2016 Regular Session

HOUSE BILL NO. 241

BY REPRESENTATIVE ZERINGUE

COASTAL COMMISSION: Relative to administrative and budgetary services for the Coastal Protection and Restoration Authority

1	AN ACT
2	To amend and reenact R.S. 9:1103, R.S. 30:961(G)(3), 2000.11(E), 2459(A) and (D),
3	2460(14), R.S. 35:411(A), (B), and (E), R.S. 38:100(introductory paragraph),
4	106(A)(2)(introductory paragraph) and (B), 111, 112, 213(D), 214(B), 218(B),
5	221(F), 225(A)(2), (D)(2)(b), (F), 226, 301(B), 301.1(A), (B), and (C), 306(C),
6	313(B)(2), 315, 329.6(H), 330.1(C)(2)(c) and (3)(a), 3097.4(A)(9), R.S. 39:99.29(A),
7	366.3(1), 2202(1), (3), (5), and (6), R.S. 48:264.1(B), and R.S. 56:301.10(E)(3),
8	425(E), 427.1(C), 494(E)(3) and 2011(E), to enact R.S. 49:214.6.2(D)(8) and to
9	repeal R.S. 49:214.6.2(C)(4), relative to the Coastal Protection and Restoration
10	Authority Board; to change certain references to the "Office of Coastal Protection
11	and Restoration" to "Coastal Protection and Restoration Authority"; to change certain
12	references to the "Office of Coastal Protection and Restoration" to the "Coastal
13	Protection and Restoration Authority Board"; to make technical corrections to
14	references to the "executive director", the "chair", the "chairman"; to make other
15	technical corrections; to provide for the utilization of certain services provided by
16	the Department of Natural Resources; and to provide for related matters.
17	Be it enacted by the Legislature of Louisiana:
18	Section 1. R.S. 9:1103 is hereby amended and reenacted to read as follows:
19	§1103. Carbon sequestration on surface or water bottom
20	Any monetary compensation derived from the sequestration of carbon on the
21	surface of land or water bottoms through biological processes, including but not

1	limited to the growth of plants or animals or other natural or induced processes, is
2	the property of the owner of the land or water bottom upon which such sequestration
3	occurs, unless (a) contractually assigned to another party; or (b) the sequestration,
4	uptake, or prevention of emission of greenhouse gases is directly related to the
5	avoided conversion or avoided loss attributable to a project carried out or sponsored
6	by the Coastal Protection and Restoration Authority or the Coastal Protection and
7	Restoration Authority Board, including use of public resources as provided in R.S.
8	49:214.5.4. In such instance, the monetary compensation is the property of the state.
9	Section 2. R.S. 30:961(G)(3), 2000.11(E), 2459(A) and (D), 2460(A)(14) are hereby
10	amended and reenacted to read as follows:
11	§961. Cooperative endeavor agreements; withdrawal of surface water; intent
12	* * *
13	G.
14	* * *
15	(3) The management of cooperative endeavor agreements to withdraw
16	running surface water shall be consistent with the comprehensive master plan for
17	coastal restoration and protection as approved by the Coastal Protection and
18	Restoration Authority Board and the legislature.
19	* * *
20	§2000.11. Annual Basin plan
21	* * *
22	E. The annual Basin plan shall be submitted to the Coastal Protection and
23	Restoration Authority Board for their review and approval as consistent with the
24	master plan for coastal protection and restoration for a sustainable coast prior to final
25	adoption by the board.
26	* * *
27	§2459. State oil spill contingency plan
28	A. The coordinator shall develop and distribute to the public a state oil spill
29	contingency plan of response for actual or threatened unauthorized discharges of oil

1 and clean up of pollution from such discharges. In addition, the Department of 2 Environmental Quality, in cooperation with the coordinator, shall recommend 3 provisions of the plan relating to unauthorized discharges of oil. The Department of 4 Wildlife and Fisheries, in cooperation with the coordinator, shall recommend provisions of the plan providing for protection, rescue, and rehabilitation of aquatic 5 6 life and wildlife and appropriate habitats on which they depend under its jurisdiction. 7 The executive director of the Office of Coastal Protection and Restoration Authority, 8 in cooperation with the coordinator, shall recommend provisions of the plan for 9 providing for the protection and restoration of the coastal areas of the state. The 10 Department of Natural Resources, in cooperation with the coordinator, shall 11 recommend provisions of the plan providing for protection and rehabilitation of 12 appropriate resources under its jurisdiction. The Department of Public Safety and 13 Corrections, in cooperation with the coordinator, shall recommend provisions of the 14 plan providing for emergency response coordination to protect life and property, 15 excluding prevention, abatement, containment, and removal of pollution from an 16 unauthorized discharge.

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* *

18 D. Prior to adopting the state oil spill contingency plan, the coordinator shall 19 adopt a fully delineated inland boundary for coastal waters as defined in this Chapter, 20 which boundary shall be based upon data provided by, including but not limited to 21 the United States Army Corps of Engineers, United States Department of the 22 Interior, Minerals Management Service, the Coastal Protection and Restoration 23 Authority, the Louisiana Department of Natural Resources, and the oil and gas 24 industry. The coordinator shall be authorized to amend the boundary by rule as 25 conditions may warrant. The boundary, as adopted, shall be clearly marked on large 26 scale maps or charts, official copies of which shall be available for public inspection 27 in the Office of Coastal Protection and Restoration Authority, the office of coastal 28 management in the Department of Natural Resources, in each agency comprising the

1	interagency council, and in the parish seat of each parish located within the
2	boundary.
3	§2460. Contingency plan provisions
4	A. The plan shall include all of the following:
5	* * *
6	(14) Procedures established in cooperation with the Department of
7	Environmental Quality, Department of Wildlife and Fisheries, the Coastal Protection
8	and Restoration Authority, and Department of Natural Resources for assessment of
9	natural resources damages and plans for mitigation of damage to and restoration,
10	protection, rehabilitation, or replacement of damaged natural resources. Pursuant to
11	R.S. 49:214.1 et seq., the Coastal Protection and Restoration Authority is responsible
12	for integrated coastal protection in the coastal area of the state, therefore, the Coastal
13	Protection and Restoration Authority and the Office of Coastal Protection and
14	Restoration Authority Board shall assist the coordinator in a primary role in
15	assessing natural resource damages in the coastal area.
16	* * *
17	Section 3. R.S. 35:411(A), (B), and (E) are hereby amended and reenacted to read
18	as follows:
19	§411. Ex officio notaries public for the Office of Coastal Protection and Restoration
20	Authority
21	A. The executive director of the Office of Coastal Protection and Restoration
22	Authority may designate as ex officio notaries public up to five employees of the
23	office.
24	B. Employees so designated may administer oaths, take acknowledgments,
25	and attest on affidavits, and the authority granted under this Section is limited to acts
26	and instruments to which the office authority, the executive director acting for the
27	office authority, or the Coastal Protection and Restoration Authority Board, is a

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1	party, and other documents concerning any matter in which the office authority or
2	the Coastal Protection and Restoration Authority Board has an official interest.
3	* * *
4	E. The cost of each notarial seal shall be paid by the Office of Coastal
5	Protection and Restoration <u>Authority</u> .
6	Section 4. 38:100(introductory paragraph), 106(A)(2)(introductory paragraph) and
7	(B), 111, 112, 213(D), 214(B), 218(B), 221(F), 225(A)(2), (D)(2)(b), (F), 226, 301(B),
8	301.1(A), (B), and (C), 306(C), 313(B)(2), 315, 329.6(H), 330.1(C)(2)(c) and (3)(a),
9	3097.4(A)(9) are hereby amended and reenacted to read as follows:
10	§100. Object and purpose
11	It is the object and purpose of this Chapter to provide for participation by the
12	state of Louisiana in the Westwego to Harvey Canal hurricane protection project, for
13	modifications of the Westwego to Harvey Canal hurricane protection project to
14	include the Lake Cataouatche area, the East of Harvey Canal hurricane protection
15	project, and for any other future project modifications or additions within the
16	parishes of Jefferson, Orleans, Plaquemines, and St. Charles. It is further the object
17	of this Chapter to designate the Coastal Protection and Restoration Authority Board
18	as the nonfederal sponsor for the construction of the projects and to furnish the
19	United States such assurances and cooperation as may be required by the Congress
20	of the United States that the department will:
21	* * *
22	§106. Object and purpose
23	Α.
24	* * *
25	(2) It is further the object of this Chapter to designate the Coastal Protection
26	and Restoration Authority Board as the nonfederal sponsor for the construction of
27	the projects and to furnish the United States such assurances and cooperation as may
28	be required by the Congress of the United States that the authority shall:
29	* * *

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1	B. The Coastal Protection and Restoration Authority or the Coastal
2	Protection and Restoration Authority Board shall repay to the United States, with
3	interest, the nonfederal share of the construction of the projects.
4	* * *
5	§111. Contracts by drainage districts, levee boards, and political subdivisions with
6	Department of Transportation and Development or the Office of Coastal
7	Protection and Restoration Authority
8	Any drainage or subdrainage district, gravity drainage, or gravity subdrainage
9	district, levee board, or political subdivision may contract with the Department of
10	Transportation and Development or, for projects in the coastal area as defined in $R.S.$
11	49:214.2(3) R.S. 49:214.2(4), the Office of Coastal Protection and Restoration
12	Authority, upon any terms for the payment of the cost of the drainage and
13	reclamation projects within the confines of the district or districts involved
14	proportionately by the Department of Transportation and Development, or the Office
15	of Coastal Protection and Restoration <u>Authority</u> , and the districts as may be agreed
16	upon between the Department of Transportation and Development, or the Office of
17	Coastal Protection and Restoration Authority, and the governing authorities of the
18	districts entering into any contract.
19	§112. Cooperation with federal government and state of Mississippi in building
20	levees
21	By and with the concurrence and approval of the local levee authorities in
22	interest in Louisiana, and of the Department of Transportation and Development, or,
23	for levees in the coastal area as defined in R.S. 49:214.2(3) R.S. 49:214.2(4), the
24	Office of Coastal Protection and Restoration Authority, the state of Mississippi and
25	the United States Government, or either of them, jointly or severally, may construct
26	and have entire charge and control of, both in construction and maintenance, and for
27	protection and preservation, all levees which may be deemed necessary by the
28	grantees, or by either of them, for protection against overflow from the Mississippi
29	River, through and over all parts of the state of Louisiana which by the changes of

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1	the channel of the Mississippi River have been separated from other parts of the state
2	of Louisiana, and which are now on the east side of the present channel of the river,
3	and attached to the mainland of the state of Mississippi. The levees shall be of the
4	dimensions and shall be located, and built from adjacent soil, along the lines, and for
5	the distances, determined by the engineers in charge of levee construction either for
6	the United States or for the state of Mississippi, or for both.
7	* * *
8	§213. Riding or hauling on levees prohibited
9	* * *
10	D. Nothing in this Section shall interfere with the crossing over any public
11	levees, at ramps or inclines established under plans and specifications of the
12	Department of Transportation and Development, or, for levees or integrated coastal
13	protection projects in the coastal area as defined in R.S. 49:214.2, the Coastal
14	Protection and Restoration Authority. Nothing in this Section shall interfere with the
15	ability of the Coastal Protection and Restoration Authority or the Coastal Protection
16	and Restoration Authority Board to carry out its responsibilities as the local sponsor
17	for all integrated coastal protection projects, in its jurisdiction, pursuant to R.S.
18	49:214.1(F).
19	§214. Interference with drainage prohibited
20	* * *
21	B. Upon the request of the Department of Transportation and Development,
22	the Coastal Protection and Restoration Authority, or the Coastal Protection and
23	Restoration Authority Board, if the area is located within the coastal area, as defined
24	in R.S. 49:214.2(3) R.S. 49:214.2(4), and involves integrated coastal protection, as
25	defined in R.S. 49:214.2(10) R.S. 49:214.2(11), the state police shall issue a citation
26	to any person who is in violation of this Section. Every person convicted of a
27	violation of this Section shall be fined not less than twenty-five dollars nor more than
28	three hundred dollars.
29	* * *

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1	§218. Diversion of natural drain prohibited
2	* * *
3	B. Upon request of the Department of Transportation and Development, the
4	Coastal Protection and Restoration Authority, or the Coastal Protection and
5	Restoration Authority Board, if the area is located within the coastal area, as defined
6	in R.S. 49:214.2(3) R.S. 49:214.2(4), and involves integrated coastal protection, as
7	defined in R.S. 49:214.2(10) R.S. 49:214.2(11), the state police shall issue a citation
8	to any person who is in violation of this Section. Every person who is convicted of
9	a violation of this Section shall be fined not less than twenty-five dollars nor more
10	than one hundred dollars or imprisoned for not less than ten days nor more than
11	thirty days, or both.
12	* * *
13	§221. Rice-flumes, dahls, or pipes in public levees prohibited
14	* * *
15	F. The laying of such pipes through or under the public levees in cities,
16	municipalities, or parishes shall be with the consent and approval of the levee board,
17	the Department of Transportation and Development, for levees in the coastal area as
18	defined in R.S. 49:214.2(3) R.S. 49:214.2(4), the Office of Coastal Protection and
19	Restoration Authority, and the governing authorities of the cities, municipalities, or
20	parishes and under the supervision of the Department of Transportation and
21	Development, or the Office of Coastal Protection and Restoration Authority.
22	* * *
23	§225. Obstructions on levees, waterways, and rights-of-way therefor; removal at
24	expense of person responsible; destroying markers prohibited
25	No person shall:
26	* * *
27	(2)(a)(i) Tie or moor logs, rafts, boats, watercraft, or floating objects of any
28	description to the levees, or, when the water is against the levees, tie or moor any
29	floating objects to mooring posts, revetments, trees, or other objects within one

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1	hundred eighty feet from the crown of any federally authorized and funded levees
2	or levees designated by the Office of Coastal Protection and Restoration Authority
3	or the Department of Transportation and Development;
4	(ii) When the water is against the levees, drive or push any logs, rafts, boats,
5	watercraft, or floating objects of any description onto or against any levees;
6	(b) Nothing herein shall prohibit the mooring or berthing of floating vessels
7	at such locations as have been permitted for this purpose by the United States Coast
8	Guard Captain of the Port, United States Army Corps of Engineers, the Louisiana
9	Department of Transportation and Development, the jurisdictional levee district or
10	flood protection authority, the Office of Coastal Protection and Restoration
11	Authority, or any other permitting authority;
12	* * *
13	D. Whoever violates this Section shall be subject to the following penalties:
14	* * *
15	(2)
16	* * *
17	(b) The provisions of this Paragraph shall remain in effect until such time as
18	the Coastal Protection and Restoration Authority promulgates regulations that will
19	provide levee districts, within the coastal area, as defined in R.S. 49:214.2(3) R.S.
20	49:214.2(4), with the authority to enforce the necessary prohibitions related to
21	Subparagraph (2)(a) of this Section as determined or approved by the Coastal
22	Protection and Restoration Authority.
23	* * *
24	F. Nothing in this Section shall interfere with the ability of the Coastal
25	Protection and Restoration Authority or the Coastal Protection and Restoration
26	Authority Board to carry out its responsibilities as the local sponsor for all flood
27	control projects, in its jurisdiction, pursuant to R.S. 49:214.1(F).

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§226. Permits for levee crossings

2 If an appointed board or commission having jurisdiction over levees receives 3 letters of no objection from the United States Army Corps of Engineers and the 4 Department of Transportation and Development, office of engineering, or, for levees in the coastal area as defined in R.S. 49:214.2(3) R.S. 49:214.2(4), the Coastal 5 6 Protection and Restoration Authority, in response to a request to the board or 7 commission for a permit or letter of no objection to a levee crossing or a request to 8 renew or transfer an existing permit, it shall be incumbent upon and a ministerial 9 duty of the executive or administrative officer to issue the requested permit or letter 10 of no objection to the crossing, subject to any conditions or stipulations contained 11 in the letters received from the United States Army Corps of Engineers and the 12 Department of Transportation and Development, office of engineering, or for levees in the coastal area as defined in R.S. 49:214.2(3) R.S. 49:214.2(4), the Coastal 13 14 Protection and Restoration Authority. The board or commission may impose 15 customary fees, bonds, and other general stipulations. The executive or 16 administrative officer shall enforce such permits for levee crossings only to the 17 extent of the conditions and stipulations contained in the permit or letter of no 18 objection. 19

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B. Except as provided in R.S. 38:330.2(I), the care and inspection of levees shall devolve on resident commissioners, assisted by such inspectors and watchmen as may be appointed pursuant to regulations, which the boards are hereby authorized to adopt. Each resident commissioner and any inspector or watchman who may be appointed shall attend once during his term of office an educational training program conducted by the Department of Transportation and Development or, if the levee district is located within the coastal area, as defined in R.S. 49:214.2(3) R.S.

§301. Construction and maintenance of levees and drainage; care and inspection of

levees; measure of compensation; right of entry; bicycle paths and walkways

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1 49:214.2(4), and involves integrated coastal protection, as defined in R.S. 2 49:214.2(10) R.S. 49:214.2(11), such training shall be every two years, or twice 3 during a term in office, and shall be conducted by the Coastal Protection and 4 Restoration Authority Board. 5 6 §301.1. Coastal area levee districts; elevation reports 7 A. Every levee district located wholly or partially in the coastal area and 8 every parish governing authority for parishes located wholly or partially within the 9 coastal area but which are not part of a levee district shall, once every three years, 10 submit a levee elevation report on tidal levees located within the coastal area to the 11 Coastal Protection and Restoration Authority Board and to the Office of Coastal 12 Protection and Restoration Authority. The levee elevation report shall be based upon a centerline profile survey conducted by the levee district or parish governmental 13 14 entity on all tidal levees within the coastal area under its control. The centerline 15 profile survey shall be limited to the gathering of elevation information along the top 16 of the levee at two hundred fifty foot intervals and shall not include cross-sectional 17 levee elevation information. The information gathered pursuant to the centerline 18 profile survey shall be incorporated into the levee elevation report, which shall 19 indicate the elevation based on the North American Vertical Datum of 1988 of all 20 tidal levees, including federally funded and nonfederally funded levees, and shall 21 specifically identify inconsistencies in levee elevation. The report shall also include 22 a plan to correct any problems that have been identified. 23 B. The centerline profile survey required according to the provisions of this 24 Section may, at the discretion of the levee district or parish governing authority, be 25 conducted by a licensed surveyor or by the levee district or parish governing

authority. Any levee district or parish governing authority which chooses to conduct
 the centerline profile survey may use its own employees and equipment. If a levee
 district or parish governing authority undertakes the survey using its own employees

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and equipment, the Office of Coastal Protection and Restoration <u>Authority</u> shall provide technical assistance and shall provide guidance in conducting the survey.

3 C. Every levee district located wholly or partially in the coastal area may, in 4 addition to any other powers and duties provided by law for the boards of 5 commissioners of levee districts, establish on its own behalf or for the areas or the 6 levee districts under its authority adequate drainage, flood control, water resources 7 development, and integrated coastal protection, including but not limited to the 8 studying, engineering, designing, planning, maintenance, operation, and construction 9 of erosion control measures, marsh management, coastal restoration, reservoirs, 10 diversion canals, gravity and pump drainage systems, and other flood control works 11 as such activities, facilities, and improvements related to tidewater flooding, riverine 12 flooding, hurricane protection, conservation, and saltwater intrusion. Levee districts 13 located wholly or partially in the coastal area may enter into contracts or other 14 agreements, including cooperative endeavor agreements, with any public or private 15 person or persons, corporation, association, or other entity, including the Coastal 16 Protection and Restoration Authority, Office of Coastal Protection and Restoration, 17 the state and other agencies thereof, public corporations, port authorities, levee 18 districts, parishes, other political subdivisions, or the United States government or 19 agencies thereof, or any combination thereof, or with instrumentalities of any kind 20 to provide such adequate drainage, flood control, water resources development, and 21 integrate coastal protection, and to this end, may contract for the acceptance of any 22 grant of money upon the terms and conditions, including any requirement of 23 matching the grants in whole or in part, which may be necessary.

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- 25 §306. General powers and duties of board
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C. The board shall examine all of the accounts and operations of the board and determine in what manner work shall be undertaken. The board shall also be invested with the control of all public levees in the district, with authority to require

1	the Department of Transportation and Development or the Coastal Protection and
2	Restoration Authority Board, if the area is located within the coastal area, as defined
3	in R.S. 49:214.2(3) R.S. 49:214.2(4), and involves integrated coastal protection, as
4	defined in R.S. 49:214.2(10) R.S. 49:214.2(11), to lay off, furnish estimates, and
5	perform all engineering work necessary to the location, construction, and repairs of
6	levees, reserving, however, the right to the parishes in which the levees are located,
7	also to provide funds and to construct and repair levees and exercise the powers now
8	conferred to it by law. All works shall be advertised in accordance with the
9	provisions of R.S. 38:2211 et seq., to be let out by means of sealed proposals to the
10	lowest responsible bidder, reserving to the board authority to reject all bids. In case
11	of emergency as defined in R.S. 38:2211(A)(6), the board may make contracts for
12	the building and repair of and guarding the levees without advertisement or sealed
13	proposals. It shall use all means at its command to strengthen, repair, or construct
14	any portion of the levees that may demand attention.
15	* * *
16	§313. Cessation of activities
17	* * *
18	B. Within six months after the end of the five-year period delineated in
19	Subsection A of this Section, the Louisiana legislative auditor shall certify the
20	following:
21	* * *
22	(2) Whether or not there has been a protection levee constructed in the
23	district, as certified by the Department of Transportation and Development or the
24	Coastal Protection and Restoration Authority Board, if the area is located within the
25	coastal area, as defined in R.S. 49:214.2(3) R.S. 49:214.2(4), and involves integrated
26	coastal protection, as defined in R.S. 49:214.2(10) R.S. 49:214.2(11).

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1 §315. Dedication of artificial waterways as public navigable waterways; approval 2 Wherever there presently exists or may hereafter be created within the 3 territorial limits of any levee district or levee and drainage district in the state of 4 Louisiana, except in the parish of Orleans, any canal or other artificial waterway 5 created by any levee district or levee and drainage district for the purpose of 6 constructing a levee or other public work and where said canal or other artificial 7 waterway is navigable in fact and connects with or enters into any lake, river, stream, 8 bayou, or other navigable waters, the governing authority of said levee district or 9 levee and drainage district shall have the authority, with the approval of the office 10 of engineering of the Department of Transportation and Development or the Coastal 11 Protection and Restoration Authority Board, if the area is located within the coastal 12 area, as defined in R.S. 49:214.2(3) R.S. 49:214.2(4), and involves integrated coastal protection, as defined in R.S. 49:214.2(10) R.S. 49:214.2(11), and with the 13 14 concurrence of the United States district engineer, to dedicate and declare said canal 15 or other artificial waterway, in whole or in part, as a waterway subject to the free and 16 unrestricted navigation by the public; however, nothing herein shall be construed as 17 authorizing the taking of private property, except as now provided by the constitution 18 and laws of this state. 19 20 §329.6. St. Tammany Levee, Drainage, and Conservation District; powers and 21 duties 22 23 H. No action or work undertaken by the board or contract or agreement 24 entered into by the board shall violate the master plan of the Coastal Protection and 25 Restoration Authority Board or any statewide drainage and flood control plan 26 administered by the Department of Transportation and Development.

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1	§330.1. Southeast Louisiana Flood Protection Authority-East and Southeast
2	Louisiana Flood Protection Authority-West Bank; territorial jurisdiction;
3	board of commissioners; appointments; terms; compensation; vacancy;
4	officers; meetings; domicile
5	* * *
6	С.
7	* * *
8	(2)
9	* * *
10	(c) The chairman of the Coastal Protection and Restoration Authority Board
11	shall be the custodian of the records of the nominating committee. The chairman of
12	the authority nominating committee, or in his absence, the chairman of the Coastal
13	Protection and Restoration Authority Board, shall call the meeting of the nominating
14	committee. The chairman of the Coastal Protection and Restoration Authority
15	Board, or his designee, shall serve as secretary for the nominating committee.
16	(3)(a) Within ten days after the occurrence of a vacancy on the flood
17	protection authority board, the board shall advise the chairman of the Coastal
18	Protection and Restoration Authority Board of such vacancy. Within fourteen days
19	after being advised of a vacancy on a board, the chairman of the Coastal Protection
20	and Restoration Authority Board shall publish notice of the vacancy in the official
21	journal of the state and of each parish within the territorial jurisdiction of the
22	authority.
23	* * *
24	§3097.4. Water Resources Commission; membership; powers and responsibilities
25	A. The Water Resources Commission is hereby created and shall be
26	composed of the following members:
27	* * *

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1	(9) The executive director chairman of the Coastal Protection and
2	Restoration Authority Board or his designee.
3	* * *
4	Section 5. R.S. 39:99.29(A), 366.3(1), 2011(E), 2202(1), (3), (5), and (6) are hereby
5	amended and reenacted to read as follows:
6	§99.29. Governing board; membership; terms; compensation and expenses;
7	chairman and vice chairman; quorum; employees, agents; limitation of
8	liability
9	A. The board of the corporation shall exercise all powers, rights, and duties
10	conferred by this Subpart or other provisions of law upon the corporation. The board
11	shall consist of the governor, the state treasurer, attorney general, president of the
12	Senate and speaker of the House of Representatives, chairman of the Coastal
13	Protection and Restoration Authority Board, secretary of the Department of Natural
14	Resources, secretary of the Department of Transportation and Development, or their
15	designees, and seven members appointed by the governor with one member
16	appointed from each congressional district and the remaining member or members
17	appointed from the state at large. The members of the board who are appointed by
18	the governor shall represent the state's diverse population as near as practicable, and
19	shall have a background and significant experience in financial management and
20	investments. The members of the board appointed by the governor shall be subject
21	to Senate confirmation and shall serve at the pleasure of the governor for terms of
22	four years each, or until their successors shall have been appointed and qualified, as
23	designated by the governor. Any appointment to fill a vacancy on the board shall be
24	made for the unexpired term of the member whose death, resignation, or removal
25	created such vacancy. Members on the board may be appointed to an additional
26	term.
27	* * *

§366.3. Definitions

2	In this Part, the following words and terms shall have the meanings ascribed
3	in this Section unless the context clearly requires otherwise:

4 "Cooperative endeavor" means any agreement including one of (1) 5 cooperative financing, other than a competitive bid or competitively negotiated 6 contract, whether contracted pursuant to Chapter 10 of Title 38 or Chapter 17 of Title 7 39 of the Louisiana Revised Statutes of 1950 or pursuant to a request for proposals, 8 request for qualifications, solicitation for offers, or other recognized process for 9 competitively seeking qualified contractors, to which the state is a party and pursuant 10 to which the state has obligated state resources, whether funds, credit, property, or 11 things of value of the state to a nonpublic person for the accomplishment of a public 12 purpose or in the public interest, but shall not include projects contained in the comprehensive state capital outlay budget, projects pursuant to the Governor's 13 14 Economic Development Rapid Response Program, and integrated coastal protection 15 programs and projects authorized in the annual coastal protection and restoration 16 plan and administered by the Office of Coastal Protection and Restoration Authority.

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- * *
- 18 §2202. Definitions
- As used in this Chapter the following terms have the following meaningsunless the context clearly indicates otherwise:

21 (1) "Agency" means the Office of Coastal Protection and Restoration
22 <u>Authority.</u>

24 (3) "Contractor" means any person who has a contract with the Office of
25 Coastal Protection and Restoration <u>Authority</u> or a political subdivision to perform
26 a public work as defined in this Chapter.

27 *

(5) "Director" means the executive director of the Office of Coastal
Protection and Restoration <u>Authority</u>.

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1	(6) "Public work" means the erection, construction, alteration, improvement,
2	or repair of any public facility or immovable property owned, used, or leased by the
3	Office of Coastal Protection and Restoration Authority or a political subdivision
4	which project is funded entirely or partially by monies received through the Federal
5	Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived
6	Economies of the Gulf Coast States Act of 2011, or as a result of any settlement
7	related to the explosion on, and sinking of the mobile offshore drilling unit
8	Deepwater Horizon, or the Comprehensive Master Plan for Coastal Protection.
9	Section 6. R.S. 48:264.1(B) is hereby amended and reenacted to read as follows:
10	§264.1. Salvage materials; bridges and roads; coastal protection and restoration
11	projects
12	* * *
13	B. When, in the opinion of the secretary of the department or his designee,
14	it is in the best interest of the state, he may order any materials deemed of no salvage
15	value recovered from the reconstruction or repair of any state road or bridge, or from
16	any other work performed by the department to be disposed of by transfer to the
17	Office of Coastal Protection and Restoration Authority to be utilized for coastal
18	protection and restoration projects, such transfer to be made in accordance with
19	procedures established by the secretary or his designee in coordination with the
20	Office of Coastal Protection and Restoration Authority.
21	Section 6. R.S. 56:301.10(E)(3), 425(E), 427.1(C), 494(E)(3) and 2011(E) are
22	hereby amended and reenacted to read as follows:
23	§301.10. Louisiana Finfish Task Force
24	* * *
25	E. The task force is hereby charged with responsibility to do the following:
26	* * *
27	(3) Make recommendations with respect to issues pertaining to the finfish
28	industry and finfish production to the various state agencies charged with
29	responsibility for differing elements of the finfish industry in this state, including the

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1	Department of Wildlife and Fisheries, the Department of Natural Resources, the
2	Office of Coastal Protection and Restoration Authority, the Department of Health
3	and Hospitals, the Department of Agriculture and Forestry, and the legislature.
4	* * *
5	§425. Lease of water bottoms; stipulations; boundary disputes
6	* * *
7	E. No lease shall be granted for any water bottom for which any lease was
8	previously acquired by the state for integrated coastal protection, unless the
9	executive director of the Office of Coastal Protection and Restoration Authority
10	determines that leasing would otherwise be appropriate under the provisions of this
11	Subpart and the executive director of the Office of Coastal Protection and
12	Restoration <u>Authority</u> affirms that the water bottom is not necessary for integrated
13	coastal protection. Unless this determination has been made prior to issuance of the
14	lease, a lease of water bottom for which a lease was previously acquired shall be null
15	and void for such water bottom and shall be of no force or effect. No person shall
16	have any claim against the state of Louisiana, its political subdivisions, the United
17	States, or any agency, agent, contractor, or employee thereof or any other person in
18	relation to the nullity of such lease.
19	* * *
20	§427.1. State, political subdivisions of the state, and the United States held harmless
21	in coastal restoration
22	* * *
23	C.(1) A leaseholder whose oyster lease is acquired in whole or in part by the
24	Office of Coastal Protection and Restoration Authority pursuant to R.S. 56:432.1 for
25	dredging, direct placement of dredged or other materials, or other work or activities
26	necessary for the construction or maintenance of a project for integrated coastal
27	protection may seek compensation from the Office of Coastal Protection and
28	Restoration Authority pursuant to that Section.

1	(2) A leaseholder may seek acquisition and compensation from the Office		
2	of Coastal Protection and Restoration Authority pursuant to R.S. 56:432.1 for any		
3	portion of an oyster lease that is not acquired by the Office of Coastal Protection and		
4	Restoration Authority and upon which dredging, direct placement of dredged or		
5	other materials, or other work or activities necessary for the construction or		
6	maintenance of a project for integrated coastal protection has occurred.		
7	* * *		
8	§494. Louisiana Shrimp Task Force		
9	* * *		
10	E. The task force is hereby charged with responsibility to do the following:		
11	* * *		
12	(3) Make recommendations with respect to issues pertaining to the shrimp		
13	industry and shrimp production to the various state agencies charged with		
14	responsibility for differing elements of the shrimp industry in this state, including the		
15	Department of Wildlife and Fisheries, the Department of Natural Resources, and the		
16	Office of Coastal Protection and Restoration Authority, the Department of Health		
17	and Hospitals, the Department of Agriculture and Forestry, and the legislature.		
18	* * *		
19	§2011. License to dredge; royalties; exemptions		
20	* * *		
21	E. Any private landowner, state agency, political subdivision, or associated		
22	consultant or contractor engaged in a coastal protection, conservation, or restoration		
23	activity consistent with an annual plan or the comprehensive master plan established		
24	pursuant to R.S. 49:213.6 or engaged in an activity to remove sediment buildup to		
25	preserve or restore the natural habitat of a water body of the state or to enhance		
26	navigation and recreation activities on a water body of the state shall be exempt from		
27	payment of the royalties and bond requirements of this Section. However, any such		
28	private landowner, state agency, political subdivision, or associated consultant or		
29	contractor shall be required to apply for and receive the appropriate license required		

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1	by this Section. To be eligible for exemption from the royalty payment and bond
2	requirements of this Section, a private landowner shall obtain a letter of no-objection
3	from either the governing authority of the political subdivision within which the
4	activity will occur or the local coastal management program under which the activity
5	is authorized, and the approval, in writing, of the secretary of the Department of
6	Natural Resources, the secretary of the Department of Transportation and
7	Development, and the chair executive director of the Coastal Protection and
8	Restoration Authority.
9	Section 7. R.S. 49:214.6.2(D)(8) is hereby enacted to read as follows:
10	§214.6.2. Functions and responsibilities; coastal activities
11	* * *
12	D. The authority may:
13	* * *
14	(8) Utilize the services of the Department of Natural Resources, office of
15	management and finance, for accounting and budgetary control, procurement and
16	contractual management, data processing, management and program analysis, and
17	personnel management and grants management, provided that the secretary of the
18	Department of Natural Resources shall exercise no authority over the provision of
19	these services.
20	* * *
21	Section 8. R.S. 49:214.6.2(C)(4) is hereby repealed in its entirety.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 241 Engrossed	2016 Regular Session	Zeringue
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Abstract: Provides for discretion in utilizing administrative and budgetary services provided by the Dept. of Natural Resources to the Coastal Protection and Restoration Authority.

<u>Present law</u> requires the Coastal Protection and Restoration Authority (CPRA) to utilize the Dept. of Natural Resources, office of management and finance, for accounting and budgetary

control, procurement and contractual management, data processing, management and program analysis, and personnel management and grants management.

<u>Proposed law</u> modifies <u>present law</u> by allowing, instead of requiring, the CPRA to utilize the Dept. of Natural Resources, office of management and finance, for those services.

<u>Present law</u> prohibits the secretary of the Dept. of Natural Resources from exercising authority over the provision of these services. <u>Proposed law</u> retains <u>present law</u>.

<u>Proposed law</u> makes technical changes throughout the statutes to correct references to the Coastal Protection and Restoration Authority, Coastal Protection and Restoration Authority Board, the chairman of the board, the executive director, and the executive director of the Coastal Protection and Restoration Authority.

(Amends R.S. 9:1103, R.S. 30:961(G)(3), 2000.11(E), 2459(A) and (D), 2460(14), R.S. 35:411(A), (B), and (E), R.S. 38:100(intro. para.), 106(A)(2)(intro. para.) and (B), 111, 112, 213(D), 214(B), 218(B), 221(F), 225(A)(2), (D)(2)(b), (F), 226, 301(B), 301.1(A), (B), and (C), <math>306(C), 313(B)(2), 315, 329.6(H), 330.1(C)(2)(c) and (3)(a), 3097.4(A)(9), R.S. 39:99.29(A), 366.3(1), 2202(1), (3), (5), and (6), R.S. 48:264.1(B), and R.S. 56:301.10(E)(3), 425(E), 427.1(C), 494(E)(3) and 2011(E); Adds R.S. 49:214.6.2(D)(8); Repeals R.S. 49:214.6.2(C)(4))

Summary of Amendments Adopted by House

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

1. Make technical changes throughout the statutes to correct references to the Coastal Protection and Restoration Authority, Coastal Protection and Restoration Authority Board, the chairman of the board, the executive director, and the executive director of the Coastal Protection and Restoration Authority.