

2020 Regular Session

SENATE BILL NO. 176

BY SENATOR ALLAIN

PUBLIC LANDS. Allows for the state and private landowners to enter into boundary agreements concerning disputed property. (8/1/20)

1 AN ACT

2 To enact Part III of Chapter 4 of Title 41 of the Louisiana Revised Statutes of 1950, to be  
3 comprised of R.S. 41:211, relative to boundary agreements with the state; to provide  
4 for water bottom boundary agreements; to provide certain terms, conditions,  
5 procedures, and requirements; to provide for an effective date; and to provide for  
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Part III of Chapter 4 of Title 41 of the Louisiana Revised Statutes of 1950,  
9 to be comprised of R.S. 41:211 is hereby enacted to read as follows:

10 **PART III. WATER BOTTOM BOUNDARY AGREEMENTS**

11 **§211. Authority to enter water bottom boundary agreements**

12 **A. The commissioner of administration may enter into agreements with**  
13 **riparian landowners to establish a permanent, fixed boundary between state**  
14 **owned or claimed and privately owned or claimed water bottoms, regardless of**  
15 **the navigability of the water body. In such agreements the state may accept a**  
16 **donation of any riparian landowner owned or claimed lands or water bottoms,**  
17 **subject to a perpetual reservation of minerals, regardless of any subsequent**

1           erosion or loss of the land donated, or of the present or future navigability of the  
2           water bottom donated.

3           B. All agreements pursuant to this Section shall provide that the public  
4           shall enjoy a permanent right of reasonable, regulated public access over all  
5           present water bottoms allocated to the riparian landowner and all future water  
6           bottoms created from the riparian land as a result of natural erosion,  
7           subsidence or rising sea levels.

8           Section 2. This Act shall take effect and become operative if and when the proposed  
9           amendment of Article IX, Section 3 and 4(A) of the Constitution of Louisiana contained in  
10          the Act which originated as Senate Bill No. \_\_\_\_\_ of this 2020 Regular Session of the  
11          Legislature is adopted at the statewide election to be held on November 3, 2020, and  
12          becomes effective.

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Tyler S. McCloud.

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DIGEST

SB 176 Original

2020 Regular Session

Allain

Proposed law authorizes the commissioner of administration may enter into agreements with riparian landowners to establish a permanent, fixed boundary between state owned or claimed and privately owned or claimed waterbottoms, regardless of the navigability of the water body.

Proposed law authorizes the state in such agreements to accept a donation of any riparian landowner owned or claimed lands or water bottoms, subject to a perpetual reservation of minerals, regardless of any subsequent erosion or loss of the land donated, or of the present or future navigability of the water bottom donated.

Proposed law requires all agreements and donations to provide that the public shall enjoy a permanent right of reasonable, regulated public access over all present water bottoms allocated to the riparian landowner and all future water bottoms created from the riparian land as a result of natural erosion, subsidence or rising sea levels.

Effective if and when the proposed amendment of Article IX, Section 3 and 4(A) of the Constitution of Louisiana contained in the Act which originated as SB \_\_\_\_ of the 2020 RS is adopted at the statewide election to be held on November 3, 2020, and becomes effective.

(Adds R.S. 41:211)