

2018 Regular Session

HOUSE BILL NO. 422

BY REPRESENTATIVE LYONS

NATURAL RESOURCES DEPT: Corrects statutory references remaining from the transfer of the State Land Office from the Department of Natural Resources to the Division of Administration

1 AN ACT

2 To amend and reenact R.S. 41:14, 1001, 1002, 1003, 1005, 1006, 1008, 1009, 1042, 1082,  
3 1213 and R.S. 50:171(A), relative to the State Land Office; to correct statutory  
4 references that remain from the transfer of the State Land Office to the Division of  
5 Administration; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 41:14, 1001, 1002, 1003, 1005, 1006, 1008, 1009, 1042, 1082, and  
8 1213 are hereby amended and reenacted to read as follows:

9 §14. Conveyances of waterbottoms, ownership

10 No grant, sale, or conveyance of the lands forming the bottoms of rivers,  
11 streams, bayous, lagoons, lakes, bays, sounds, and inlets bordering on or connecting  
12 with the Gulf of Mexico within the territory or jurisdiction of the state shall be made  
13 by the ~~secretary of the Department of Natural Resources~~ Register of the State Land  
14 Office or by any other official or by any subordinate political subdivision, except  
15 pursuant to R.S. 41:1701 through 1714. Any rights accorded by law to the owners  
16 or occupants of lands on the shores of any waters described herein shall not extend  
17 beyond the ordinary low water mark. No one shall own in fee simple any bottoms  
18 of lands covering the bottoms of waters described in this Section.

19 \* \* \*

1 §1001. Application for sale of timber on state lands

2 Any person who desires to purchase any timber located on property under the  
3 jurisdiction of the ~~Division Office~~ of State Lands, shall file with the ~~secretary of the~~  
4 ~~Department of Natural Resources~~ Register of the State Land Office, an application  
5 to purchase giving the exact location, section, township and range, and the types of  
6 timber he desires to purchase. The applicant shall deposit with the ~~secretary of the~~  
7 ~~Department of Natural Resources~~ Register of the State Land Office, the sum of one  
8 hundred dollars as evidence of good faith. Should the applicant, at the sale of timber  
9 as provided for in this Part, fail to purchase the timber, then the money so deposited  
10 may be returned to him; provided that should no one at the sale bid up to the  
11 minimum price stipulated in this Part, then the money shall be retained to pay the  
12 expenses of the sale.

13 §1002. Information to be secured as to quantity and value of timber

14 On receipt of an application to have timber offered for sale, the ~~secretary of~~  
15 ~~the Department of Natural Resources~~ Register of the State Land Office shall request  
16 the assistant secretary of the ~~Office of Forestry~~ Department of Agriculture and  
17 Forestry, office of forestry to evaluate the current market value and quantity that  
18 could be harvested based on sound forestry practices. The ~~secretary of the~~  
19 ~~Department of Natural Resources~~ Register of the State Land Office may on his own  
20 initiative advertise for bids for sale of timber as provided ~~herein~~ in this Chapter.

21 §1003. Advertisement

22 The ~~secretary of the Department of Natural Resources~~ Register of the State  
23 Land Office shall cause to be published an advertisement in the official journal of  
24 the parish ~~wherein~~ where the land is located setting forth the description of the land  
25 on which the timber to be sold is located, the type and quantity of timber, and the  
26 time, place, and terms of the sale. The advertisement shall be published for a period  
27 of not less than fifteen days and at least once a week during three consecutive weeks.

28 \* \* \*

1 §1005. Proceeds

2 A. All monies derived from the sale of timber shall be forwarded to the  
3 ~~Department of Natural Resources~~ State Land Office for deposit in the state treasury  
4 without delay, after the sheriff making the sale has deducted ~~therefrom~~ the expense  
5 of advertising and his commissions for making the sales. The commission shall be  
6 two percent of the amount bid and paid, provided that this commission shall not  
7 exceed one hundred dollars for one day's adjudication.

8 B. The sheriff in forwarding the money shall forward a statement certified  
9 by him as correct, showing the amount of bid, the expenditure for advertising and the  
10 amount withheld by him as commission; he shall at the same time forward to the  
11 ~~secretary of the Department of Natural Resources~~ State Land Office a duplicate of  
12 his proces verbal of sale wherein he shall give a correct description of the property  
13 sold with the recital of the acts performed by him in effecting the sale, the amount  
14 of the purchase price received, and the amount forwarded to the ~~Department of~~  
15 ~~Natural Resources~~ State Land Office.

16 §1006. Removal of timber

17 The adjudicatee of the timber sold ~~under~~ pursuant to the provisions of this  
18 Part shall have the right of ingress and egress at any time for the purpose of  
19 removing the timber from the land; provided that the time stipulated to cut and  
20 remove the timber shall be fixed in the advertisement and in the act of sale by the  
21 ~~secretary of the Department of Natural Resources~~ State Land Office as well as the  
22 type and size of trees to be cut. The term for removal of the timber shall not exceed  
23 one year unless proof is provided to the ~~secretary of Natural Resources~~ State Land  
24 Office that the delay would result in unavoidable hardship. Upon such proof, the  
25 ~~secretary~~ Register of the State Land Office may grant an extension for up to one year  
26 provided consideration totaling ten percent of the actual amount of the sale is  
27 remitted to the ~~Department of Natural Resources~~ State Land Office.

28 \* \* \*

1 §1008. Sale of timber on state lands where title in dispute: disposition of proceeds  
 2 Should the ~~Department of Natural Resources~~ State Land Office advertise and  
 3 sell timber on state lands, the title to which is in dispute, a provision may be made  
 4 that the consideration to be paid the state by the adjudicatee of the timber sold ~~under~~  
 5 pursuant to the provisions of this Part, shall be deposited in escrow with the  
 6 Department of Natural Resources, to be held by that department pending the final  
 7 determination of the validity of the title to the land or until the ~~Department of Natural~~  
 8 ~~Resources~~ State Land Office and the grantee otherwise agree the payment should be  
 9 made or released as provided for in the agreement.

10 §1009. Cutting or sale, or both, of cypress timber on stateowned water bottoms;  
 11 prohibition

12 Notwithstanding any other provision of law, particularly R.S. 41:1001  
 13 through R.S. 41:1008, the cutting or sale, or both, of standing cypress timber located  
 14 on any water bottom owned by the state of Louisiana is hereby prohibited except in  
 15 the exercise of rights under a state lease, right-of-way, or permit. However, the  
 16 ~~secretary of the Department of Natural Resources~~ Register of the State Land Office  
 17 may, at his discretion, permit the selective cutting of such timber.

18 \* \* \*

19 §1042. Information to be secured as to quantity and value of timber

20 On receipt of an application to have timber offered for sale, the secretary of  
 21 the levee board shall request the ~~assistant secretary of the Office of Forestry of the~~  
 22 ~~Department of Natural Resources~~ Department of Agriculture and Forestry, office of  
 23 forestry to evaluate the current market value and quantity that could be harvested  
 24 based on sound forestry practices. The levee board may on its own initiative  
 25 advertise for bids for sale of timber as provided ~~herein~~ in this Chapter.

26 \* \* \*

27 §1082. Information to be secured as to quantity and value of timber

28 On receipt of an application to have timber offered for sale, the secretary of  
 29 the board shall request the ~~assistant secretary of the office of forestry of the~~

1 ~~Department of Natural Resources to~~ Department of Agriculture and Forestry, office  
2 of forestry to evaluate the current market value and quantity that could be harvested  
3 based on sound forestry practices and the goals of the board. The board may on its  
4 own initiative advertise for bids for sale of timber as provided ~~herein in this Chapter~~.

5 \* \* \*

6 §1213. Application for lease

7 Any person desiring to lease any land as set forth in this Part shall present to  
8 the lessor a written application, together with a cash deposit of twenty-five dollars,  
9 which shall be returned to the applicant if he makes an unsuccessful bid, after a sum  
10 sufficient to pay the advertising costs has been deducted. The application shall set  
11 forth the name and address of the applicant, a reasonably definite description of the  
12 location and amount of land which the applicant desires to lease, and the purposes  
13 for which the lands are to be leased. Where such purposes include the placement of  
14 structures, obstacles, fill, or any other materials upon state lands, the application  
15 must be accompanied by legible copies of maps, plans, specifications, and such other  
16 information or data as may be required by the ~~secretary of the Department of Natural~~  
17 ~~Resources~~ Register of the State Land Office. The applicant shall ask that the  
18 application be registered, and that the land described therein be leased to him ~~under~~  
19 pursuant to the provision of this Part. The lessor shall register the application and  
20 shall order an inquiry to determine whether the lands applied for are leaseable for  
21 such purposes.

22 \* \* \*

23 Section 2. R.S. 50:171(A) is hereby amended and reenacted to read as follows:

24 §171. Statewide land information mapping and records system; standards

25 A. The ~~Department of Natural Resources, office of state lands,~~ Office of  
26 State Lands shall establish, promulgate, and maintain appropriate standards for a  
27 statewide land information mapping and map records system of all lands, private and  
28 public, within the state of Louisiana to promote and ensure compatibility, uniformity,  
29 and cost-effectiveness by public entities. These standards shall be developed to

1 include the establishment of appropriate photogrammetric or electronic mapping  
 2 techniques and procedures which efficiently accommodate land information  
 3 collection, maintenance, sharing, and retrieval. The department shall adopt these  
 4 standards by rules adopted pursuant to the Administrative Procedure Act prior to  
 5 January 1, 1991.

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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)]

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HB 422 Original

2018 Regular Session

Lyons

**Abstract:** Corrects statutory references remaining from the transfer of the State Land Office from the Dept. of Natural Resources to the Division of Administration.

Present law provides that grant, sale, or conveyance of water bottoms within the territory can only be made by the secretary of the Dept. of Natural Resources. Proposed law gives that responsibility to the Register of the State Land Office. (R.S. 41:14)

Present law provides that any person who desires to purchase any timber located on property under the jurisdiction of the Office of State Lands must file an application and deposit \$100 with the secretary of the Dept. of Natural Resources. Proposed law provides for that application and deposit to be made to the Register of the State Land Office. (R.S. 41:1001)

Present law provides that, on receipt of an application to have timber offered for sale, the secretary of the Dept. of Natural Resources must request the assistant secretary of the Office of Forestry to evaluate the current market value and quantity that could be harvested based on sound forestry practices. Proposed law provides that the Register of the State Land Office requests the Dept. of Agriculture and Forestry, office of forestry, to evaluate the current market value and quantity that can be harvested. (R.S. 41:1002)

Present law authorizes the secretary of the Dept. of Natural Resources to advertise for bids for sale of timber. Proposed law gives that authority to the Register of the State Land Office. (R.S. 41:1002)

Present law provides for the secretary of the Dept. of Natural Resources to advertise the sale of the timber in the official journal of the parish where the land is located. Proposed law gives that responsibility to the Register of the State Land Office. (R.S. 41:1003)

Present law provides that monies from and documentation associated with the sale of timber be forwarded to the Dept. of Natural Resources for deposit in the state treasury. Proposed law provides that the monies and documentation be forwarded to the State Land Office. (R.S. 41:1005)

Present law provides for ingress and egress for the removal of timber to be fixed in the advertisement and in the act of sale by the Dept. of Natural Resources within one year of the sale unless proof is provided to the secretary of the Dept. of Natural Resources that a delay would result in hardship. Proposed law provides that those responsibilities reside with the Register of the State Land Office. (R.S. 41:1006)

Present law requires that if the Dept. of Natural Resources advertises the sale of timber on land whose title is in dispute, the payment for that timber be placed in escrow with the department pending resolution of ownership of the land. Proposed law places these responsibilities with the Register of the State Land Office. (R.S. 41:1008)

Present law authorizes the secretary of the Dept. of Natural Resources to permit selective cutting of standing cypress on a state-owned water bottom. Proposed law gives that authority to the Register of State Lands. (R.S. 41:1009)

Present law, relative to timber on levee district lands, requires the secretary of the levee district to request an evaluation of the timber by the secretary of the Dept. of Natural Resources. Proposed law provides for the evaluation to be done by the Dept. of Agriculture and Forestry, office of forestry. (R.S. 41:1042)

Present law, relative to timber on interagency recreation board lands within the Dept. of Public Safety and Corrections, requires the secretary of the board to request an evaluation of the timber by the secretary of the Dept. of Natural Resources. Proposed law provides for the evaluation to be done by the Dept. of Agriculture and Forestry, office of forestry. (R.S. 41:1082)

Present law, relative to leasing of state land, requires anyone making application for a lease of state land, including placement of structures, obstacles, fill, or other materials, to submit maps, plans, specifications, or other information as required by the secretary of the Dept. of Natural Resources. Proposed law changes that reference to the Register of the State Land Office. (R.S. 41:1213)

Present law requires the "Dept. of Natural Resources, office of state lands" to establish a statewide land information mapping and records system. Proposed law requires the State Land Office to establish such mapping and records system. (R.S. 50:171(A))

(Amends R.S. 41:14, 1001, 1002, 1003, 1005, 1006, 1008, 1009, 1042, 1082, 1213 and R.S. 50:171(A))