

Regular Session, 2014

HOUSE BILL NO. 311

BY REPRESENTATIVE ST. GERMAIN

1 AN ACT

2 To amend and reenact R.S. 41:1217(A), relative to the lease of state lands; to exempt leases  
3 on lands located between the guide levees of the Atchafalaya Basin from the lease  
4 extension requirement that the lessee construct improvements; to provide for the  
5 extension of such leases; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 41:1217(A) is hereby amended and reenacted to read as follows:

8 §1217. Term and rental; port authorities excepted

9 A.(1) ~~All leases~~ Any lease executed under the provisions of this Part shall  
10 be for a period not exceeding ten years and shall provide for consideration to be paid  
11 as a cash rental of not less than one dollar per acre, which shall be payable in cash  
12 annually and in advance, or if the land is leased for agricultural purposes of planting,  
13 growing, cultivating, and harvesting any agricultural crop, the consideration shall be  
14 so paid in cash or on a share basis at the option of the lessor.

15 (2) ~~Leases~~ A lease granted under this Section may be extended as follows:

16 ~~(1)~~ (a) Any person who leases such land and who adds or contracts for  
17 permanent improvements to be constructed or placed on or made to the land in the  
18 amount of not less than two thousand dollars nor more than ten thousand dollars  
19 upon written notification to the lessor and upon a proper showing that such  
20 improvements have in fact been made or contracted for may lease such lands for an  
21 additional period of not more than ten years; with the payment of rentals ~~therefor~~ to  
22 be made as ~~hereinabove stated~~ provided in this Section.

1           ~~(2)(a)~~ (b)(i) Any person who leases such land and who within the original  
 2 or any additional term of the lease adds or contracts permanent improvements to be  
 3 constructed, placed, or made upon the land in the amount of ten thousand dollars or  
 4 more, upon written notification to the lessor and upon a proper showing that such  
 5 improvements have in fact been made or contracted for, may, at the discretion of the  
 6 lessor, lease such land for an additional ten-year period or any part thereof for each  
 7 ten thousand dollars worth of improvements or additions made or contracted onto the  
 8 land not to exceed a maximum term of twenty additional years from the end of the  
 9 then current lease period.

10           ~~(b)~~ (ii) When the value of the improvements to be constructed, placed, or  
 11 made upon the land exceeds one hundred fifty thousand dollars, or where the lessee  
 12 agrees to prepay the last two annual rental payments of the lease plus a cash bonus  
 13 in an amount equal to the current year's lease rental or the sum of fifty thousand  
 14 dollars, whichever be the greater, the lease may be extended for thirty additional  
 15 years from the end of the then current lease period.

16           ~~(c)~~ (iii) When the lease has been extended to forty years under this ~~Paragraph~~  
 17 Subparagraph, the lessee shall be allowed to extend the lease for additional ten-year  
 18 periods as long as the qualifying permanent improvements remain intact, or, in the  
 19 event of fire, storm, or other acts of God, are reconstructed by the end of the ten-year  
 20 term in the event of fire, storm, or other acts of God, and as long as the lessee  
 21 continues to meet all other conditions of the lease.

22           ~~(3)~~ (c) Any lessee who makes improvements onto the land leased shall be  
 23 allowed a period of at least ninety days to remove such improvements after the  
 24 termination of his lease.

25           (3) Notwithstanding any other provision of this Section to the contrary and  
 26 only if the lessee is compliant with the terms of the lease agreement, any lease on  
 27 state land located between the guide levees of the Atchafalaya Basin may, at the  
 28 discretion of the lessor, be extended for up to four additional ten-year periods

