

SENATE BILL NO. 141

BY SENATOR CONNICK

1 AN ACT

2 To amend and reenact R.S. 12:202.1(A) and (D), and to enact R.S. 41:1215(B)(10), relative
3 to nonprofit corporations in Plaquemines Parish; to provide for exceptions to the
4 limitation on formation of nonprofit corporations; to provide with respect to the
5 length of any lease or sublease executed by a public benefit corporation in
6 Plaquemines Parish; 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. R.S. 12:202.1(A) and (D) are hereby amended and reenacted to read as
10 follows:

11 §202.1. Limitation on formation; exceptions

12 A. Notwithstanding any other provisions of this Chapter or of any other law,
13 no state board, commission or department, nor any other persons, acting on behalf
14 of such state board, commission or department, shall incorporate or cause to be
15 incorporated any nonprofit corporation ~~which~~ **that** has for its purpose any public or
16 quasi-public function or any function for the benefit of or in connection with any
17 public agency, purpose or function, if in the exercise of any part of the functions of
18 the corporation any bonds or other evidences of indebtedness of the corporation are
19 or may be issued, unless the purpose for which the corporation is to be created; the
20 amount of bonds to be issued; the method of financing said bonds, including but not
21 restricted to the term of the bonds, the interest and other charges to be paid with
22 respect to the bonds, and the purposes for which the bonds are to be issued shall have
23 been first submitted to and approved by the legislature.

24 * * *

1 D. The prohibition of this Section ~~will~~ **shall** have no application to local
2 political subdivisions of the state with a population in excess of one hundred fifty
3 thousand **or Plaquemines Parish**, nor to their respective boards, commissions, and
4 departments. Any provision of this Section or other provision of law
5 notwithstanding, a quasi-public nonprofit corporation may be created by any such
6 political subdivision of the state **or Plaquemines Parish** under the general nonprofit
7 corporation law of Louisiana with all powers pertaining thereto, including the right
8 to issue negotiable revenue bonds not to exceed fifteen million dollars with interest
9 thereon not to exceed eight percent per annum which shall be exempted from
10 taxation and which bonds shall constitute negotiable instruments within the meaning
11 of the negotiable instruments law of the state of Louisiana; all properties and assets
12 of whatever nature and description owned or operated by said nonprofit corporation
13 shall be exempted from state and local taxation, including ad valorem taxation; and
14 the governing authority of such quasi-public nonprofit corporation shall be subject
15 to the requirements and provisions of the public contract law, the Open Meetings
16 Law, and the Public Records Law of the state of Louisiana.

17 * * *

18 Section 2. R.S. 41:1215(B)(10) is hereby enacted to read as follows:

19 §1215. Opening of bids; execution of leases; exceptions; public benefit corporations;
20 negotiated lease to nonprofit organizations

21 * * *

22 B. For the purposes of this Part, a "public benefit corporation" is defined to
23 be a nonprofit corporation formed pursuant to the general nonprofit corporation law
24 of the state of Louisiana, except those formed pursuant to specific constitutional or
25 statutory authority, by a political subdivision of the state of Louisiana through its
26 chief executive officer for the purposes of owning, leasing, developing, and
27 operating properties owned or leased by the political subdivision or by the public
28 benefit corporation, including but not limited to planning, renovating, constructing,
29 leasing, subleasing, managing, improving, operating, and promoting the properties,
30 which activity is declared to constitute a public purpose, and which shall meet each

1 of the following requirements:

2 * * *

3 (10) Notwithstanding the provisions of Paragraph (7) of this Subsection
4 and R.S. 41:1217, any lease or sublease executed by a public benefit corporation
5 under the provisions of this Part in Plaquemines Parish shall be for a period not
6 exceeding ninety-nine years and shall provide for a rental payable in cash in a
7 lump sum or installments, at the discretion of the lessor.

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PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____