

First Extraordinary Session, 2005

HOUSE BILL NO. 8

BY REPRESENTATIVES ODINET, BEARD, DANIEL, DARTEZ, FRITH, GEYMANN,  
ST. GERMAIN, AND WOOTON AND SENATOR N. GAUTREAUX

1 AN ACT

2 To provide for an extended period of time for renewal or extension of oyster leases expiring  
3 on January 1, 2006; to provide relative to terms of lease renewals or extensions; to  
4 provide for the 2006 due date for annual rent for oyster leases; and to provide for the  
5 2006 dates for determination and advertisement of defaulted oyster leases; to  
6 suspend Section 501(G)(3) of Chapter 5 of Part VII of Title 76 of the Louisiana  
7 Administrative Code relative to public auction of leases in default; and to provide  
8 for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Notwithstanding any provisions of R.S. 56:428, 428.1, 428.2, and 428.3  
11 to the contrary, for any oyster lease for which the lease term ends January 1, 2006, and  
12 which is eligible for renewal or extension, the secretary of the Department of Wildlife and  
13 Fisheries has until May 1, 2006, to execute a renewal or extension. Such renewal or  
14 extension shall be for a term not to exceed fifteen years, and the term shall be specified in  
15 the lease renewal or extension. If a lessee has been notified by the Department of Wildlife  
16 and Fisheries that the lease may be renewed or extended but the lease renewal or extension  
17 is not executed by the secretary on or before May 1, 2006, the lease shall automatically be  
18 renewed or extended for the period of time provided in the renewal or extension. The term  
19 of a renewal or extension shall begin on the first day following the expiration date of the  
20 prior lease. All other provisions of R.S. 56:428, 428.1, 428.2, and 428.3 shall be applicable  
21 and enforceable in the same manner as those provisions have been applicable and  
22 enforceable prior to the effective date of this Act.

23 Section 2. Notwithstanding any provision of R.S. 56:429 to the contrary, each oyster  
24 lease tenant shall have until March 31, 2006, to pay the required calendar year 2006 annual

1 rental payment to the Department of Wildlife and Fisheries. Failure to pay the 2006 required  
 2 rent punctually on or before March 31, 2006, ipso facto and without demand or putting in  
 3 default, terminates and cancels the lease and forfeits to the department all the works,  
 4 improvements, betterments, and oysters on the leased water bottoms. All other provisions  
 5 of R.S. 56:429 shall be applicable and enforceable in the same manner as those provisions  
 6 have been applicable and enforceable prior to the effective date of this Act. In addition, for  
 7 the year 2006 only, the dates outlined in Section 501(G) of Chapter 5 of Part VII of Title 76  
 8 of the Louisiana Administrative Code shall be as follows: (G)(1), the list of leases in default  
 9 shall be compiled no later than April 3, 2006; (G)(2), the advertisement of leases in default  
 10 shall be submitted no later than April 17, 2006, for publication on the first available date  
 11 thereafter, and reinstatement payments shall be received no later than July 1, 2006.

12 Section 3. Section 501(G)(3) of Chapter 5 of Part VII of Title 76 of the Louisiana  
 13 Administrative Code is hereby suspended until December 31, 2006.

14 Section 4. This Act shall become effective upon signature by the governor or, if not  
 15 signed by the governor, upon expiration of the time for bills to become law without signature  
 16 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
 17 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
 18 effective on the day following such approval.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_