

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 to enact R.S.
3 41:1215(B)(9) and (G), relative to public lands; to provide relative to the creation of
4 a public benefit corporation by a political subdivision; to provide with respect to the
5 length of any lease or sublease executed by a public corporation in Jefferson Parish;
6 and to provide for related 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) is hereby amended and
10 reenacted and R.S. 41:1215(B)(9) and (G) are hereby enacted 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 (9) Notwithstanding the provisions of Paragraph (7) of this Subsection
 9 and R.S. 41:1217, any lease or sublease executed by a public benefit corporation
 10 under the provisions of this Part, in Jefferson Parish, shall be for a period not
 11 exceeding ninety-nine years and shall provide for a rental payable in cash in a
 12 lump sum or installments, at the discretion of the lessor.

13 * * *

14 G. Notwithstanding the provisions of Subsection E of this Section and
 15 R.S. 41:1217, any lease or sublease executed by a public benefit corporation
 16 under the provisions of this Part, in Jefferson Parish, shall be for a period not
 17 exceeding ninety-nine years and shall provide for a rental payable in cash in a
 18 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 Reengrossed

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.

Proposed law provides that, notwithstanding the provisions of present law, any lease or sublease executed by a public benefit corporation under the provisions of this proposed law,

in Jefferson Parish, 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.

Effective August 1, 2023.

(Amends R.S. 41:1215(B)(intro para); adds R.S. 41:1215(B)(9) and (G))

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Provides an exception to current law, that allows Jefferson Parish to enter into leases and subleases for a period not to exceed ninety-nine years.