

2017 Regular Session

HOUSE BILL NO. 198

BY REPRESENTATIVE HILFERTY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

LEASES: Provides relative to the leasing of state land in Jefferson Parish

1 AN ACT

2 To enact R.S. 41:1226, relative to lease of certain state property in Jefferson Parish; to  
3 provide for assignment and sublease of certain leased state property; to provide for  
4 terms and conditions; to provide an effective date; and to provide for related matters.

5 Notice of intention to introduce this Act has been published  
6 as provided by Article III, Section 13 of the Constitution of  
7 Louisiana.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 41:1226 is hereby enacted to read as follows:

10 §1226. Leases of reclaimed lands in Jefferson Parish

11 Except for mineral leases, any lease between the state and the governing  
12 authority of Jefferson Parish of property and water bottoms adjacent to and beneath  
13 Lake Pontchartrain shall authorize, or be amended to authorize, the governing  
14 authority of Jefferson Parish to assign or sublease any portion of the leased property  
15 with the written consent of the commissioner of administration. The assignee or  
16 subleasee shall be awarded by the governing authority of Jefferson Parish in  
17 accordance with the parish's procurement ordinances. The governing authority of  
18 Jefferson Parish shall supervise its subleasee or assignee to ensure that the terms and  
19 conditions of the original lease are observed. Any sublease or assignment by the  
20 parish of Jefferson may be for recreational, cultural, commercial, or economic

1        development purposes and shall be considered a public purpose. The commissioner  
2        of administration and the governing authority of Jefferson Parish may agree for the  
3        distribution or sharing between the parties of any rents, royalties, bonuses, or other  
4        revenue collected pursuant to any assignment or sublease authorized by this Section.  
5        An assignment or sublease authorized by this Section shall be subject to the  
6        provisions of R.S. 49:214.6.10 and shall not negatively impact hurricane and flood  
7        protection. Any lease or amendment of a lease between the state and Jefferson  
8        Parish provided for in this Section shall include a term of ninety-nine years, provided  
9        that the parish of Jefferson has maintained substantial improvements on the leased  
10       property and has operated the facilities on a continuous basis for public use, except  
11       as may result from force majeure. All provisions of any original lease and its  
12       amendments between the state and the governing authority of Jefferson Parish not  
13       affected by this Section shall remain in full force and effect in accordance with those  
14       agreements.

15       Section 2. This Act shall become effective upon signature by the governor or, if not  
16 signed by the governor, upon expiration of the time for bills to become law without signature  
17 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
18 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
19 effective on the day following such approval.

---

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)]

---

HB 198 Original

2017 Regular Session

Hilferty

**Abstract:** Authorizes the governing authority of Jefferson Parish to assign or sublease certain property leased from the state for recreational, cultural, commercial, or economic development purposes.

Proposed law authorizes Jefferson Parish to sublease or assign a lease of state property or water bottom adjacent to Lake Pontchartrain, except for mineral leases, with consent of the commissioner of administration. The assignee or subleasee shall be selected by Jefferson Parish in accordance with the parish's procurement ordinances and shall be supervised by Jefferson Parish. Proposed law authorizes an assignment or sublease for recreational, cultural, commercial, or economic development purposes.

Proposed law authorizes the commissioner of administration and the governing authority of Jefferson Parish to enter a sharing agreement of any rents, royalties, bonuses, or other revenue collected from an assignment or sublease authorized by proposed law.

Proposed law requires that any such assignment or sublease be subject to present law holding the state and its political subdivisions harmless for actions taken to construct, operate, or maintain integrated coastal protection and shall not negatively impact hurricane and flood protection.

Proposed law requires any lease or amendment of a lease between the state and Jefferson Parish include a term of 99 years, provided that the parish has maintained substantial improvements on the leased property and has operated the facilities on a continuous basis for public use.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 41:1226)