

2023 Regular Session

SENATE BILL NO. 58

BY SENATOR CONNICK

LOCAL AGENCIES. Provides for creation of a public benefit corporation in Jefferson Parish. (8/1/23)

1 AN ACT

2 To amend and reenact the introductory paragraph of R.S. 41:1215(B) and 1215(F), relative
3 to public lands; to provide relative to the creation of a public benefit corporation by
4 a political subdivision; to provide with respect to the length of any lease or sublease
5 executed by a public corporation in Jefferson Parish; and to provide for related
6 matters.

7 Notice of intention to introduce this Act has been published.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. The introductory paragraph of R.S. 41:1215(B) and 1215(F) is hereby
10 amended and reenacted to read as follows:

11 §1215. Opening of bids; execution of leases; exceptions; public benefit corporations;
12 negotiated lease to nonprofit organizations

13 * * *

14 B. For the purposes of this Part a "public benefit corporation" is defined to
15 be a nonprofit corporation formed pursuant to the general nonprofit corporation law
16 of the state of Louisiana, except those formed pursuant to specific constitutional or
17 statutory authority, by a political subdivision of the state of Louisiana through its

1 chief executive officer for the purposes of owning, leasing, developing, and
 2 operating properties owned or leased by such political subdivision or by such public
 3 benefit corporation, including but not limited to planning, renovating, constructing,
 4 leasing, subleasing, managing, improving, operating, and promoting such
 5 properties, which activity is declared to constitute a public purpose, and which shall
 6 meet each of the following requirements:

7 * * *

8 F. Notwithstanding the provisions of Subsection E of this Section and R.S.
 9 41:1217, any lease or sublease executed by a public benefit corporation under the
 10 provisions of this Part, in the city of New Orleans and Jefferson Parish, shall be for
 11 a period not exceeding ninety-nine years and shall provide for a rental payable in
 12 cash in a lump sum or installments, at the discretion of the lessor.

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

DIGEST

SB 58 Original

2023 Regular Session

Connick

Present law defines a "public benefit corporation" to be a nonprofit corporation formed pursuant to the general nonprofit corporation law of the state of Louisiana, except those formed pursuant to specific constitutional or statutory authority, by a political subdivision of the state of Louisiana through its chief executive officer for the purposes of owning, leasing, developing, and operating properties owned by such political subdivision or by such public benefit corporation, including but not limited to planning, renovating, constructing, leasing, subleasing, managing, and promoting such properties, which activity is declared to constitute a public purpose, which shall meet each of the following requirements.

Proposed law retains present law but adds the owning, leasing, developing, and operation of properties leased by such a political subdivision, and also adds improving and operating such properties.

Present law provides that, notwithstanding the provisions of present law, any lease or sublease executed by a public benefit corporation under the provisions of this Part, in the city of New Orleans, shall be for a period not exceeding ninety-nine years and shall provide for a rental payable in cash in a lump sum or installments, at the discretion of the lessor.

Proposed law retains present law and adds Jefferson Parish.

Effective August 1, 2023.

(Amends R.S. 41:1215(B)(intro para) and 1215(F))