

2018 Regular Session

SENATE BILL NO. 385

BY SENATOR CHABERT

GOVERNMENT ORGANIZATION. Corrects statutory references remaining from the transfer of the state land office to the Division of Administration. (8/1/18)

1 AN ACT

2 To amend and reenact R.S. 41:14, 51(1), 1001 through 1006, 1008, 1009, 1042, 1044, 1082,
3 1084, 1132, 1133, 1213, 1701, 1703, 1706(B), 1713(A) and R.S. 50.171(A), relative
4 to the state land office; to correct statutory references that remain from the transfer
5 of the state land office to the division of administration; and to provide for related
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 41:14, 51(1), 1001 through 1006, 1008, 1009, 1042, 1044, 1082,
9 1084, 1132, 1133, 1213, 1701, 1703, 1706(B), and 1713(A) are hereby amended and
10 reenacted to read as follows:

11 §14. Conveyances of waterbottoms, ownership

12 No grant, sale or conveyance of the lands forming the bottoms of rivers,
13 streams, bayous, lagoons, lakes, bays, sounds, and inlets bordering on or connecting
14 with the Gulf of Mexico within the territory or jurisdiction of the state shall be made
15 by the ~~secretary of the Department of Natural Resources~~ **register of the state land**
16 **office** or by any other official or by any subordinate political subdivision, except
17 pursuant to R.S. 41:1701 through 1714. Any rights accorded by law to the owners

1 or occupants of lands on the shores of any waters described herein shall not extend
2 beyond the ordinary low water mark. No one shall own in fee simple any bottoms
3 of lands covering the bottoms of waters described in this Section.

4 * * *

5 §51. Surveys and plats

6 The governor may direct the ~~department of public works~~ **Department of**
7 **Transportation and Development:**

8 (1) To make, from time to time, surveys of all unsurveyed lands belonging
9 and that may hereafter belong to this state and to subdivide them into townships,
10 sections and other proper subdivisions that may be necessary for their identification,
11 description, entry and sale. In the event the ~~department of public works~~ **Department**
12 **of Transportation and Development** cannot timely cause a requested survey to be
13 made, then the register may on his own initiative cause a survey or surveys to be
14 made of state lands which survey shall be subject to approval by the ~~director of the~~
15 ~~department of public works~~ **secretary of the Department of Transportation and**
16 **Development.** The cost of such a survey shall be borne by the register of the state
17 land office.

18 * * *

19 §1001. Application for sale of timber on state lands

20 Any person who desires to purchase any timber located on property under the
21 jurisdiction of the ~~Division of State Lands~~ **state land office,** shall file with ~~secretary~~
22 ~~of the Department of Natural Resources~~ **the register of the state land office,** an
23 application to purchase giving the exact location, section, township and range, and
24 the types of timber he desires to purchase. The applicant shall deposit with the
25 ~~secretary of the Department of Natural Resources~~ **register of the state land office,**
26 the sum of one hundred dollars as evidence of good faith. Should the applicant, at
27 the sale of timber as provided for in this Part, fail to purchase the timber, then the
28 money so deposited may be returned to him; provided that should no one at the sale
29 bid up to the minimum price stipulated in this Part, then the money shall be retained

1 to pay the expenses of the sale.

2 §1002. Information to be secured as to quantity and value of timber

3 On receipt of an application to have timber offered for sale, the ~~secretary of~~
4 ~~the Department of Natural Resources~~ **register of the state land office** shall request
5 the assistant ~~secretary~~ **commissioner** of the ~~Office of Forestry~~ **Department of**
6 **Agriculture and Forestry, office of forestry** to evaluate the current market value
7 and quantity that could be harvested based on sound forestry practices. The ~~secretary~~
8 ~~of the Department of Natural Resources~~ **register of the state land office** may on his
9 own initiative advertise for bids for sale of timber as provided herein.

10 §1003. Advertisement

11 The ~~secretary of the Department of Natural Resources~~ **register of the state**
12 **land office** shall cause to be published an advertisement in the official journal of the
13 parish wherein the land is located setting forth the description of the land on which
14 the timber to be sold is located, the type and quantity of timber, and the time, place,
15 and terms of the sale. The advertisement shall be published for a period of not less
16 than fifteen days and at least once a week during three consecutive weeks.

17 §1004. Place; time; minimum price; proces-verbal

18 The timber so advertised shall be sold to the highest bidder by the sheriff of
19 the parish wherein the timber is located, at the time and place mentioned in the
20 advertisement for the consideration of bids. All bids shall be submitted sealed and
21 opened publicly by the sheriff. No bid shall be accepted by the sheriff after the time
22 designated as the time for opening such bids. No bid shall be considered unless
23 accompanied by a cashier's check, certified check, or bank money order in the exact
24 amount of the bid submitted and made payable to the sheriff of the parish in which
25 the sale is conducted. No bid shall be accepted if less than the minimum price
26 established by the ~~Office of Forestry~~ **Department of Agriculture and Forestry,**
27 **office of forestry**. The sheriff conducting the sale shall deliver a proces-verbal of
28 the sale to the successful bidder.

29 §1005. Proceeds

1 sell timber on state lands, the title to which is in dispute, a provision may be made
 2 that the consideration to be paid the state by the adjudicatee of the timber sold under
 3 the provisions of this Part, shall be deposited in escrow with the ~~Department of~~
 4 ~~Natural Resources~~ **state land office**, to be held by that department pending the final
 5 determination of the validity of the title to the land or until the ~~Department of Natural~~
 6 ~~Resources~~ **state land office** and the grantee otherwise agree the payment should be
 7 made or released as provided for in the agreement.

8 §1009. Cutting or sale, or both, of cypress timber on stateowned water bottoms;
 9 prohibition

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

16 * * *

17 §1042. Information to be secured as to quantity and value of timber

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

24 * * *

25 §1044. Place; time; minimum price; proces-verbal

26 The timber so advertised shall be sold to the highest bidder by the sheriff of
 27 the parish wherein the timber is located, at the time and place mentioned in the
 28 advertisement for the consideration of bids. All bids shall be submitted sealed and
 29 opened publicly by the sheriff. No bid shall be accepted by the sheriff after the time

1 designated as the time for opening such bids. No bid shall be considered unless
 2 accompanied by a cashier's check, certified check, or bank money order in the exact
 3 amount of the bid submitted and made payable to the sheriff of the parish in which
 4 the sale is conducted. No bid shall be accepted if less than the minimum price
 5 established by the ~~Office of Forestry~~ **Department of Agriculture and Forestry,**
 6 **office of forestry.** The sheriff conducting the sale shall deliver a proces-verbal of
 7 the sale to the successful bidder.

8 * * *

9 §1082. Information to be secured as to quantity and value of timber

10 On receipt of an application to have timber offered for sale, the secretary of
 11 the board shall request the assistant ~~secretary of the office of forestry of the~~
 12 ~~Department of Natural Resources~~ **commissioner of the Department of Agriculture**
 13 **and Forestry, office of forestry** to evaluate the current market value and quantity
 14 that could be harvested based on sound forestry practices and the goals of the board.
 15 The board may on its own initiative advertise for bids for sale of timber as provided
 16 herein.

17 * * *

18 §1084. Place; time; minimum price; proces verbal

19 The timber so advertised shall be sold to the highest bidder by the sheriff of
 20 the parish wherein the timber is located at the time and place mentioned in the
 21 advertisement for the consideration of bids. All bids shall be submitted sealed and
 22 opened publicly by the sheriff. No bids shall be accepted by the sheriff after the time
 23 designated as the time for opening such bids. No bid shall be considered unless
 24 accompanied by a cashier's check, certified check, or bank money order in the exact
 25 amount of the bid submitted and made payable to the sheriff of the parish in which
 26 the sale is conducted. No bid shall be accepted if less than the minimum price
 27 established by the **Department of Agriculture and Forestry,** office of forestry.
 28 The sheriff conducting the sale shall deliver a proces verbal of the sale to the
 29 successful bidder.

* * *

§1132. Formal agreement to be made

Whenever a settlement is amicably arrived at between the owner of the contiguous and abutting land, and the register of the state land office and is approved by the attorney general, the governor may enter into a contract with the owner in keeping with the proces verbal of the agreement of settlement, which shall be supplied by the owner and the ~~Register of the State Land Office~~ **register of the state land office**. The agreement shall be executed and signed, in quadruplicate and in notarial form, by the governor, and by the owner, one copy to be filed with the Department of ~~Public Works~~ **Transportation and Development**, one with the ~~Register of the State Land Office~~ **register of the state land office**, one copy to be recorded in the parish in which the land is situated, and one copy to be retained by the owner.

§1133. Submission of differences to commissioners

If an amicable agreement cannot be so arrived at, the differences in question shall be submitted to commissioners who shall be the attorney general and the chief engineer in the Department of ~~Public Works~~ **Transportation and Development**, representing the state, two persons named by the land owner and a fifth person who shall be selected by these first four named commissioners. A proces verbal of the findings of the commissioners shall be executed in quadruplicate originals, one copy to be filed with the Department of ~~Public Works~~ **Transportation and Development**, one with the ~~Register of the State Land Office~~ **register of the state land office**, one copy to be recorded in the parish in which the land is situated, and one copy to be furnished the owner of the contiguous or abutting land.

* * *

§1213. Application for lease

Any person desiring to lease any land as set forth in this Part shall present to the lessor a written application, together with a cash deposit of twenty-five dollars, which shall be returned to the applicant if he makes an unsuccessful bid, after a sum

1 sufficient to pay the advertising costs has been deducted. The application shall set
 2 forth the name and address of the applicant, a reasonably definite description of the
 3 location and amount of land which the applicant desires to lease, and the purposes
 4 for which the lands are to be leased. Where such purposes include the placement of
 5 structures, obstacles, fill, or any other materials upon state lands, the application
 6 must be accompanied by legible copies of maps, plans, specifications, and such other
 7 information or data as may be required by the ~~secretary of the Department of Natural~~
 8 ~~Resources~~ **register of the state land office**. The applicant shall ask that the
 9 application be registered, and that the land described therein be leased to him under
 10 the provision of this Part. The lessor shall register the application and shall order an
 11 inquiry to determine whether the lands applied for are leaseable for such purposes.

12 * * *

13 §1701. Declaration of policy; public trust

14 The beds and bottoms of all navigable waters and the banks or shores of bays,
 15 arms of the sea, the Gulf of Mexico, and navigable lakes belong to the state of
 16 Louisiana, and the policy of this state is hereby declared to be that these lands and
 17 water bottoms, hereinafter referred to as "public lands", shall be protected,
 18 administered, and conserved to best ensure full public navigation, fishery, recreation,
 19 and other interests. Unregulated encroachments upon these properties may result in
 20 injury and interference with the public use and enjoyment and may create hazards
 21 to the health, safety, and welfare of the citizens of this state. To provide for the
 22 orderly protection and management of these state-owned properties and serve the
 23 best interests of all citizens, the lands and water bottoms, except those excluded and
 24 exempted and as otherwise provided by this Chapter, or as otherwise provided by
 25 law, shall be under the management of the ~~Department of Natural Resources~~
 26 **Division of Administration**, hereinafter referred to as the "~~department~~ **division**".
 27 The ~~State Land Office~~ **state land office**, hereinafter referred to as the "office", shall
 28 be responsible for the control, permitting, and leasing of encroachments upon public
 29 lands, in accordance with this Chapter and the laws of Louisiana and the United

1 States.

2 * * *

3 §1703. Permits and licenses for encroachments other than reclamation projects

4 A. Encroachments, other than those provided in ~~Section R.S. 41:~~1702, may
5 be permitted and licensed by the ~~department~~ **division** under the provisions of this
6 Chapter.

7 B. As provided herein, the ~~State Land Office~~ **state land office**, with the aid
8 of **the division**, the Department of Natural Resources, the Department of Wildlife
9 and Fisheries, **the** Department of Transportation and Development, and the attorney
10 general, shall adopt regulations to implement this Chapter, including the granting and
11 revoking of permits, leases or licenses, processing of applications, establishing fee
12 schedules, collecting of fees or revenues for all manner of encroachments, and shall
13 create an overall and comprehensive plan for the orderly development and
14 preservation of state lands so as to ensure maximum benefit and use, all in
15 accordance with the law. The office shall maintain a current inventory of state lands
16 and a depository in which shall be recorded and preserved all records, surveys, plats,
17 applications, permits, leases, licenses, and other evidence pertaining to the trust
18 lands, their description, disposition, and encroachments thereon.

19 * * *

20 §1706. Classes of permits

21 * * *

22 B. All permits shall be subject to the regulations and procedures established
23 herein and adopted by the ~~department~~ **division** or the office. The requirements and
24 procedures for applicants established in R.S. 41:1702(D)(1) to implement
25 reclamation of eroded lands shall govern reclamation projects thereunder; the
26 regulations and procedures established by other Sections of this Chapter shall only
27 apply to Class A Permits when no conflict exists with R.S. 41:1702. Noncommercial
28 piers and wharves shall not be subject to permit requirements.

29 * * *

1 §1713. Leases and permits, cause for cancellation or revocation

2 A. Abandonment of an encroachment, or noncompliance with the law, this
3 Chapter, or regulations and standards adopted thereunder, shall result in the
4 revocation or cancellation of any permit or lease unless the persons responsible
5 remedy the problem or violation within thirty days of written or published notice, by
6 the ~~department~~ **division** or office, as applicable, specifying the violation. The period
7 for compliance may be extended for additional thirty-day periods up to one hundred
8 twenty days total, upon a showing by the persons responsible of inability to comply
9 by reason of extensive work required. Where force majeure prevents the persons
10 responsible from complying with the ~~department's~~ **division's** or the office's demand,
11 the thirty-day corrective period shall be suspended until such date when work
12 becomes reasonably possible.

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

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

15 A. The ~~Department of Natural Resources, office of state lands,~~ **state land**
16 **office** shall establish, promulgate, and maintain appropriate standards for a statewide
17 land information mapping and map records system of all lands, private and public,
18 within the state of Louisiana to promote and ensure compatibility, uniformity, and
19 cost-effectiveness by public entities. These standards shall be developed to include
20 the establishment of appropriate photogrammetric or electronic mapping techniques
21 and procedures which efficiently accommodate land information collection,
22 maintenance, sharing, and retrieval. The department shall adopt these standards by
23 rules adopted pursuant to the Administrative Procedure Act prior to January 1, 1991.

24 * * *

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Alan Miller.

SB 385 Original

DIGEST
2018 Regular Session

Chabert

Present law contains several references to agencies, such as the office of forestry and the
Dept. of Public Works, that have changed names or have been consolidated with other
agencies with regard to the state land office.

Proposed law corrects statutory references that remained after the transfer of the state land office from the Dept. of Natural Resources to the Div. of Admin.

Proposed law changes references of the Dept. of Natural Resources to state land office, Dept. of Public Works to DOTD, and office of forestry to Dept. of Ag. and Forestry, office of forestry.

Effective August 1, 2018.

(Amends R.S. 41:14, 51(1), 1001-1006, 1008, 1009, 1042, 1044, 1082, 1084, 1132, 1133, 1213, 1701, 1703, 1706(B), 1713(A) and R.S. 50.171(A))