

Regular Session, 2012

HOUSE BILL NO. 384

BY REPRESENTATIVE DANAHAAY

PORTS/HARBORS/TERMINALS: Provides for shallow-draft ports to lease certain property without the necessity of public bid

1 AN ACT

2 To amend and reenact R.S. 9:1102.2(A)(1)(a) and (2)(a), relative to port commissions;
3 authorizes shallow-draft port commissions to lease or sublease property without the
4 necessity of public bid; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 9:1102.2(A)(1)(a) and (2)(a) are hereby amended and reenacted to
7 read as follows:

8 §1102.2. Rights and duties of riparian owners and their lessees; joint usage of
9 certain riparian lands

10 A.(1)(a) Whenever the governing authority of any ~~deep-water~~ port
11 commission, or in the absence of such commission, the governing authority of a
12 municipality having a population in excess of five thousand inhabitants, owns,
13 leases, or otherwise lawfully occupies or uses property on a navigable river, lake, or
14 stream, which is within the territorial limits of such commission or municipality, or
15 the bed of such river, lake, or stream adjacent to such property, and the governing
16 authority in its discretion determines that the needs of commerce, navigation, or
17 other public purposes respecting such property are being satisfied and would not be
18 unduly interfered with, the governing authority may permit and grant to the riparian
19 owner or owners, or their lessees or persons occupying with the riparian owner's
20 consent, the use of such property owned, leased, or otherwise lawfully occupied or

1 used, including the air space above any wharves, buildings, or improvements
2 constructed by the governing authority, for the construction and maintenance of
3 buildings or improvements for any purpose, including residential purposes.

4 * * *

5 (2)(a) The governing authority of each ~~deep-water~~ port commission of the
6 state shall have the right to lease or sublease any property, whether movable or
7 immovable, that is owned or leased by it, on a long-term basis and without the
8 necessity of public bidding. Any such lease or sublease may be for such purpose or
9 purposes and subject to such terms and conditions, including such compensation to
10 be paid to the governing authority, which the governing authority, in its discretion
11 determines to be in the public interest.

12 * * *

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)]

Danahay

HB No. 384

Abstract: Authorizes shallow-draft port commissions to lease or sublease property without the necessity of public bidding.

Present law authorizes a deep-draft port commission to permit and grant riparian owners, their lessees, or other persons occupying with the riparian owner's consent, the use of any property owned, leased, or lawfully occupied by the port; provided that the commission has determined that the needs of commerce, navigation, or other public purpose are being satisfied and would not be unduly interfered with.

Proposed law authorizes any port commission.

Present law authorizes deep-draft port commissions to lease or sublease property without the necessity of public bidding.

Proposed law authorizes any port commission.

(Amends R.S. 9:1102.2(A)(1)(a) and (2)(a))