

Regular Session, 2014

HOUSE BILL NO. 349

BY REPRESENTATIVE BARRAS

PROPERTY/PUBLIC: Relative to lease payments for leasing of property by public benefit corporations

1 AN ACT

2 To amend and reenact R.S. 41:1215(B)(7), relative to leases of public property by public
3 benefit corporations; to authorize lease payments to be made annually, quarterly, or
4 monthly; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 41:1215(B)(7) is hereby amended and reenacted to read as follows:

7 §1215. Opening of bids; execution of leases; exceptions; public benefit
8 corporations; negotiated lease to nonprofit organizations

9 * * *

10 B. For the purposes of this Part a "public benefit corporation" is defined to
11 be a nonprofit corporation formed pursuant to the general nonprofit corporation law
12 of the state of Louisiana, except those formed pursuant to specific constitutional or
13 statutory authority, by a political subdivision of the state of Louisiana through its
14 chief executive officer for the purposes of owning, leasing, developing, and
15 operating properties owned by such political subdivision or by such public benefit
16 corporation, including but not limited to planning, renovating, constructing, leasing,
17 subleasing, managing, and promoting such properties, which activity is declared to
18 constitute a public purpose, and which shall meet each of the following
19 requirements:

20 * * *

1

(7) All leases or subleases executed by a public benefit corporation under the

2

provisions of this Part shall be for a period not exceeding thirty years and shall

3

provide for a ~~monthly~~ rental payable in cash monthly, quarterly, or annually, at the

4

discretion of the lessor; and

5

* * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Barras

HB No. 349

Abstract: Authorizes lease payments for leases of public property by public benefit corporations to be made annually, quarterly, or monthly.

Present law, relative to leasing of public property, provides generally for opening of bids for leases of public property and provides for payment of the rentals. Present law specifically provides for the terms and conditions of leasing of public property through "public benefit corporations". Those conditions include the following: (1) the corporation must not be organized for profit, (2) the corporate income must not inure to any private person, (3) the political subdivision leasing the property must have a beneficial interest in the corporation, (4) the corporation must be approved by the political subdivision with interest in the corporation, (5) the lease must be approved by the political subdivision with interest in the corporation, (6) all leases shall be for a period not to exceed 30 years and rental payments shall be made monthly in cash.

Proposed law allows rental payments made to public benefit corporations to be made monthly, quarterly, or annually, at the discretion of the lessor.

(Amends R.S. 41:1215(B)(7))