

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(A)(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  
5 provisions of the plan providing for protection, rescue, and rehabilitation of aquatic  
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.

17 \* \* \*

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

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 Authority.

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 A.

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 \* \* \*

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 Authority, 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

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 \* \* \*

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                  A. 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



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).

## §226. Permits for levee crossings

If an appointed board or commission having jurisdiction over levees receives letters of no objection from the United States Army Corps of Engineers and the 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 Protection and Restoration Authority, in response to a request to the board or commission for a permit or letter of no objection to a levee crossing or a request to renew or transfer an existing permit, it shall be incumbent upon and a ministerial duty of the executive or administrative officer to issue the requested permit or letter of no objection to the crossing, subject to any conditions or stipulations contained in the letters received from the United States Army Corps of Engineers and the 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 Protection and Restoration Authority. The board or commission may impose customary fees, bonds, and other general stipulations. The executive or administrative officer shall enforce such permits for levee crossings only to the extent of the conditions and stipulations contained in the permit or letter of no objection.

\* \* \*

§301. Construction and maintenance of levees and drainage; care and inspection of levees; measure of compensation; right of entry; bicycle paths and walkways

\* \* \*

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.

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

A. Every levee district located wholly or partially in the coastal area and every parish governing authority for parishes located wholly or partially within the coastal area but which are not part of a levee district shall, once every three years, submit a levee elevation report on tidal levees located within the coastal area to the Coastal Protection and Restoration Authority Board and to the ~~Office of Coastal Protection and Restoration~~ Authority. The levee elevation report shall be based upon a centerline profile survey conducted by the levee district or parish governmental entity on all tidal levees within the coastal area under its control. The centerline profile survey shall be limited to the gathering of elevation information along the top of the levee at ~~two hundred fifty foot~~ two-hundred-fifty-foot intervals and shall not include cross-sectional levee elevation information. The information gathered pursuant to the centerline profile survey shall be incorporated into the levee elevation report, which shall indicate the elevation based on the North American Vertical Datum of 1988 of all tidal levees, including federally funded and nonfederally funded levees, and shall specifically identify inconsistencies in levee elevation. The report shall also include a plan to correct any problems that have been identified.

B. The centerline profile survey required according to the provisions of this Section may, at the discretion of the levee district or parish governing authority, be 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

1 and equipment, the ~~Office of~~ Coastal Protection and Restoration Authority shall  
2 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.

24 \* \* \*

25 §306. General powers and duties of board

26 \* \* \*

27 C. The board shall examine all of the accounts and operations of the board  
28 and determine in what manner work shall be undertaken. The board shall also be  
29 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)~~ R.S. 38:2211(A)(5), the board may  
12 make contracts for the building and repair of and guarding the levees without  
13 advertisement or sealed proposals. It shall use all means at its command to  
14 strengthen, repair, or construct 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).

27 \* \* \*

§315. Dedication of artificial waterways as public navigable waterways; approval

Wherever there presently exists or may hereafter be created within the territorial limits of any levee district or levee and drainage district in the state of Louisiana, except in the parish of Orleans, any canal or other artificial waterway created by any levee district or levee and drainage district for the purpose of constructing a levee or other public work and where said canal or other artificial waterway is navigable in fact and connects with or enters into any lake, river, stream, bayou, or other navigable waters, the governing authority of said levee district or levee and drainage district shall have the authority, with the approval of the office of engineering of the Department of Transportation and Development or the Coastal Protection and Restoration Authority Board, if the area is located within the coastal 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 concurrence of the United States district engineer, to dedicate and declare ~~said~~ the canal or other artificial waterway, in whole or in part, as a waterway subject to the free and unrestricted navigation by the public; however, nothing herein shall be construed as authorizing the taking of private property, except as now provided by the constitution and laws of this state.

\* \* \*

§329.6. St. Tammany Levee, Drainage, and Conservation District; powers and duties

\* \* \*

H. No action or work undertaken by the board or contract or agreement entered into by the board shall violate the master plan of the Coastal Protection and Restoration Authority Board or any statewide drainage and flood control plan administered by the Department of Transportation and Development.

\* \* \*

§330.1. Southeast Louisiana Flood Protection Authority-East and Southeast Louisiana Flood Protection Authority-West Bank; territorial jurisdiction; board of commissioners; appointments; terms; compensation; vacancy; officers; meetings; domicile

\* \* \*

C.

\* \* \*

(2)

\* \* \*

(c) The chairman of the Coastal Protection and Restoration Authority Board shall be the custodian of the records of the nominating committee. The chairman of the authority nominating committee, or in his absence, the chairman of the Coastal Protection and Restoration Authority Board, shall call the meeting of the nominating committee. The chairman of the Coastal Protection and Restoration Authority Board, or his designee, shall serve as secretary for the nominating committee.

(3)(a) Within ten days after the occurrence of a vacancy on the flood protection authority board, the board shall advise the chairman of the Coastal Protection and Restoration Authority Board of such vacancy. Within fourteen days after being advised of a vacancy on a board, the chairman of the Coastal Protection and Restoration Authority Board shall publish notice of the vacancy in the official journal of the state and of each parish within the territorial jurisdiction of the authority.

\* \* \*

§3097.4. Water Resources Commission; membership; powers and responsibilities

A. The Water Resources Commission is hereby created and shall be composed of the following members:

\* \* \*

(9) The ~~executive director~~ chairman of the Coastal Protection and Restoration Authority Board or his designee.

3 \* \* \*

4           Section 5. R.S. 39:99.29(A), 366.3(1), 2202(1), (3), (5), and (6) are hereby amended  
5   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

A. The board of the corporation shall exercise all powers, rights, and duties conferred by this Subpart or other provisions of law upon the corporation. The board shall consist of the governor, the state treasurer, attorney general, president of the Senate and speaker of the House of Representatives, chairman of the Coastal Protection and Restoration Authority Board, secretary of the Department of Natural Resources, secretary of the Department of Transportation and Development, or their designees, and seven members appointed by the governor with one member appointed from each congressional district and the remaining member or members appointed from the state at large. The members of the board who are appointed by the governor shall represent the state's diverse population as near as practicable, and shall have a background and significant experience in financial management and investments. The members of the board appointed by the governor shall be subject to Senate confirmation and shall serve at the pleasure of the governor for terms of four years each, or until their successors shall have been appointed and qualified, as designated by the governor. Any appointment to fill a vacancy on the board shall be made for the unexpired term of the member whose death, resignation, or removal created such vacancy. Members on the board may be appointed to an additional term.

27 \* \* \*



## 1        §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                (1) "Cooperative endeavor" means any agreement including one of  
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  
13       comprehensive state capital outlay budget, projects pursuant to the Governor's  
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.

17                                \*        \*        \*

## 18        §2202. Definitions

19                As used in this Chapter the following terms have the following meanings  
20        unless the context clearly indicates otherwise:

21                (1) "Agency" means the ~~Office of~~ Coastal Protection and Restoration  
22        Authority.

23                                \*        \*        \*

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

27                                \*        \*        \*

28                (5) "Director" means the executive director of the ~~Office of~~ Coastal  
29        Protection and Restoration Authority.

(6) "Public work" means the erection, construction, alteration, improvement, or repair of any public facility or immovable property owned, used, or leased by the ~~Office of Coastal Protection and Restoration~~ Authority or a political subdivision which project is funded entirely or partially by monies received through the Federal Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2011, or as a result of any settlement related to the explosion on, and sinking of the mobile offshore drilling unit Deepwater Horizon, or the Comprehensive Master Plan for Coastal Protection.

Section 6. R.S. 48:264.1(B) is hereby amended and reenacted to read as follows:

§264.1. Salvage materials; bridges and roads; coastal protection and restoration projects

\* \* \*

B. When, in the opinion of the secretary of the department or his designee, it is in the best interest of the state, he may order any materials deemed of no salvage value recovered from the reconstruction or repair of any state road or bridge, or from any other work performed by the department to be disposed of by transfer to the ~~Office of Coastal Protection and Restoration~~ Authority to be utilized for coastal protection and restoration projects, such transfer to be made in accordance with procedures established by the secretary or his designee in coordination with the ~~Office of Coastal Protection and Restoration~~ Authority.

Section 7. R.S. 56:301.10(E)(3), 425(E), 427.1(C), 494(E)(3) and 2011(E) are hereby amended and reenacted to read as follows:

§301.10. Louisiana Finfish Task Force

\* \* \*

E. The task force is hereby charged with responsibility to do the following:

\* \* \*

(3) Make recommendations with respect to issues pertaining to the finfish industry and finfish production to the various state agencies charged with responsibility for differing elements of the finfish industry in this state, including the

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 Authority 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.

(2) A leaseholder may seek acquisition and compensation from the ~~Office~~  
~~of Coastal Protection and Restoration~~ Authority pursuant to R.S. 56:432.1 for any  
portion of an oyster lease that is not acquired by the ~~Office of Coastal Protection and~~  
Restoration Authority and upon which dredging, direct placement of dredged or  
other materials, or other work or activities necessary for the construction or  
maintenance of a project for integrated coastal protection has occurred.

\* \* \*

§494. Louisiana Shrimp Task Force

\* \* \*

E. The task force is hereby charged with responsibility to do the following:

\* \* \*

(3) Make recommendations with respect to issues pertaining to the shrimp  
industry and shrimp production to the various state agencies charged with  
responsibility for differing elements of the shrimp industry in this state, including the  
Department of Wildlife and Fisheries, the Department of Natural Resources, and the  
~~Office of Coastal Protection and Restoration~~ Authority, the Department of Health  
and Hospitals, the Department of Agriculture and Forestry, and the legislature.

\* \* \*

§2011. License to dredge; royalties; exemptions

\* \* \*

E. Any private landowner, state agency, political subdivision, or associated  
consultant or contractor engaged in a coastal protection, conservation, or restoration  
activity consistent with an annual plan or the comprehensive master plan established  
pursuant to ~~R.S. 49:213.6~~ R.S. 49:214.5.3 or engaged in an activity to remove  
sediment buildup to preserve or restore the natural habitat of a water body of the  
state or to enhance navigation and recreation activities on a water body of the state  
shall be exempt from payment of the royalties and bond requirements of this Section.  
However, any such private landowner, state agency, political subdivision, or  
associated consultant or contractor shall be required to apply for and receive the

appropriate license required by this Section. To be eligible for exemption from the royalty payment and bond requirements of this Section, a private landowner shall obtain a letter of no-objection from either the governing authority of the political subdivision within which the activity will occur or the local coastal management program under which the activity is authorized, and the approval, in writing, of the secretary of the Department of Natural Resources, the secretary of the Department of Transportation and Development, and the ~~chair~~ executive director of the Coastal Protection and Restoration Authority.

Section 8. R.S. 49:214.6.2(D)(8) is hereby enacted to read as follows:

§214.6.2. Functions and responsibilities; coastal activities

\* \* \*

D. The authority may:

\* \* \*

(8) Utilize the services of the Department 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, provided that the secretary of the Department of Natural Resources shall exercise no authority over the provision of these services.

\* \* \*

Section 9. 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 Reengrossed

2016 Regular Session

Zeringue

**Abstract:** Provides for discretion in utilizing administrative and budgetary services provided by the Dept. of Natural Resources to the Coastal Protection and Restoration Authority.

Present law 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.

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

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

Proposed law 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), 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 House Committee on Natural Resources and Environment to the original 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.