

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 \* \* \*

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

\* \* \*

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

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

\* \* \*

B. For the purposes of this Part, a "public benefit corporation" is defined 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 or leased by the political subdivision or by the public benefit corporation, including but not limited to planning, renovating, constructing, leasing, subleasing, managing, improving, operating, and promoting the properties, 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

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_