

RÉSUMÉ DIGEST

ACT 190 (SB 143)

2017 Regular Session

Chabert

Prior law required 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.

New law 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.

Prior law provided requirements for the leasing of public lands, including application, advertisement, and bidding.

New law authorizes the secretary of the Dept. of Culture, Recreation and Tourism (CRT) to grant leases, subleases, and concession leases and enter any related contract or agreement on any portion of the immovable property under the CRT's supervision, jurisdiction, or management except the Lower Pontalba Building to any of the following:

- (1) A public body. The application, advertisement, and bid requirements of prior law related to the leases of public lands will not apply to a lease with a public body under the new law.
- (2) A private entity. The provisions of prior law related to the leases of public lands will not apply to a mineral or timber lease with a private entity under the new law. If a private entity is obligated under the terms of a lease to undertake activities or to construct improvements on the leased immovable property that will support the public purposes of the department, the provisions of prior law related to the leases of public lands will not apply to the lease, but such a lease is subject to the following conditions:
 - (a) Such lease will 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) A lease 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 will not constitute a contract for public works.
 - (c) The architectural plans for such improvements will be approved by the secretary prior to construction on the leased or subleased property.
 - (d) Such leases will be subject to the laws governing the administration of state lands and cooperative endeavor agreements.
- (3) The provisions of new law will not impair or diminish the priority established for individuals who are blind, under the administration of the Louisiana Rehabilitation Services, in the operation of vending stands, vending machines, cafeterias, or other food concessions.

New law 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.

New law disqualifies any such person from future concession agreements, leases, contracts, and privileges granted by CRT. New law provides that any such person will be responsible for the state's attorney fees, costs, and expenses associated with that termination, opposition, cancellation, and disqualification.

Prior law authorized the secretary to charge a fee for the leasing of concessions or other privileges in or on an office of state parks holding.

Prior law provided for priority and certain fee exemptions to individuals who are blind and operate vending stands, vending machines, cafeterias, and other small business concessions in public buildings or premises.

New law retains prior law, 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 (June 12, 2017).

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