

2016 Regular Session

HOUSE BILL NO. 1130

BY REPRESENTATIVE GAROFALO

FISHING/OYSTERS: Allows for dual leasing of water bottoms for oyster cultivation and harvest

1 AN ACT

2 To enact R.S. 56:425.1, relative to leasing of water bottoms for oyster cultivation and  
3 harvest; to authorize the state to jointly lease certain water bottoms; to provide for  
4 the terms and conditions of such joint leases; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 56:425.1 is hereby enacted to read as follows:

7 §425.1. Joint leasing of water bottoms for oyster cultivation and harvest

8 A. In an effort to allocate competing and dual claims to the ownership of  
9 state water bottoms in the best interest of all parties, the Department of Wildlife and  
10 Fisheries is hereby authorized to enter into an agreement with a private claimant  
11 whereby certain water bottoms may, in cooperation between the state and the private  
12 claimant, be leased for the cultivation and harvest of oysters. Any such agreement  
13 shall not in any way be interpreted to indicate or determine ownership of the water  
14 bottom nor shall any such agreement be interpreted to allocate or designate  
15 ownership of mineral rights beneath the water bottom.

16 B. Any such agreement may originate with either the department or the  
17 private claimant and any annual rental payments required by R.S. 56:428(C) shall be  
18 made to the department as provided by R.S. 56:428(C). Except for the requirements  
19 of R.S. 56:425(A) for determination of state ownership, the lease shall be subject to  
20 the provisions of Subpart D of Part VII of Chapter 1 of Title 56 of the Louisiana

1        Revised Statutes of 1950 in addition to any other conditions of the agreement  
2        between the state and the private claimant.

3                C. The joint agreement between the state and the private claimant shall  
4        remain in effect throughout the term of any lease issued subject to the agreement or  
5        until ownership of the water bottom has been determined by final judgment of the  
6        court. Any lease subject to the joint agreement shall terminate at the time a court has  
7        issued a final determination of ownership of the water bottom.

8                D. Any lease to be issued under the provisions of this Section shall not be  
9        subject to the moratorium on the issuance of oyster leases adopted by the Louisiana  
10       Wildlife and Fisheries Commission on March 7, 2002.

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)]

HB 1130 Original

2016 Regular Session

Garofalo

**Abstract:** Authorizes joint leasing between the Dept. of Wildlife and Fisheries and private claimants to the water bottoms of the water bottoms for oyster cultivation and harvest

Proposed law authorizes the Dept. of Wildlife and Fisheries to enter into an agreement with a private claimant whereby certain water bottoms may, in cooperation between the state and the private claimant, be leased for the cultivation and harvest of oysters. Specifies that any such agreement does not in any way indicate or determine ownership of the water bottom nor does the agreement allocate or designate ownership of mineral rights beneath the water bottom.

Proposed law provides that an agreement may originate with either the department or the private claimant; requires annual rental payments to be made to the department; and specifies that except for a determination of state ownership, the lease is subject to the provisions in law that govern oyster leasing in addition to any other conditions of the agreement between the state and the private claimant.

Proposed law specifies that the joint agreement between the state and the private claimant remains in effect for the term of any lease issued subject to the agreement or until ownership of the water bottom has been determined by final judgment of the court. Terminates any lease subject to the joint agreement at the time a court has issued a final determination of ownership of the water bottom.

Proposed law provides that any lease to be issued under the provisions of this Section shall not be subject to the moratorium on oyster leases adopted by the Wildlife and Fisheries Commission on March 7, 2002.

(Adds R.S. 56:425.1)