The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alan Miller.

DIGEST

SB 143 Original

2017 Regular Session

Chabert

<u>Present law</u> requires, under most circumstances, that the sale, lease, or sublease of state park lands be approved by the legislature and that notice of such sale be properly advertised.

<u>Proposed law</u> removes the legislative approval requirement, but requires that such sale, lease, or sublease of state park lands comply with applicable provisions of the sale and lease laws of public lands of the state.

<u>Proposed law</u> authorizes the secretary of the Dept. of Culture, Recreation and Tourism (CRT) to grant leases, subleases, and concession leases on any portion of the immovable property under the CRT's supervision, jurisdiction, or management to any of the following:

- (1) A public body, in accordance with the public lease law, except that such lease or sublease shall not be subject to the application, advertisement, and bid requirements set forth in the public lease law.
- (2) A private entity, in accordance with the public lease law, except that a private entity obligated under the terms of said lease, sublease, or other agreement to undertake activities or to construct improvements on the leased immovable property that will support the public purposes of CRT is subject to the following conditions:
 - (a) Such leases, subleases, or other agreements shall be negotiated and let in accordance with fair and reasonable criteria established and applied relating to a balance of factors including but not limited to rent, highest return of revenue and benefits, financial stability of the lessee or sublessee, architectural design, development and management of operational plan, uniqueness of operation, and stimulating other economic activity and public benefits within the state.
 - (b) Contracts entered into by a private lessee for the performance of work on the leased premises or the erection, construction, or maintenance of improvements on the leased premises shall not constitute public works contracts.
 - (c) The architectural plans for such improvements shall be approved by the secretary prior to construction on the leased or subleased property.
 - (d) Such leases, subleases, and agreements shall be subject to the laws governing the administration of state lands and cooperative endeavor agreements.
 - (e) The provisions of the public lease law shall not be applicable to lease agreements

with such private entity obligated under the terms of the lease agreement to undertake activities or construct improvements on the leased premises that will support the public purposes of CRT and shall not be applicable to mineral leases, timber leases, or to leases of lands for exploration or extraction of minerals.

<u>Proposed law</u> further authorizes the secretary to terminate the lease, sublease, concession agreement, contract, or other privilege of any person who files a federal or state trademark or service mark application for a trademark or service mark that incorporates or implies an association with a holding of the department or its historical, cultural, or recreational resources or who makes a legal claim or assertion to have a trademark or service mark in violation of <u>proposed law</u>. <u>Proposed law</u> disqualifies any such person from future concession agreements, leases, contracts, and privileges granted by CRT. <u>Proposed law</u> provides that any such person shall be responsible for the state's attorney fees, costs, and expenses associated with that termination, opposition, cancellation, and disqualification.

<u>Present law</u> authorizes the secretary to charge a fee for the leasing of concessions or other privileges in or on an office of state parks holding.

<u>Proposed law</u> retains <u>present law</u>, but further authorizes the secretary to collect rents and other payments for the leasing of concessions or granting of other privileges in or on an office of state parks holding.

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

(Amends R.S. 36:204(B)(6) and R.S. 56:1687(6) and (9); adds R.S. 36:204(B)(9) and (10))