HLS 21RS-788 ORIGINAL

2021 Regular Session

HOUSE BILL NO. 399

1

BY REPRESENTATIVE CARRIER

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

PUBLIC LANDS/STATE: Allows state and private landowners to enter into boundary agreements concerning disputed property

AN ACT

2 To enact Part III of Chapter 4 of Title 41 of the Louisiana Revised Statutes of 1950, to be 3 comprised of R.S. 41:211, relative to water bottom boundary agreements; to provide 4 for water bottom boundary agreements between state and private landowners; to 5 provide certain terms, conditions, procedures, and requirements; to provide for an 6 effective date; and to provide for related matters. 7 Be it enacted by the Legislature of Louisiana: 8 Section 1. Part III of Chapter 4 of Title 41 of the Louisiana Revised Statutes of 1950, 9 to be comprised of R.S. 41:211, is hereby enacted to read as follows: 10 PART III. WATER BOTTOM BOUNDARY AGREEMENTS 11 §211. Authority to enter water bottom boundary agreements 12 A. The commissioner of administration may enter into agreements with 13 riparian landowners to establish a permanent, fixed boundary within a body of water, 14 regardless of its current or future navigability and regardless of whether the body of 15 water is a lake, river, stream, or seashore, which establishes ownership of the water 16 bottom and the underlying mineral rights as between the state and the riparian owner. 17 B. The agreements shall provide that ownership of the portion of the water bottom allocated to the riparian landowner may extend to future water bottoms, 18 19 regardless of navigability, created by subsequent erosion, subsidence, rising sea 20 levels, or other similar loss of the riparian land.

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1 C. The state may accept a donation of any lands or water bottoms owned or 2 claimed by a riparian landowner, subject to a perpetual reservation of minerals, regardless of any subsequent erosion, subsidence, sea level rise, or other similar loss 3 4 of the land donated, or of the present or future navigability of the water bottom 5 donated or thereafter created. 6 D. All agreements entered into pursuant to this Section shall describe an area 7 within the water bottom allocated to the riparian landowner over which the public 8 has a permanent right of reasonable, regulated access and that such access may 9 proportionately extend to and over future water bottoms that may be created from the 10 riparian land as a result of natural erosion, subsidence, sea level rise, or other similar 11 loss, regardless of the water bottom's present or future navigability. 12 Section 2. This Act shall take effect and become operative if and when the proposed amendment of Article IX, Sections 3 and 4(A) of the Constitution of Louisiana contained 13 in the Act which originated as House Bill No.____ of this 2021 Regular Session of the 14 15 Legislature is adopted at the statewide election to be held on November 8, 2022, and 16 becomes effective.

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 399 Original

2021 Regular Session

Carrier

Abstract: Allows for the state and private landowners to enter into water bottom boundary agreements concerning disputed property.

<u>Proposed law</u> authorizes the commissioner of administration to enter into agreements with riparian landowners to establish a permanent, fixed boundary between state owned or claimed and privately owned or claimed waterbottoms, regardless of the navigability of the water body.

<u>Proposed law</u> authorizes the state in such agreements to accept a donation of any lands or water bottoms owned or claimed by any riparian landowner, subject to a perpetual reservation of minerals, regardless of any subsequent erosion or loss of the land donated, or of the present or future navigability of the water bottom donated.

<u>Proposed law</u> requires all agreements and donations to provide that the public has a permanent right of reasonable, regulated public access over all present water bottoms allocated to the riparian landowner and all future water bottoms created from the riparian land as a result of natural erosion, subsidence, or rising sea levels.

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HB NO. 399

Effective if and when the proposed amendment of Article IX, §§3 and 4(A) of the Constitution of Louisiana contained in the Act which originated as HB _____ of the 2021 R.S. is adopted at the statewide election to be held on Nov. 8, 2022, and becomes effective.

(Adds R.S. 41:211)