

2024 Regular Session

HOUSE BILL NO. 281

BY REPRESENTATIVE CREWS

AIRCRAFT/AIRPORTS: Removes the ten year lease provision and the associated exceptions for airport facilities

1 AN ACT

2 To amend and reenact R.S. 2:135.1(B) and (F) and 139, relative to airport facility leases; to
3 repeal provisions for consideration to be paid monthly or annually; to provide
4 relative to local supervision of airports; to repeal the provision for leases not to
5 exceed ten years along with the associated exceptions; and to provide for related
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 2:135.1(B) and (F) and 139 are hereby amended and reenacted to
9 read as follows:

10 §135.1. Authority to equip, improve, establish fees and charges, and lease airport
11 facilities

12 * * *

13 B.(1)~~(a)~~ The public bid requirement provided for by in Paragraph (A)(3) of
14 this Section shall be at the option of the sponsor when such sponsor is leasing
15 operations space of less than two hundred fifty square feet.

16 ~~(b)~~ (2) The advertisements shall set forth a description of the property to be
17 leased, the time when bids therefor will be received, and a short summary of the
18 terms, conditions, and purposes of the lease to be executed. The public bids
19 provided for in this Part shall be secret, sealed bids and shall be mailed or delivered
20 to the lessor at its domicile address. The advertisements provided for in this Section

1 shall constitute judicial advertisements and legal notices as required in accordance
2 with the provisions of Chapter 5 of Title 43 of the Louisiana Revised Statutes of
3 1950. At the date and hour mentioned in the advertisement for consideration of bids,
4 the bids shall be publicly opened by the lessor at its office.

5 ~~(c)~~ (3) The lessor shall accept only the highest bid submitted which yields
6 the greatest benefits to the public in services and financial return to it by a person or
7 persons who meet all of the conditions of this Part. The lessor shall have the right
8 to reject all bids.

9 ~~(d)~~ (4) The lessor may execute any lease granted under such terms and
10 conditions that it deems proper or as otherwise provided in this Part.

11 ~~(e)~~ (5) All leases signed by the lessor shall be executed in sufficient
12 counterparts to be disposed of as follows: one copy shall be furnished to the lessee;
13 one copy shall be recorded in the conveyance records of each parish in which the
14 land lies; one copy shall be furnished to the secretary of the Louisiana Department
15 of Transportation and Development; and one copy shall be retained in the records of
16 the lessor.

17 ~~(2) All leases executed under the provisions of this Section shall provide for~~
18 ~~consideration to be paid annually or monthly as provided for in the lease. All leases~~
19 ~~shall be for a period not exceeding ten years, except as follows:~~

20 ~~(a) A lessor may grant an option to extend the primary lease for an~~
21 ~~additional period of not more than ten years to any lessee who leases such land or~~
22 ~~holds a ten-year lease in full force on or after August 15, 1999, when such lessee has,~~
23 ~~within the ten-year term of the lease, added or contracted for permanent~~
24 ~~improvements to be constructed or placed on or made to the land in the amount of~~
25 ~~not less than twenty thousand dollars, has provided written notification to the lessor~~
26 ~~of his desire to extend the primary lease, and has provided a proper showing that~~
27 ~~such improvements have in fact been made or contracted for.~~

28 ~~(b) When a lease provides for the addition or construction of improvements~~
29 ~~on or to the land to a value in excess of sixty thousand dollars for non-air carrier~~

1 equipment, improvement, maintenance, ~~operation~~, regulation, and policing and the
 2 department shall have supervision thereof.

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)]

HB 281 Reengrossed

2024 Regular Session

Crews

Abstract: Repeals provisions for consideration to be paid monthly or annually and provision for leases not to exceed 10 years along with the associated exceptions. Removes Department of Transportation and Development, office of aviation approval for prospective leases. Also removes department approval of all plans or proposed work for leases, controls, and regulations.

Present law provides for consideration to be paid annually or monthly according to the terms of the lease and for the period of the lease to not exceed 10 years.

Proposed law repeals present law.

Present law provides an exception for leases to exceed 10 years by 10 additional years for at least \$20,000 worth of improvements made when the lessor is notified of the desire to extend the lease.

Proposed law repeals present law.

Present law provides exceptions for extending a lease by 10 years per \$60,000 or \$100,000 spent for construction or improvements that exceed \$60,000 for non-air carrier airports or \$100,000 for air carrier airports, respectively.

Proposed law repeals present law.

Present law provides an exception to present law applicable to the Vivian Municipal Airport or the Shreveport Downtown Airport.

Proposed law repeals present law.

Present law prohibits municipalities, parishes, airport districts, airport authorities, or other political subdivisions from granting a lease of an entire airport and prohibits the public from being deprived of its use of the airport or landing field except for reasons of public safety.

Present law prohibits exclusive concession, license, or lease agreement to be made relative to the business of servicing, repairing, or furnishing of supplies for aircraft, or the sale, rental, or leasing of aircraft or flight instruction and provides that prospective lessees that provide these services must comply with aeronautical standards established by the lessor and approved by the office of aviation of the Dept. of Transportation and Development.

Proposed law removes the approval by the office of aviation of the Dept. of Transportation and Development in present law.

Present law provides all cities, towns, and political subdivisions in the construction, expansion, lease, control, equipment, improvement, maintenance, operation, regulation, and policing of airports and landing fields for the use of aircraft and in the acquisition of rights and privileges for lights and markers must obtain the consent and approval of the department

of all plans or proposed work in such construction, expansion, lease, control, equipment, improvement, maintenance, operation, regulation, and policing and the department has supervision thereof.

Proposed law removes lease, control, and operation from the plans or proposed work that requires consent and approval of the department.

(Amends R.S. 2:135.1(B) and (F) and 139)

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Remove the needed approval by the office of aviation of the Department of Transportation and Development in present law for municipalities, parishes, airport districts, airport authorities, or other political subdivisions prospective lessees in the exclusive concession, license, or lease agreements made relative to the business of servicing, repairing, or furnishing of supplies for aircraft, or the sale, rental, or leasing of aircraft or flight instruction.
2. Remove lease, control, and operation from the plans or proposed work that requires consent and approval of the department for all cities, towns, and political subdivisions.