

Regular Session, 2011

HOUSE BILL NO. 58

BY REPRESENTATIVES LIGI AND WILLMOTT AND SENATOR MARTINY

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

PUBLIC LANDS/STATE: Authorizes the lease of certain water bottoms and reclaimed lands in Jefferson Parish

1 AN ACT

2 To authorize and provide for the lease of certain state property; to authorize the lease of
3 certain water bottoms and reclaimed lands in Jefferson Parish; to provide for
4 reservation of mineral rights; to provide for terms and conditions; to provide for an
5 effective date; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. The commissioner of the division of administration, notwithstanding any
8 other provision of law to the contrary, is hereby authorized and empowered to lease any
9 interest, excluding mineral rights, the state may have to all or any portion or part of the bed
10 and bottom of Lake Pontchartrain within Jefferson Parish and contiguous with the city of
11 Kenner, or lands reclaimed therefrom within the geographical territory encompassed by the
12 city of Kenner that is directly adjacent to Lake Pontchartrain or a part thereof, the bed and
13 bottom thereof, or reclaimed lands thereof to the city of Kenner for use for public purposes
14 which shall include commercial, economic development, and recreational purposes.

15 Section 2. The commissioner of the division of administration is hereby authorized
16 to enter into such agreements, covenants, conditions, and stipulations and to execute such
17 documents as necessary to properly effectuate any lease, excluding mineral rights, to the
18 property described in Section 1, and as more specifically described in any such agreements
19 entered into and documents executed by and between the commissioner of the division of
20 administration and the city of Kenner, in exchange of consideration proportionate to the
21 appraised value of the lease of such property. Further, such lease shall authorize the city of

1 Kenner to place improvements in and on the leased property and may assign or sublease
2 such lease. Any lease, assignment, or sublease granted or authorized hereunder shall be
3 subject to the provisions of R.S. 49:214.6.10. In the event of such assignment or sublease,
4 the city of Kenner shall supervise its sublessee or assignee to ensure that the terms and
5 conditions of the original lease are observed. Such assignment or sublease shall be only to
6 the highest responsible bidder after advertisement in accordance with R.S. 41:1213 through
7 1215.1. Any sublease or assignment by the city of Kenner for commercial, economic
8 development, or recreational purpose shall be considered a public purpose. However, no
9 such lease or sublease shall negatively impact hurricane and flood protection for the parish
10 of Jefferson.

11 Section 3. This Act shall become effective upon signature by the governor or, if not
12 signed by the governor, upon expiration of the time for bills to become law without signature
13 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
14 vetoed by the governor and subsequently approved by the legislature, this Act shall become
15 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)]

Ligi

HB No. 58

Authorizes the lease of certain water bottoms and reclaimed lands in Jefferson Parish from the division of administration to the city of Kenner. Provides for the reservation of mineral rights to the state. Authorizes the city of Kenner to place improvements on leased lands and to sublease or assign the lease.

Provides that any lease, assignment, or sublease granted or authorized by proposed law shall be subject to present law holding the state and its political subdivisions harmless for actions taken to construct, operate, or maintain integrated coastal protection.

Provides that no lease or sublease authorized by proposed law shall negatively impact hurricane and flood protection for Jefferson Parish.

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

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Natural Resources and Environment to the original bill.

1. Provided that the public purpose of the lease between the city of Kenner and the division of administration includes commercial, economic development, and recreational purposes.
2. Provided that no lease or sublease authorized by proposed law shall negatively impact hurricane and flood protection for Jefferson Parish.

Summary of Amendments Adopted by House

House Floor Amendments to the engrossed bill.

1. Added that any lease, assignment, or sublease granted or authorized by proposed law shall be subject to present law holding the state and its political subdivisions harmless for actions taken to construct, operate, or maintain integrated coastal protection.