

2016 Regular Session

HOUSE BILL NO. 1130

BY REPRESENTATIVE GAROFALO

FISHING/OYSTERS: Allows for dual leasing of water bottoms for oyster cultivation and harvest

1 AN ACT

2 To enact R.S. 56:425.1, relative to leasing of water bottoms for oyster cultivation and
3 harvest; to authorize the state to jointly lease certain water bottoms; to provide for
4 the terms and conditions of such joint leases; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 56:425.1 is hereby enacted to read as follows:

7 §425.1. Joint leasing of water bottoms for oyster cultivation and harvest

8 A. In an effort to allocate competing and dual claims to the ownership of
9 water bottoms in the best interest of all parties, the Department of Wildlife and
10 Fisheries is hereby authorized to enter into an agreement with a private claimant, not
11 to exceed fifteen years in duration, whereby certain water bottoms may, in
12 cooperation between the state and the private claimant, be leased for the cultivation
13 and harvest of oysters. Any such agreement shall not in any way be interpreted to
14 indicate or determine ownership of the water bottom nor shall any such agreement
15 be interpreted to allocate or designate ownership of mineral rights beneath the water
16 bottom. The department shall promulgate under the Administrative Procedure Act
17 the processes by which such agreements shall be negotiated and administered.

18 B. Any such agreement may originate with either the department or the
19 private claimant and any annual rental payments required by R.S. 56:428(C) shall be
20 made to the department as provided by R.S. 56:428(C). Except for the requirements

1 of R.S. 56:425(A) for determination of state ownership, the lease shall be subject to
2 the provisions of Subpart D of Part VII of Chapter 1 of Title 56 of the Louisiana
3 Revised Statutes of 1950 in addition to any other conditions of the agreement
4 between the state and the private claimant.

5 C. The joint agreement between the state and the private claimant shall
6 remain in effect throughout the term of any lease issued subject to the agreement or
7 until ownership of the water bottom has been determined by final judgment of the
8 court. Any lease subject to the joint agreement shall terminate at the time a court has
9 issued a final determination of ownership of the water bottom.

10 Section 2. This Act shall take effect and become operative if and when the Act that
11 originated as House Bill No. 902 of this 2016 Regular Session of the Legislature is enacted
12 and 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 1130 Engrossed

2016 Regular Session

Garofalo

Abstract: Authorizes joint leasing between the Dept. of Wildlife and Fisheries and private claimants to the water bottoms of the water bottoms for oyster cultivation and harvest

Proposed law authorizes the Dept. of Wildlife and Fisheries to enter into an agreement with a private claimant whereby certain water bottoms may, in cooperation between the state and the private claimant, be leased for the cultivation and harvest of oysters. Limits the agreements to a 15-year duration. Specifies that any such agreement does not in any way indicate or determine ownership of the water bottom nor does the agreement allocate or designate ownership of mineral rights beneath the water bottom. Requires the Dept. of Wildlife and Fisheries to promulgate the processes by which the agreements will be negotiated and administered.

Proposed law provides that an agreement may originate with either the department or the private claimant; requires annual rental payments to be made to the department; and specifies that except for a determination of state ownership, the lease is subject to the provisions in law that govern oyster leasing in addition to any other conditions of the agreement between the state and the private claimant.

Proposed law specifies that the joint agreement between the state and the private claimant remains in effect for the term of any lease issued subject to the agreement or until ownership of the water bottom has been determined by final judgment of the court. Terminates any lease subject to the joint agreement at the time a court has issued a final determination of ownership of the water bottom.

Effective if and when House Bill No. 902 of this 2016 R.S. is enacted and becomes effective.

(Adds R.S. 56:425.1)

Summary of Amendments Adopted by House

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

1. Limit agreements between the state and a private claimant to a 15-year duration.
2. Require the Dept. of Wildlife and Fisheries to promulgate the processes by which the agreements will be negotiated and administered.
3. Remove the exemption from the oyster leasing moratorium.
4. Add a provision that states the bill will become effective if and when House Bill No. 902 of this 2016 R.S. is enacted and becomes effective.