
DIGEST

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HB 239 Original

2021 Regular Session

Riser

Abstract: Prohibits the cutting or removal of cypress trees on all property owned by the state except for in certain situations or authorizations. Creates penalties for the violation of this law.

Present law prohibits the cutting or removal of cypress trees on water bottoms owned by the state with the exception of doing so for the purpose of maintaining rights-of-way or by utilities when mitigating damage caused by acts of God and establishes additional penalties for anyone violating present law.

Proposed law repeals present law and moves the language to a new section. Proposed law expands present law to include all property owned by the state and creates additional exceptions to include the following:

- (1) Removal of a fallen cypress tree or its stump with the consent of, or in accordance with the direction of, the government entity owning the land.
- (2) Cutting or clearing as part of a management plan for managing aquatic vegetation and that plan is approved by the Dept. of Wildlife and Fisheries.
- (3) Cutting or clearing of cypress trees for the purpose of creating a necessary boat lane or navigation corridor and the cutting or clearing of standing cypress trees is unavoidable and approval is received from the Dept. of Wildlife and Fisheries.

Proposed law requires a five-year liberative prescriptive period for any civil action filed pursuant to proposed law.

Present law authorizes those acting under a lease agreement or permit with the state land office, and the register of the state land office, to permit the selective cutting of cypress on water bottoms owned by the state.

Proposed law removes the authorizations in present law.

Proposed law designates the Act as the "Hartwell Old Growth Act".

(Amends R.S. 41:1009; Adds R.S. 3:4278.5; Repeals R.S.3:4278.1(F))