertisement for public bids.

1 (6) To donate by fee simple title, or otherwise to convey to the United States,
2 the state, or to any political subdivision of the state, any lands, property,
3 right-of-way, easement, servitude, or other thing of value, which the district may
4 own or acquire for use by said governmental entity to accomplish the objects and
5 purposes of the district.

6 (7) To make and collect reasonable charges for the use of property owned
7 by the district and for services rendered by the district and to regulate reasonably the
8 fees and charges to be made by privately owned, leased, or otherwise authorized uses
9 of property owned by the district, or sold or leased by the district, when same are
10 offered for the use of the public.

11 (8) To enter into contracts to achieve the district's object and purposes
12 including but not limited to contracts for professional and other services and for the
13 purchase, lease, acquisition, sale, construction, operation, maintenance, and
14 improvements of land, public or private works, and facilities, as the district may
15 deem necessary or convenient to accomplish the object and purposes of the district.

16 (9) To plan, develop, operate, and maintain activities and land uses to foster
17 creation of new jobs, economic development, industry, biomedical research, clinical
18 trials, commerce, manufacturing, relocation of people and businesses to the area, the
19 acquisition of land and improvements, and the construction, operation, and
20 maintenance of facilities, improvements, and infrastructure, including buildings,
21 roads, drainage, and utilities, and other functions and activities to accomplish the
22 object and purposes of the district and to protect the public health and welfare.

23 (10) In its own name and behalf, to incur debt and issue general obligation
24 bonds under the authority of and subject to the provisions of Article VI, Section 33
25 of the Constitution of Louisiana, and Subpart A of Part III of Chapter 4 of Subtitle
26 II of Title 39 of the Louisiana Revised Statutes of 1950, for the establishment,
27 operation, and maintenance of district-owned property or to carry out the other
28 public purposes of this Chapter, to issue revenue bonds, borrow money, and issue
29 certificates of indebtedness, notes, and other debt obligations as evidence thereof and
30 provide for the manner and method of repayment without election; to regulate the

1 imposition of fees and rentals charged by the district for services rendered by it or
2 fees or rentals charged for use of privately owned facilities located on district-owned
3 property when such facilities are offered for use by the public or by a private
4 industrial, commercial, research, or other economic development entity or activity.

5 (11) To develop, activate, construct, exchange, acquire, improve, repair,
6 operate, maintain, lease, mortgage, sell, and pledge movable and immovable
7 property, servitudes, facilities, and works under such terms and conditions as the
8 district may deem necessary or appropriate for any purpose, notwithstanding the
9 limitations of Chapter 13 of this Title and Chapter 10 of Title 41, all of the Louisiana
10 Revised Statutes of 1950, as amended.

11 (12) To borrow money and pledge all or part of its revenues, leases, rents,
12 and other income, fees, or resources of any nature as security for such loans or
13 bonds.

14 (13) To appoint officers, agents, and employees, including an executive
15 director and staff, prescribe their duties, and fix their compensation.

16 (14) To sell by negotiation or by public bid, after due advertisement, to the
17 highest bidder any property, movable or immovable, or portions thereof, acquired by
18 the district subsequent to the effective date of this Chapter. Any advertisement for
19 bids and the minimum price and terms of the sale shall be advertised in the official
20 journal. The advertisement shall be published three times within ten days before the
21 day that bids will be received. If, after the advertisement for bids, there are no bids
22 received or the bids received are unreasonably low, as determined by a majority vote
23 of the board, then the board may negotiate the sale of such property at fair market
24 value to be agreed upon by majority vote of the board. In no instance may the
25 property be transferred by donation or sold for less than the highest bid; if
26 unreasonably low bids were received in the event a negotiated sale is used, the sale
27 price shall not be less than the average value ascribed thereto by two appraisals by
28 MAI appraisers.

29 (15) The board shall have the authority to present an application to the mayor
30 of the city of New Orleans for purposes provided in the Louisiana Enterprise Zone

1 Act, R.S. 51:1781 et seq., relative to property within the district. The mayor shall
2 process such application in the same manner as any such application originated by
3 the city.

4 B.(1) At least ten days after publication of a notice in the official journal of
5 the district, a public hearing shall be conducted and the board may then designate
6 one or more areas within or without the boundaries of the district as they may exist
7 from time to time as a separate subdistrict or as an enlargement of the original
8 district, provided that subdistricts created by the board outside the then current
9 boundaries of the district need not be contiguous to the district. Any territory outside
10 the original boundaries of the district which is sought to be included in the district
11 or designated as a separate subdistrict may only be so included or designated subject
12 to the approval of the governing board of the parish or municipality having
13 jurisdiction over such territory. Each subdistrict shall constitute a separate political
14 subdivision of the state, governed by the district board with the same powers of the
15 district. Each designated subdistrict area shall be designated as "Greater New
16 Orleans Biosciences Economic Development Subdistrict No. ____".

17 (2) In addition to any other provision of this Chapter, the owner or owners
18 of land whether or not contiguous to the district may file with the board a petition
19 requesting that there be included as an enlargement of the original district or
20 designated as a separate subdistrict, the land described in the petition by metes and
21 bounds or by lot and block number if there is a recorded plat of the area to be
22 included in the district. The board shall hear and consider the petition and may add
23 the land described to the original district or designated as a subdistrict in the petition
24 if it is feasible, practicable, and to the advantage of the district. Upon receipt of such
25 petition and at least ten days after publication of a notice in the official journal of the
26 district, a public hearing shall be conducted and the board shall consider the petition
27 and may then enlarge the boundaries of the district or designate one or more areas
28 within or without the boundaries of the district as they may exist from time to time
29 as a subdistrict if it is practicable, feasible, and to the benefit of the district to do so.
30 Subdistricts created outside the then current boundaries of the district also need not

1 be contiguous to the district. Any territory outside the district which is sought to be
 2 included in the district or designated as a subdistrict may only be so included subject
 3 to the approval of the governing board of the parish or municipality having
 4 jurisdiction over such territory. Each subdistrict shall constitute a separate political
 5 subdivision of the state, governed by the district board with the same powers of the
 6 district. Each designated subdistrict area shall be designated as "Greater New
 7 Orleans Biosciences Economic Development Subdistrict No. ____".

8 (3) The territorial jurisdiction or boundaries of the district shall not be
 9 expanded or extended and no subdistrict shall be created to include any area which
 10 is not entirely contained within the parish of Orleans.

11 §9039.59. Special powers

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

14 (1) To establish public- private partnerships and joint ventures for the benefit
 15 of the district and to contract with private concerns who may be granted leases,
 16 rights-of-use, or other concessions for contributing private at-risk capital for a
 17 particular district project or program.

18 (2) To contract with other public bodies within or without the boundaries of
 19 the district, for multiyear funding commitments for any purpose of the district upon
 20 a showing of benefit to such public body who may incur debt thereby with the prior
 21 approval of the State Bond Commission.

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

24 (4) To solicit, accept, and collect funds, federal, state or local grants,
 25 donations, and contributions in cash or in property and to take by will or bequest,
 26 donation, devise, or other legal means, in trust or absolutely, real or personal
 27 property, whether tangible or intangible, subject to the terms, conditions, or
 28 limitations contained in the instrument by which such property is acquired. The
 29 district is hereby specifically empowered to serve as the beneficiary of a public trust
 30 heretofore and hereafter created pursuant to R.S. 9:2341 et seq. now or hereafter

1 amended. The district may also accept and expend any sum appropriated by the
2 United States, the state of Louisiana, or any political subdivision or agency thereof
3 for the purpose of administering or carrying out of any purposes or functions of the
4 district authorized thereby.

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

10 (6) To negotiate lease or sale transactions with any public or private
11 educational institution in the manner set forth in R.S. 33:4717.2, including
12 institutions with which the commissioners serving on the board are associated,
13 provided the only requirement shall be that representatives of such educational
14 institutions may continue to serve but shall recuse themselves from any participation
15 on any issues related to the educational institution they represent, notwithstanding
16 any law to the contrary.

17 (7) To develop and implement a master plan for the district related to
18 biosciences, but in coordination with the Louisiana Board of Regents with respect
19 to public higher educational institutions.

20 (8) To construct, acquire, reconstruct, rehabilitate, improve, repair, operate,
21 lease, as lessor or lessee, or to enter into contracts for the management and operation
22 of wet labs, research facilities, manufacturing facilities, clinics, laboratories, or any
23 other facility, building, or structure in the district which may be of use or benefit to
24 the development of biosciences. The district may construct, acquire, reconstruct,
25 rehabilitate, improve, repair, operate, lease, as lessor or lessee, or enter into contracts
26 for the management and operation of support facilities that are useful, necessary, or
27 convenient, including but not limited to parking facilities, office buildings for
28 researchers, dormitories, homes, or residences for professionals. The district may
29 finance, acquire property for, and plan and acquire, construct, reconstruct,
30 rehabilitate, or improve facilities for, and provide and operate, central services and

1 shared facilities for the common use of institutions or companies in the complex.
 2 The district may, at its option, rent, lease, or sell the use of these facilities or
 3 services, or provide them at no cost.

4 B. In no event shall the district have the right to regulate or determine fees
 5 or rentals relative to properties or facilities it does not own.

6 §9039.60. Funding by city of New Orleans; fees and charges

7 A. The district and the city of New Orleans shall enter into an agreement to
 8 provide funds to the district by the city in exchange for the district performing its
 9 duties under this Chapter. Such agreement shall provide that the city shall budget
 10 annually, subject to appropriation by the city council, the amount of funds payable
 11 to the district for the duration all as set forth in such agreement. The city shall use
 12 any lawfully available funds for such purpose. Such agreement shall be deemed to
 13 be a legal obligation of the parties thereto to perform and the benefits to each shall
 14 be deemed to be in fulfillment of a public purpose with a commensurate value to
 15 each party presumed.

16 B. The district may levy impact fees for development of properties within
 17 the district based on rules of the district relative thereto, subject to the approval of
 18 the council of the city of New Orleans and as allowed by general law.

19 C. As part of any negotiated transaction involving the district and a private
 20 entity, and in the event the private entity advances project costs to be reimbursed by
 21 the district, the district may execute a cooperative endeavor agreement committing
 22 a percentage of new tax receipts to be shared to reimburse such advances.

23 D. The district may fix and revise from time to time and charge and collect
 24 rates, rents, fees, and charges for the use of and for the services furnished or to be
 25 furnished by a project of the district or any portion thereof, and to contract with any
 26 other person, partnership, association, or corporation or other body, public or private
 27 in respect thereto.

28 E. The district may negotiate and charge to primary and participating
 29 institutions, in such manner as it may determine, administrative costs and expenses
 30 incurred by the district but only when requested to facilitate a project with which

1 such requesting primary and participating institutions to be charged have voluntarily
 2 elected to participate.

3 §9039.61. Taxation

4 The district may request the council of the city of New Orleans to exercise
 5 the power of taxation, including the levy of ad valorem taxes on behalf of the district,
 6 provided the levy thereof is approved by the majority of qualified electors residing
 7 and voting in the parish of Orleans pursuant to an election called under the Louisiana
 8 Election Code for such purpose, and provided further that the amount, term, and
 9 purpose of said tax is set out in the proposition submitted to the voters.

10 §9039.62. Projects

11 A.(1) The district may undertake a project which may include but not be
 12 limited to land acquisition, design, construction, renovation, rehabilitation,
 13 equipping, infrastructure, and other improvements or modifications and all
 14 operational expenses including maintenance, utility, and personnel costs and other
 15 activities necessary or convenient thereto. The district may establish projects for
 16 bioscience and health products, including projects related to:

17 (a) Research and development.

18 (b) Invention and discovery.

19 (c) Commercialization.

20 (d) Production and manufacturing of goods and products, including facilities
 21 for manufacturing.

22 (e) Development of production process and delivery system purposes in,
 23 involved in, based on, or related to, or intended to advance the state of knowledge,
 24 skill, and understanding of, the biosciences, including:

25 (i) Wet laboratories.

26 (ii) Clean rooms.

27 (iii) Dry laboratories.

28 (iv) Research and development facilities.

29 (v) Genetics facilities and equipment.

30 (vi) Pharmaceutical facilities and equipment.

- 1 (vii) Biotechnology incubators.
- 2 (viii) Bioscience and biotech health care facilities.
- 3 (ix) Biotech facilities.
- 4 (x) Bioscience facilities.
- 5 (xi) Other similar projects.
- 6 (2) Bioscience education, including health or biotech education programs in
7 cooperation with affiliate institutions of higher education;
- 8 (3) Access to public safety facilities and equipment;
- 9 (4) Streets and roads;
- 10 (5) Drainage services;
- 11 (6) Wastewater services;
- 12 (7) Potable water services;
- 13 (8) Telecommunication facilities;
- 14 (9) Demolition of existing structures;
- 15 (10) Chilled water services;
- 16 (11) Steam services;
- 17 (12) Industrial gases services;
- 18 (13) Other utility and process and production services; or
- 19 (14) The support of any other type of bioscience projects or safety, security
20 (police), parking, housing (student and workforce), conference and meeting facilities,
21 transportation (pedestrian and vehicular), emergency preparedness, emergency
22 operations, beautification, image, district identity, centralized laundry, janitorial
23 services, maintenance services (grass cutting, street cleaning), development and
24 enforcement of district standards for buildings (architectural), landscaping, streets
25 and sidewalks, lighting and signage.

26 B. The board shall form a development and finance committee to create a
27 biosciences development and job creation plan for each project composed of
28 representatives of the four educational institutions having representatives on the
29 board of directors, the mayor of the city of New Orleans or the mayor's designee, one
30 of the appointees of the governor, as designated by the governor, one representative

1 at a minimum from Greater New Orleans, Inc., the New Orleans Chamber of
 2 Commerce, or New Orleans Business Council and individuals with expertise in the
 3 areas of banking, finance, real estate, construction management, and project
 4 development and related fields. Its size and duties shall be established by the board
 5 and shall include mandatory review and approval of all development projects. Such
 6 committee shall also have primary responsibility for due diligence regarding such
 7 projects under guidelines established by this Chapter.

8 C. The plan shall have two phases:

9 (1) Phase I: The preliminary feasibility analysis shall include but not be
 10 limited to the following:

- 11 (a) A job creation vision and purpose.
- 12 (b) A bioscience vision and purpose.
- 13 (c) A preliminary cash flow.
- 14 (d) Preliminary sources and uses of funds.
- 15 (e) Cost estimates.
- 16 (f) A preliminary financial plan.
- 17 (g) A preliminary job creation estimate.
- 18 (h) A preliminary business plan.
- 19 (i) A preliminary critical path.

20 (2) Phase II: The final feasibility analysis shall include but not be limited to
 21 the following:

- 22 (a) A job creation vision and purpose.
- 23 (b) A bioscience vision and purpose.
- 24 (c) A cash flow proforma.
- 25 (d) Sources and uses of funds.
- 26 (e) Cost estimates.
- 27 (f) Revenue estimates.
- 28 (g) Financial plan.
- 29 (h) A job creation estimate.
- 30 (i) A business plan.

1 (j) A development and financial critical path.

2 (k) A development and financial timeline.

3 §9039.63. Financing

4 A. The district shall have the following additional powers:

5 (1) The district may issue bonds to fund biosciences through acquisition of
6 land, acquisition, and construction of buildings and other structures or facilities,
7 including furnishings and equipment therefor and may use any other state law
8 relative to the incurring of debt and the security therefor by a political subdivision.
9 If any provisions of this Section are found to be inconsistent with any other law, the
10 provisions of this Section and R.S. 33:9039.53 shall control.

11 (2) The district's bonds may be issued for or on behalf of a nonprofit
12 corporation, a 501(c)(3) corporation, or a for-profit private entity to be secured by
13 any source of income or revenue deemed appropriate by the district for any project
14 located in the district and relative to the goals and objectives of the district.

15 (3) Security for the districts' bonds or cooperative endeavor obligations may
16 include taxes of any nature, revenues from projects, fees, assessments, and charges
17 of any nature, lease or financing agreement income, general fund balances, excess
18 fund balances, and projected income.

19 (4) Notwithstanding any law to the contrary, all bonds of the district may be
20 sold by private negotiated sale or sold in public competitive sale. The approval of
21 the State Bond Commission shall be obtained for the incurring of debt. The district
22 shall employ bond counsel, financial advisors, underwriters, and other professionals
23 in its sole discretion and set their compensation according to law.

24 (5) Obligations of the district shall be authorized, issued, and sold by a
25 resolution or resolutions of the district adopted as provided in this Chapter. Such
26 bonds or obligations may be of such series, bear such date or dates, mature at such
27 time or times, bear interest at such rate or rates, including variable, adjustable, or
28 zero interest rates, be payable at such time or times, be in such denominations, be
29 sold at such price or prices, at private negotiated sale, be in such form, carry such
30 registration and exchangeability privileges, be payable at such place or places, be

1 subject to such terms or redemption, and be entitled to such priorities on the income,
2 revenue, and receipts of, or available to, the district as may be provided by the
3 district in the resolution or resolutions providing for the issuance and sale of the
4 bonds or obligations of the district.

5 (6) The obligations of the district shall be signed by such members or
6 officers of the district by either manual or facsimile signatures, as shall be
7 determined by resolution or resolutions of the district, and shall have impressed or
8 imprinted thereon the seal of the district, or a facsimile thereof.

9 (7) Any obligations of the district may be validly issued, sold, and delivered,
10 notwithstanding that one or more of the members or officers of the district signing
11 such obligations, or whose facsimile signature or signatures may be on the
12 obligations, shall have ceased to be such member or officer of the district at the time
13 such obligations shall actually have been delivered.

14 (8) Obligations of the district may be sold in such manner and from time to
15 time as may be determined by the district to be most beneficial, subject to approval
16 of the State Bond Commission, and the district may pay all expenses, premiums,
17 fees, or commission, which it may deem necessary or advantageous in connection
18 with the issuance and sale thereof, subject to the provisions of this Chapter.

19 (9) The district may authorize the establishment of a fund or funds for the
20 creation of a debt service reserve, a renewal and replacement reserve, or such other
21 funds or reserves as the district may approve with respect to the financing and
22 operation of any project and as may be authorized by any bond resolution, trust
23 agreement, indenture of trust or similar instrument or agreement pursuant to the
24 provisions of which the issuance of bonds or other obligations of the district may be
25 authorized.

26 (10) Any cost, obligation, or expense incurred for any of the purposes
27 specified in this Chapter shall be a part of the project costs and may be paid or
28 reimbursed as such out of the proceeds of bonds or other obligations issued by the
29 district.

1 (11) The resolution authorizing the issuance of bonds shall be published in
 2 the official journal of the district. For a period of thirty days from the date of
 3 publication of the resolution authorizing the issuance of bonds hereunder, any
 4 persons in interest shall have the right to contest the legality of the resolution and the
 5 legality of the bond issue for any cause after which time no one shall have any cause
 6 or right of action to contest the legality of said resolution or of the bonds authorized
 7 thereby for any cause whatsoever. If no suit, action, or proceeding is begun
 8 contesting the validity of the bond issue within the thirty days herein prescribed, the
 9 authority to issue the bonds and to provide for the payment thereof, and the legality
 10 thereof and all of the provisions of the resolution authorizing the issuance of the
 11 bonds shall be conclusively presumed, and no court shall have authority to inquire
 12 into such matters.

13 (12) Neither the directors of the board nor any person executing the bonds
 14 shall be personally liable for the bonds or be subject to any personal liability by
 15 reason of the issuance thereof. No earning or assets of the district shall accrue to the
 16 benefit of any private persons. However, the limitation of liability provided for in
 17 this Paragraph shall not apply to any gross negligence or criminal negligence on the
 18 part of any director or person executing the bonds.

19 (13) Bonds issued under the provisions of this Chapter shall be limited
 20 obligations of the district payable solely from the sources pledged for the payment
 21 thereof.

22 B. The district may utilize any form of credit enhancement otherwise
 23 allowed by general law for any obligation including but not limited to bond
 24 insurance, letters of credit, and surety bonds. The district may invest bond proceeds
 25 in guaranteed investments contracts and repurchase agreements. Derivative products
 26 such as interest rate swaps, total return swaps, and other instruments may also be
 27 used.

28 C.(1) A public or private entity may borrow funds from the district for a
 29 project located in or a program to be performed in the district and relative to the
 30 goals and objectives of the district. Such obligation to the district may be evidenced

1 by a lease, loan, or financing agreement. Approval of the issuance of bonds of the
 2 district by the State Bond Commission shall be deemed to be approval of the
 3 incurring of debt by any public entity participating with the district in a borrowing
 4 as a conduit obligor.

5 (2) A public or private entity may create a restricted account or accounts for
 6 the segregation of any funds which are to be received prospectively by the entity
 7 from the United States, the state or any of its agencies, or from any other source in
 8 connection with the issuance of obligations by the district. A public entity is
 9 authorized to pledge such restricted accounts which pledge shall be irrevocable
 10 during the term of such bond or obligation, shall be according to such terms, and
 11 shall have such priority on the revenues of such restricted account as shall be
 12 provided by resolution or ordinance of the public entity, any law to the contrary
 13 notwithstanding. The state, through the office of the state treasurer, is hereby
 14 directed to accept the irrevocable election of a public entity to deposit any funds held
 15 by the state and due to such public entity described above, and thereafter the state
 16 treasurer shall be required to make any payments of such funds directly to the
 17 restricted account pursuant to instructions from the public entity.

18 D. Any pledge made by the district shall be valid and binding from time to
 19 time when the pledge is made without the need for physical delivery of any pledged
 20 property. The money, assets, or revenues of the district so pledged and thereafter
 21 received by the district shall be immediately subject to the lien of such pledge and
 22 shall be valid and binding as against all parties having claims of any kind in tort,
 23 contract, or otherwise against the district, irrespective of whether such parties have
 24 notice thereof. Neither the resolution nor any other instrument by which a pledge is
 25 created need be recorded or filed in order to establish and perfect a lien or security
 26 interest in the property so pledged by the district.

27 E. Subject to the rights of the owners of the obligations of the district, the
 28 district is hereby authorized and empowered to issue from time to time its bonds for
 29 the purpose of refunding any bonds of the district then outstanding, together with the
 30 payment of any redemption of such outstanding bonds. All such refunding bonds of

1 the district shall be issued, sold, or exchanged and delivered, shall be secured, and
2 shall be subject to the provisions of this Chapter in the same manner and to the same
3 extent as any other bonds issued by the district pursuant to this Chapter, unless
4 otherwise determined by the resolution of the district. Refunding bonds issued by
5 the district as herein provided may be sold or exchanged for outstanding bonds of the
6 district and, if sold, the proceeds thereof may be applied, in addition to any other
7 authorized purposes, to the purchase, redemption, or repayment of such outstanding
8 bonds.

9 F. Other than the State Bond Commission, no notice to, or consent or
10 approval by, any governmental body or public officer shall be required as a
11 prerequisite to the issuance, sale, or delivery of any bonds of the district, or the
12 making of any loans to any public or private entity, or to the exercise of any other
13 public function or corporate power of the district, except as is expressly provided in
14 this Chapter. Any loans by or exercise of functions under this Chapter requiring
15 participation by any public institution of higher education shall be subject to the
16 approval of their management board.

17 §9039.64. Public function

18 It is hereby determined that the creation of the district and the carrying out
19 of its public functions and corporate purposes is, in all respects, a public and
20 governmental purpose for the benefit of the people of the state, and for the
21 improvement of their health, safety, welfare, prosperity, and security and that said
22 functions and purposes are public purposes and that the district will be performing
23 an essential governmental function in the exercise of the powers conferred upon it
24 by this Chapter. The money, assets, revenues, and operations of the district shall be
25 exempt from all taxation by the state or any political subdivisions. The district shall
26 not be required to pay any recording fee or transfer tax of any kind on account of
27 instruments recorded by it or on its behalf. All bonds, certificates, or notes and the
28 interest payable thereon issued by a district pursuant to this Section shall be exempt
29 from all state and local taxes.

1 §9039.65. Investments

2 The state and all public officers, any parish, municipality, or other
 3 subdivision or instrumentality of the state, any political subdivision, any bank,
 4 banker, trust company, savings bank and institution, building and loan association,
 5 savings and loan association, investment company, or any person carrying on a
 6 banking or investment business, any insurance company or business, and any
 7 executor, administrator, curator, trustee, and other fiduciary, and retirement system
 8 or pension fund may legally invest any sinking funds monies, or other funds
 9 belonging to them or within their control in any bonds or their obligations issued by
 10 the district pursuant to the provisions of this Chapter, and such bonds or other
 11 obligations shall be authorized security for all public deposits. It is the purpose of
 12 this Section to authorize such persons, firms, corporations, associations, political
 13 subdivisions, and officers or other entities, public or private, to use any funds owned
 14 or controlled by such entities including but not limited to sinking, insurance,
 15 investment, retirement, compensation, pension, and trust funds, and funds held on
 16 deposit for the purchase of any such bonds or other obligations of the district and that
 17 any such bonds shall be authorized security for all public deposits. However,
 18 nothing contained in this Section with regard to legal investments or security for
 19 public deposits shall be construed as relieving any such person, firm, corporation, or
 20 other entity from any duty of exercising reasonable care in selecting securities.

21 §9039.66. State officers and agencies

22 All state officers and agencies are authorized at their discretion to render such
 23 services to the district within their respective functions as may be requested by the
 24 district. In addition, the district and such agencies are authorized to enter into such
 25 contracts, cooperative endeavor agreements, or other agreements necessary or
 26 convenient to carry out the purposes of this Chapter.

27 Section 2. R.S. 36:109(M) and Part III of Chapter 6 of Title 46 of the Louisiana
 28 Revised Statutes of 1950, comprised of R.S. 46:811 through 813.1, are hereby repealed in
 29 their entirety.

1 Section 3. Notwithstanding any provisions of this Act to the contrary, the New
 2 Orleans Downtown Development District may exercise all of its authority within its
 3 boundaries regardless of any overlapping jurisdiction with the Greater New Orleans
 4 Biosciences Economic Development District and may further undertake projects beneficial
 5 in the downtown development district outside its boundaries but within the Greater New
 6 Orleans Biosciences Economic Development District.

7 Section 4. This Act shall become effective upon signature by the governor or, if not
 8 signed by the governor, upon expiration of the time for bills to become law without signature
 9 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 10 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 11 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____