

2020 Regular Session

SENATE BILL NO. 177

BY SENATOR ALLAIN

PUBLIC LANDS. Constitutional amendment to authorize the state to enter into certain agreements with landowners concerning boundaries between state claimed and privately claimed water bottoms. (2/3 - CA13s1(A))

1 A JOINT RESOLUTION

2 Proposing to amend Article IX, Section 3 and 4(A) of the Constitution of Louisiana, relative
3 to water bottoms; to provide relative to certain boundary agreements between state
4 and private landowners; to provide for public access and the reservation of mineral
5 rights; to provide certain terms and conditions; and to specify an election for
6 submission of the proposition to electors and provide a ballot proposition.

7 Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members
8 elected to each house concurring, that there shall be submitted to the electors of the state, for
9 their approval or rejection in the manner provided by law, a proposal to amend Article IX,
10 Section 3 and 4(A) of the Constitution of Louisiana, to read as follows:

11 §3. Alienation of Water Bottoms

12 Section 3. ~~The (A) Except as provided in this Section, the~~ legislature shall
13 neither alienate nor authorize the alienation of the bed of a navigable water body,
14 except for purposes of reclamation by the riparian owner to recover land lost through
15 erosion, **and the bed of a navigable water body may be otherwise reclaimed only**
16 **for public use.**

17 **(B)** This Section shall not prevent the **following:**

1 **(1) The** leasing of state lands or water bottoms for mineral or other purposes.

2 ~~Except as provided in this Section, the bed of a navigable water body may be~~
3 ~~reclaimed only for public use.~~

4 **(2) The state from entering into agreements with riparian landowners to**
5 **establish a permanent, fixed boundary between state owned or claimed and**
6 **privately owned or claimed water bottoms, regardless of the navigability of the**
7 **water body.**

8 **(3) The state from accepting a donation of any riparian landowner**
9 **owned or claimed lands or water bottoms, subject to a perpetual reservation of**
10 **minerals, regardless of any subsequent erosion or loss of the land donated, or**
11 **of the present or future navigability of the water bottom donated.**

12 **(4) An agreement or donation authorized by Paragraph 2 or 3 of this**
13 **Subsection shall provide that the public shall enjoy a permanent right of**
14 **reasonable, regulated public access over all present water bottoms allocated to**
15 **the riparian landowner and all future water bottoms created from the riparian**
16 **land as a result of natural erosion, subsidence, or rising sea levels.**

17 §4. Reservation of Mineral Rights; Prescription

18 Section 4.(A) ~~Reservation of Mineral Rights.~~ **(1)** The mineral rights on
19 property sold by the state shall be reserved, except when the owner or person having
20 the right to redeem buys or redeems property sold or adjudicated to the state for
21 taxes.

22 **(2)** The mineral rights on land, contiguous to and abutting navigable
23 waterbottoms reclaimed by the state through the implementation and construction
24 of coastal restoration projects shall be reserved, except when the state and the
25 landowner having the right to reclaim or recover the land have agreed to the
26 disposition of mineral rights, in accordance with the conditions and procedures
27 provided by law.

28 **(3) The state may agree to the disposition of mineral rights on state**
29 **owned or claimed lands or water bottoms subject to an agreement authorized**

1 **by Article IX, Section 3(A)(1) of this constitution.**

2 * * *

3 Section 2. Be it further resolved that this proposed amendment shall be submitted
4 to the electors of the state of Louisiana at the statewide election to be held on November 3,
5 2020.

6 Section 3. Be it further resolved that on the official ballot to be used at said election
7 there shall be printed a proposition, upon which the electors of the state shall be permitted
8 to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as
9 follows:

10 Do you support an amendment that allows the state to enter into boundary
11 agreements of water bottoms with private riparian landowners that grant a
12 perpetual reservation of minerals to the private riparian landowner and grant
13 the public a permanent right of reasonable, regulated access to present and
14 future water bottoms?

15 (Amends Article IX, Section 3 and 4(A))

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Tyler S. McCloud.

DIGEST

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Present constitution prohibits the state from alienating the bed of a navigable water body except for purposes of reclamation by the riparian owner of property lost through erosion. Further, requires the reclamation of water bottoms be only for public use, except as provided in present constitution.

Present constitution provides the prohibition on alienating the water bottoms of navigable water bodies does not apply to leasing of water bottoms for minerals or other purposes.

Proposed constitution authorized the state to enter into agreements with riparian landowners to establish a permanent, fixed boundary between state owned or claimed and privately owned or claimed water bottoms, regardless of the navigability of the water body.

Proposed constitution authorizes the state in such agreements to accept a donation of any riparian landowner owned or claimed lands or water bottoms, 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. However, all such agreements must provide that the public enjoy 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.

Specifies submission of the amendment to the voters at the statewide election to be held on November 3, 2020.

(Amends Article IX, Section 3 and 4(A))