
DIGEST

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HB 144 Engrossed

2017 Regular Session

Zeringue

Abstract: Provides relative to 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.

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 ownership interest in property shall be acquired for integrated coastal protection by the state, the Coastal Protection and Restoration Authority (CPRA), 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 owners with at least 75% ownership interest in the property or such entity seeking to acquire the property proves in a court that a full 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 CPRA, 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 owners with at least 75% ownership interest in the property. Further provides that no fixed term for any access rights can 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 owners with at least 75% ownership in the property.

Proposed law does not authorize acquisition of privately owned mineral interest and the reservation of mineral interest shall be as provided in present law.

Proposed law prohibits the transfer to the acquiring entity of any claims, causes of action, or litigious rights existing prior to the date of the acquisition but shall not extinguish the rights of the owners of the property to exercise such claims, causes of action, or litigious rights on the date of acquisition.

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

(Amends R.S. 49:214.5.5)

Summary of Amendments Adopted by House

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

1. Make technical changes.
2. Provide that agreements to voluntarily agree to transfer property interest be by owners with at least 75% ownership in the property.
3. Provide that proposed law does not authorize acquisition of privately owned mineral interest and the reservation of mineral interest must be as provided in present law.
4. Prohibit the transfer of causes of action to the entity acquiring property interest without extinguishing the causes of action of the prior private landowner.