
DIGEST

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HB 144 Original

2017 Regular Session

Zeringue

Abstract: Provides relative to real property interests for integrated coastal restoration projects.

Present law recognizes that a significant portion of the projects funded through the Coastal Protection and Restoration Fund either will occur on or affect private property. Proposed law states that the intent of the legislature is to protect and preserve private property rights and to assure that the acquisition of real property rights and interests is limited to that necessary for coastal protection and restoration.

Present law provides that no ownership or use rights of private land or water are created in the public by expenditures from the Coastal Protection and Restoration Fund or expenditures of federal funds. Proposed law retains this provision of present law.

Proposed law provides that no full or fee ownership interest in property shall be acquired for integrated coastal protection by the state, the Coastal Protection and Restoration Authority, a levee district, a levee authority, a sponsoring authority, a political subdivision, or any other state, local, or federal entity, or their agents or employees, unless such interest is voluntarily offered and agreed to in writing by at least 75% of the owners of the property or such entity seeking to acquire the property proves in a court that a full or fee ownership interest is the minimum interest necessary to carry out the purposes of integrated coastal protection for the specific project for which it is acquired.

Proposed law further provides that access rights, rights of use, servitudes, easements, or other property interests acquired for integrated coastal protection by the state, the Coastal Protection and Restoration Authority, a levee district, a levee authority, a sponsoring authority, a political subdivision, or any other state, local, or federal entity, or their agents or employees, shall be for a fixed term only and shall not be acquired in perpetuity unless such acquisition in perpetuity is voluntarily offered and agreed to in writing by at least 75% of the owners of the property. Further provides that no fixed term for any access rights, shall exceed the life of the integrated coastal protection project for which it is acquired unless such term is voluntarily offered and agreed to in writing by at least 75% of the owners of the property.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 49:214.5.5)