

# LOUISIANA COASTAL LAW



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## 1985 REGULAR SESSION OF THE LOUISIANA LEGISLATURE

This annual Legislative issue of "Louisiana Coastal Law" is devoted to summarizing acts and resolutions enacted during the 1985 Regular Session of the Louisiana Legislature. Legislation having a general impact on the environment in Louisiana is covered. Most of these laws became effective upon the signature of Governor Edwards

or on September 6, 1985. However, some acts have effective dates later than this, in which case the date is noted in the summary. Further information about any of these laws or resolutions can be obtained by contacting the Sea Grant Legal Program, Room 170, Law Center, LSU, Baton Rouge, Louisiana 70803-1018, (504) 388-5931.

### WILDLIFE & FISHERIES

ACT 88 (Bella) Increases the penalty for hunting deer at night, including loss of hunting privileges for up to five years.

ACT 160 (Haik) Decreases the minimum legal size limit for the commercial taking of blue catfish (Mississippi cat) to 12 inches.

ACT 180 (FThompson) Provides that the Crawfish Promotion and Research Board may adopt rules and regulations to administer the Crawfish Promotion and Research Program; such rules and regulations shall be adopted in accordance with the Administrative Procedure Act; provides that the Commissioner of Agriculture shall administer the program and collect authorized assessments.

ACT 186 (Adley) Adds the Bossier Parish Community College Criminal Justice Institute and the Acadiana Law Enforcement Training Academy to the list of acceptable institutions from which Department of Wildlife and Fisheries enforcement agents can graduate and become vested with law enforcement authority.

ACT 206 (Benoit et al) Provides a penalty for hunting or taking illegal bear in open or closed season.

ACT 207 (Benoit et al) Creates the Wildlife Tax Fund; funds received through the La. income tax check off for wildlife preservation shall be deposited into the Fund; adds administrative and operating expenses incurred in connection with preservation, protection, perpetuation, and enhancement of wildlife as expenses for which monies in the fund can be used.

ACT 212 (Benoit et al) Provides that it is illegal to possess freshly-killed bear, deer, or turkey during closed season; provides that the place where it is illegal to possess more than the possession limit of wild game birds or wild game quadrupeds without a tag with the

proper information is the field between the place taken and the domicile of the possessor; provides a class 4 violation for possession of bear, deer, or turkey in closed season; increases the penalty for possession of illegally taken bear, deer, or turkey to a class 4 violation.

ACT 327 (Martin) Allows expulsion of a Crawfish Promotion and Research Board member for good cause; good cause includes 3 consecutive unexcused absences; provides that expulsion is by majority vote.

ACT 328 (Martin) Replaces the one member of the Crawfish Promotion and Research Board nominated by the N.O. Retail Seafood Dealers Assoc. with one appointed from the state at large who owns or operates a retail crawfish-seafood facility.

ACT 329 (Martin) Allows the Commissioner of Agriculture to audit the books and records of those persons required to collect and remit the assessment on artificial crawfish bait.

ACT 330 (Martin) Establishes a 25 cents per 100 lbs or less assessment on natural crawfish bait; provides that this assessment is to be ultimately paid by the farmers and harvesters who buy the bait; allows only those farmers and harvesters who have purchased at least 100 lbs of natural bait in the preceding 12 months to vote on a referendum for the assessment; requires each manufacturer, distributor, and dealer who sells natural bait to register with the Department of Agriculture; requires the assessment collector to place a stamp or seal provided by the department on each unit of artificial or natural bait for which the assessment has been collected; makes other changes to make the law on natural bait assessment uniform with the law on artificial bait assessment.

ACT 402 (Campbell) Allows the Wildlife and Fisheries Commission to adopt regulations to permit La. residents to raise bass, bream, and crappie in La. for sale within the state to stock private ponds.

ACT 417 (Atkins) Authorizes the Wildlife and Fisheries Commission to establish on state owned wildlife management areas a special wild game hunting season for handicapped persons at a time other than the regular hunting seasons; defines handicapped persons; requires a permit in addition to all other required licenses; provides a penalty for falsely representing a handicapped person in order to obtain a permit.

ACT 431 (Kelly) Eliminates the requirement that elected members of the Northwest La. Game and Fish Preserve Commission be owners or operators of commercial fishing camps or commercial fishing establishments located in the preserve.

ACT 492 (Martin) Establishes an assessment on each bag used to package live crawfish (1 cent for bags holding less than 25 lbs of crawfish and 2 cents for each holding 25 lbs or more); provides that this assessment is to be ultimately paid by the farmers and harvesters who buy the bags; allows only those farmers and harvesters who have purchased at least 100 bags in the preceding 12 months to vote in a referendum for the assessment; requires each manufacturer and distributor who sells bags in La. to register each type of bag with the Department of Agriculture; defines "distributor" as a person who buys the bags from a manufacturer or brings the bags in from an out-of-state manufacturer; makes other changes to make the law on bag assessment uniform with the law on artificial bait assessment.

ACT 500 (Benoit et al) Provides a presumption that all saltwater finfish caught or transported by a resident or nonresident fisherman holding a valid saltwater angling license were taken from La. waters; adds certain lakes and waterbodies listed in La. R.S. 56:322B as waters in which a fisherman needs a saltwater angling or finfish seller's license.

ACT 504 (LeBleu & Ullo) Allows domestic non-profit mutual insurers to provide hull insurance on commercial fishing vessels (self insurance); defines hull insurance; decreases initial minimum surplus from \$1 million to \$100,000; limits insurance to the amount of paid in surplus.

ACT 512 (McPherson) Exempts the sales of Ducks Unlimited or any of its chapters or any rental or purchase of property or services by Ducks Unlimited or any of its chapters from any state, local, or school board sales and use taxes.

ACT 541 (Bagert) Redefines purse seine as any seine or net which can be closed at the top or bottom.

ACT 562 (Atkins & McPherson) Authorizes the Wildlife and Fisheries Commission to issue permits to allow disabled hunters to use motor vehicles on roads and trails in wildlife management areas closed to the general public; requires the disability to be certified by a licensed physician and allows the Commission to define disability.

ACT 567 (Bagert) Eliminates the requirement that the Wildlife and Fisheries Commission mark the boundaries of the Lake Catherine and Lake Pontchartrain Sanctuary.

ACT 648 (Benoit et al) Provides Department of Wildlife and Fisheries enforcement officers engaging in covert operations with criminal immunity for violations of the wildlife and fisheries laws (Title 56); requires such agents to report violations within 24 hours.

ACT 656 (MHebert) Provides that the written permission giving an agent the right to work an oyster lease must specify the starting and termination dates for which the permission is valid.

ACT 657 (Patti & MHebert) Increases the length of trawls which can be pulled in Breton and Chandeleur Sounds to 65 feet; defines test trawl as a trawl that does not measure more than 16 feet along the corkline or 20 feet along the leadline or headrope and which does not have otter doors exceeding 24 inches in length.

ACT 729 (McPherson et al) Enacts the Catfish Disease Control Act which prohibits importing catfish into the state (which will be used for stocking purposes) without a certificate of inspection from the state of origin stating that the catfish are apparently free of contagious or infectious diseases; allows the Commissioner of agriculture to inspect any catfish shipment and check for diseases unless the in-state facility or the catfish within the facility have been inspected by the state and/or Federal Food and Drug Administration; allows for an inspection fee.

ACT 835 (Dewitt) Exempts from state sales and use taxes sales made by non-profit organizations dedicated exclusively to the conservation of migratory waterfowl of North America and to the preservation and conservation of wetland habitat; requires an exemption certificate from the Department of Revenue and Taxation for the exemption to apply.

ACT 856 (Kimbell) Defines the crime of fishing or hunting contest fraud as the act, with intent to defraud, of knowingly making a false representation in an effort to win any fishing or hunting contest prize; sets a penalty.

ACT 865 (LaBorde et al) Increases the membership of the La. Crawfish Promotion and Research Board by one; the new member shall be appointed by the Governor from a list of 3 nominated by the Associated Crawfish Processors of La.

ACT 869 (Benoit et al) Exempts the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission from legislative oversight of rules and regulations adopted pursuant to La. R.S. 49:968 on hunting, trapping, alligator, oyster, and finfish seasons and size limits; instead allows the department and commission to use the emergency rule making provisions under La. R.S. 49:953B.

ACT 870 (Benoit et al) Redefines purse seine as any seine or net which can be closed at the top or bottom of the net and which is constructed of mesh so as not to be primarily used to entangle commercial size fish by their gills or bony projections.

ACT 872 (Patti & Guidry) Deletes from La. R.S. 56:499.1 the prohibition on the use of a trawl larger than 50 ft. in Vermilion Bay and East and West Cote Blanche Bays. This prohibition though remains in effect and may be found at 56:495.

ACT 875 (Benoit et al) Prohibits the harvest and sale of oysters harvested from areas not approved by the state health officer and purchased from an oyster dealer not certified by the U.S. Federal Drug Administration Public Health Services for interstate shipment; provides a class 3 penalty for violation.

ACT 876 (Benoit et al) Provisions in Title 56 relating to the ownership and control of wildlife resources, arrest, seizure, enforcement, and other general provisions concerning the powers and authority of the Wildlife and Fisheries Commission and Department of

Wildlife and Fisheries which were scattered throughout Title 56 and which, in several cases, were redundant, are combined and placed in one subpart; supposedly does not substantively change the laws but the following changes may have a substantive effect: provides that a person dealing in any way with La. wildlife, fish, and game shall have in his possession the proper license; eliminates the required seizure of fish and wildlife taken and equipment used in violation of the wildlife and fisheries laws.

ACT 880 (Benoit) Creates the La. Crawfish Market Development Authority to build and operate or to provide financial backing to the builder and operator of a modern, consolidated, wholesale crawfish packaging, warehousing, distribution, and marketing facility; provides for powers, duties, membership, and appointments.

ACT 908 (Patti & Guidry) For the definition of trawl, specifies that "otter boards" are used to spread the mouth of the net open while being used; specifies that saltwater shrimp can only be taken with trawls, butterfly nets, and cast nets; provides that a single stationary butterfly net cannot exceed 22' by 22'.

ACT 918 (LeBleu et al) Deletes the prohibition on the use of a trawl longer than 50 ft in Vermilion Bay and East and West Cote Blanche Bays because this same prohibition is found at 56:495; prohibits the use of a trawl to take shrimp at night in the Black Bayou System and Little Burton's Ditch (Cameron Parish).

ACT 1015 (MHebert) Requires the Department of Natural Resources Office of Conservation to adopt rules and regulations prohibiting oil and gas well operators from preventing Department of Wildlife and Fisheries agents from enforcing any provision of Title 56 (wildlife and fisheries laws); provides for license denial or revocation upon violation.

#### RESOLUTIONS

HCR 25 (DHebert) Recognizes Department of Wildlife and Fisheries enforcement agents and officers as truly professional law enforcement officers and urges all other state agencies to so recognize them.

HCR 144 (Ullo et al) Declares that it is the consensus of the Legislature to allow the Department of Wildlife and Fisheries and the Coastal Fisheries Institute of LSU to study the finfish stocks in La. before any of the legislatively approved recommendations of the Finfish Task Force are altered.

HCR 207 (Ullo & Alario) Requests the Department of Transportation and Development to lease to the Department of Wildlife and Fisheries part of a 90 acre area in Jefferson Parish for a firearms practice range for the hunter safety program.

#### OIL, GAS & MINERALS

ACT 242 (Kimball et al) Changes the standard for the forced removal or burial of pipelines and associated structures located on state waterbottoms from "safety and hazard" factors to "undue interference with other uses of state waterbottoms"; deletes the state safety jurisdiction over interstate pipelines pursuant to federal regulations.

ACT 250 (Kimball) Provides that the assistant secretary of the Department of Natural Resources shall have authority to regulate natural gas distribution companies with respect to gas pipeline safety; creates the Gas Pipeline Safety Fund which will be financed by a \$12/per mile annual fee for safety and odorization inspections.

HCR 211 (Ater) Requests the Department of Wildlife and Fisheries to study the use of seines and nets in Old River Vidalia Lake and Old River Deer Park Lake, in Concordia Parish; provides that upon completion the Department shall make recommendations concerning restrictions or prohibitions on the use of seines and nets in these lakes.

HCR 225 (Haik et al) Requests the House and Senate Natural Resources Committees to meet and study the shell dredging industry, including its financial status, revenues paid to the state, and the impact it has on the state.

HCR 226 (MHebert et al) Requests the LSU Coastal Fisheries Institute to do a follow-up study to confirm the findings of the recent joint coastal fisheries study conducted by the Japanese government, National Marine Fisheries, and LSU.

HCR 242 (Kember) Requests LSU to study the development of unprotected swamps or wetlands for manageable crawfish ponds.

HCR 246 (MHebert) Creates a joint legislative subcommittee to do a follow-up study in conjunction with the LSU Coastal Fisheries Institute, National Marine Fisheries, LSU, and Japan to review and confirm the results of the study done by the Japanese government, National Marine Fisheries, and LSU; provides for membership and reporting.

HCR 247 (Patti et al) Requests the Wildlife and Fisheries Commission to maintain the current \$2 per acre oyster lease fee.

SCR 82 (Nunez et al) Continues the Governor's Task Force on Shrimp Management; adds two members, one coastal citizen appointed by the president of the Senate and one coastal citizen appointed by the speaker of the House; continues the Task Force until adjournment of the 1986 Legislative Session.

SCR 88 (Rayburn & McPherson) Directs the Department of Wildlife and Fisheries to trap and relocate quail from the swampland areas to upland areas of the state.

SCR 89 (Atkins) Memorializes the U.S. Congress to urge the U.S. Fish and Wildlife Service to allow La. to extend the waterfowl season to January 31.

SCR 128 (Atkins) Suspends the La. Wildlife Stamp Research Program (Act 883, 1984) until 8/1/86 and requires the Department of Wildlife and Fisheries to study the profitability of the program and present a written report to the legislature.

ACT 281 (Kelly) Creates the Abandoned Mine Reclamation Fund to provide funds for the reclamation of abandoned mine lands and water areas; provides for funding and expenditures; provides for administration by the Department of Natural Resources Office of Conservation in compliance with the U.S. Surface Mining Control and Reclamation Act of 1977.

ACT 325 (LaBorde et al) Eliminates the previously required recordation of actual mineral exploration agreements and allows filing of a simpler statement with notice of where the full agreement can be found.

ACT 621 (Sittig) Exempts propane and other liquefied petroleum gases used for farm purposes from state sales and use taxes. Effective July 1, 1986.

ACT 622 (Sittig) Exempts butane, propane, and other liquefied petroleum gases used in residential cooking and heating from state sales and use taxes. Effective July 1, 1986.

ACT 815 (Kimball) Creates the Mineral Conservation Fund to be used for the promotion and research of oil, gas, and mineral conservation matters; provides that up to a maximum of \$2 million in mineral lease application, conservation, and processing fees will be deposited in the fund.

ACT 861 (LaBorde) Makes the Department of Natural Resources an indispensable party in all law suits concerning land or waterbottoms under its jurisdiction.

ACT 917 (Leach) Creates the Agricultural Industry Incentive Fund to provide incentive payments to gasohol producers; establishes the Agricultural Industrial Board within the Department of Agriculture to administer the fund; ties the amount of incentive payments to the amount of funds derived from taxes on gasohol; establishes preference for use of domestic agricultural products.

ACT 949 (Hudson et al) Establishes the Louisiana Education Quality Trust Fund as a permanent trust financed by the money received from the Federal Government for mineral production activity on the outer continental shelf. After \$600 million is deposited into the fund, \$50 million shall be credited to the Coastal Environment Protection Fund.

ACT 980 (Lauricella et al) Decreases the application fee for a mineral lease on state land from \$300 to \$200, but makes the fee non-refundable.

ACT 1015 (MHebert) Requires the Department of Natural Resources Office of Conservation to adopt rules and regulations prohibiting oil and gas well operators from preventing Department of Wildlife and Fisheries agents from enforcing any provision of Title 56 (wildlife and fisheries laws); provides for license denial or revocation upon violation.

#### RESOLUTIONS

HCR 88 (FThompson) Creates a 15 member La. Advisory Commission on Agri-fuels to study and advise the state legislative and executive branches on the development of agri-fuels.

SCR 100 (Nunez) Requests that Congress use its resources to study the foreign crude oil industry and the extent to which it is subsidized and to study the impact of foreign-subsidized refined products on the U.S. refining industry.

SCR 104 (Nunez) Expresses legislative intent that oil refinery waste gas shall be valued at 52c per thousand cubic feet for purposes of sales and use taxation.

SCR 118 (Nunez) Requests the Department of Natural Resources to study the current natural gas market and report to the House and Senate Natural Resources committees, prior to the 1986 Regular Session, on opportunities and problems.

SCR 119 (Nunez) Continues the La. Energy Development Committee and increases its membership from 18 to 21. The Committee is to provide advice to the state on energy policy and issues.

#### PORTS & WATERWAYS

ACT 124 (Theriot) Allows the Abbeville Harbor & Terminal District to use funds for "any expenses or purposes of the District Board"; provides that the term of any loan to the Board shall not exceed 15 years and the amount shall not exceed that portion of the anticipated revenues authorized to be dedicated to pay the loan; allows issuance of bonds with voter approval for industrial inducements.

ACT 237 (Deano) Adds to the area included in the Natural and Scenic Rivers Act, Bayou La Combe and Bayou Cane, from their headwaters to Lake Pontchartrain, and the Tchefuncte River, but not its tributaries, from the Bogue Falaya River to La. Highway 22; clarifies that the Corps of Engineers can perform routine maintenance and dredging for navigation and flood control in Bayou La Combe and the Tchefuncte River.

ACT 420 (Bres) Changes the name of the Lafayette Harbor, Terminal and Industrial Development District to the Lafayette Economic Development Authority.

ACT 426 (Lauricell) Allows the governor to appoint persons employed in the maritime industry to serve as members of the Board of Commissioners of the Port of New Orleans; prohibits such persons from voting on transactions which create a conflict of interest.

ACT 470 (O'Neal) Adds all port commissions or port, harbor, or terminal districts to the list of authorized entities which may apply to the U.S. Dept. of Commerce to become foreign trade zones.

ACT 471 (Sheridan) Creates the Washington Parish Port Commission; provides for 10 commissioners to be appointed by the Governor; provides for duties and other powers, including taxing powers, and sets a \$20 million bond limit; requires that contracts for construction or improvements comply with the state bid law.

ACT 483 (LaBorde) Increases membership of the Bulk Cargo Offshore Terminal Commission from 5 to 7; provides that the governor shall appoint the new members; creates one ex officio member in addition to the other members to be designated by the Secretary of the Department of Transportation and Development.

ACT 501 (Fowler) Increases the membership of the Red River Port Commission from 5 to 7. Provides that the governor shall appoint the new members.

ACT 518 (Atkins) Changes the name of the Jonesville Port, Harbor and Terminal District to the Catahoula Port, Harbor and Terminal District and the Jonesville Port Commission to the Catahoula Port Commission.

ACT 604 (Landry)) Provides that title to property acquired by port, harbor or terminal districts shall vest in the district; allows the commissioners to authorize reasonable travel allowances for themselves for every trip on official duty; provides the commission and its director with numerous other powers.

ACT 805 (Carter) Requires the owner of a vessel which has sunk in and is causing an obstruction in a navigable waterway to remove it within 60 days of receipt of a written notice from any federal, state, or local agency having jurisdiction; provides for removal by the state or local agency, at the owners expense, when the owner does not remove the vessel or the owner cannot be identified; provides a penalty for violation.

ACT 821 (Accardo) Allows the South La. Port Commission to acquire title to any property except for lands acquired with bonds issued by the commission which shall be titled in the state.

ACT 841 (Sittig) Increases membership on the Krotz Springs Port Commission from 9 to 11; provides that the governor shall appoint the new members; provides that 2 members shall be of a minority race.

ACT 844 (Kemper) Increases from 3 to 5 the number of commissioners required to call a special meeting of the Baton Rouge Port Commission; provides that the commission shall also meet in a special session at the call of the commission president; creates a liaison position for interaction with other Mississippi River port commissions.

ACT 898 (Hainkel) Places the Sabine River Authority within the Department of Transportation and Development; specifies the Authority's jurisdiction over the Sabine River Channel and Diversion System; allows the Authority to contract for the services of a special legal counsel and to appoint a general manager.

ACT 936 (Jefferson et al) Requires freight containers or the load on any vehicle or vessel to be fastened to its waterborne or overland transport so that it will not constitute a hazard; provides a penalty of not more than \$500 and/or 6 months in jail for violation.

## HAZARDOUS WASTE & TOXIC SUBSTANCES

ACT 113 (LaBorde et al) Changes the name of the Transportation of Hazardous Materials Act to Hazardous Materials Transportation and Motor Carrier Safety Act and includes passenger and freight carriers in its coverage; defines freight; creates the Hazardous Materials Transportation and Motor Carrier Safety Fund and provides for funding and disbursement of funds; requires that shipping documents (bills of lading) for hazardous materials be provided to the operator of a vehicle before departure; allows reasonable inspections of the property or records of persons transporting hazardous waste; provides for oversight review by a joint legislative committee.

ACT 331 (Kimball et al) Authorizes the Secretary of the Department of Environmental Quality to use money from the Environmental Emergency Response Fund to respond to potential groundwater pollution threats without declaring an emergency; provides that up to \$4 million in fines from violations of the Environmental Quality Act will be deposited into the Hazardous Waste Site Cleanup Fund. Any funds in excess of \$4 million up to \$1 million shall be deposited in the Environmental Emergency Response Fund; funds in excess of the above amounts will remain in the state treasury.

ACT 336 (LaBorde et al) Authorizes the Department of Public Safety, with the prior approval of the secretary of the Department of Environmental Quality, to dispose of explosive hazardous waste during emergencies.

ACT 337 (Kimball et al) Provides that persons who knowingly transport, treat, store, dispose of, or export substances in an unlawful manner such that others are placed in imminent danger of death or serious bodily injury are subject to a fine of not more than \$250,000 per day and/or 15 years in jail at hard labor.

ACT 361 (Adley) Requires the Department of Environmental Quality to make a comprehensive evaluation of La.'s hazardous waste situation and develop a 5 year clean-up plan to be presented to the Legislature by 1/31/86.

ACT 394 (Kimball) Enacts the La. School Asbestos Act and establishes the 12 member La. School Asbestos Abatement Commission to identify and eliminate asbestos in elementary and secondary schools; provides for definitions, limits, and regulations by the Department of Environmental Quality; requires each school to monitor and certify that standards are being met.

ACT 435 (Jefferson et al) Enacts the Right to Know law which creates the Hazardous Waste Information System. It establishes a 7 person interagency Hazardous Material Information Development, Preparedness and Response Advisory Board and provides for fines & fees to implement

the system; prohibits more onerous local laws until Aug. 1, 1987; establishes local repositories for public dissemination of information; requires employers to disclose the hazardous nature of materials to employees; has numerous exemptions, including one for the waste disposal and reclamation business, and one for trade secrets; requires that emergency plans include a report on toxic substances.

ACT 448 (Andrepoint) Prohibits the treatment, storage, or disposal of hazardous waste in salt domes or sulphur mines.

ACT 493 (Kimball et al) Establishes the Underground Storage Tank Trust Fund to be funded by tank registration fees and annual monitoring and maintenance fees; defines underground storage tanks and hazardous substances; requires the Department of Environmental Quality to administer the Fund and regulate such tanks which are larger than 500 gallons and used for hazardous waste.

ACT 497 (LaBorde et al) Expands reporting requirement of hazardous waste incidents and accidents to include cleanups; prohibits drinking or being under the influence of alcohol by anyone participating in hazardous waste transport; authorizes chemical tests for alcohol and a 1 year revocation of transport privileges for refusal to take the test; adds a civil penalty for violation.

ACT 609 (Lowenthal) Prohibits the Department of Natural Resources Office of Conservation from issuing permits for Class I wells (underground injection wells) for the disposal of hazardous waste when such wells were previously drilled for oil and gas; also revokes any old permits allowing such use.

ACT 668 (Fernandez) Requires producers of air pollutants to disclose to the Department of Environmental Quality Office of Air Quality and Nuclear Energy the type and amounts of air contaminants emitted; grants oversight jurisdiction to the House Committee on Natural Resources; also requires the Department of Environmental Quality to make such information easily accessible to the public.

ACT 669 (Lowenthal) Defines hazardous waste transfer facility as any transportation-related facility designed and constructed to be used exclusively for the handling of regulated hazardous wastes, including loading docks, parking areas, storage areas, and other similar areas where shipments of hazardous wastes are held during the normal course of transportation. Authorizes regulations by the Department of Environmental Quality to prevent the escape of hazardous waste into areas surrounding the facility; requires transporters to notify the Department of Environmental Quality of the nature and location of their activity and to apply for the necessary permits and licenses.

## PESTICIDES

ACT 32 (FThompson) Requires physicians who treat pesticide poisonings to notify the Commissioner of Agriculture. The notice shall be in accordance with rules adopted by the Commissioner.

ACT 166 (FThompson) Prohibits the purchase, sale, and application of a restricted use pesticide by uncertified persons or by persons not under the direct supervision of a certified person; prohibits the aerial application of any pesticides by uncertified aerial applicators; provides for an additional violation when a violator evades payment of legally imposed fines.

ACT 167 (FThompson) Clarifies that the information required on an application for registration of a pesticide is required on the application for the initial registration and for every reregistration under a changed label.

ACT 168 (FThompson) Provides that appeals from decisions of the Commissioner of Agriculture under the La. Pesticide Law shall be in accordance with the Administrative Procedure Act.

ACT 468 (FThompson) Specifies that the Commissioner of Agriculture's authority to search premises where there is

reason to believe that pesticides are being sold or held for distribution or application shall be during normal working hours; provides that such search shall not be considered a criminal trespass.

ACT 469 (FThompson) Requires the Commissioner of Agriculture to adopt penalty schedules and notification of violation procedures for minor violations of the La. Pesticide Act which do not endanger human health or safety; sets a maximum penalty for such violations at \$500.00.

ACT 637 (FThompson) Provides that the Commissioner of Agriculture may investigate any circumstances when there are reasonable grounds to believe a violation of the La. Pesticide Law has occurred; provides for subpoena power and an exemption for records of the investigation from the Public Records Law.

## RESOLUTIONS

HCR 259 (FThompson) Suspends, until 60 days past the 1986 Legislative session, provisions of the Pesticide Control Law, as they apply to persons who use paints, stains, and varnishes which contain pesticides.

## FLOOD CONTROL &amp; LEVEES

ACT 237 (Deano) Adds to the area included in the Natural and Scenic Rivers Act, Bayou La Combe and Bayou Cane, from their headwaters to Lake Pontchartrain, and the Tchefuncte River, but not its tributaries, from the Bogue Falaya River to La. Highway 22; clarifies that the Corps of Engineers can perform routine maintenance and dredging for navigation and flood control in Bayou La Combe and the Tchefuncte River.

ACT 388 (Adley) Provides that for flood control projects using federal matching funds, the states participation shall not exceed 70% of the amount required to be paid at the state and local level.

ACT 466 (Long) Increases the number of Commissioners serving on this Atchafalaya Basin Levee District from 12 to 21; provides that the new members shall be appointed by the governor. Consolidates the Natchitoches-Cane River and Campti-Clarence Levee Districts into the Natchitoches Levee and Drainage District; provides that the 6 member Natchitoches-Cane River and 3 member Campti-Clarence Boards are replaced by a 7 member Board; provides that the governor shall appoint the new members. Requires a representative of the Department of Transportation and Development to attend board meetings; increases the Districts authorized bonding authority from \$75,000 to \$1,000,000.

ACT 588 (Sevario) Requires a two-thirds vote of the total membership of the levee boards to establish per diem. The per diem shall not exceed the old limit of \$75/day; allows per diem for 36 meetings instead of 24.

ACT 606 (Sevario) Authorizes Amite River Basin District personnel to enter and survey lands, waters, and premises, for the purpose of constructing a reservoir, after proper notice to owners; provides for reimbursements for damages caused and for the right of expropriation; removes that part of the Amite River which will be contained by the new reservoir from the Natural Scenic River system.

ACT 771 (Irvin) Provides that LaFourche Basin Levee District police shall have general police powers within

the District; requires completion of a 6-week training course prior to commission; provides for a maximum of 4 officers.

ACT 785 (Dastugue et al) A comprehensive reorganization of the laws pertaining to levee boards and districts. The act enlarges the Atchafalaya District to include Assumption Parish, Morgan City and parts of Lafourche Parish; enlarges the Caddo District to include areas around Bayou Pierre; provides that the Lafourche and South Lafourche Basin Levee Districts share jurisdiction for flood protection; provides that property or mineral rights belonging to the Lafourche District but located in the South Lafourche District shall remain the property of the Lafourche District; enlarges the Natchitoches Levee and Drainage District to take in the Campti-Clarence Levee District and adds one commissioner to the District Board; adds two Commissioners to the Pontchartrain Levee District, one representing the Louisville, New Orleans, and Texas R.R. Co., and the other representing the Illinois Central R.R. Co; Adds two Commissioners to the Red River Levee and Drainage District. Provides that all projects undertaken shall be in accordance with the public bid law; provides for awarding of contracts by certain districts to small minority owned businesses. The Act further allows the Lafourche and Orleans Boards to build recreational facilities away from the levee and allows the Orleans Board to donate land to Southern University in New Orleans.

ACT 819 (Patti) Requires the Department of Natural Resources to return land in the Bohemia Spillway to the original owners and to recover the money paid to these owners.

ACT 825 (Kemper) Requires that of the property taxes collected by the Atchafalaya Basin Levee District from property located in Lafourche Parish, at least 50% of the funds remaining after other legal obligations are met shall be expended for the purpose of building new levees and rebuilding existing levees in the area from the Assumption-Lafourche Parish line near Thibodaux to the Intercoastal Waterway at LaRose.

ACT 963 (Picard) Allows the local contribution to funding for flood control projects to consist of the construction of a portion of an earthen channel, provided the local authority uses its own labor & equipment, that the plan is first approved, and numerous other conditions are met.

ACT 968 (McPherson) Sets out the requirements for disbursement from the state capital outlay budget for those statewide flood-control projects which involve financing by bonds for the local 30% share; projects must be lawfully sponsored, approved and certified as having met all the requirements.

ACT 1000 (Nunez) Provides that work contracts concerning the Lake Borgne Basin Levee must meet the state bid law; allows the Board to employ a security force when necessary to guard, preserve, and police the levee.

ACT 1019 (LaBorde et al) Requires a levee district to levy taxes to pay for property used or destroyed for levee purposes, if no other money is available.

#### RESOLUTIONS

HCR 89 (Haik et al) Declares that it is the policy of the Legislature to use material dredged from drainage channels and navigable waterways in the immediate area for flood protection levees, bank erosion control, and building wetlands; provides that local governing bodies and property owners be notified and consulted concerning the placement of the dredged material.

HCR 248 (Patti) & SCR 132 (Nunez) Memorializes Congress to extend the Federal Emergency Flood Insurance Program for an additional three years.

HCR 258 (Patti) & SCR 131 (Nunez) Memorializes Congress to amend the National Flood Act of 1928 to include the lower Mississippi River.

#### MISCELLANEOUS

ACT 112 (LaBorde et al) Defines as contraband any vessel or vehicle used in the commission of a crime which has an altered or deleted identification number; provides for seizure of such vessels or vehicles.

ACT 237 (Deano) Adds to the area included in the Natural and Scenic Rivers Act, Bayou La Combe and Bayou Cane, from their headwaters to Lake Pontchartrain, and the Tchefuncte River, but not its tributaries, from the Bogue Falaya River to La. Highway 22; clarifies that the Corps of Engineers can perform routine maintenance and dredging for navigation and flood control in Bayou La Combe and the Tchefuncte River.

ACT 274 (Casey) Changes name of the Natural Resources Building in Baton Rouge to the Lucille Mae Grace Building.

ACT 389 (Adley) Requires the Department of Public Works, with concurrence of the Department of Health and Human Resources, to make rules and regulations to protect public water supply systems which have fewer than 500 connections.

ACT 394 (Kimball) Enacts the La. School Asbestos Act and establishes the 12 member La. School Asbestos Abatement Commission to identify and eliminate asbestos in elementary and secondary schools; provides for definitions, limits, and regulations by the Department of Environmental Quality; requires each school to monitor and certify that standards are being met.

ACT 398 (Atkins) Allows employees of Soil and Water Conservation Districts who are members of the Parochial Employees Retirement System to receive service credit for past full time employment with the District; requires that payments by the employee and employer are to equal the contribution rates plus 7% interest, compounded annually.

ACT 681 (Kember) Increases the membership of the Assumption Parish Waterworks District No. 1 from 8 to 11. The parish governing authority shall appoint 9 members instead of 6, one from each police jury ward.

ACT 692 (Jefferson) Creates a 23 member Environmental Health Advisory Council within the Department of Health and Human Resources to insure proper coordination of state actions with respect to preventative environmental health care.

ACT 762 (LaBorde et al) Provides that the sales tax exemption for the sale of materials, equipment, and machinery which become component parts of ships, vessels, or barges, if of 50 tons load displacement or more, including commercial fishing vessels, shall include any sales taxes levied by a local governmental subdivision or school district.

ACT 834 (LaBorde) Transfers authority to the governor, subject to Senate approval, to appoint the 5 members to the Black Lake Bayou Recreation and Water Conservation Commission; requires resubmission to the Senate for approval every two years even though terms are for five years.

ACT 849 (Johnson) Reduces the membership of the Lower Mississippi River Drinking Water Study Commission from 11 to 5. The Commissioners will be appointed by the Governor from a list provided by the governing authority of each of the Miss. River parishes; the American Lung Assoc.; the Forum for Environmental Action; the La. Chemical Assoc.; and the Lung and Cancer Trust Fund Board. The Speaker of the House and President of the Senate shall each appoint one additional member; specifies the areas on which the Commission can make recommendations and postpones the final report to 6/30/88, at which time the Commission is dissolved.

ACT 861 (LaBorde) Makes the Department of Natural Resources an indispensable party in all law suits concerning land or waterbottoms under its jurisdiction.

ACT 917 (Leach) Creates the Agricultural Industry Incentive Fund to provide incentive payments to gasohol producers; establishes the Agricultural Industrial Board within the Department of Agriculture to administer the fund; ties the amount of incentive payments to the amount of funds derived from taxes on gasohol; establishes preference for use of domestic agricultural products.

ACT 932 (Hinton) Prohibits the manufacture for sale of vessel hulls or component parts made by the "direct molding process" without the written consent of the original maker.

ACT 960 (Campbell) Adds the provision that boat manufacturers or dealers can tow 2 boat trailers with a vehicle having no more than two axles.

RESOLUTIONS

HCR 47 (Johnson) Urges creation of a joint legislative committee to study the quality of drinking water taken from the Mississippi River and to examine alternate emergency sources.

HCR 208 (Alario et al) Recognizes and commends the Audubon Park Zoo, particularly the La. Swamp Exhibit, for achievement of national recognition and outstanding innovation.

HCR 225 (Haik et al) Requests the House and Senate Natural Resources Committees to meet and study the shell dredging industry, including its financial status, revenues paid to the state, and the impact it has on the state.

SCR 9 (Newman) Expresses legislative support for a Navy homeport at Lake Charles.

SCR 103 (Bares) Requires the Department of Transportation and Development to designate that part of U.S. 90 between Lafayette and N.O. as the "Bayou Browsing Scenic Route".

SCR 130 (Nunez) Requests the Secretary of the Department of Natural Resources to develop a unified, systematic program which will encourage properly planned water oriented recreational development while protecting Louisiana's coastal zone.

VETOED LEGISLATION

HB 1937 (Lemoine) Removes Bayou Cocodrie from the Natural and Scenic Rivers System.

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READER SURVEY

The response to the LCL reader survey has been excellent. The comments have been informative and we plan to address many of them in future issues. We thank those of you who have returned the survey and ask those who have not, to please take a few minutes and do so. Your comments are greatly appreciated.

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