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## DIGEST

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HB No. 141

**Abstract:** Adds hurricane protection to the jurisdiction of the Wetlands Conservation and Restoration Authority. Changes the name and the membership of the authority. Makes other conforming name changes.

Present law creates the Wetlands Conservation and Restoration Authority within the office of the governor. Proposed law changes the name of the authority to the Coastal Protection and Restoration Authority.

Present law creates the Wetlands Conservation and Restoration Fund. Proposed law changes the name of the fund to the Coastal Protection and Restoration Fund. Dedicates Outer Continental Shelf (OCS) oil and gas revenues to the fund.

Present law provides that the authority is composed of the executive assistant to the governor for coastal activities and specified additional members of a task force. Proposed law removes references to a task force and makes the following changes to the membership of the authority:

- (1) Present law provides that the secretaries of the following departments are members: Natural Resources, Wildlife and Fisheries, Environmental Quality, and Transportation and Development. Provides that the commissioner of administration is a member. Proposed law authorizes each of these ex officio members to designate someone to serve in his stead.
- (2) Present law provides that the assistant chief of staff for health, welfare, and environment in the governor's office and the director of the State Soil and Water Conservation Committee are members. Proposed law removes these members and adds the secretary or commissioner of the following departments or their designees to the authority: Economic Development, Agriculture and Forestry, and Insurance.
- (3) Proposed law provides for the following additional members of the authority: three members selected from among and by the presidents of levee boards divided into three regions of the coastal zone; two members of governing authorities of coastal zone parishes with no levee district selected by the Louisiana Police Jury Association, one from east of the Atchafalaya River and one from west of the Atchafalaya River; the chair of the Governor's Advisory Commission on Coastal Protection, Restoration, and Conservation or his designee; the director of the state Office of Homeland Security and Emergency Preparedness or his designee; the chairs of the House and Senate Committees on Natural Resources; the chairs of the House and Senate Committees on Transportation, Highways and Public Works; and a senator who represents a coastal district appointed by the president of the Senate and a

representative who represents a coastal district appointed by the speaker of the House.

Proposed law requires any member of the authority who represents a political subdivision to recuse himself from issues concerning taking action against that political subdivision for lack of compliance with the state plan.

Present law provides that the governor, through the executive assistant for coastal activities, shall coordinate the powers, duties, functions, and responsibilities of any state agency relative to coastal wetlands conservation and restoration and shall administer the programs of the authority. Proposed law requires coordination of coastal protection and restoration efforts.

Present law authorizes the executive assistant to employ necessary staff. Proposed law further authorizes him to seek and utilize assistance of personnel in any state department or agency.

Proposed law requires that the authority:

- (1) Represent the state's position in policy implementation relative to protection, conservation, and restoration of the coastal area.
- (2) Develop procedures for action to enforce compliance with the comprehensive master plan; actions may include withholding funds, civil actions, and the removal of gubernatorial appointees.

Present law requires the governor through the executive assistant to do the following with respect to wetlands conservation and restoration:

- (1) Coordinate departmental budget requests for programs and projects pertaining to coastal wetlands conservation and restoration as well as all requests for funds to be appropriated from the Wetlands Conservation and Restoration Fund.
- (2) Coordinate and focus the functions of all state agencies.
- (3) Review and reconcile state agency comments on federally sponsored water resource development projects or permitted activities.
- (4) Represent the policy and consensus viewpoint of the state at the federal, regional, state, and local levels.
- (5) Appraise the adequacy of statutory and administrative mechanisms for coordinating the state's policies and programs at both the intrastate and interstate levels.
- (6) Appraise the adequacy of federal, regional, state, and local programs to achieve the policies and meet the goals of the state.
- (7) Oversee and coordinate federal and state-funded research.

- (8) Coordinate and focus federal involvement in Louisiana.
- (9) Provide the official state recommendations to the legislature and congress with respect to policies, programs, and coordinating mechanisms.
- (10) Monitor and seek available federal and private funds.
- (11) Manage his personnel as provided by law.
- (12) Manage his budget, office, and related functions.
- (13) Report annually to the legislative committees on natural resources as to the progress of the projects and programs enumerated in the plan. For each project or program, estimated construction and maintenance costs, progress reports, and estimated completion timetables shall be provided.
- (14) Perform such powers, duties, and functions as may be delegated to him by the authority.

Proposed law retains present law and adds issues of coastal protection, including hurricane protection and barrier shorelines and reefs, to the jurisdiction of the governor through his executive assistant in carrying out these activities.

Present law authorizes the governor, through his executive assistant, to examine and modify or request modifications of policies, procedures, or programs of state agencies that may affect restoration projects, wetlands enhancement or marsh management plans, and review and modify proposed coastal use permits that would authorize activities which affect wetlands conservation and restoration projects or which would significantly diminish the benefits of projects intended to conserve or enhance coastal wetlands. Proposed law retains present law and authorizes such actions with respect to hurricane protection projects.

Present law provides that the authority shall develop a comprehensive policy addressing the conservation and restoration of coastal wetlands resources through the construction and management of coastal vegetated wetlands enhancement projects, including privately funded marsh management projects or plans, and addressing those activities requiring a coastal use permit which significantly affect such projects. Requires that the authority develop an annual plan for carrying out the strategy.

Proposed law provides that the authority shall develop, coordinate, report, and provide oversight of a comprehensive coastal protection master plan which is to include a comprehensive strategy addressing the protection, conservation, and restoration of the coastal area through the construction and management of hurricane protection projects and coastal restoration projects. Proposed law provides for legislative oversight of the comprehensive plan.

Proposed law retains the requirement that the authority develop an annual plan and submit it to the legislature for approval. Requires that the annual plans include requests for funding for projects and programs. Retains present law relative to procedures for the development of annual plans and the

contents thereof.

Proposed law specifies that the attorney general or his designee is the legal advisor for the authority.

Present law creates the Governor's Advisory Commission on Coastal Restoration and Conservation. Proposed law changes the name of the commission to the Governor's Advisory Commission on Coastal Protection, Restoration, and Conservation and adds two members appointed by the La. Levee Board Association and one member appointed by the governor representing the maritime industry. Specifically adds coastal protection, barrier shorelines, and reefs to the subject matter jurisdiction of the commission.

Directs the La. State Law Institute to make technical changes to other statutes to reflect name changes. Provides that if the proposed constitutional amendment to change the name of the fund fails to become law, the name of the fund, the authority, the advisory commission, and the plan will revert to present law and directs the law institute to effect those reversions.

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

(Amends R.S. 49:213.1-213.8, 214.3(1), 214.11, 214.12(A)(1), and 214.13; Adds R.S. 49:213.11; Repeals Act No. 300 of 2005 R.S.)

#### Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Natural Resources to the original bill.

1. Provides for new members of the wetlands authority as follows:
  - (a) Three members selected from among and by the presidents of levee boards divided into three regions of the coastal zone.
  - (b) Two members of governing authorities of coastal zone parishes with no levee district selected by the Louisiana Police Jury Association, one from east of the Atchafalaya River and one from west of the Atchafalaya River.
  - (c) The chairs of the House and Senate Committees on Natural Resources; the chairs of the House and Senate Committees on Transportation, Highways and Public Works.
  - (d) One senator who represents a coastal district appointed by the president of the Senate and one representative who represents a coastal district appointed by the speaker of the House.
2. Requires any member of the authority who represents a political subdivision to recuse himself from issues concerning taking action against that political subdivision for lack of compliance with the state plan.
3. Adds barrier shorelines and reefs to the jurisdiction of the authority.

4. Provides for legislative oversight of the comprehensive plan in addition to the annual plan.
5. Specifies that the attorney general or his designee is the legal advisor for the authority.
6. Provides that if the proposed constitutional amendment to change the name of the fund fails to become law, the name of the fund, the authority, the advisory commission, and the plan will revert to present law and directs the law institute to effect those reversions.
7. Dedicates OCD oil and gas revenues to the Coastal Protection and Restoration Fund.