

RÉSUMÉ DIGEST

ACT 190 (HB 239)

2021 Regular Session

Riser

Existing law prohibits, without consent, the cutting or removal of trees on the land of another, including 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.

New law repeals the portion of existing law regarding the prohibition against the cutting or removal of cypress trees on water bottoms owned by the state without consent.

New law prohibits the cutting, felling, destroying, removing, or diverting for sale or use of any cypress trees growing or lying on all property owned by the state with exception to 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 law.
- (6) For levee or drainage projects 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 law.

Existing law establishes penalties for both the willful and intentional and good-faith removal of trees on the land of another or co-owned land without consent and establishes an additional penalty of up to \$5,000, imprisonment not exceeding six months, or both for the removal of cypress trees on state-owned water bottoms.

New law retains existing law in part and repeals the portion imposing the additional penalty for the removal of cypress trees on state-owned water bottoms. New law references existing law penalties for violation of new law and reestablishes the additional penalty of a \$5,000 fine, imprisonment not exceeding six months, or both and applies it to the removal of cypress trees on all state-owned property.

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

Prior law authorized 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.

New law removes the authorizations in prior law.

Prior law required a buyer who purchases timber on an undivided piece of land from a co-owner or co-heir to obtain consent from the co-owners or co-heirs holding at least an 80% interest in the land, provided the buyer has made a reasonable effort to contact the co-owners or co-heirs who have not consented, and if contacted, has offered to contract with them on substantially the same basis as he has contracted with the other co-owners or co-heirs.

New law reduces the percent interest in the land from 80% to 75%.

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

Effective upon signature of governor (June 11, 2021).

(Amends R.S. 3:4278.2(B) and R.S. 41:1009; Adds R.S. 3:4278.5; Repeals R.S. 3:4278.1(F))