

2021 Regular Session

HOUSE BILL NO. 331

BY REPRESENTATIVE BOURRIAQUE

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

PUBLIC LANDS/STATE: (Constitutional Amendment) Authorizes the state to enter into certain agreements with landowners concerning boundaries between state claimed and privately claimed water bottoms

A JOINT RESOLUTION

Proposing to amend Article IX, Sections 3 and 4(A) of the Constitution of Louisiana, relative to water bottoms; to provide relative to water bottom boundary agreements between state and private landowners; to provide for public access and the reservation of mineral rights; to provide certain terms and conditions; to specify an election for submission of the proposition to electors and provide a ballot proposition; and to provide for related matters.

Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members elected to each house concurring, that there shall be submitted to the electors of the state, for their approval or rejection in the manner provided by law, a proposal to amend Article IX, Sections 3 and 4(A) of the Constitution of Louisiana, to read as follows:

§3. Alienation of Water Bottoms

Section 3. (A) ~~The~~ Except as provided in this Section, the legislature shall neither alienate nor authorize the alienation of the bed of a navigable water ~~body,~~ body ~~except for purposes of reclamation by the riparian owner to recover land lost through erosion. This Section shall not prevent the leasing of state lands or water bottoms for mineral or other purposes. Except as provided in this Section, the bed of a navigable water body may be reclaimed only for public use.~~

(B) This Section shall not prevent the following:

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

1 (1) The leasing of state lands or water bottoms for mineral or other purposes.

2 (2) The state from alienating the bed of a navigable water body for the
3 purpose of reclamation by the riparian owner to recover land lost through erosion,
4 subsidence, or sea level rise.

5 (3) The state from entering into agreements with riparian landowners to
6 establish a permanent, fixed boundary within a body of water, regardless of its
7 navigability and regardless of whether the body of water is a lake, river, stream, or
8 seashore, which establishes ownership between the state and the riparian owner. This
9 boundary, once established, shall not alter or affect ownership of the portion of the
10 water bottom allocated to the riparian landowner, regardless of its present or future
11 navigability, and shall extend to any water bottom, whether navigable or not, created
12 by subsequent erosion, subsidence, sea level rise, or other similar loss of the riparian
13 land.

14 (4) The state from accepting a donation of any riparian landowner owned or
15 claimed lands or water bottoms, subject to perpetual reservation of minerals,
16 regardless of any subsequent erosion, subsidence, sea level rise, or other similar loss
17 of the land donated, or of the present or future navigability of the water bottom
18 donated.

19 (5) An agreement or donation authorized by Subparagraph (3) or (4) of this
20 Paragraph shall provide that the public has a permanent right of reasonable, regulated
21 access over an agreed portion of the water bottoms allocated to the riparian
22 landowner, which shall proportionately extend to and over future water bottoms
23 created from the riparian land as a result of natural erosion, subsidence, or sea level
24 rise, or other similar loss, regardless of such water bottom's present or future
25 navigability.

26 §4. Reservation of Mineral Rights; Prescription

27 Section 4.(A) ~~Reservation of Mineral Rights.~~ (1) The mineral rights on
28 property sold by the state shall be reserved, except when the owner or person having

1 the right to redeem buys or redeems property sold or adjudicated to the state for
2 taxes.

3 (2) The mineral rights on land, contiguous to and abutting navigable
4 ~~water bottoms~~ water bottoms reclaimed by the state through the implementation and
5 construction of coastal restoration projects shall be reserved, except when the state
6 and the landowner having the right to reclaim or recover the land have agreed to the
7 disposition of mineral rights, in accordance with the conditions and procedures
8 provided by law.

9 (3) The state may agree to the disposition of mineral rights underlying a
10 body of water, regardless of its navigability and regardless of whether the body of
11 water is a lake, river, stream, or seashore, the ownership of which is subject to an
12 agreement authorized by Article IX, Section 3(B)(3) of this Constitution.

13 * * *

14 Section 2. Be it further resolved that this proposed amendment shall be submitted
15 to the electors of the state of Louisiana at the statewide election to be held on November 8,
16 2022.

17 Section 3. Be it further resolved that on the official ballot to be used at the election
18 there shall be printed a proposition, upon which the electors of the state shall be permitted
19 to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as
20 follows:

21 Do you support an amendment that allows the state to enter into boundary
22 agreements with riparian landowners that establish ownership of certain
23 water bottoms, including underlying mineral rights, regardless of current or
24 future navigability and regardless of whether the water bottom forms part of
25 a lake, river, or stream, in return for reasonable, regulated public access over
26 portions of the water bottoms allocated to the riparian landowner?

27 (Amends Article IX, Sections 3 and 4(A))

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 331 Original

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Bourriaque

Present constitution prohibits the state from alienating the bed of a navigable water body except for purposes of reclamation by the riparian owner of property lost through erosion. Further, requires that the reclamation of water bottoms be only for public use, except as provided in present constitution.

Present constitution provides that the prohibition on alienating the water bottoms of navigable water bodies does not apply to leasing of water bottoms for minerals or other purposes.

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

Proposed constitution 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. However, all such agreements must provide that the public 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.

Specifies submission of the amendment to the voters at the statewide election to be held on Nov. 8, 2022.

(Amends Article IX, §§3 and 4(A))