# LEGISLATIVE FISCAL OFFICE
## Fiscal Note

Fiscal Note On: **HB 423** HLS 11RS 718
Bill Text Version: **ENGROSSED**
Opp. Chamb. Action:
Proposed Amd.:
Sub. Bill For.:

**Date:** June 3, 2011 1:39 PM
**Author:** HOWARD
**Dept./Agy.:** Office of Coastal Protection and Restoration
**Subject:** Comite River Diversion Project
**Analyst:** Stephanie C. Blanchard

WATERWAYS/RIVERS EG SEE FISC NOTE EX See Note 

Provides relative to acquisition of property for wetlands mitigation associated with the Comite River Diversion Project

Present law provides that no funds of the state nor of any political subdivision or political corporation of the state shall be used nor provided to the U.S. or any of its agencies, by contract, agreement, a required contribution of a project cost-share, or otherwise, for the expropriation of property for the purpose of wetlands mitigation or other natural habitat, in association with the Comite River Diversion Project. Proposed law provides that when land is acquired from any person for mitigation associated with the Comite River Diversion Project, such acquisition shall be subject to conservation servitude. Provides that the person from whom the property is acquired can avail themselves of state laws relative to preservation of mineral rights and conservation easements but prohibits retention of the right to use the surface of such property for exploration, development, production, or removal of mineral of any kind. Acquisition of property shall be only the minimum real property interest necessary to fulfill the wetlands mitigation requirement. Prohibits the use of state or political subdivision funds for the expropriation of property for wetlands mitigation unless such expropriation is specifically approved in writing by the state or local sponsor. Shall not apply in cases where property is acquired through a mitigation bank for purposes of compensatory mitigation.

| **EXPENDITURES** | **2011-12** | **2012-13** | **2013-14** | **2014-15** | **2015-16** | **5 -YEAR TOTAL** |
|---|---|---|---|---|---|---|
| State Gen. Fd. | SEE BELOW | SEE BELOW | SEE BELOW | SEE BELOW | SEE BELOW | |
| Agy. Self-Gen. | $0 | $0 | $0 | $0 | $0 | **$0** |
| Ded./Other | $0 | $0 | $0 | $0 | $0 | **$0** |
| Federal Funds | $0 | $0 | $0 | $0 | $0 | **$0** |
| Local Funds | SEE BELOW | SEE BELOW | SEE BELOW | SEE BELOW | SEE BELOW | |
| **Annual Total** | **$0** | **$0** | **$0** | **$0** | **$0** | **$0** |

| **REVENUES** | **2011-12** | **2012-13** | **2013-14** | **2014-15** | **2015-16** | **5 -YEAR TOTAL** |
|---|---|---|---|---|---|---|
| State Gen. Fd. | $0 | $0 | $0 | $0 | $0 | **$0** |
| Agy. Self-Gen. | $0 | $0 | $0 | $0 | $0 | **$0** |
| Ded./Other | $0 | $0 | $0 | $0 | $0 | **$0** |
| Federal Funds | $0 | $0 | $0 | $0 | $0 | **$0** |
| Local Funds | $0 | $0 | $0 | $0 | $0 | **$0** |
| **Annual Total** | **$0** | **$0** | **$0** | **$0** | **$0** | **$0** |

**EXPENDITURE EXPLANATION**

The proposed legislation allows for the acquisition of property for mitigation associated with the Comite River Diversion Project. The purchase of such lands will be funded through state funds and the associated local match. Funding is currently included in HB 2 for this purpose in the amount of $13.5 M through the Department of Transportation and Development (General Obligation Bonds), in addition to a $6 M local match. Approximately 1,700 acres of land are expected to be acquired for mitigation purposes.

**REVENUE EXPLANATION**

There is no anticipated direct material effect on governmental revenues as a result of this measure.

Senate Dual Referral Rules House

☐ 13.5.1 >= $100,000 Annual Fiscal Cost {S&H}
☐ 13.5.2 >= $500,000 Annual Tax or Fee Change {S&H}
☐ 6.8(F)1 >= $500,000 Annual Fiscal Cost {S}
☐ 6.8(F)2 >= $100,000 Annual SGF Cost {H&S}
☐ 6.8(G) >= $500,000 Tax or Fee Increase or a Net Fee Decrease {S}

Evan Brasseaux

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