

Regular Session, 2011

ACT No. 5

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.

AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

Section 2. The commissioner of the division of administration is hereby authorized to enter into such agreements, covenants, conditions, and stipulations and to execute such documents as necessary to properly effectuate any lease, excluding mineral rights, to the property described in Section 1, and as more specifically described in any such agreements entered into and documents executed by and between the commissioner of the division of administration and the city of Kenner, in exchange of consideration proportionate to the appraised value of the lease of such property. Further, such lease shall authorize the city of Kenner to place improvements in and on the leased property and may assign or sublease such lease. Any lease, assignment, or sublease granted or authorized hereunder shall be subject to the provisions of R.S. 49:214.6.10. In the event of such assignment or sublease, the city of Kenner shall supervise its sublessee or assignee to ensure that the terms and

1 conditions of the original lease are observed. Such assignment or sublease shall be only to
2 the highest responsible bidder after advertisement in accordance with R.S. 41:1213 through
3 1215.1. Any sublease or assignment by the city of Kenner for commercial, economic
4 development, or recreational purpose shall be considered a public purpose. However, no
5 such lease or sublease shall negatively impact hurricane and flood protection for the parish
6 of Jefferson.

7 Section 3. This Act shall become effective upon signature by the governor or, if not
8 signed by the governor, upon expiration of the time for bills to become law without signature
9 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
10 vetoed by the governor and subsequently approved by the legislature, this Act shall become
11 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____