

FOR OFFICE USE ONLY	

HOUSE FLOOR AMENDMENTS

2016 Regular Session

Amendments proposed by Representative Garofalo to Engrossed House Bill No. 1130 by Representative Garofalo

1 AMENDMENT NO. 1

2 On page 1, line 12, after "be leased" insert "to a third party"

3 AMENDMENT NO. 2

4 On page 1, line 16, change "shall" to "may"

5 AMENDMENT NO. 3

6 On page 2, after line 9, add the following:

7 "D. Beginning July 1, 2016, and continuing until the final
 8 implementation of Phase Three of Section 2 of the Act which originated as
 9 House Bill No. 902 of the 2016 Regular Session of the Legislature, oysters
 10 found on a vessel owned and operated by the holder of a private oyster lease
 11 executed and properly recorded prior to February 1, 2016, or operated by an
 12 agent or employee of such private oyster leaseholder shall be presumed to
 13 have been legally harvested from the leaseholder's private oyster lease. In
 14 order to document the legality of the harvest of oysters from the private
 15 lease, a certified copy of the lease as filed in the public records of the parish
 16 in which the lease is located shall be carried on each vessel used to harvest
 17 oysters from the private lease and shall be available for examination by
 18 representatives of the department.

19 E. In order to preserve private contract rights and to protect existing
 20 investments, the department shall recognize as valid a private oyster lease in
 21 effect and properly recorded as of February 1, 2016, until such time as the
 22 processing of said lease acreage pursuant to the provisions of Phase Three of
 23 Section 2 of the Act which originated as House Bill No. 902 of the 2016
 24 Regular Session of the Legislature is complete. Such recognition shall not in
 25 any way be interpreted to indicate or determine ownership of the water
 26 bottom nor shall any such agreement be interpreted to allocate or designate
 27 ownership of mineral rights beneath the water bottom.

28 F. For the purposes of this Section, "dual claim" shall refer to a claim
 29 to immovable property for which a private claimant holds title and to which
 30 the state also makes an ownership claim as a sovereign navigable water
 31 bottom, but to which title has not been adjudicated to either party by a final,
 32 unappealable judgment of a court of competent jurisdiction."