
DIGEST

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HB 331 Reengrossed

2021 Regular Session

Bourriaque

Abstract: 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.

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, at minimum, 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.

Proposed constitution authorizes the state to negotiate surface and mineral interests with riparian land owners.

Specifies submission of the amendment to the voters at the statewide election to be held on Nov. 7, 2084.

(Amends Article IX, §§3 and 4(A))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Natural Resources and Environment to the original bill:

1. Clarify that certain proposed law provisions only apply to the coastal zone.
2. Authorize the state to negotiate surface and mineral interests with riparian land owners.
3. Specify that "at a minimum" agreements entered into between the state and riparian land owners include certain information.

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the engrossed bill:

1. Remove the term "riparian" from the ballot language.
2. Change proposed election date to Nov. 7, 2084.