

First Extraordinary Session, 2005

SENATE BILL NO. 109

BY SENATORS N. GAUTREAUX, BOASSO AND DUPRE

COASTAL RESOURCES. Requires the wetlands authority to implement an inspection program for coastal and hurricane protection.

AN ACT

To amend and reenact R.S. 49:213.2 and 213.4(A), and to enact R.S. 49:213.11, relative to coastal and hurricane protection; to authorize and provide for the development and implementation of an inspection program; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 49:213.2 and 213.4(A) are hereby amended and reenacted and R.S. 49:213.11 is hereby enacted to read as follows:

§213.2. Definitions

As used in this Part, the following terms shall have the meaning ascribed to them below:

* * *

(5) "Hurricane protection" means a system of barriers and associated elements to provide protection against tidal surges.

~~(5)~~**(6)** "Plan" means the state coastal vegetated wetlands conservation and restoration plan and amendments to the plan.

~~(6)~~**(7)** "Project" means a physical structure or structures designed and constructed according to the plan.

1 ~~(7)~~**(8)** "Task Force" means the Wetlands Conservation and Restoration Task
2 Force.

3 * * *

4 §213.4. Powers and duties

5 A. The authority shall:

6 * * *

7 **(5) Authorize the development of procedures in accordance with the**
8 **Administrative Procedure Act and the taking of actions against any entity,**
9 **including a political subdivision, for the enforcement of, and compliance with,**
10 **the notice of defect. Such procedures and actions include, but not limited to,**
11 **determinations of noncompliance; appeal from such determinations; the taking**
12 **of administrative action, including the withholding of funds; and civil action,**
13 **including the seeking of injunctive relief or any other remedy necessary to**
14 **ensure compliance with the notice of defect.**

15 * * *

16 **§213.11. Inspection Program**

17 **A. The authority shall establish and implement a comprehensive**
18 **hurricane protection inspection program. Such program shall include the**
19 **following:**

20 **(1) Reviewing of hurricane protection diagrams, designs and plans.**

21 **(2) Monitoring of defects and problems.**

22 **(3) Conducting of an inspection of every hurricane protection barrier**
23 **and associated elements at least every five years, or after a hurricane impacts**
24 **a hurricane protection barrier and associated elements. If a defect or problem**
25 **is identified, then the authority shall measure and test elevations, soil conditions,**
26 **and structural integrity of the hurricane protection barrier and associated**
27 **elements.**

28 **B. The authority shall report a notice of defect in the hurricane**
29 **protection within two days of the inspection results to the appropriate entity, or**

- 1 **political subdivision. The notice shall contain a description of the defect. The**
 2 **notice of defect shall be mailed by certified mail, or return receipt requested.**
 3 **The appropriate entity, or political subdivision, shall have fourteen days from**
 4 **receipt of the notice of defect to provide the authority with a plan to remedy the**
 5 **defect.**

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by J. W. Wiley.

DIGEST

N. Gautreaux (SB 109)

Proposed law defines "hurricane protection" as a system of barriers and associated elements to provide protection against tidal surges.

Present law provides for the powers and duties of the Wetlands Conservation and Restoration Authority, including the development of a comprehensive conservation and restoration plan. Proposed law authorizes the Wetlands Conservation and Restoration Authority to develop procedures in accord with the APA and the taking of actions against any entity, including a political subdivision for the enforcement of, and compliance with the notice of defect.

Proposed law requires the authority to establish and implement a comprehensive hurricane protection inspection program. The program will review hurricane protection diagrams, designs, and plans; monitor defects and problems; and conduct inspections at least every five years and after a hurricane impacts a hurricane barrier and its associated elements. Proposed law further requires that if a defect or problem is discovered, then the authority must test the elevations, soil conditions, and structural integrity of the hurricane protection.

Proposed law requires the authority to report a notice of defect to the appropriate entity, or political subdivision within two days of the inspection results. The notice must contain a description of the defect. The notice must be mailed either by certified mail, or return receipt requested.

Proposed law requires the appropriate entity, or political subdivision, to provide a plan to remedy the defect within 14 days of receipt of the notice of defect.

(Amends R.S. 49:213.2 and 213.4(A); and adds R.S. 49:213.11)

Summary of Amendments Adopted by Senate

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

1. Changes the duties of the program.
2. Changes the number of days when the authority must report the notice of defect.
3. Changes certain provisions relative to the notice of defect.
4. Adds that the appropriate entity, or political subdivision, must provide a plan to remedy the defect within 14 days of receipt of the notice.