

HOUSE COMMITTEE AMENDMENTS

2018 Regular Session

Amendments proposed by House Committee on Natural Resources and Environment to Original House Bill No. 422 by Representative Lyons

1 AMENDMENT NO. 1

2 On page 1, delete line 2 in its entirety and insert in lieu thereof the following:

3 "To amend and reenact R.S. 41:14, 51(introductory paragraph) and (1), 1001
4 through 1006, 1008, 1009, 1042, 1044, 1082, 1084, 1132, 1133,"

5 AMENDMENT NO. 2

6 On page 1, line 3, after "1213" insert a comma "," and "1701, 1703, 1706(B), 1713(A),"

7 AMENDMENT NO. 3

8 On page 1, lines 3 and 4, change "State Land Office" to "state land office"

9 AMENDMENT NO. 4

10 On page 1, delete lines 7 and 8 in their entirety and insert in lieu thereof the following:

11 "Section 1. R.S. 41:14, 51(introductory paragraph) and (1), 1001
12 through 1006, 1008, 1009, 1042, 1044, 1082, 1084, 1132, 1133, 1213, 1701,
13 1703, 1706(B), 1713(A) are hereby amended and reenacted to read as
14 follows:"

15 AMENDMENT NO. 5

16 On page 1, line 16, change "herein" to "in this Section"

17 AMENDMENT NO. 6

18 On page 1, line 17, after "own" delete the remainder of the line and on line 18, delete "of
19 lands covering"

20 AMENDMENT NO. 7

21 On page 1, after line 19, add the following:

22 §51. Surveys and plats
23 The governor may direct the ~~department of public works~~ Department
24 of Transportation and Development:

25 (1) To make, from time to time, surveys of all unsurveyed lands
26 belonging and that may hereafter belong to this state and to subdivide them
27 into townships, sections and other proper subdivisions that may be necessary
28 for their identification, description, entry and sale. In the event the
29 ~~department of public works~~ secretary of the Department of Transportation
30 and Development cannot timely cause a requested survey to be made, then
31 the register may on his own initiative cause a survey or surveys to be made
32 of state lands which survey shall be subject to approval by the director of the
33 department of public works. The cost of such a survey shall be borne by the
34 register of the state land office.

35 * * *

1 AMENDMENT NO. 8

2 On page 2, between line 27 and 28, insert the following:

3 "§1004. Place; time; minimum price; proces-verbal

4 The timber so advertised shall be sold to the highest bidder by the
 5 sheriff of the parish ~~wherein~~ where the timber is located, at the time and
 6 place mentioned in the advertisement for the consideration of bids. All bids
 7 shall be submitted sealed and opened publicly by the sheriff. No bid shall be
 8 accepted by the sheriff after the time designated as the time for opening such
 9 bids. No bid shall be considered unless accompanied by a cashier's check,
 10 certified check, or bank money order in the exact amount of the bid
 11 submitted and made payable to the sheriff of the parish in which the sale is
 12 conducted. No bid shall be accepted if less than the minimum price
 13 established by the ~~Office of Forestry~~ Department of Agriculture and Forestry,
 14 office of forestry. The sheriff conducting the sale shall deliver a proces-
 15 verbal of the sale to the successful bidder."

16 AMENDMENT NO. 917 On page 3, line 3, change "State Land Office" to "Register of the State Land Office"18 AMENDMENT NO. 10

19 On page 3, line 9, after "advertising" insert a comma ","

20 AMENDMENT NO. 1121 On page 3, line 11, change "State Land Office" to "Register of the State Land Office"22 AMENDMENT NO. 1223 On page 3, line 12, change "wherein he shall give" to "showing"24 AMENDMENT NO. 1325 On page 3, lines 15, 21, and 27, change "State Land Office" to "Register of the State Land
26 Office"27 AMENDMENT NO. 1428 On page 3, line 23, change "State Land" to "Register of the State Land Office" and on line
29 24, delete "Office"30 AMENDMENT NO. 1531 On page 4, lines 2 and 8, change "State Land Office" to "Register of the State Land Office"32 AMENDMENT NO. 1633 On page 4, line 25, change "Chapter" to "Part"34 AMENDMENT NO. 17

35 On page 4, between lines 26 and 27, insert the following:

36 "§1044. Place; time; minimum price; proces-verbal

37 The timber so advertised shall be sold to the highest bidder by the
 38 sheriff of the parish ~~wherein~~ where the timber is located, at the time and

1 place mentioned in the advertisement for the consideration of bids. All bids
 2 shall be submitted sealed and opened publicly by the sheriff. No bid shall be
 3 accepted by the sheriff after the time designated as the time for opening such
 4 bids. No bid shall be considered unless accompanied by a cashier's check,
 5 certified check, or bank money order in the exact amount of the bid
 6 submitted and made payable to the sheriff of the parish in which the sale is
 7 conducted. No bid shall be accepted if less than the minimum price
 8 established by the ~~Office of Forestry~~ Department of Agriculture and Forestry,
 9 office of forestry. The sheriff conducting the sale shall deliver a proces-
 10 verbal of the sale to the successful bidder.
 11 * * *

12 AMENDMENT NO. 18

13 On page 5, line 4, change "Chapter" to "Part"

14 AMENDMENT NO. 19

15 On page 5, between lines 5 and 6, insert the following:

16 "§1084. Place; time; minimum price; proces verbal
 17 The timber so advertised shall be sold to the highest bidder by the
 18 sheriff of the parish ~~wherein~~ where the timber is located at the time and place
 19 mentioned in the advertisement for the consideration of bids. All bids shall
 20 be submitted sealed and opened publicly by the sheriff. No bids shall be
 21 accepted by the sheriff after the time designated as the time for opening such
 22 bids. No bid shall be considered unless accompanied by a cashier's check,
 23 certified check, or bank money order in the exact amount of the bid
 24 submitted and made payable to the sheriff of the parish in which the sale is
 25 conducted. No bid shall be accepted if less than the minimum price
 26 established by the Department of Agriculture and Forestry, office of forestry.
 27 The sheriff conducting the sale shall deliver a proces verbal of the sale to the
 28 successful bidder.
 29 * * *

30 §1132. Formal agreement to be made

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

43 §1133. Submission of differences to commissioners

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

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

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AMENDMENT NO. 20

On page 5, line 18, change "therein" to "in the application"

AMENDMENT NO. 21

On page 5, between lines 22 and 23, insert the following:

"§1701. Declaration of policy; public trust
The beds and bottoms of all navigable waters and the banks or shores of bays, arms of the sea, the Gulf of Mexico, and navigable lakes belong to the state of Louisiana, and the policy of this state is hereby declared to be that these lands and water bottoms, hereinafter referred to as "public lands", shall be protected, administered, and conserved to best ensure full public navigation, fishery, recreation, and other interests. Unregulated encroachments upon these properties may result in injury and interference with the public use and enjoyment and may create hazards to the health, safety, and welfare of the citizens of this state. To provide for the orderly protection and management of these state-owned properties and serve the best interests of all citizens, the lands and water bottoms, except those excluded and exempted and as otherwise provided by this Chapter, or as otherwise provided by law, shall be under the management of the ~~Department of Natural Resources~~ Division of Administration, hereinafter referred to as the "~~department division~~". The ~~State Land Office~~ state land office, hereinafter referred to as the "office", shall be responsible for the control, permitting, and leasing of encroachments upon public lands, in accordance with this Chapter and the laws of Louisiana and the United States.

* * *

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

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

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

* * *

§1706. Classes of permits

* * *

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

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

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

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AMENDMENT NO. 22

On page 5, line 25, delete "Office of" and on line 26, change "State Land" to "state land office"

AMENDMENT NO. 23

On page 6, line 3, after "retrieval." delete the remainder of the line and delete lines 4 and 5 in their entirety

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