

SENATE BILL NO. 143

BY SENATOR CHABERT AND REPRESENTATIVES STEVE CARTER, DAVIS,  
GISCLAIR AND STOKES

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

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AN ACT

To amend and reenact R.S. 36:204(B)(6) and R.S. 56:1687(6) and (9), and to enact R.S. 36:204(B)(9) and (10), relative to the powers and duties of the secretary of culture, recreation and tourism; to provide for the procedure for the sale, lease, and sublease of state parks land; to provide for concession leases; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 36:204(B)(6) is hereby amended and reenacted and R.S. 36:204(B)(9) and (10) are hereby enacted to read as follows:

§204. Powers and duties of secretary of culture, recreation and tourism

\* \* \*

B. The secretary shall have authority to:

\* \* \*

(6) ~~Except as otherwise specifically provided in R.S. 56:1687(6), sell~~ **Sell**, lease, or sublease state park lands ~~only after receiving approval for such sale, lease, or sublease by the legislature of the state of Louisiana and only after publishing an advertisement in the official journal of the parish or parishes in which such land is located setting forth a description of the lands to be sold, leased, or subleased; the time when bids therefor will be received; and a short summary of the terms,~~

1 ~~conditions, and purpose of said sale, lease, or sublease to be executed. The~~  
2 ~~advertisement required by this Section shall be published once a week for three~~  
3 ~~different weeks in a newspaper in the locality, the first advertisement to appear at~~  
4 ~~least fifteen days before the opening of bids, however, when the advertisement is~~  
5 ~~published in a daily newspaper in the locality, the advertisement shall be published~~  
6 ~~three times within ten days, the first advertisement to appear at least ten days before~~  
7 ~~the opening of bids~~ in accordance with the applicable provisions of the sale and  
8 lease laws of public lands of the state of Louisiana.

9 \* \* \*

10 (9) Grant leases, subleases, and concession leases and enter any related  
11 contract or agreement, hereafter in this Paragraph collectively referred to as a  
12 "lease", on any portion of the immovable property under the department's  
13 supervision, jurisdiction, or management except the Lower Pontalba Building  
14 to any of the following:

15 (a) A public body. The application, advertisement, and bid requirements  
16 set forth in Part I of Chapter 10 of Title 41 of the Louisiana Revised Statutes of  
17 1950 shall not apply to such a lease.

18 (b) A private entity. The provisions of Part I of Chapter 10 of Title 41 of  
19 the Louisiana Revised Statutes of 1950 shall not apply to a mineral or timber  
20 lease with a private entity. If a private entity is obligated under the terms of a  
21 lease to undertake activities or to construct improvements on the leased  
22 immovable property that will support the public purposes of the department,  
23 the provisions of Part I of Chapter 10 of Title 41 of the Louisiana Revised  
24 Statutes of 1950 shall not apply to the lease, but such a lease is subject to the  
25 following conditions:

26 (i) Such a lease shall be negotiated and let in accordance with fair and  
27 reasonable criteria established and applied relating to a balance of factors  
28 including but not limited to rent, highest return of revenue and benefits,  
29 financial stability of the lessee or sublessee, architectural design, development  
30 and management of operational plan, uniqueness of operation, and stimulating

1 other economic activity and public benefits within the state.

2 (ii) A lease entered into by a private lessee for the performance of work  
 3 on the leased premises or the erection, construction, or maintenance of  
 4 improvements on the leased premises shall not constitute a contract for public  
 5 work as defined in R.S. 38:2211(A).

6 (iii) The architectural plans for such improvements shall be approved by  
 7 the secretary prior to construction on the leased or subleased property.

8 (iv) Such leases shall be subject to R.S. 39:11 and R.S. 39:366.11.

9 (c) The provisions of this Paragraph shall not impair or diminish the  
 10 priority established for individuals who are blind, under the administration of  
 11 the Louisiana Rehabilitation Services, in the operation of vending stands,  
 12 vending machines, cafeterias, or other food concessions.

13 (10) Terminate the lease, sublease, concession agreement, contract, or  
 14 other privilege of any person who files a federal or state trademark or service  
 15 mark application for a trademark or service mark that incorporates or implies  
 16 an association with a holding of the department or its historical, cultural, or  
 17 recreational resources or who makes a legal claim or assertion to have a  
 18 trademark or service mark. Any such person shall be disqualified from future  
 19 concession agreements, leases, contracts, and privileges granted by the  
 20 department. Any such person shall be responsible for the state's attorney fees,  
 21 costs, and expenses associated with that termination, opposition, cancellation,  
 22 and disqualification.

23 Section 2. R.S. 56:1687(6) and (9) are hereby amended and reenacted to read as  
 24 follows:

25 §1687. Secretary, Department of Culture, Recreation and Tourism; powers  
 26 The secretary of the Department of Culture, Recreation and Tourism may:

27 \* \* \*

28 (6) Sell, lease, or sublease lands under the jurisdiction of the office of state  
 29 parks when he believes it advantageous to the state to do so in the most orderly  
 30 development and improvement of the office of state parks holdings but only after

1 receiving approval for such sale, lease, or sublease by the legislature of the state of  
 2 Louisiana and only after publishing an advertisement in the official journal of the  
 3 parish or parishes in which such land is located, setting forth a description of the  
 4 lands to be sold, leased, or subleased; the time when bids therefor will be received;  
 5 and a short summary of the terms, conditions, and purposes of said sale, lease, or  
 6 sublease to be executed. The advertisement required by this Paragraph shall be  
 7 published once a week for three different weeks in a newspaper in the locality, the  
 8 first advertisement to appear at least fifteen days before the opening of bids;  
 9 however, when the advertisement is published in a daily newspaper in the locality,  
 10 the advertisement shall be published three times within ten days before the opening  
 11 of bids. However, leases of lands to a state agency or a political subdivision of the  
 12 state shall not require the advertisement provided in this Paragraph. Furthermore, the  
 13 provisions of this Paragraph shall not apply to mineral leases or to leases of lands for  
 14 exploration or extraction of minerals in accordance with the sale and lease laws  
 15 of public lands of the state of Louisiana and the provisions of R.S. 36:204.

16 \* \* \*

17 (9) Charge a fee and collect rents and other payments for the leasing of  
 18 concessions or granting of other privileges in or on an office of state parks holding.  
 19 ~~Additionally, the secretary may grant concession leases or lease rights for operating~~  
 20 ~~concessions on such holdings for an initial period not to exceed five years and an~~  
 21 ~~additional two-year period upon the option of the secretary. Such leases shall~~  
 22 otherwise be granted in accordance with the applicable requirements of the public  
 23 bid law of the state, state procurement laws, ~~and~~ procedures of the Division of  
 24 Administration, and other applicable provisions of law that govern the granting  
 25 of leases, concessions, or other privileges on such holdings, including R.S.  
 26 23:3023.

27 \* \* \*

28 Section 3. This Act shall become effective upon signature by the governor or, if not  
 29 signed by the governor, upon expiration of the time for bills to become law without signature  
 30 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

1 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
2 effective on the day following such approval.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_