

2021 Regular Session

HOUSE BILL NO. 399

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

1 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 AGREEMENTS11 §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
18 bottom allocated to the riparian landowner may extend to future water bottoms,
19 regardless of navigability, created by subsequent erosion, subsidence, rising sea
20 levels, or other similar loss of the riparian land.

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,
3 regardless of any subsequent erosion, subsidence, sea level rise, or other similar loss
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, at minimum,
7 describe an area within the water bottom allocated to the riparian landowner over
8 which the public has a permanent right of reasonable, regulated access and that such
9 access may proportionately extend to and over future water bottoms that may be
10 created from the riparian land as a result of natural erosion, subsidence, sea level
11 rise, or other similar loss, regardless of the water bottom's present or future
12 navigability.

13 E. The state is authorized to enter into negotiations with riparian landowners
14 relative to surface and mineral ownership interests pursuant to this Section and to
15 enter into such agreements, covenants, conditions and stipulations and to execute
16 such documents as necessary to properly effectuate any such agreement.

17 Section 2. This Act shall take effect and become operative if and when the proposed
18 amendment of Article IX, Sections 3 and 4(A) of the Constitution of Louisiana contained
19 in the Act which originated as House Bill No. 331 of this 2021 Regular Session of the
20 Legislature is adopted at the statewide election to be held on November 8, 2022, and
21 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 Engrossed

2021 Regular Session

Carrier

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

Proposed law 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.

Proposed law 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.

Proposed law requires all agreements and donations, at a minimum, describe the specific area of the water bottom and 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.

Effective if and when the proposed amendment of Article IX, §§3 and 4(A) of the Constitution of La. contained in the Act which originated as HB 331 of the 2021 R.S. is adopted at the statewide election to be held on Nov. 8, 2022, and becomes effective.

Proposed law authorizes the state to negotiate surface and mineral interests with riparian land owners.

(Adds R.S. 41:211)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Natural Resources and Environment to the original bill:

1. Authorize the state to negotiate surface and mineral interests with riparian land owners.
2. Add the House Bill number for the proposed constitutional amendment that accompanies the enabling legislation.
3. Specify that "at a minimum" agreements entered into between the state and riparian land owners include certain information.