

2022 Regular Session

HOUSE BILL NO. 1046

BY REPRESENTATIVE MIKE JOHNSON

WILDLIFE/REFUGES: Provides relative to the Catahoula Lake Game and Fish Preserve and Commission

1 AN ACT

2 To enact Chapter 17 of Title 38 of the Louisiana Revised Statutes of 1950, comprised of

3 R.S. 38:3321 through 3326, and Part XII of Title 19 of the Louisiana Revised

4 Statutes of 1950, to be comprised of R.S. 19:391 through 398, and to repeal Act No.

5 320 of the 1952 Regular Session of the Legislature of Louisiana, as amended by

6 Section 4 of Act No. 455 of the 1966 Regular Session of the Legislature of

7 Louisiana; Act No. 434 of the 1974 Regular Session of the Legislature of Louisiana;

8 and Paragraph 7 of Section 1 of Act No. 222 of the 1977 Regular Session of the

9 Legislature of Louisiana, R.S. 36:610(D)(2), and R.S. 56:801(7), relative to the

10 re-establishment of the Catahoula Lake Game and Fish Preserve; to define the

11 territorial limits of the preserve; to establish a commission to administer and govern

12 the preserve; to establish the domicile of the commission; to provide for powers,

13 duties, and responsibilities of the commission; to provide for the acquisition of

14 property by the commission; and to provide for related matters.

15 Be it enacted by the Legislature of Louisiana:

16 Section 1. Chapter 17 of Title 38 of the Louisiana Revised Statutes of 1950,

17 comprised of R.S. 38:3321 through 3326, is hereby enacted to read as follows:

18 CHAPTER 17. CATAHOULA LAKE GAME AND FISH PRESERVE

19 §3321. Catahoula Lake Game and Fish Preserve

1 All of that portion of Catahoula Lake and Little River, in the parishes of
2 LaSalle and Rapides, that are submerged by the waters of said river and lake when
3 the level of such waters reaches thirty four feet above mean sea level, at pool stage,
4 is hereby re-created and re-constituted as the Catahoula Lake Game and Fish
5 Preserve, excepting any and all lands within the thirty four foot contour that are
6 contained within any Wildlife Management Area or Wildlife Reserve owned and
7 operated by the Department of Wildlife and Fisheries and any property owned by the
8 United States of America.

9 §3322. Catahoula Lake Game and Fish Commission

10 A. There is hereby re-created the Catahoula Lake Game and Fish
11 Commission to be composed of seven members to be appointed by the governing
12 authorities of LaSalle and Rapides Parishes, each to serve a four year term.

13 B. The commission shall be composed of four members from LaSalle Parish,
14 selected by the governing authority of LaSalle Parish and three members from
15 Rapides Parish, selected by the governing authority of Rapides Parish. The
16 composition of the first commission membership following the passage of this Act
17 shall be the same members in the same capacities as the Catahoula Lake Game and
18 Fish Commission established by Act No. 320 of the 1952 Regular Session of the
19 Legislature of Louisiana, as amended by Section 4 of Act No. 455 of the 1966
20 Regular Session of the Legislature of Louisiana; Act No. 434 of the 1974 Regular
21 Session of the Legislature of Louisiana; and Paragraph 7 of Section 1 of Act No. 222
22 of the 1977 Regular Session of the Legislature of Louisiana.

23 §3323. Domicile

24 The domicile of the commission shall be at Jena, Louisiana, in LaSalle
25 Parish.

26 §3324. Powers; authority

27 The commission shall have the power and authority to do all of the following:

28 (1) Make and enforce rules and regulations for the maintenance of the
29 preserve in a manner consistent with federal or state operation of water levels or

1 water control structures on Catahoula Lake and Little River and in a manner
2 consistent with the Department of Wildlife and Fisheries' or the United States of
3 America's management of their respective property interests on the lake and river.

4 (2) Buy, lease, expropriate or otherwise acquire all lands, easements,
5 servitudes or rights-of-way necessary to the establishment and maintenance or
6 improvement of the preserve.

7 (3) Make and enforce rules and regulations for the propagation and
8 conservation of game and fish in the preserve.

9 §3325. Annexation

10 No property held by the commission shall be subject to annexation into a
11 wildlife management area or refuge by the Department of Wildlife and Fisheries.

12 §3326. Lease; rights

13 Notwithstanding any law to the contrary, the state retains the right to lease
14 all lands belonging to the State of Louisiana included within the territorial limits of
15 the preserve for the production of oil, gas, or other minerals.

16 Section 2. Part XII of Title 19 of the Louisiana Revised Statutes of 1950, comprised
17 of R.S. 19:391 through 398, is hereby enacted to read as follows:

18 PART XII. EXPROPRIATION OF PROPERTY BY A DECLARATION OF TAKING

19 BY THE CATAHOULA LAKE GAME AND FISH COMMISSION

20 §391. Catahoula Lake Game and Fish Commission; Catahoula Lake reconsolidation
21 program; acquisition of property prior to judgment; definitions

22 A. As used in this Part, the following words, terms, and phrases have the
23 meanings ascribed to them in this Section, unless the context clearly indicates a
24 different meaning:

25 (1) "Commission" means the Catahoula Lake Game and Fish Commission.

26 (2) "Project" means the reconsolidation of the portions of the water-covered
27 area formerly known as Catahoula Lake in Rapides and LaSalle Parishes necessary,
28 in the commission's sole discretion, to facilitate its management of the area for
29 recreational access, fishing, and hunting.

1 B. When the Catahoula Lake Game and Fish Commission cannot amicably
2 acquire property needed by it to reconsolidate the area formerly known as Catahoula
3 Lake for public access, fishing, hunting, water level management, and habitat
4 management purposes, it may acquire property by expropriation and may acquire the
5 property prior to judgment in the trial court fixing the amount of compensation due
6 to the record owner of the property. Any compensation due for such acquisitions or
7 expropriations shall be appropriated by the legislature.

8 C. At least fifteen days prior to filing a petition for expropriation, the
9 commission shall notify the record owner or owners by certified mail, return receipt
10 requested, of its intention to expropriate the property pursuant to this Part. The letter
11 of notification shall also inform the owner that if, within fifteen days after being
12 served with the notice of suit, he does not object to the taking on the ground that it
13 is not for a public purpose, he will waive all defenses to the taking except claims for
14 compensation or damages. A copy of this Part shall be enclosed with the letter of
15 notification.

16 D. Except as otherwise provided in this Part, expropriation by the
17 commission shall be conducted in accordance with the provisions of R.S. 48:441
18 through 460.

19 E. Any authority that purports to grant to the commission the authority to
20 expropriate property of the United States of America or the Louisiana Department
21 of Wildlife and Fisheries or any mineral rights reserved to private parties by virtue
22 of R.S. 31:149 are exempt from this Part.

23 §392. Contents of petition; place of filing

24 A. The right of expropriation granted by this Part shall be exercised in the
25 following manner:

26 (1) A petition shall be filed by the commission in the district court of either
27 Rapides, LaSalle, or Grant Parishes.

28 (2) The petition shall contain a statement of the purpose for which the
29 property is to be expropriated, containing a plan describing the property, a

1 description of the improvements on the property, if any, and the name of the owner,
2 if known.

3 B. The petition shall have all of the following attached:

4 (1) A certified copy of an attestation by the secretary of the commission
5 authorizing the taking and declaring that it is necessary or useful for the purposes of
6 this Part.

7 (2) An itemized statement of the amount of money estimated to be the full
8 extent of the owner's loss for the taking or the damage, or both, signed by those who
9 made the estimate, showing the capacity in which they acted, and the date on which
10 it was made.

11 (3) A copy of the return receipt from the letter of notification of intention to
12 expropriate the property, as required by R.S. 19:391(B).

13 §393. Prayer of the petition; ex parte order of taking

14 The petition shall conclude with a prayer that the property be declared taken
15 for public purposes and, upon presentation of the petition, the court shall issue a final
16 order directing that the amount of the estimate be deposited in the registry of the
17 court, and declaring that the commission will take, for public purposes, the property
18 described in the petition at the time of the deposit.

19 §394. Vesting of title

20 Title to the property and the property rights specified in the petition shall vest
21 in the commission upon signing of the final court order described in R.S. 19:393.

22 The property owner shall have the right to just and adequate compensation. Upon
23 vesting of title, the commission may take possession of the property.

24 §395. Notice to defendant

25 A. Upon receipt of the deposit, the clerk of court shall issue a notice to each
26 named defendant in the suit, notifying him that the property described in the petition
27 has been expropriated for public purposes.

28 B. The notice, together with a certified copy of the order, the petition, and
29 the clerk's receipt for the deposit, shall be delivered by the clerk to the proper sheriff

1 for service on each named defendant in the manner provided for the service of
2 citations.

3 §396. Contesting validity of taking; waiver of defenses

4 A. Any defendant desiring to contest the validity of the taking on the ground
5 that the property was not expropriated for a public use may file a motion to dismiss
6 the suit within fifteen days from the date the notice was served on him. He shall
7 certify thereon that a copy thereof has been served personally or by mail on either
8 the plaintiff or his attorney of record in the suit. This motion shall be tried
9 contradictorily with preference to the judge alone and shall be decided prior to fixing
10 the case for trial on the compensation or damages due to the defendant.

11 B. Failure to file the motion within the time provided or to serve a copy
12 thereof on the plaintiff constitutes a waiver of all defenses to the suit except claims
13 for compensation or damages.

14 §397. Defendant's answer; requirements; delay for filing

15 A defendant may apply for a trial to determine the measure of compensation
16 to which he is entitled when property is expropriated pursuant to this Part if he meets
17 all of the following requirements:

18 (1) Files an answer within one year from the date he is notified through
19 service of process of the property expropriation.

20 (2) Sets forth in his answer his answer the amount he claims, including the
21 value of each parcel expropriated and the amount he claims as damages to the
22 remainder of his property.

23 (3) Damages claimed are reasonably itemized.

24 (4) Has a certificate attached showing that a copy of the answer has been
25 served personally or by mail on all parties to the suit who have not joined in the
26 answer.

27 §398. Grant as additional authority

28 The right to take possession and title as provided in this Part is in addition to
29 any right or authority conferred by the laws of this state under which expropriation

1 proceedings may be conducted and shall not be construed as abrogating, eliminating,
2 or modifying any such right or authority.

3 Section 3. Act No. 320 of the 1952 Regular Session of the Legislature of Louisiana,
4 as amended by Section 4 of Act No. 455 of the 1966 Regular Session of the Legislature of
5 Louisiana; Act No. 434 of the 1974 Regular Session of the Legislature of Louisiana; and
6 Paragraph 7 of Section 1 of Act No. 222 of the 1977 Regular Session of the Legislature of
7 Louisiana, R.S. 36:610(D)(2), and R.S. 56:801(7) are hereby repealed in their entirety.

8 Section 4. If any provision of this Act or the application thereof is held invalid, such
9 invalidity shall not affect other provisions or applications of this Act which can be given
10 effect without the invalid provisions or applications, and to this end the provisions of this
11 Act are hereby declared severable.

12 Section 5. This Act shall become effective upon signature by the governor or, if not
13 signed by the governor, upon expiration of the time for bills to become law without signature
14 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
15 vetoed by the governor and subsequently approved by the legislature, this Act shall become
16 effective on the day following such approval.

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 1046 Original

2022 Regular Session

Mike Johnson

Abstract: Recreates the Catahoula Lake Game and Fish Preserve and creates the Catahoula Lake Game and Fish Commission.

Proposed law recreates the Catahoula Lake Game and Fish Preserve in LaSalle and Rapides Parishes.

Proposed law creates the Catahoula Lake Game and Fish Commission. Further provides that the commission be made up of seven members to be named by the governing authorities of LaSalle and Rapides Parishes to serve four year terms. Specifies that four members must be from LaSalle Parish and three members shall be from Rapides Parish.

Proposed law establishes the powers and authorities of the commission as follows:

- (1) Make and enforce rules and regulations for the maintenance of the preserve.

- (2) Buy, lease, expropriate or otherwise acquire all lands, easements, servitudes or rights-of-way necessary to the establishment and maintenance or improvement of the preserve.
- (3) Make and enforce rules and regulations for the propagation and conservation of game and fish in the preserve.

Proposed law bars any property held by the commission from annexation by the Dept. of Wildlife and Fisheries into a wildlife management area or refuge.

Proposed law further provides for the retention of the state's mineral leasing rights on all state owned lands within the boundaries of the district.

Proposed law grants the district the power to expropriate property for public access, fishing, hunting, water level management, and habitat management purposes. Further provides for recourse by property owners.

Proposed law establishes the procedure for the district in order to expropriate property. Further establishes the procedure for property owners to contest the validity of any taking.

(Adds R.S. 38:3321 - 3326 and R.S. 19:391 - 398; Repeals Act No. 320 of the 1952 Regular Session of the Legislature of Louisiana, as amended by Section 4 of Act No. 455 of the 1966 Regular Session of the Legislature of Louisiana; Act No. 434 of the 1974 Regular Session of the Legislature of Louisiana; and Paragraph 7 of Section 1 of Act No. 222 of the 1977 Regular Session of the Legislature of Louisiana, R.S. 36:610(D)(2), and R.S. 56:801(7))