

LOUISIANA COASTAL LAW



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1987 REGULAR SESSION OF THE LOUISIANA LEGISLATURE

This annual Legislative issue of "Louisiana Coastal Law" is devoted to summarizing acts and resolutions enacted during the 1987 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 Governor Edwards' signature or on September 1, 1987. Further information about these laws or resolutions can be obtained by contacting the Sea Grant Legal Program, Room 170, Law Center, LSU, Baton Rouge, Louisiana 70803, (504) 388-5931.

WILDLIFE AND FISHERIES

ACT 92 (HB 525 Sittig), ACT 534 (HB 540 Lemoine), and ACT 851 (HB 1151 Benoit) Exempts persons who harvest crawfish and persons who produce and harvest catfish from private ponds from any Department of Wildlife and Fisheries licensing. Removes Department jurisdiction over the harvest of crawfish and the production and harvest of catfish from private ponds, over the transport of crawfish and the transport of catfish produced and harvested from private ponds to the first point of sale, and over the sale of crawfish and the sale of catfish produced and harvested in private ponds to the first purchaser.

ACT 133 (HB 1259 Martin) Authorizes the Louisiana Crawfish Promotion and Research Board to impose a civil penalty for failure by any person required to collect and remit assessments. Sets a \$100 per violation per day cap on violations.

ACT 219 (SB 244 Lauricella) Increases the maximum length of eel pots from thirty-six inches rectangular to forty-eight inches in length and decreases the minimum mesh size from one by one-half inches to one-half inch. Requires any fish other than eel taken in an eel pot to be returned unharmed to the water.

ACT 283 (SB 355 Chabert) Prohibits the Department of Wildlife and Fisheries from enforcing any federal laws or regulations requiring the use of turtle excluder devices (TEDs) until certain criteria are met and until approved by the Louisiana legislature. Allows the Department to establish regulations for the enforcement of TEDs once approved. Directs the Attorney General to file a class action lawsuit against the federal government when any federal law is enacted mandating use of TEDs.

ACT 285 (SB 371 Bagert & others) Excludes sailfish, blue marlin, white marlin, black marlin, striped marlin, and hatchet marlin from the definition of "saltwater commercial fish." Prohibits the commercial taking or sale of these fish.

ACT 301 (SB 558 Atkins) Provides that the Wildlife and Fisheries Commission may designate up to two days per year during which residents and nonresidents may recreationally fish without the required recreational fishing licenses.

ACT 305 (SB 673 Lauricella & others) Authorizes the Department of Wildlife and Fisheries to issue up to ten permits for experimental mariculture projects within the coastal zone of Louisiana for the development of a mariculture industry. Provides that such permits shall only be issued for areas that have valid coastal use permits. Limits each project to no more than 8,000 acres, requires the Department to set a reasonable percentage of fish to be released annually into the wild, makes all the data from monitoring the projects public, exempts permittees from certain statutory limitations, and provides that activities of Department scientists not be interpreted to impede the enterprise. Provides that each permit shall be valid for five years and applications shall be accepted for one year after enactment of this law. Provides guidelines for the Department in issuing the permits, and requires monitoring and inspection by the Department.

ACT 324 (SB 613 Nunez) Establishes the Louisiana Natural Heritage Program within the Department of Wildlife and Fisheries to administer the Louisiana Natural Areas Registry and the Threatened and Endangered Species Conservation Program. Provides that the Department can enter into agreements with national nonprofit membership land conservation organizations to conduct programs to purchase, manage, preserve, and conserve land. Establishes the Louisiana Natural Areas Registry which will consist of "natural areas" managed by the owner or conveyed to the state. "Natural area" is defined as an area of land, water, or air which contains an element of the state's natural diversity. Provides that these areas shall be managed and protected in accordance with the regulations promulgated by the Department.

ACT 364 (HB 1682 Theriot) Exempts materials, supplies, equipment, fuel, bait, and related items other than vessels used in the production or harvest of crawfish from certain state sales and use taxes. Provides that the Department of Revenue and Taxation shall provide exemption certificates to retail merchants.

ACT 381 (HB 692 Benoit) Sets a 1987 quota for the commercial harvest of red drum from state waters at 1.7 million pounds. Provides that the Wildlife and Fisheries Commission may adjust the quota based on biological and catch data. Provides for notice when the quota is reached and sets a penalty for violation.

ACT 382 (HB 698 Benoit) Sets a 1987 quota for the commercial harvest of spotted sea trout from state waters at one million pounds. Provides that the Wildlife and Fisheries Commission may adjust the quota based on biological and catch data. Provides for notice when the quota is reached and sets a penalty for violation.

ACT 383 (HB 705 Benoit) Defines "total length" for measuring fish as the longest measurable distance from the outermost portion of the snout lengthwise to the outermost portion of the caudal fin. Provides that snout refers to the outermost portion of the mandible in those species having extended snouts. Provides that length limits for spotted sea trout, redfish, sheepshead, and Buffalo fish refer to "total length." Requires that all finfish possessed by commercial fishermen and all saltwater finfish possessed by recreational fishermen have the head and caudal fin intact until put on shore or, for commercial fishermen, until sold. Provides that all saltwater finfish shall be measured in "total length." Increases the mesh size of seines used in saltwater from one inch square or two inches stretched to 1 3/4 inches square or 3 1/2 inches stretched. Increases the minimum mesh size of the inner layers of trammel nets used in saltwater from 1 5/8 inches square or 3 1/4 inches stretched to 1 3/4 inches square or 3 1/2 inches stretched. Sets the minimum recreational size limit for red drum at fourteen inches total length in 1987, fifteen inches total length in 1988, and sixteen inches total length thereafter. Sets the minimum recreational length for spotted sea trout at twelve inches total length. Increases the minimum commercial size limit for red drum from fourteen to eighteen inches total length and the minimum commercial size limit for spotted sea trout from twelve to fourteen inches total length. Provides that the commercial five percent allowance for fish less than the minimum size limit does not apply to red drum. Requires all vessels fishing in the Fisheries Conservation Zone and landing red drum in Louisiana to have a transponder on-board, provide notice to the Department of Wildlife and Fisheries that the vessel is catching red drum, and allow on-board inspection of its catch by the appropriate state and federal agencies.

ACT 386 (HB 978 M. Hebert) Authorizes the Department of Wildlife and Fisheries and the Louisiana Marine Consortium (LUMCOM) to enter into cooperative agreements with the owners of private mariculture enterprises regarding the access and use of the property for conducting experiments, testing, and providing advice. Requires that a reasonable percentage of fish be released into the wild. Authorizes the Department to issue special permits to wetland owners and mariculture operators.

ACT 455 (HB 44 D. Hebert) Allows trawling in Pass Manchac from the beacon light at its mouth in Lake Pontchartrain to Lake Maurepas (repeals the changes made in Act 19 of the 1986 Special Session).

ACT 456 (HB 685 Patti & M. Hebert) Increases the penalty for taking oysters at night from a class-1 to a class-2.

ACT 458 (HB 1083 Patti) and ACT 809 (SB 505 Nunez) Provides that the Department of Wildlife and Fisheries can only lease "state owned" water bottoms and natural reefs for taking oysters. Requires that a reasonable investigation into ownership be conducted and provides that any oyster lease granted prior to this Act affecting privately owned waterbottoms shall be subordinated to the rights of the private land owner.

ACT 502 (SB 576 Atkins) Allows the Louisiana Agricultural Finance Authority to provide capital and credit for converting farmland to aquacultural farming and for mariculture projects. Provides that loans shall be for, among other things, financing conversion to aquacultural production, construction of levees and ponds, water well drilling, purchase of crustaceans and mollusks, and financing mariculture operations. Defines aquaculture, as the commercial production, storage, processing, marketing, distribution, or export of any seafood including but not limited to catfish, trout, crustaceans, and mollusks. Defines mariculture as aquaculture practiced in brackish or saline waters.

ACT 507 (SB 659 Rayburn) Provides that monies derived from that portion of the basic hunting license fees dedicated by the Wildlife and Fisheries Commission to land acquisition for wildlife management areas shall be used, in part, to purchase land for upland game purposes.

ACT 517 (SB 756 Hinton) Provides that butterfly and bottom nets in the Rigolets and in those portions of Lake Pontchartrain and Lake Borgne within two miles of the Rigolets must be suspended from a fishing boat or vessel which is motor propelled and underway. Prohibits butterfly nets and bottom nets suspended from pilings, floats, barges, rafts, bridges, or shore installations in those areas.

ACT 534 (HB 540 Lemoine) See ACT 92

ACT 543 (HB 693 Benoit) Allows the Wildlife and Fisheries Commission, after public notice, to set creel and size limits for black bass in any waterbody in which the Department of Wildlife and Fisheries is conducting research relative to creel and size limits. Provides that the creel and size limits will revert to those set by statute at the termination of the project.

ACT 544 (HB 744 Benoit & Laborde) Provides that the Wildlife and Fisheries Commission may designate and set aside oyster seed grounds in all state waters rather than in only inside waters.

ACT 549 (HB 899 Haik) Requires any crabs sold to be identified with the commercial fisherman's name, license number, and date harvested. Provides that the wholesale or retail dealer and the commercial fisherman may be subject to the penalties for possession of undersized crabs except that the wholesale or retail dealer will not be subject to the penalty if he can provide the commercial fisherman's identity.

ACT 559 (HB 1462 LeBleu) Prohibits the use of dredges to take oysters from the natural oyster reefs in Sabine Lake. Requires any commercial oyster vessels on Sabine Lake to be self-propelled. Sets the open oyster tonging season for Sabine Lake from 11/15 until 3/15 unless different dates are set by the Wildlife and Fisheries Commission.

ACT 570 (HB 159 Borne) Increases the allowable recreational trawl length from sixteen feet to twenty-five feet and sets the gear fee for trawls from sixteen feet to twenty-five feet at forty dollars. The gear fee for trawls sixteen feet and less remains at twenty-five dollars. Effective only until May 1, 1988.

ACT 576 (HB 247 M. Hebert) Grants the Wildlife and Fisheries Commission the authority to open or close outside state waters to shrimping between January 1 and May 1 based upon technical and biological data. Closes outside state waters on January 15 for a period deemed appropriate by the Commission. Allows the Commission to open the outside state waters, unless biological evidence indicates otherwise, due south of Zone III between March 15 and April 1 and outside state waters due south of Zones I and II between April 15 and May 1. Requires seventy-two hours notice before an opening or closing can take place.

ACT 602 (HB 636 M. Hebert) Prohibits, except in Lake Des Allemands, baiting, tending, checking, or removing crab traps or their contents, lines, buoys, or markers at night.

ACT 622 (HB 974 M. Hebert) Allows oyster meats to be sold by fluid volume or net drained weight at wholesale or retail and also by count at retail. Allows shell stock oysters to be sold by volumetric measure, weight, or count.

ACT 668 (SB 313 Picard) Sets a criminal penalty for unauthorized entry onto land upon which crawfish are located when the person knows or should know that the entry is unauthorized.

ACT 778 (HB 732 F. Thompson) Provides that state and local governments purchasing catfish must give a preference to domesticated catfish grown outside the state and processed within the state over catfish processed out-of-state so long as it is equal in quantity and does not exceed four percent of the cost of catfish processed out-of-state.

ACT 779 (HB 745 Benoit and Laborde) Allows persons possessing a commercial fisherman's license to transport their catch out of state. Provides that the names and license numbers of commercial fishermen, except oyster fishermen, shall be confidential.

ACT 809 (SB 505 Nunez) See Act 458.

ACT 833 (HB 645 Doucet) Directs the secretary of the Department of Environmental Quality to establish standards to prevent the overboard discharge of trash, garbage, and untreated or improperly treated sewage or sewage sludge from watercrafts into anchorage and adjacent waters. Exempts properly licensed fishing vessels.

ACT 839 (HB 768 Bella) Eliminates the conflict over the penalty for taking deer at night.

ACT 849 (HB 1127 Ackal) Increases to ten million dollars the authorized principle amount of the Russel Sage or Marsh Island Refuge Fund and increases to thirty million dollars the authorized principle amount of the Rockefeller Wildlife Refuge Trust and Protection Fund. Defines state-wide projects for the propagation and protection of wildlife, authorizes revenue producing operations in connection with wildlife management, and provides for the dedication of such revenues to a capital improvement trust fund.

ACT 854 (HB 1188 Borne) Sets a recreational gear fee, for crabtraps used on trotlines, of one dollar per trap, not to exceed ten traps, and a commercial gear fee of one dollar per trap, not to exceed twenty-five dollars. In lakes des Allemands, Boeuf, and Verret, and in Belle River within Assumption Parish, requires a visible float of at least six inches in diameter or one-half gallon size and a tag to be attached to one end of a trotline used to set a line of crab traps. Requires each trap set on a trotline to be registered with the Department of Wildlife and Fisheries.

ACT 876 (HB 1618 Guidry) Moves the shrimp line slightly inland between Grand Isle and Grand Terre. The new line runs from the most easterly point of Grand Isle at Barataria Pass to the Sea Buoy (green blinking light on turning buoy) to the end of the rock jetty forming the entrance channel to the Department of Wildlife and Fisheries lab on Grand Terre Island.

ACT 891 (HB 140 D. Hebert) Prohibits the Department of Wildlife and Fisheries from enforcing any federal law requiring the use of turtle excluder devices (TEDs) until certain testing takes place and certain standards are met.

ACT 896 (HB 248 M. Hebert & Patti) Creates the Special Task Force on Federal Regulations within the Department of Justice Office of Civil Law for the period of 7/1/87-6/30/89 to take legal action to prevent the implementation and enforcement of any federal turtle excluder device (TED) regulations. Provides for funding.

ACT 924 (HB 1402 M. Hebert) Deletes the provision that places the burden of proof on the accused to establish that any oysters in possession are lawfully possessed. Deletes mandatory opening of certain oyster seed grounds

and reservations during open season. Provides that all oyster seed grounds and reservations are closed unless opened by the Wildlife and Fisheries Commission and that the Commission shall designate natural oyster reefs by regulation.

ACT 946 (SB 49 McPherson) Allows voters to decide during the 1987 gubernatorial election whether the funding and distribution provisions of the Conservation Fund (La R.S. 56:10B), excluding the Seafood Promotion and Marketing Fund, will be placed in the Louisiana Constitution.

RESOLUTIONS

HCR 15 (Haik) Memorializes the U.S. Congress to delay the implementation of federal turtle excluder device (TED) regulations, and to require the U.S. Department of Commerce to test TEDs now available, and look for alternatives to the use of TEDs and limitation of trawl towing time.

HCR 16 (Alario) Memorializes the U.S. Congress to delay federal turtle excluder device (TED) regulations for one year and to require the U.S. Department of Commerce to study the Kemp's ridley sea turtle.

HCR 20 (Guidry) Directs the Department of Wildlife and Fisheries to conduct a comprehensive study of Kemp's ridley sea turtles in state and adjacent federal waters, to assess the feasibility and effectiveness of operating a turtle hatchery, and to petition the appropriate federal agencies to obtain funding and assist with the directives of this Resolution.

HCR 122 (Patti) Creates a task force on reef management of oyster propagating areas to study the decline in oyster production, the reasons for the decline, and to make recommendations to increase oyster production. Provides for membership.

HCR 125 (Gee & Patti) Urges the Department of Wildlife and Fisheries, in conjunction with the Louisiana State University Cooperative Extension Service, to study and support research and development of trawl shrimp cages.

HCR 222 (M. Hebert & Ullo) Requests the Department of Wildlife and Fisheries to conduct a two year study on the effects of opening Zone II to shrimping by the second Monday in May.

HCR 236 (Patti) Continues the Task Force on Shrimp Management until the end of the 1988 Legislative Session.

HCR 239 (Siracusa) Expresses the support of the Legislature for the commitment of the Department of Health and Human Resources and the Department of Wildlife and Fisheries in the management of a successful Shellfish Control Program.

HCR 242 (Hebert) and SCR 174 (Nunez) Designates October 1987 as "Louisiana Commercial Fisheries Month".

SCR 1 (Nicholson) Requests the Department of Wildlife and Fisheries to work with the state of Mississippi to establish reasonable reciprocal agreements on hunting and fishing licenses.

SCR 29 (McPherson) Directs the Wildlife and Fisheries Commission to develop a plan to impose civil penalties for the illegal taking of fish or wildlife or the killing of fish by contamination or destruction of habitat. Provides that penalties be based on the value of the species taken or killed and that such fines be used for the rehabilitation of the fish or wildlife resources or for habitat protection.

SCR 60 (Nunez) Suspends that part of the law prohibiting the pulling of two twenty-five foot shrimp trawls in Terrebonne, Lafourche, and Jefferson Parish and allows vessels pulling two twenty-five foot trawls to, in addition, pull a test trawl.

SCR 61 (Nunez) Requests the Department of Wildlife and Fisheries to set aside one particular area on the natural reefs within St. Bernard Parish for oyster sacking only. The area is not identified.

SCR 76 (Nicholson) Requests the Department of Wildlife and Fisheries to keep Lake Cataouatche open to commercial trawling and fishing.

HAZARDOUS WASTE AND TOXIC SUBSTANCES

ACT 226 (SB 473 Rayburn) Prohibits permits and licenses from being granted for any commercial hazardous waste incinerator facility in St. Helena Parish.

ACT 314 (SB 121 Mcleod & others) Provides that when an application is made to the Department of Environmental Quality for any permit, license, registration, or variance for any purpose other than those which pertain to medical and dental devices, the Secretary will notify the governing authority of the affected parish who in turn will notify each affected municipality.

ACT 318 (SB 299 Brinkhaus & others) Clarifies that any amount paid on a penalty assessed against a violator of Department of Environmental Quality regulations will be credited toward the amount for which the violator is held liable to the state for judgements or settlements only in suits based on the same violations.

ACT 347 (HB 584 Laborde & others) Abolishes the Hazardous Material Information Development, Preparedness, and Response Advisory Board. Establishes the Emergency Response Commission within the Department of Public Safety and Corrections. Provides that the Commission is responsible for establishing emergency planning districts, appointing local emergency planning committees, supervising and coordinating activities of local planning committees, and other administrative functions. Sets out duties and goals of the Commission. Directs the Commission to establish local repositories for information gathered concerning hazardous waste and directs the repositories to make the information available to the public. Sets out the responsibilities of owners and operators who manufacture, use, store, or release a hazardous material to report and periodically update information concerning hazardous waste to the Commission. Establishes penalties for owners and operators that fail to report.

ACT 423 (HB 1553 Fernandez & others) Directs the Board of Directors of the Louisiana Science and Technology Foundation to foster and promote research on hazardous waste reduction which can be transferred and applied to business and industry. Directs the Foundation to make research opportunities and associated funds available to small businesses and other businesses which can demonstrate the potential for significant hazardous waste reduction as a result of such research.

ACT 506 (SB 612 Nunez) Allows the importation from foreign countries of spent petroleum catalysts for purposes of recycling so long as the recycling process produces no hazardous waste.

ACT 535 (HB 543 Newman) Provides that for a new commercial manufacturer or corporate headquarters, whose primary business is the commercial treatment, disposal, or destruction of hazardous waste generated from outside Louisiana, to obtain a tax exemption from the Board of Commerce and Industry, the Company must submit information relative to the impact it will have on the environment and the history of compliance it has had with the environmental laws of Louisiana and other states.

ACT 545 (HB 773 Kimball) Allows the Secretary of the Department of Environmental Quality, when required, to match federal grants in whole or in part and to agree to comply with applicable federal laws and regulations in order to secure the grants.

ACT 657 (HB 1574 Fernandez & others) Gives the Department of Environmental Quality the power to make grants to Louisiana colleges and universities for research and development of alternative methods for reducing and

disposing hazardous waste. Directs the Department to design license and fee schedules in such a way as to discourage land disposal of hazardous waste and to encourage alternative and environmentally sound methods of disposal.

ACT 748 (HB 1107 Thibodeaux) Limits Department of Environmental Quality fees used to supplement the Alternative Technologies Research and Development Trust Fund to only those fees collected only from hazardous waste permits, licenses, registrations, and variances. Additionally provides that the fees collected may be used to identify hazardous waste that is inappropriate for certain methods of land disposal.

ACT 799 (SB 247 Brinkhaus & others) Provides that all funds from the Hazardous Waste Site Cleanup Fund, rather than those in excess of two million dollars, may be made available to maintain a five hundred thousand dollar balance in the Environmental Emergency Response Fund. Provides that the balance will exclude all funds received by donation, grant, gift, or otherwise from any source, sums appropriated specifically to it by the legislature, the state, or the federal government, as well as those for emergency responses to pollutant discharges. Provides that interest earned through investment of the fund capital shall be credited to the state general fund rather than for research concerning hazardous waste.

ACT 840 (HB 775 Kimball & others) Creates an additional source of revenue for the Environmental Programs Trust Fund by providing that taxes, penalties, and interest collected from taxation of disposal and storage of hazardous waste and 75% of the amount collected from issuance of permits, licenses, registrations, or variances by the Department of Environmental Quality will be deposited in the Fund.

ACT 852 (HB 1158 Thibodeaux) Provides that hazardous waste for which there is no alternative disposal, destruction, reduction, or recycling methods may be land disposed after the waste has been subject to stabilization, solidification, encapsulation, or containment or, in the alternative, to approved land treatment techniques.

ACT 853 (HB 1159 Thibodeaux) Requires the Department of Environmental Quality to consider any comments regarding any of its proposed regulations, if received within ten days of the publication of the proposal in the Louisiana Register or within thirty days of any hearings held by the Department to consider the comments. Requires the Department to issue a statement summarizing the reasons for the proposed regulation, its economic impact, and whether it will incorporate the comments received. This will be issued at least fifteen days prior to the meeting of the legislative oversight subcommittee that will consider the merits of the proposed regulations. If the comments are to be incorporated into the proposed regulations, notice of revision will be published in the Louisiana Register. These provisions will not apply to any rule or order of the Department relating to any emergency permit or enforcement action.

ACT 875 (HB 1602 Alario & others) Requires the Department of Environmental Quality and the Hazardous Waste Advisory Board to begin deliberations not later than January 1, 1988 concerning the volume and types of hazardous and solid waste reduced, generated, transported, managed, recycled, disposed of, or otherwise handled in Louisiana and by January 1, 1989 to determine the permitted capacity of Louisiana to safely do so. Provides that the capacity limit be reevaluated thereafter on a quarterly basis. Requires the Secretary to ensure expansion and modification of existing facilities used to handle, treat, destroy, or dispose of hazardous waste and to insure

construction of new facilities needed for future use. Directs the Secretary to insure that existing and future facilities have enough capacity to manage or dispose waste substances in emergency situations as well as ordinary waste substances originating from in-state waste sites. Provides that the Secretary shall not authorize handling, treatment, destruction, disposal, or other management of hazardous waste in excess of 15% of the capacity limit established in the determination of January 1, 1989 or subsequent quarterly determinations. Determines that permits can be issued for the destruction, handling, treatment, or disposal in excess of 15% of the total capacity determination for any year provided the Secretary finds that there is a need and that a public hearing on the proposed increase is held. Provides that the above rules shall not affect permit requests for disposal, treatment, handling, or destruction of solid waste made by July 1, 1988, or for hazardous waste made by July 1, 1987.

ACT 881 (HB 1663 Kimball & others) Provides that the Secretary of the Department of Environmental Quality may license hazardous waste disposal facilities which are owned by in-state cooperatives. Defines instate hazardous waste cooperatives as "individual businesses, industries, associations, and allied businesses and industries located within Louisiana which generate hazardous waste in Louisiana." Provides that no person, business, corporation, or association whose business is to dispose, transport, treat, or transfer hazardous waste may be a member of the cooperative. Provides that those facilities will only accept waste from its own members and no waste be accepted from out of state. Provides that cooperative facilities will not be considered commercial facilities, but will be held to the same standards as commercial facilities. Provides that the cooperative cannot operate unless licensed by the Department; and once licensed no new member of the cooperative can use the facility without the cooperative notifying the Department thirty days prior to accepting waste from that new member.

PORTS, HARBORS, AND WATERWAYS

ACT 102 (HB 657 Carter) Grants the Lake Charles Harbor and Terminal District Board of Directors the additional power to encourage business interests and tourism in its harbor facilities. Also provides that the Board shall cooperate with the United States and Louisiana and its various agencies in maintaining navigable waterways within its District.

ACT 201 (HB 908 Ullo & others) Abolishes the Greater Jefferson Economic and Port Commission and creates as its successor the Jefferson Parish Economic Development and Port Commission. The Parish Council shall have control over the district, including control over the Board of Commissioners. Mandates that all members of the Board be qualified voters and residents of Jefferson Parish and that all records, contracts, and debts of the former Commission will be transferred to the newly created one.

ACT 205 (SB 102 Kelley & others) Places the Sabine River Authority within the Department of Culture, Recreation, and Tourism.

ACT 209 (HB 655 Carter) Provides that the Lake Charles Harbor and Terminal District may charge fees for the use of its facilities and use the revenues to pay for required dredging. Requires public notice before charging fees and allows thirty days for the public to contest the fees.

ACT 244 (SB 156 Lauricella & others) Provides that the Department of Commerce may expropriate land for the Mississippi River Deepening Project.

ACT 284 (SB 363 Johnson) Delays the date for the first meeting of the Lower Mississippi River Drinking Water Study Commission from August 1, 1985 until September 1, 1987, and the final report and dissolution date from June 30, 1988 until June 30, 1990.

ACT 367 (HB 375 Leach) Establishes Sabine Parish as the domicile of the Sabine River Authority. Provides that the Authority may charge rent or assess fees for the use of

ACT 907 (HB 616 Bella & others) Requires the Department of Environmental Quality Office of Solid and Hazardous Waste to establish operating standards for industrial furnaces that do not require permits to operate but which are used in energy reclamation or recycling processes and burn hazardous waste. Provides an exemption for furnaces which only burn used oil. Defines used oil as oil that has been refined from crude oil and then used, resulting in contamination with physical or chemical impurities to the extent that it can no longer be used for its intended purpose. Provides that wastes that contain only oils that have not been used, such as virgin fuel oil storage and bottom clean-out wastes, are not used oil unless they are mixed with used oil.

ACT 913 (HB 938 Ullo) Prohibits the discharge of by-product waste gypsum from the production of phosphate fertilizer or wet-process phosphoric acid into the Mississippi River unless the discharge is from wastewaters or rainfall in compliance with state and federal permits and such discharge is not for the primary purpose of disposing byproduct waste gypsum.

RESOLUTIONS

HCR 114 (Dastugue) Requests the Senate and House Committees on Natural Resources to study the discharge of waste materials from industrial and manufacturing concerns and public facilities into the Mississippi River. Directs the Department of Environmental Quality to assist.

HCR 262 (Fernandez & others) Memorializes the U.S. Congress and the governors of the states bordering the Mississippi River to enter into and participate in the Mississippi River Pollution Phase-out Compact. Further memorializes that the harmful effects of the pollution in the river must be eliminated.

its lands or waterways and use the funds to construct wharves, docks, or other commercial establishments.

ACT 422 (HB 1220 Siracusa) Provides that the Morgan City Harbor and Terminal District shall include that portion of the Gulf of Mexico and Atchafalaya Bay landward of the "Chapman Line". Defines the Chapman Line as a line three statutory miles from the coast line.

ACT 429 (HB 501 Stine) Changes the quorum of the Lake Charles Harbor and Terminal Board from three members to four voting members.

ACT 440 (HB 417 De Witt) Creates the Alexandria Port Authority to regulate commerce as is best for the state, including building public port facilities. Provides for a Board of Commissioners who may provide police protection, harbor facilities for inter and intrastate traffic, and who may contract with all companies interested in the harbor's facilities. Further provides that the Commission may enter into agreements with political subdivisions for the management of port facilities, levy property taxes, incur debts and issue bonds (including general obligations bonds), and receive gifts from the United States, Louisiana, and political subdivisions thereof.

ACT 530 (HB 271 Cain) Prohibits cutting trees for commercial purposes within 100 feet of the stream bank of natural and scenic or historic and scenic rivers. Allows selective commercial harvest, cutting trees to control disease or insects, and harvest for personal use by the owner or lessee. Provides that the person harvesting trees within one hundred feet of the stream bank must remove the tree tops from the river.

ACT 542 (HB 679 Miller) Provides that the position on the South Louisiana Port Commission reserved for the Secretary of Commerce or his designee shall now be held by a governor appointed member-at-large who resides within the geographic boundary of the port. Also provides that it shall not be a conflict of interest for an appointed Commissioner to serve as an advisor to a bank which

transacts business with the Commission if such Commissioner excuses himself from voting in such a way as to not violate the state ethics law.

ACT 606 (HB 758 Scogin & others) Provides that the Scenic Rivers Systems Administration may grant permits, for a fee, authorizing projects which could have a detrimental effect on a Scenic River area. The Administrator may accept donations from public and private sources for the purposes of the natural Scenic River System. Also creates the Scenic River Enforcement Fund which shall consist of monies collected in donations, penalties, and permit fees.

ACT 646 (HB 1318 Scogin & others) Provides that the Natural and Scenic River System Administrator shall have the power to prohibit the detrimental use of any natural or scenic river. The Administrator may impose a penalty of \$1,000 a day for violation and also may revoke any permits issued under this chapter for such violation.

ACT 706 (SB 750 Kelley & Campbell) Provides that of the two members representing the state on the Red River Compact Commission, one shall be the Assistant Secretary of the Office of Public Works of the Department of Transportation and Development and the other shall be appointed by the governor.

ACT 754 (HB 1312 Stine) Provides that the Mayor of Sulphur shall appoint one Commissioner to the West Calcasieu Port, Harbor, and Terminal District and that three Commissioners shall be appointed by the police jurors of Ward 4. Further provides that the Commissioners whose terms expire in October 1987, 1988, and 1989 shall be filled by the police jury appointees and that the members whose terms expire in October 1990 and 1991 shall be succeeded by the appointees of the city council and the Mayor of Sulphur, respectively.

ACT 786 (HB 1434 Cusimano) Provides that the governor shall appoint one representative to the Mississippi River Drinking Water Study Commission from each of the eleven affected parishes based upon recommendations from the governing authorities within each parish. The Commission shall make an interim report prior to the 1988 Regular Session and a final written report by June 30, 1988. These reports shall be made to the joint Committees on Health and Welfare and the joint Committees on Natural Resources.

COASTAL ZONE AND WETLANDS

ACT 231 (SB 682 Nunez) Establishes a state income tax check-off for donations to the Louisiana Coastal Environmental Protection Trust Fund. Provides that the money shall be used to implement the Louisiana Coastal Protection Master Plan. Provides that donations shall be effective for taxable periods beginning after 12/31/86.

ACT 272 (SB 239 Brinkhaus & others) Empowers the Secretary of the Department of Environmental Quality to develop and implement a non-point source conservation and management plan, groundwater protection program, and a conservation and management plan for estuaries funded by federal funds and matching state funds, when necessary. The plans shall be developed in coordination with the Departments of Natural Resources, Wildlife and Fisheries, Agriculture and Forestry, the State Soil and Conservation Committee, and other appropriate state agencies.

ACT 320 (SB 524 Lauricella) Removes the chairman of the Louisiana Coastal Commission from the Coastal Protection Task Force and adds, in his place, the Secretary of the Department of Environmental Quality and the Director of the state Soil and Water Conservation Committee.

ACT 497 (SB 542 Bagert & Hollis) Directs the Secretary of the Department of Natural Resources to determine the feasibility of utilizing alternative access methods to the coastal zone, other than by dredging canals, for drilling, servicing, workover, or any other minerals production

ACT 792 (HB 1557 Leach & Bradley) Adds parts of Calcasieu River, Pearl Creek, Six-Mile Creek, Ten-Mile Creek, and Whiskey Chitto Creek, all in Vernon parish, to the natural and scenic river system.

ACT 866 (HB 1452 (Fernandez & others) Authorizes the governor to execute the Mississippi River Interstate Pollution Phase-Out Compact with the United States and the other states bordering the Mississippi River. Provides that the purpose of the Compact is for the reduction, and finally, the elimination of pollution in the river by 1998. The Compact will apply to the River from its head waters to its mouth, including all major tributaries, and will create the Mississippi River Interstate Pollution Control Commission to carry out the purposes of the Compact. The Secretary of the Department of Environmental Quality shall be Louisiana's representative and the Secretaries of the Departments of Health and Human Resources, Wildlife and Fisheries, and Agriculture and Forestry shall be consulted.

RESOLUTIONS

HCR 139 (Scogin & others) Creates the Scenic Rivers System Task Force within the Department of Wildlife and Fisheries, which will develop a management plan for the Natural Scenic Rivers System. The Secretary of the Department of Wildlife and Fisheries shall act as chairman of the Task Force and the remainder of the group will include members from specified state agencies and state and national environmental groups. The Task Force will submit recommendation for legislation pursuant to the management plan by April 1, 1988.

HCR 262 (Fernandez & others) Memorializes the governors of the states bordering the Mississippi River and the U.S. Congress to enter into and participate in the Mississippi River Pollution Phase-out Compact. Further memorializes that the harmful effects of the pollution in the river must be eliminated.

SCR 182 (McPherson) Supports the right of public access on natural, navigable waterways and waterbottoms owned by the state. Urges the Louisiana Attorney General, State Land Office, and the U.S. Corps of Engineers to cooperate in preventing illegal obstructions of public access on such waterways and waterbottoms.

activity. Alternative access vehicles include hovercraft, helicopters, air cushion vehicles, or any other vehicles not requiring dredging. The Secretary shall request proposals from all major manufacturers of alternative access vehicles, all major oil producers and any other interested parties. The Secretary will judge each method on the basis of technical and economic feasibility, as well as environmental soundness. Directs the Secretary to report his findings to the Senate and House Committees on Natural Resources by March 1, 1988.

ACT 558 (HB 1411 Theriot) Exempts local public bodies from paying coastal use permit fees for constructing drainage improvements.

RESOLUTIONS

HCR 120 (Martin & others) Urges the Louisiana Congressional Delegation and the governor to provide funds to the Grand Lake-White Lake Water Management Study, which is presently funded by the U.S. Army Corps of Engineers. States that the valuable Mermentau Basin Coastal Marsh is being eroded and deteriorated by improper water level management. Resolves that the Mermentau-Vermillion River Basin Association shall cooperate with the Corps of Engineers in finalizing the study at an earlier date than originally projected.

OIL, GAS, AND MINERALS

ACT 363 (HB 1610 Kimball) Allows the Department of Natural Resource's Assistant Secretary of Conservation to approve cyclic injection projects that use cyclic injection on shut-in wells without the requirement of unitization. The approval requires application, notice, and a public hearing by any interested owner(s) or operator(s) of shut-in wells. No unit will be exempt from severance taxes unless a unit is formed and the project employs miscible gas flooding, near-miscible fluid flooding, or immiscible flooding.

ACT 430 (SB 274 Turnley) Provides that the drilling period during which the first 10,000 barrels of oil produced annually from an oil well are exempt for the state severance tax runs from 7/15/86 to 7/15/88 rather than from 7/15/86 to 7/15/87. Clarifies that the exemption does not include condensate or liquid produced from natural gas wells. Requires that, to the maximum extent possible, at least 10% of the service contracts related to well drilling will be made available to minority-owned businesses, and at least 5% to women-owned businesses.

ACT 547 (HB 789 Benoit & Laborde) Allows the Department of Revenue and Taxation to provide shell, sand, gravel, and fill material severance tax information to the Department of Wildlife and Fisheries. Provides that such information shall be confidential.

ACT 755 (HB 1380 Gee) Provides that the annual inspection fee of forty dollars for all injection and production wells does not apply to stripper wells. Also changes the measurement of production for determining "incapable" and "stripper" wells, from a per day measure to an average daily measure over the entire taxable month. Therefore, a well will be classified by the Commissioner of Conservation as "incapable" if it is incapable of producing an average of more than twenty-five barrels of oil per producing day during the entire taxable month, and one which also produces at least fifty percent salt water per day. A well that is incapable of producing an average of more than ten barrels of oil per producing day during the entire taxable month shall be classified as a stripper well. Furthermore, the provision adds that "incapable" wells shall pay a severance tax of one-half the regular rate (nine cents per forty-two gallon barrel) and "stripper" wells shall pay tax one-fourth the regular rate (four and one-half cents per forty-two gallon barrel). Oil taken from a multiple well lease or property is not subject to the reduced rate of tax unless all such wells are certified as incapable. This Act only applies to oil severed on or after July 1, 1987.

ACT 765 (HB 1011 LeBleu & others) Provides that ten percent of the net proceeds received from the state severance tax on oil exceeding an average well head price of twenty dollars per barrel and gas exceeding an average wellhead price of three dollars per thousand cubic feet will be deposited in the Coastal Environment Protection Trust Fund. The net figure will be calculated once one-fifth of the revenues have been returned to the parish where the production actually occurred. No more than ten million dollars shall be deposited in the Fund in any fiscal year.

ACT 794 (HB 1624 Kimball) Creates the Hazardous Liquid Pipeline Law to regulate persons engaged in the transportation of hazardous liquids or who own or operate intrastate pipeline facilities for the transportation of hazardous liquids. Defines "hazardous liquids" as petroleum and petroleum products. Provides that the the Assistant Secretary of the Office of Conservation of the Department of Natural Resources shall establish minimum safety standards for operation of those facilities, and bring action in court to enjoin actions which he anticipates will be in contravention of the regulations

set by his office. The Assistant Secretary may waive compliance with the regulations upon application by a transporter if he deems compliance with the regulation is an unusual hardship on that transporter, and may impose fines for violation of regulations. Sets a fee of twelve dollars for each mile or fraction thereof of pipeline operated to finance the implementation of the above regulatory actions. Fees will be collected by the Department of Revenue and Taxation.

ACT 821 (HB 171 M. Thompson) Changes the date that a well must be certified, to the collector of revenue, as being an incapable or stripper well (in order to qualify for a reduced severance tax rate) from the last day of the month following the month of production to the fifteenth day of the second month following the month of production.

ACT 895 (HB 246 M. Hebert) Adds women-owned businesses to the ten percent set-aside stipulation in the granting of operator service contracts for natural gas and oil wells under the Louisiana Economic Acceleration Program (LEAP).

ACT 940 (HB 1710 Fernandez) Requires the Department of Environmental Quality Office of Water Resources, in conjunction with the Department of Natural Resources, to conduct a risk analysis of discharged water produced from drilling operations in coastal wetlands. The analysis will examine both the environmental and economic impacts on the coastal wetlands by allowing the discharges, and the possible economic impact on the oil and gas industry as a result of prohibiting the discharge. The analysis is to be completed and delivered to both the House and Senate Committees on Natural Resources no later than April 1, 1988.

RESOLUTIONS

SCR 51 (Hudson) Opposes the elimination or modification of the Resource Conservation and Recovery Act exclusion and opposes additional federal requirements concerning the disposition of wastes generated by oil and gas exploration and production which preempt state regulation of such wastes. Urges the United States Environmental Protection Agency to leave the disposition of the wastes to the various states.

SCR 161 (Nunez and Kimball) Urges the Federal Energy Regulatory Commission (FERC) to expeditiously permit applications for natural gas pipelines proposed to serve new and expanding United States natural gas markets, and to favorably weigh domestic producer access in situations of competing projects.

SCR 162 (Nunez & others) Memorializes the U.S. Congress to adopt the recommendations of the U.S. Fish and Wildlife Service and the U.S. Departments of Energy and Interior and approve exploration and production of oil reserves on the coastal plain of the Arctic National Wildlife Refuge. Further memorializes the U.S. Congress to preserve Alaska's royalty revenues.

SCR 169 (Nunez) Urges the Federal Energy Regulatory Commission (FERC) to reconsider fees charged to Louisiana intrastate pipelines on applications for approval of Natural Gas Policy Act (NGPA) Section 311 transportation agreements.

VETOED LEGISLATION

HB 1154 (Fernandez) Reduces the mineral servitude co-owner consent percentage, to encumber, sell, or otherwise alienate land, from an undivided 90% interest in the land to an undivided 75% interest in the land.

MISCELLANEOUS

ACT 42 (HB 1080 Kimball & others) Transfers ownership of the Southwest Reef Lighthouse, together with its associated structures, buildings, supports, and pilings from the state of Louisiana to the City of Berwick. The transfer does not include the state waterbottoms upon which the lighthouse rests.

ACT 173 (HB 936 Bella) Provides that a person, to be in violation of the law, must knowingly or intentionally possess an outboard motor or motorboat from which the manufacturer's supplied identification plate bearing the serial number or hull identification number has been removed or altered. Increases the penalty to a misdemeanor fine of no more than \$500 plus court costs. Provides that such a motor or motorboat is contraband and shall be disposed of accordingly.

ACT 235 (SB 193 Hollis & others) Prohibits littering on any property in rural areas of Louisiana not owned by the littering person, including littering from a water vehicle. Provides penalties for littering which include fines, imprisonment, revocation of driver's license, and removal of litter from public places.

ACT 248 (SB 253 Brinkhaus & others) Creates the Louisiana Consortium of Universities for Environmental Research and Education which shall promote research and education in the environmental sciences and technology. The Consortium will consist of the LSU Agricultural Center, Louisiana Universities Marine Consortium for Research and Education (LUMCON), and all colleges in Louisiana offering graduate degrees in science or engineering. The Consortium shall be governed by a council created under the Department of Environmental Quality, will be domiciled in East Baton Rouge Parish and, will be composed of one member from each of the above listed institutions.

ACT 644 (HB 1249 Patti & others) Provides that land expropriated for the Bohemia Spillway in Plaquemines Parish is no longer needed and will be returned to the original owners.

ACT 704 (SB 748 Mcpherson) Provides that payment for motor boat identification numbers, renewal, or duplicates shall be by certified check, money order, or any other form of payment specified by the Department of Wildlife and Fisheries.

ACT 716 (HB 1326 Miller) Authorizes the creation of gravity drainage districts in St. Charles parish in which levees, forced drainage works, gravity drainage works, and facilities may be constructed, acquired, maintained, and operated. Provides for the incurring of debt and issuing of bonds and other obligations by the districts which shall be secured by an ad valorem tax. Authorizes the levying of the tax on individual lots of land (which must be approved by the electorate), the creating, opening, or enlarging of drains or canals, and the levying of a drainage charge on a square foot basis.

ACT 873 (HB 1590 Kimball) Provides that a portion of the monies placed in the Natural Resources Conservation Fund will be dedicated for the purpose of financing the Department of Natural Resource Office of Conservation programs, operations, and research.

RESOLUTIONS

HCR 189 (Kimball) Directs the Department of Environmental Quality to develop a Ground Water Protection Strategy for Louisiana and to work in conjunction and cooperate with various state agencies which are responsible for certain aspects of ground water protection in order to provide for complete protection of ground water. The purpose of the Strategy is to set forth a plan for the protection of ground water now and in the future. The Strategy is to be developed by June 30, 1988.

SCR 21 (Nunez & others) Memorializes the U.S. Congress and the appropriate federal agencies to prohibit the dumping or disposal of garbage or wastes of any origin in the federal waters of the Gulf of Mexico.

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