
DIGEST

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HB 239 Engrossed

2021 Regular Session

Riser

Abstract: Prohibits the cutting or removal of cypress trees on all property owned by the state except for in certain situations or authorizations. Creates penalties for the violation of this law.

Present law prohibits the cutting or removal of cypress trees on water bottoms owned by the state with the exception of doing so for the purpose of maintaining rights-of-way or by utilities when mitigating damage caused by acts of God and establishes additional penalties for anyone violating present law.

Proposed law repeals present law and moves the language to a new section. Proposed law expands present law to include all property owned by the state and creates additional exceptions to include the following:

- (1) Removal of a fallen cypress tree or its stump with the consent of, or in accordance with the direction of, the government entity owning the land.
- (2) Clearing and maintenance of trails or roads on wildlife management areas.
- (3) Cutting or clearing as part of a management plan for managing aquatic vegetation and that plan is developed or approved by the Dept. of Wildlife and Fisheries.
- (4) Cutting or clearing of cypress trees for the purpose of creating a necessary boat lane or navigation corridor and the cutting or clearing of standing cypress trees is unavoidable and approval is received from the Dept. of Wildlife and Fisheries.
- (5) For integrated coastal protection projects or a project listed in the comprehensive master coastal protection plan as defined in present law.
- (6) For levee or drainage project by the departments, agencies, boards, or commissions of the state and their political subdivisions, including but not limited to a levee district or levee and drainage district as identified in present law.

Proposed law requires a five-year liberative prescriptive period for any civil action filed pursuant to proposed law.

Present law authorizes those acting under a lease agreement or permit with the state land office, and the register of the state land office, to permit the selective cutting of cypress on water bottoms owned

by the state.

Proposed law removes the authorizations in present law.

Proposed law designates the Act as the "Hartwell Old Growth Act".

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 41:1009; Adds R.S. 3:4278.5; Repeals R.S.3:4278.1(F))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Agriculture, Forestry, Aquaculture, and Rural Development to the original bill:

1. Add exceptions to the cutting, clearing, removing, or diverting for sale or use of any cypress trees on state property for the following:
 - (a) Trails or roads on wildlife management areas.
 - (b) Integrated coastal protection projects or a project listed in the comprehensive master coastal protection plan as defined in present law.
 - (c) Levee or drainage project by the departments, agencies, boards, or commissions of the state and their political subdivisions, including but not limited to a levee district or levee and drainage district as identified in present law.
2. Make proposed law effective upon signature of governor or lapse of time for gubernatorial action.
3. Make technical changes.