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 DIGEST

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SB 94 Reengrossed

2025 Regular Session

Fesi

Present law defines jurisdictional "waters of the state" as surface waters subject to tides, lakes, rivers, streams, mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, natural ponds, impoundments of waters within the state otherwise defined as "waters of the United States" in federal law, and their tributaries.

Proposed law maintains present law.

Present law defines "fastlands" as lands surrounded by publicly owned, maintained, or otherwise validly existing levees or natural formations which prevent activities, other than pumping of water for drainage, within the surrounded area from having direct and significant impacts on coastal waters.

Proposed law retains present law and adds that fastlands includes areas that would otherwise be considered wetlands as defined in federal law, and that are surrounded by either privately or publicly owned or maintained levees, berms, flood protection structures, or natural formations that prevent a continuous surface connection to waters of the U.S.

Proposed law provides that "waters of the state" does not include fastlands as defined in present law (R.S. 49:214.23(6)) or wetlands that are fastlands and do not have a surface connection to waters of the U.S.

Proposed law clarifies that the definition for "waters of the state" has no effect on ownership of public or private lands or water bottoms nor on perceived access to private lands or water bottoms due to a continuous surface connection.

Present law refers to the body of water bordering Louisiana's coastline as the "Gulf of Mexico".

Proposed law changes the name of the water body to the "Gulf of America".

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

(Amends R.S. 30:2073(7) and R.S. 49:1(A) and 214.23(6); Adds R.S. 49:1(D))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Natural Resources to the original bill

1. Provides that the definition of "continuous surface connection" shall not be construed to affect ownership of lands or water bottoms.

Senate Floor Amendments to engrossed bill

1. Adds that "waters of the state" does not include "fastlands" as defined in R.S. 49:214.23(6) or "wetlands" that are "fastlands" and do not have a surface connection to waters of the United States.
2. Removes the definition of "continuous surface connection".
3. Makes technical amendments.

Summary of Amendments Adopted by House

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

1. Clarify that the definition for "waters of the state" cannot be construed to have effect on ownership of public or private lands or water bottoms nor on perceived access to private lands or water bottoms due to a continuous surface connection.