



Louisiana Coastal Law is an advisory service of the Louisiana Sea Grant Program (National Oceanic and Atmospheric Administration, U.S. Department of Commerce.) Materials may be reproduced if credit is given. Distributed free upon written request.

Editors: Jim Wilkins & Erinn Neyrey  
Managing Editor/Layout: V.R. Admal

Sea Grant Legal Program (225)388-5931 / FAX (225)388-5938  
170 Law Center, LSU E-Mail: sglegal@lsu.edu  
Baton Rouge, LA 70803-1018 WWW: http://www.lsu.edu/guests/sglegal/

## 1999 REGULAR SESSION OF THE LOUISIANA LEGISLATURE by A. Louise Morrison

This annual Legislative issue of Louisiana Coastal Law is devoted to summarizing acts and resolutions enacted during the Regular Session of the Louisiana Legislature. Legislation having a general impact on Louisiana coastal resources and environment is covered. Further information about these laws or resolutions can be obtained by contacting the Sea Grant Legal Program.

<i>Wildlife and Fisheries.....</i>	<i>1</i>
<i>Public Lands and Resources.....</i>	<i>6</i>
<i>Oil, Gas and Minerals.....</i>	<i>8</i>
<i>Environmental Quality.....</i>	<i>9</i>
<i>Ports, Harbors and Waterways.....</i>	<i>13</i>
<i>Miscellaneous.....</i>	<i>15</i>

### WILDLIFE AND FISHERIES

#### Act No. 5

HB No. 241; Alexander, Ewing and Romero  
(Amends R.S. 56:320(A)(1) and (2); repeals R.S. 56:320(A)(4)) Includes the taking of fish by bow and arrow under the regulations governing the taking of fish by skin divers and removes the regulations specifically regarding bow and arrow fishing.

#### Act No. 11

HB No. 1264; John Smith, et al. (Amends R.S. 56:700.4(B)) Authorizes the secretary of the Department of Natural Resources (LDNR) to extend the ninety-day limit, by no more than forty-five days, on the required reporting period for the determination of eligibility for the disbursement of funds for

the fisherman's gear compensation fund. Further clarifies that submittal must be postmarked within 90 days.

#### Act No. 13

HB No. 1564; Jack Smith, et al. (Amends R.S. 56:53, 54, 55 and 55.2) Clarifies that wildlife enforcement agents, not "employees," of the enforcement division of the Louisiana Department of Wildlife and Fisheries (LDWF) may carry weapons. Also allows that the deputy secretary, along with the secretary and the commissioned wildlife enforcement agents, have the power to arrest and inspect without a warrant any place that may violate a law under the department.

#### Act No. 38

HB No. 548; Romero, Hebert, Faucheux  
(Amends R.S. 36:609(c)(1); repeals R.S. 56:441) Repeals the authority to administer shell dredging and capacity to grant the right to remove oyster shell deposits. Essentially prohibits shell dredging in Louisiana except in the case of oyster harvesting or seeding.

#### Act No. 69

SB No. 223; Campbell, et al. (Enacts R.S. 56:116(D)) Creates a special deer hunting season for youths under sixteen years of age, to fall on a weekend before regular hunting season.

#### Act No. 71

SB No. 349; Uillo  
(Amends R.S. 56:259(C))



Allows for the use of dogs in hunting *nutria* between sunrise and sunset except where still-hunting only is allowed.

**Act. No. 73**

SB No. 558; Theunissen  
(Repeals R.S. 56:251(A)(2)(b))  
Removes the three alligator possession limit for nonresident hunters.

**Act No. 81**

SB No. 937; Barham  
(Enacts R.S. 56:637.1)  
Prohibits the commercial use of wild box turtles, and regulates the taking of wild box turtles. Prescribes penalties for violations of these restrictions.

**Act No. 120**

HB No. 531; Odinet, et al.  
(Amends R.S. 56:431(D))  
Increases the penalty from a class three to a class six violation for the unlawful removal of oysters or signs from leased propagating grounds.

**Act No. 154**

HB No. 959; Jack Smith  
(Amends R.S. 56:34(A)(1); enacts R.S. 56:118)  
Increases the penalty for a LDWF class four violation from \$450 to \$750. Adopts the violations prescribed in the Migratory Bird Treaty Act of 1972, as amended, and establishes penalties for these violations. Determines the distribution of the fines collected.

**Act No. 155**

HB No. 961; Jack Smith  
(Amends R.S. 56:325(A)(6) and (7) and (B); enacts R.S. 56:325(A)(8) through (13))  
Modifies buffalo, drum, catfish and shad recreational size and creel limits. Sets recreational limits of 25 buffalo fish (minimum size 16 inches total), 25 freshwater drum (minimum size 12 inches total), 100 total catfish

(blue catfish, minimum 12 inches; channel catfish, minimum 11 inches; flathead catfish, minimum 14 inches). Allows for a total of 25 catfish under minimum size. Shad is limited to 50 pounds. No one may have in their possession more than a two-day recreational limit, but no more than a one-day limit of catfish.

**Act No. 160**

HB No. 1083; Hammett  
(Amends R.S. 56:259(C); enacts R.S. 56:105(D))  
Allows for taking of beaver and creates a special three-day permit allowing hunting at night and with use of a headlight. Also creates beaver taking as an exception to nongame furbearing quadruped trapping.

**Act No. 162**

HB No. 1108; Triche, et al.  
(Enacts R.S. 47:463.57)  
Creates a Coastal Conservation prestige license plate. Proceeds go to the Louisiana Department of Wildlife and Fisheries enforcement division and marine fisheries division.

**Act No. 165**

HB No. 1207; Hammett  
(Amends R.S. 56:1161.1(C)(2))  
Provides for a year-round permit that allows farmers to take squirrels found destroying pecan crops.

**Act. No. 177**

HB No. 1525; Fauchaux, et al.  
(Amends R.S. 56:8(12)(a) and (69) and 56:301.2; enacts R.S. 56:8(69.1) and 301.2(B))  
For the purpose of hunting and fishing license requirements, expands definition of "bona fide resident" to include a person who is a United States citizen; further requires that a "nonresident" be a United States citizen; and creates a definition for "alien

individual" to be any person not a U.S. Citizen or corporation not domiciled or organized in the U.S. Determines fees for alien individuals as two times the fee for nonresident license.

**Act No. 178**

HB No. 1528; Jack Smith, et al.  
(Enacts R.S. 56:14)  
Prohibits the use or attempted use in interstate commerce of any wildlife taken in violation of any state or federal law. Prescribes penalties thereof.

**Act No. 179**

HB No. 1529; Hebert, et al.  
(Enacts R.S. 56:332(L))  
Establishes a possession limit for blue crabs taken recreationally at twelve dozen per day.

**Act No. 180**

HB No. 1530; Hebert, et al.  
(Amends R.S. 56:326(F)(4))  
Clarifies violations of size and possession limits for commercial crabs by stating that any violation regarding the sale, tagging or possession of undersized crabs is class 3 violation. Also creates an exception that fishermen who possessed more than twice the percentage of undersize crabs allowed by law are still subject to a class 4 violation.

**Act No. 181**

HB No 1558; John Smith, et al.  
(Amends R.S. 56:500(B))  
Allows recreational fishermen to take the same 50 pound limit of shrimp by castnet from a boat as taken by castnet from a land vehicle.

**Act. No. 182**

HB No. 1563; Dupre, et al.  
(Amends R.S. 56:495(A)(13) - (24), (26), (27), (29), (30), (31), (34), (35), (46.1), (46.2) and (54); enacts R.S.



56:495(A)(27.1))

Adjusts the line of demarcation of the inside and outside waters of shrimping waters to allow for changes resulting from coastal erosion. Adjusted to commence at the coastal boundary between Texas and Louisiana and terminate at the coastal boundary between Mississippi and Louisiana.

**Act No. 183**

HB No. 1565; Frith, et al.  
(Amends R.S. 56:326(A))

Expands prohibition of commercial taking of fish outside size limits to include prohibition of any selling, trading or purchasing of fish outside the size limit.

**Act No. 184**

HB No. 1566; Triche, et al.  
(Amends R.S. 56:36)

Reduces the penalty for a class 6 violation under the LDWF from one thousand dollars to no less than nine hundred dollars, nor more than nine hundred fifty dollars and removes the requirement of a judge-heard trial for violations of the taking of deer.

**Act No. 185**

HB No. 1567; Gautreaux, et al.  
(Amends R.S. 56:497(C) and (D))

Clarifies that all violations of the bait shrimp regulations are class 4 violations and a bait shrimp permittee who violates any regulations must forfeit the permit and any bond posted for the permit and is ineligible for a bait shrimp permit for one year.

**Act No. 186**

HB No. 1569; John Smith, et al.  
(Repeals R.S. 56:799)

Completely repeals the Wildlife Refuge and Game Preserve Fund and the Wildlife Refuge Protection Trust.

**Act No. 220**

SB No. 974; Dean

(Amends R.S. 56:326(H) and R.S. 56:492)

Allows for the retention and sale of any southern flounder caught as by-catch by commercial shrimping vessels on a shrimping trip. Non-shrimping commercial fishermen are still limited to 10 fish per day.

**Act No. 255**

HB No. 513; Gautreaux  
(Amends R.S. 56:116(C)(2) and 116.3(B))

Allows only hunters 60 years or older to use magnified scopes on muzzleloaders during primitive weapons season for wild birds and wild quadrupeds. Provides that disabled hunters may take all deer and not only bucks. See Act No. 391.

**Act No. 292**

HB No. 1100; Schneider  
(Enacts R.S. 56:30.2)

Requires that legislators be informed of all LDWF hearings in their district 30 days prior to the hearing.

**Act No. 341**

HB No. 1438; Fruge, et al.  
(Amends R.S. 12:443(5), 444, 445, and 447(A))

Provides for the inclusion of persons who engage in the catching, gathering or production of skins and furs in seafood marketing associations. Also includes "alligator" on a non-exclusive listing of "skins and furs."

**Act No. 391**

SB No. 1107; Cox  
(Amends R.S. 56:116(C)(2))

Allows hunters 60 years or older to use magnified scopes on muzzleloaders during primitive weapon season. See Act No. 255.

**Act No. 420**

SB No. 492; Thomas  
(Amends R.S. 56:302.3(B)(2))

Allows mobility impaired persons over the age of sixty to use one hoop net no greater than eighteen feet by eight feet, or one legal sized slat trap to catch catfish for home consumption. No gear fee is required for either.

**Act No. 421**

SB No. 535; Robichaux and Dupre  
(Amends R.S. 56:495.1(F)(1))  
Previous to this Act, R.S. 56:495.1(F)(1) required that on January 1, 2000, shrimping net size would be reduced. This Act removes that provision and provides that shrimping nets will remain at their current size.

**Act No. 422**

SB No. 537; Robichaux and Dupre  
(Amends R.S. 56:332(C)(1),(E),(G) and (H); enacts R.S. 56:8(28.1) and (28.2))

Defines "serviceable crab trap" as a trap that is of legal construction and condition maintained in such a manner with the potential to harvest crabs. Defines "unserviceable crab trap" as a trap that is not a serviceable crab trap. Provides for the proper use and disposal of crab traps and establishes penalties for violations thereof.

**Act No. 423**

SB No. 550; Sen. Romero, and Reps. Gautreaux, Marionneaux and Durand

(Amends R.S. 56:322(I))

Sets crawfish trap mesh size limits at 3/4" by 3/4", effective July 1, 2003, as opposed to the current 3/4" by 11/16".

**Act No. 437**

HB No. 407; Jack Smith  
(Amends R.S. 56:302.3(D); repeals R.S. 56:302.3(B)(2))

Bans use of hoop nets in recreational



fishing. See Act 1207 for exception for mobility impaired persons.

**Act No. 439**

HB No. 427; Odinet  
(Enacts R.S. 36:610(B)(7) and R.S. 56:421)

Creates the Oyster Task Force as a statutory entity and places it under the power of LDWF. It prescribes the membership of the task force, its responsibilities and its powers.

**Act No. 522**

HB No. 243; Dewitt, Frith and Pinac  
(Enacts R.S. 56:104(A)(7))

Allows Louisiana residents to buy non-resident hunting licenses for the cost of a resident license.

**Act No. 547**

HB No. 960; Jack Smith  
(Amends R.S. 56:48)

Any offense under Chapter 56 of the Louisiana Revised Statutes (Wildlife and Fisheries) alleged to have been committed in the Gulf of Mexico shall come under the territorial jurisdiction of any parish district court bordering on the Gulf. If the offense is outside of the state's territorial waters but within the state's jurisdiction under the Magnuson-Stevens Act, any district court bordering on the Gulf shall have territorial jurisdiction as well.

**Act No. 574**

HB No. 1495; Durand and Romero  
(Amends R.S. 56:326.5(D) and 326.6(A))

Includes Lake Dauterive and Lake Fausse Point as bodies of water where bowfin and bowfin roe may be taken.

**Act No. 599**

HB No. 1842; John Smith, et al.  
(Amends Act 666 of 1997 and enacts R.S. 30:101.9(C)(4) and R.S. 56:700.2(A)(4) and 700(C)(4))

Provides for dedication of money from

the Fishermen's Gear Compensation Fund to the Underwater Obstruction Removal Fund. Creates standard by which a cleared site may be revisited for further inspection by LDNR.

**Act No. 622**

HB No. 2069; Michot  
(Amends R.S. 56:449(A),(C), (E) and (G))

Provides for changes in oyster tagging requirements to reflect the change of LDWF's use from the "National Shellfish Sanitation Plan Manual of Operations" to the "National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish." Prescribes penalties based on percentage amount of untagged sacks.

**Act No. 700**

HB No. 405; Jack Smith  
(Amends R.S. 56:325.2 and 326(E)(1))

Establishes limits for possession of finfish for consumption at sea on a harvesting vessel at two pounds per person as long as the vessel is equipped to cook such finfish and the finfish do not exceed applicable bag limits. Also excludes bait species from commercial and recreational size and possession limits.

**Act No. 716**

HB No. 695; Dewitt  
(Enacts R.S. 56:768)

Requires LDWF to allow access by owner or owners to private land that is within the boundaries of a wildlife management area.

**Act No. 753**

SB No. 536; Robichaux  
(Amends R.S. 56:578.2(A))

Changes the membership of the Seafood Marketing and Promotion Board to include shrimpers who are involved in processing and harvesting.

Also includes one member representing the crab industry.

**Act No. 772**

SB No. 661; Robichaux  
(Amends R.S. 56:578.12; enacts R.S. 56:10(B)(1)(b) and 305(G))

Provides that any shrimp fisherman who purchases gear for taking shrimp shall be required to pay an additional fee of \$10 per year if he/she is a resident and \$40 per year if he/she is a non-resident. This money will go to a special account in the state treasury called the "Shrimp Marketing and Promotion Account." It further gives the Louisiana Seafood Promotion and Marketing Board the power to develop marketing strategies and administer funds.

**Act No. 804**

SB No. 1038; Robichaux  
(Enacts R.S. 56:14; repeals R.S. 56:13 and 13.1)

Creates the "Saltwater Fishery Enforcement Fund" for the purposes of enforcing saltwater fishery and fishery related laws, to be accomplished by using the fund money to supplement the enforcement of these specific laws by LDWF.

**Act No. 838**

SB No. 228; Landry  
(Amends R.S. 56:333(A); enacts R.S. 56:333.1)

Provides that mullet may be taken commercially by hoop nets in freshwater areas. Wildlife and fisheries is given the authority, with specific provisions, to make rules to regulate mullet fishing.

**Act No. 892**

HB No. 1527; John Smith, et al.  
(Enacts R.S. 56:804)

Creates the Lake Catherine and Lake Pontchartrain Sanctuary for fish, shrimp and other seafood and ma-



rine life. Establishes the boundaries of the sanctuary, limits methods of taking fish, provides that it be regulated by LDWF and establishes penalties for violations.

**Act No. 1022**

HB No. 2070; Kenney

(Amends R.S. 56:327(A)(1)(a), 411(6) and 412(A)(4))

Includes in the definition of "domesticated fish" coppernose bluegill, hybrid bream limited to bluegill and green sunfish cross, or redear sunfish and bluegill cross that are raised for domestic fish farming, and allows for the sale or purchase of these fish. Excludes largemouth and spotted bass from the definition of "domesticated fish."

**Act No. 1041**

HB No. 2161; John Smith

(Amends R.S. 56:797(C) and 798(B))

Proves new means of investing the funds of the Rockefeller Wildlife Refuge Trust and Protection Fund and the Russell Sage or Marsh Island Refuge Fund. Includes stocks, bond and government securities as means of investing. See Act No. 1402.

**Act No. 1170**

HB No. 1769; Winston

(Amends R.S. 56:8(28) and 320(B)(3); enact R.S. 56:8(26.1), (77.1) and (91.1) and 326(A)(12))

Defines "crab" by its common name, blue crab and scientific name, *Callinectes sapidus* (sic). Defines "propodus" or the claw of a crab. Defines "stone crab" by its common and scientific name, *Menippe adina*. Allows stone crabs to be taken by the same means as blue crabs, and determines size allowable in taking of stone crabs.

**Act No. 1207**

SB No. 491; Thomas and Jack Smith

(Amends R.S. 56:302(A-C) and 302.3(B)(2) and (4) and (D); enacts R.S. 56:8(57.1) and 302.3(B)(8) and (9))

Defines "landing net." Fishermen must buy a license not only to use certain gear, but to possess fish as well. Anyone over the age of sixteen must purchase a gear license to fish recreationally with crab traps, slat traps, pipes/drums, buckets/cans, oyster tongs, trawls or wire nets. Recreational fishermen under the age of sixteen do not need gear licenses at all, and any recreational fisherman does not need a gear license to fish with crawfish nets, dip nets, landing nets, minnow traps, crab nets or crab lines. Mobility impaired persons may use hoop nets in a limited fashion without a gear license.

**Act No. 1250**

HB No. 305; Hill, et al.

(Amends R.S. 56:767)

Removes size limits on property which is surrounded by wildlife management areas that is to be subject to state hunting and fishing provisions. Requires that owners or lessees of such property be required to participate in the deer management assistance program.

**Act No. 1252**

HB No. 365; Dupre

(Enacts R.S. 56:303.7(C) and (D))

Allows wholesale/retail seafood dealers to electronically submit information required by LDWF. LDWF must provide this service no later than January 1, 2001.

**Act No. 1270**

HB No. 998; John Smith and Triche

(Enacts R.S. 49:191(12)(a); repeals 49:191(10)(j))

Recreates LDWF and all statutory

entities that are a part of the department. Also provides for the termination of the Department and its statutory entities on July 1, 2003.

**Act No. 1338**

SB No. 154; Sen. Mike Smith, Landry, and Rep. Jack Smith

(Amends R.S. 56:8(25), 303(A) and 303.4(A); enacts R.S. 56:303.1.1)

Requires that commercial fishermen who transport and sell their catch directly to consumers must possess a "fresh products license." If they transport and sell their catch to anyone other than a consumer or a wholesale/retail seafood dealer they must possess a "wholesale/retail seafood dealer's license." It further provides for the requirements of a "fresh products license."

**Act No. 1402**

HB No. 647; John Smith and Dewitt

(Amends Article VII, Section 14(A) and (B) of the Louisiana Constitution)

Pending approval of the electors of the State of Louisiana, allows the state to invest the money in the Rockefeller Wildlife Refuge Trust and Protection Fund and the Russell Sage or Marsh Island Refuge Fund in stocks. See Act No. 1041.

RESOLUTIONS

**S.C.R. No. 73 - Robichaux**

Urges LDWF to maintain the confidentiality of the private matters contained in commercial fisherman's "trip tickets."

**S.R. No. 75 - Hainkel**

Requests that LDWF and Department of Health and Hospitals (DHH) make recommendations to the legislature regarding the risks to the



health of native wildlife and humans resulting from cruel "canned-hunts," and requesting that the legislature condemn and end these "canned-hunts."

**H.R. No. 75** - Triche

Requests that LDWF study the actual daily take and total possession limits for saltwater recreational fishing and make recommendations regarding whether a two-day limit is appropriate. Also asks that mobility impaired fishermen be allowed to take up to twice the daily limit.

**S.R. No. 11** - Ullo

Requests that LDWF allow the taking of nutria by the use of dogs during daytime hunting by licensed fur trappers on property that they own or lease.

**H.C.R. No. 46** - Wright

Requests LDWF study the results and consequences of the introduction of livestock onto the Dewey Wills Wildlife Management Area, and make recommendations to the legislature prior to the next legislative session.

**H.C.R. No. 106** - Odinet

Memorializes the U.S. Congress to oppose the U.S. Food and Drug Administration rules that would require the post-harvest treatment of oysters and other shellfish. These rules would remove the choice of the consumer to purchase treated or non-treated oysters.

**H.C.R. No. 128** - Dupre

Encourages the U.S. Congress to enact the Estuary Habitat Restoration Partnership Act that is to be introduced by U.S. Senators John Chaffe and John Breaux. The Act would encourage the restoration of America's vital estuary resources.

**H.C.R. No. 202** - Fontenot and

**Faucheux**

Requests LDWF conduct a study to determine if size and creel limits for black bass on the Amite River, Blind River, Tickfaw River and Lake Maurepas can be revised to be the same as those applicable to the Atchafalya Basin and Lake Verret - Lake Palourde area in order to encourage the growth of large bass that are considered trophy bass.

**H.C.R. No. 275** - Marionneaux

Requests that LDNR and LDWF jointly study and make recommendations relative to drainage and sedimentation in False River, in light of the observation of the disappearance of aquatic vegetation and animal species in False River caused by the increase in sediments from the Bayou Grosse Tete watershed project.

**S.C.R. No. 12** - Dean

Memorializes the U.S. Congress to pursue viable alternatives to the current Turtle Excluder Device regulations including seasonal exemptions, area exemptions where there has been no historical evidence of Kemp Ridely populations and an industry funded recovery program.

**S.C.R. No. 38** - Schedler

Urges LDWF to create a public awareness campaign regarding the new "Personal Watercraft Safety Act." This act prohibits any person under the age of thirteen from operating any personal watercraft, limits the time they can be ridden and imposes safety standards for the watercrafts.

**S.C.R. No. 45** - Robichaux

Urges and requests LDWF to conduct a detailed historical study on price trends in the shrimping industry, in-

cluding prices paid to harvesters at dockside and continuing through each link until it reaches the customer. In order to accomplish this, the Louisiana Legislature is further urged to provide additional funding to expand and enhance fisheries data collection programs.

**S.C.R. No. 71** - Robichaux

Urges and requests that LDWF conduct workshops to train hunters and fishermen as participants in the "Coast Watchers" program. This program was created to assist the enforcement division uncover wildlife violators.

**S.C.R. No. 80** - Hines and Dean

Urges and requests that LDWF, in conjunction with National Sea Grant Gulf Industry Program, develop a repellent to protect oyster beds from black drum predation. The legislature further urges and requests that the Gulf Industry Program give full consideration to funding such research.

**S.C.R. No. 95** - Robichaux

Considering that the fisheries market in Louisiana is so significant, and the Louisiana Agricultural Leadership Development Program has been successful in the past, it is urged and requested that the LSU Agricultural Center examine the possibility of developing a special fisheries class as a part of the Louisiana Agricultural Leadership Development Program.

---

**PUBLIC LANDS**  
**AND**  
**RESOURCES**

---



**Act No. 170**

HB No. 1268; Durand, et al.

Allows the state to transfer several tracts of land in the parish of St. Martin to the Atchafalaya Land Corporation.

**Act No. 367**

HB No. 1898; LeBlanc

(Amends R.S. 25:1222 - 1225)

Provides for minor clarifications regarding the Atchafalaya Trace Commission. Reorganizes the membership of the Commission. Creates an advisory board and provides for its membership and officers. Provides for the termination of the Commission upon completion of the Commission's management plan.

**Act No. 375**

HB No. 2008; Durand

(Amends R.S. 41:1217(A)(2))

Allows for all leases of public lands to be extended to forty years and extendible for additional ten-year periods if permanent improvements have been built on the land.

**Act No. 440**

HB No. 490; John Smith

(Enacts R.S. 49:191(11)(g); repeals R.S. 49:191(10)(a))

Reauthorizes the Department of Natural Resources (LDNR) and provides for its termination on July 1, 2001.

**Act No. 919**

HB No. 1081; Dupre, et al.

(Amends R.S. 49:213.7(B)(2))

Provides for additional funding to the Wetlands Conservation and Restoration Fund by adding 2% of mineral revenues after all allocations prescribed by law are made.

**Act No. 920**

HB No. 1262; Gautreaux, et al.

(Amends R.S. 30:2000.4; enacts R.S. 30:2000.9 and 2000.10)

Creates a capital improvement program for the Atchafalaya Basin Program and provides for the operation and maintenance of the program and the powers and duties assigned to the state agencies.

**Act No. 962**

HB No. 538; Faucheux

(Enacts R.S. 49:214.42)

Creates the Coastal Mitigation Account within the Wetlands Conservation and Restoration Fund. The account is to contain all monies deposited by permittees for compensatory mitigation.

**Act No. 999**

HB No. 1960; Diez, et al.

(Amends R.S. 38:90.1(8), 90.4(A)(1) and (B)(1) and (2), 90.7, 90.8, 90.9(1) and (4), 90.12(A), (B), and (C), 91 and 92(A) and (4) and (B); repeals R.S. 38:90.12)

Reduces the local match requirement for receiving funds from the State-wide Flood-Control Program to ten percent.

**Act No. 1000**

HB No. 1968; Kenney

(Amends Section 1(D) of Act 435)

Allows the Bayou de Chene Reservoir Commission to manage any nonsubmerged lands in the Bayou de Chene Reservoir notwithstanding any cooperative endeavor agreement that may be entered into by the commission.

**Act No. 1028**

HB No. 2101; Jack Smith

(Enacts R.S. 56:1684.1)

Creates design standards and construction and facility usage standards for Cypremort Point State Park. Also establishes an oversight committee.

**Act No. 1142**

HB No. 1604; Jetson, Odinet, Pierre, and Gautreaux

(Enacts R.S. 30:127(G) and 148.6(C), 41:1217(E), 56:30.2 and 1855(J))

Requires that lessees of state lands, for any purpose, must preserve public access over these lands. Creates exceptions for certain lands along the banks of the Tchefuncte River.

**Act No. 1353**

SB No. 647; Smith

(Enacts R.S. 56:1948.7(C))

Excludes from scenic byways any highway which is in a parish with a population of fewer than 40,000, is under the authority of a police jury form of government and includes a specific section State Highway 6.

**Act No. 1378**

SB No. 1076; Dean, et al.

(Amends Section 1 of Act No. 233 of the 1984 Regular Session as amended by Act No. 1364 of the 1997 Regular Session)

Sets later dates for the LDNR and the Orleans Levee district to comply with the provisions of the original act regarding the return of expropriated lands and mineral rights within the Bohemia Spillway in the Orleans Levee district to the rightful owners.

**RESOLUTIONS****H.C.R. No. 127 - John Smith**

In recognition of the catastrophic losses of coastal land, the legislature approves the Coastal Wetlands Conservation and Restoration Plan for fiscal year 1999-2000, as adopted by the Wetlands Conservation and Restoration Authority.



**H.C.R. No. 13** - John Smith

Requests that, in order to ease the burden of falling oil prices, LDNR study the possibility of new rental and royalty requirements on the lease of state lands and study the possibility of incorporating these new requirements into existing leases.

**H.C.R. No. 266** - Warner

Memorializes the U.S. Congress to appoint a task force to develop a plan to close the Mississippi River Gulf Outlet which in 1963 destroyed a 475-foot wide, 37 mile long strip of wetlands and swamps in St. Bernard Parish, has caused increased flooding, increased saltwater intrusion and has had numerous negative impacts in the surrounding region. The state's coastal restoration plan, Coast 2050, calls for the phasing out of the Mississippi River Gulf Outlet.

**S.C.R. No. 30** - Landry, Dyess, Lambert, Schedler and Mike Smith

Memorializes the U.S. Congress to authorize and urge the governor of Louisiana to support the development of the "Comprehensive Hurricane Protection Plan for Coastal Louisiana" by the U.S. Army Corps of Engineers that will be designed to provide continuous hurricane protection from the vicinity of Morgan City, Louisiana to the Louisiana-Mississippi border.

**S.C.R. No. 60** - Bean

Memorializes the U.S. Congress to restore funding to the National Resource Conservation Service (formerly the Soil Conservation Service) so that it may continue to serve the conservation and environmental needs of Louisiana by providing technical assistance to landowners and land managers.

**OIL, GAS AND MINERALS**

**Act No. 8**

HB No. 565; Reps. John Smith, Daniel, Flavin, Michot, and Sen. Siracusa

(Repeals R.S. 30:607 and 30:1001 through 30:1011)

Repeals restrictions on natural gas pricing, including reports of first sale to assistant secretary of the Department of Natural Resources (LDNR).

**Act No. 15**

HB No. 1260; John Smith, et al.

(Repeals Act No. 208 of the 1997 Regular Session)

Repeals legislative Act No. 208 of the 1997 regular session that required the commissioner of conservation to hold monthly public hearings in Shreveport.

**Act No. 169**

HB No. 1258; John Smith, et al.

(Amends R.S. 30:128(b)(1))

Modifies penalties so that they may begin accruing within sixty days of the execution and not confection of the transfer of mineral leases or rights. Sets a limit of one thousand dollars in penalties.

**Act No. 584**

HB No. 1622; McCallum, et al.

(Amends R.S. 40:1846.1(E)(1), 1849(A), (B) and (C)(1) and 1850; enacts R.S. 40:1849(E))

Increases civil penalties for violations of the Liquefied Petroleum Gas Commission regulations. Increases fees for registration, personnel qualification and renewals.

**Act No. 585**

HB No. 1623; McCallum, et al.

(Amends R.S. 3:1356(C) and 1357(D), (E) and (F))

Establishes fees for tanker trucks transporting anhydrous ammonia. Dealer personnel must be certified by the Liquefied Petroleum Gas Commission and pay a \$20 fee. Allows commission to adopt reciprocal state's examination. These new fees are used to reduce Liquid Petroleum Gas permit fees.

**Act No. 600**

HB No. 1846; McCallum, Kenney, Jack Smith, and Thompson

(Enacts R.S. 40:1849(D)(5))

Provides that monies in excess of the prescribed maximum of the Liquefied Petroleum Gas Commission's Rainy Day Fund be deposited into a separate account and be used only for market development purposes.

**Act No. 602**

HB No 1875; Martiny

(Amends R.S. 30:2195.4(A)(2) and (3))

Provides for time limits and procedures for disbursement of money from Motor Fuels Underground Storage Tank Trust Fund.

**Act No. 1094**

HB No. 1224; Daniel

(Enacts R.S. 30:5.1)

Creates the "deep pool unit" for the unitization of oil and gas wells. Provides procedures, regulations and orders under the commissioner of conservation.

**Act No. 1097**

HB No. 1263; John Smith, et al.

(Enacts R.S. 30:86(E)(5))

Allows funds from the Oilfield Site Restoration Fund to be used to assess and restore abandoned oilfields.





RESOLUTIONS

**H.C.R. No. 76** - Rep. John Smith and Sen. Mike Smith  
Memorializes the U.S. Congress to support the Louisiana Independent Oil and Gas Association in the face of the recent downturn in oil prices and recommends considering favorably tax incentive legislation.

**H.C.R. No. 159** - Theriot  
Memorializes the U.S. Congress to support the efforts of Senators Landrieu and Breaux and Representatives John, Tauzin, McCrery, Jefferson, and Cooksey to enact the Conservation and Reinvestment Act of 1999, which will aid the local economies devastated by the oil crisis.

ENVIRONMENTAL QUALITY

**Act No. 149**  
HB No. 915; Winston  
(Enacts R.S. 33:4064.4(L))  
Gives enforcement employees of the Environmental Services Commission of St. Tammany Parish the same authority to issue civil citations for littering as regular law enforcement officers.

**Act No. 187**  
HB No. 1593; Damico, et al.  
(Enacts 49:191(11)(g); repeals 49:191(10)(b))  
Recreates the Department of Environmental Quality (LDEQ) and provides for its termination in the year 2001 as prescribed by law.

**Act No. 193**  
HB No 1855; Diez, et al.  
(Amends R.S. 30:2224(A)(2))  
Removes the Department of Transportation and Development (DOTD) from the agencies included in contingency plan coordination for inactive or abandoned hazardous waste sites.

**Act No. 209**  
SB No. 552; Lambert, Landry, Morrish and Holden  
(Enacts R.S. 40:1234.1)  
Requires that the person or entity transporting hazardous materials must additionally be responsible for the payment of emergency or medical services provided by the Department of Public Safety and Corrections or LDEQ in the event of an emergency.

**Act No. 289**  
HB No. 1048; Dupre  
(Enacts R.S. 40:1152 through 1156)  
Allows a homeowner to install his own sewerage system upon completion of the certification required by the Department of Health and Hospitals (DHH). Exempts the homeowner from any certification fees regularly charged commercial installers. Redesignates several related provisions.

**Act No. 303**  
HB No. 1582; Damico, et al.  
(Amends and repeals various statutes between R.S. 30:2011 and 30:2182; amends R.S. 36:231 - 36:238)  
Provides for a major reorganization of the LDEQ. Abolishes the offices of: air quality and radiation; water resources; waste services; office of legal affairs and enforcement; and office of the secretary. Creates the offices of: executive office of the

secretary; environmental assessment; environmental compliance; and environmental services. Additionally allows for various other minor changes to create consistency throughout the whole and to reassign powers within the new framework. Several important resolutions include:  
R.S. 30:2014 - Assigns to the office of environmental services the power to consider any permit, license, registration, variance or compliance schedule prior to approval.  
R.S. 30:2019 - Assigns to the office of environmental assessment the power to determine cost-benefit analysis for new rules.  
R.S. 30:2025 - Removes general enforcement power from the office of legal affairs and enforcement. Assigns the power to issue compliance orders and to assess civil penalties to the office of environmental compliance  
R.S. 30:2033 - The power to declare an emergency and take action is removed from the office of legal affairs and enforcement and assigned to the secretary of the department.  
For more detailed information, find the entire act at [www.deq.state.la.us](http://www.deq.state.la.us) or contact the office of the Sea Grant Legal Program for further information.

**Act No. 348**  
HB No. 1583; Damico  
(Amends R.S. 30:2015(E), 2054(B)(2)(a), 2055, 2075, 2075.3(A)(2)(a), 2109(A), 2187(A), (1), (2) and (3), 2195.2(A)(11) and 2225(f)(1); repeals R.S. 30:2053(2) and 2201)  
Changes terminology to accord with reorganizational changes made to LDEQ. Also, reduces the fee that is retained by the bulk facility operator of motor fuel underground stor-



age tanks from three to one percent of the monthly tank trust fee.

**Act No. 349**

HB No. 1586; Damico  
(Amends R.S. 30:2195.3(A)(7) and (B))

Allows the receipt of any report or payment of underground storage tank fees to be postmarked on or before the 25<sup>th</sup> day of the month that follows the end of the month the payment is being made for. Changes the time for receipt of late fees from 30 days to 90 days and allows the department to decide the fees by rulemaking.

**Act No. 350**

HB No. 1587; Damico  
(Enacts R.S. 30:2043)

Provides for the form and method of keeping LDEQ's public records. Allows for records to be kept in any form with a reasonable safeguard against erasure or alteration. Records may be microfilmed for efficient storage. Allows a certified copy to be considered an original for purposes of evidence. Allows electronic signatures and authorizes the department to make rules regarding the signatures.

**Act No. 351**

HB No. 1588; Damico, et al.  
(Enacts R.S. 30:2025(D)(3)(c))

Allows the secretary of LDEQ to determine penalties and classifications of violations by rulemaking.

**Act No. 352**

HB No. 1591; Damico, et al.  
(Amends R.S. 30:2285.1(A))

Creates more specific regulations regarding public notice of voluntary remedial actions for pollution clean-up, including size of notice in local newspaper and letter of notice to adjacent land owners.

**Act No. 355**

HB No. 1694; Diez  
(Amends R.S. 30:2373(B) and (C)(3); enacts R.S. 32:1510(E))

Requires reporting to the LDEQ of any pollution incident, accident or cleanup within a facility, which could reasonably be expected to effect public safety beyond the boundaries of the facility. Allows secretary to develop rules regarding this requirement. Changes the standard for reporting from "has potential to," to "could reasonably be expected to" throughout current statute. Further lists the industries subject to this regulation.

**Act No. 383**

HB No. 2258; Damico, et al.  
(Enacts R.S. 30:2283)

Requires that when any person responsible for a site obtains information that indicates hazardous wastes are in any way moving into or on any other land or media, they must report it to the LDEQ.

**Act No. 394**

HB No. 326; Damico  
(Amends R.S. 33:4065.1- 4065.5)  
Renames the Lake Ponchartrain Catherine Sewage and Water Management District to be the Lake Catherine Sewage and Water District. Alters the composition and powers of the commission. Gives the secretary of DHH the authority to make rules regarding exemptions, exceptions and exclusions.

**Act No. 399**

HB No. 2026; Triche, et al.  
(Amends R.S. 30:2075.2(A); enacts R.S. 30:2075.3(A)(2)(e); repeals R.S. 30:2075.2(D))

Requires payment of a bond to the LDEQ as a requirement for receiving a discharge permit for a sewage treatment facility. The department is

given the authority to establish rules to regulate the form and amount of the securities. Additionally, the act designates violations which would result in the forfeiture of the bond. A reviewing court may put a system in receivership if the bond is not provided or maintained.

**Act No. 424**

SB No. 604; Bean  
(Amends R.S. 30:2363(12) (13)(14)(15) and 2369(E)(3); enacts R.S. 30:2363(16))

Removes the statutory language that a hazardous material have the "potential to escape" to be considered a "release." Distinguishes and defines "reportable release." Requires that the secretary of LDEQ promulgate rules regarding means of notice before the statute requiring "materials and mixtures" data sheets will be effective. Allows the secretary to substitute the requirement of these "materials and mixtures" forms with generic material safety and data sheets used nationally or internationally.

**Act No. 468**

HB No. 1550; Damico  
(Amends R.S. 30:2054 (B)(2)(b)(vii))

Allows the secretary of LDEQ to make rules, regulations, recommendations or determinations with respect to Reid vapor pressure of motor vehicle fuels.

**Act No. 505**

SB No. 399; Lambert, et al.  
(Amends R.S. 30:2205(E))  
Allows the LDEQ, in lieu of the Attorney General, to institute a civil action to recover money used from the Site Cleanup Fund.

**Act No. 567**

HB No. 1271; Martiny  
(Amends R.S. 30:2194(B)(3))



Redefines "eligible participant" under the Motor Fuels Underground Storage Tank and Trust Fund to require registration before the date of release and payment of annual tank registration fees.

**Act No. 620**

HB No. 2016; Carter, et al. (Amends R.S. 32:1513(A)) Provides for the denial of renewal of vehicle registration as a penalty for violation of hazardous materials transportation and motor carrier safety.

**Act No. 771**

SB No. 659; Sen. Malone, Reps. Durand and Faucheux (Amends R.S. 30:2363(6), (12),(13),(14), and (15); 1370(E), and 2374(B)(1); enacts 30:2363(16)) Distinguishes definition of "reportable release" from "release." A "reportable release" is a release that can be expected to effect public safety beyond the boundaries of the facility in which it originated.

**Act No. 780**

SB No. 743; C. Fields (Amends R.S. 30:2060(F)) Specifies that monitoring of toxic air pollutants should be on a "continuous or periodic" basis around certain facilities that are permitted by LDEQ.

**Act No. 791**

SB No. 844; Johnson (Amends R.S. 30:2025(E)(1)(a)) Increases the penalty for dumping or emitting harmful substances from \$25,000 to \$27,000 per day of violation.

**Act No. 819**

SB No. 660; Malone and Durand (Enacts R.S. 32:1522) Creates the "Hazardous Materials Emergency Response Fund" to be used for training, equipment and support of

the state police hazardous materials response unit.

**Act No. 829**

SB No. 126; Bean (Amends R.S. 32:1521(B); enacts R.S. 32:1521(C), (E), (F), (G), (H), and (I))

Prohibits the transportation of hazardous materials within three hundred yards of a school building with exceptions.

**Act No. 839**

SB No. 345; Ellington, et al. (Enacts R.S. 30:2063(K)) Excludes from LDEQ regulation the storers of liquefied petroleum gas for the purpose of the chemical accident prevention program if the presence of this gas is the only reason for LDEQ regulation over the facility.

**Act No. 853**

SB No. 1072; Ellington and Hudson (Enacts R.S. 40:4.11) Provides for the permitting of community-type sewage systems and public water systems. Gives the state health officer the right to grant the permits.

**Act No. 1002**

HB No. 1983; Hopkins, et al. (Amends R.S. 30:907(B)(16) and (C), 927(A); enacts R.S. 20:907(B)(17),(18), and (20)) Adds requirements to the surface coal mining permit application, including a description of fish, wildlife and related environmental resource information for the permit area and adjacent area. Also, the application must include a description of how the operator will minimize disturbances and adverse impacts.

**Act No. 1007**

HB No. 2017; Triche, et al.

(Amends R.S. 30:2050.5)

Provides that compliance orders concerning community sewer systems are enforceable when LDEQ has provided notice and an adjudicatory hearing if requested.

**Act No. 1049**

HB No 2195; Guillory (Enacts R.S. 30:2418(L)) Authorizes the LDEQ to offer rewards for the reporting of unauthorized disposal of waste tires.

**Act No. 1166**

HB No. 1739; Martiny (Amends R.S. 30:2363(14) and (15), 2370(e) and 2374(B)(2); enacts R.S. 30:3262(16) and 2370(E)(8) and (9)) Includes the definition of "retail gas station" in the Hazardous Material Information Development, Preparedness and Response Act. Designates the amounts of gasoline and diesel fuel that do not need to be reported for inventory reporting. Provides that LDEQ must be responsible for releasing copies of any reports submitted by the retail gas stations to any local emergency planning committee and the office of the state police.

**Act No. 1167**

HB No. 1743; Daniel (Amends R.S. 33:3953, 3956, 3965, 3982, 4043, 4044, and 4065.1; enacts 33:3980.1) Authorizes any parish, municipality or sewerage district to levy taxes on real property in the district to fund the operations of sewage systems. Prescribes means of collecting and distributing these ad valorem taxes.

**Act No. 1172**

HB No. 1791; Damico (Amends 30:2072(B)(2)(b)) Allows employees who report environmental violations (whistle-blow-



ers), and are retaliated against by their employer, to seek triple their damages.

**Act No. 1184**

HB No. 2262; Damico, et al.  
(Amends R.S. 30:2050.8; enacts R.S. 30:2050.7(E))

Allows the Secretary of the LDEQ to enter into civil penalty assessment settlements where the violator is allowed to mitigate damages, perform environmentally beneficial programs or pay a cash penalty. Gives the Secretary the power to promulgate the rules governing these types of settlements. Also removes the "emergency" as a qualifier from cease and desist orders.

**Act No. 1203**

HB No. 441; Cox and Johns  
(Amends 33:4065.1, 4065.2(A), (B) and (F), 4065.3(C) and (G), 4065.4(B), 4065.2(D) and (H))

Changes the Lake Pontchartrain Catherine Sewage and Water Management District to the Lake Catherine Sewage and Water Management District. Alters the composition of the commission and requires that they follow the rules of public officer and employee meetings and the rules of state public records. Requires that the office of public health test water according to the federal Safe Drinking Water Act.

**Act No. 1249**

HB No. 297; Reps. Fruge, Hudson, Baudoin, Hunter and Sen. Cravins  
(Amends Section 4 of Act No. 289 of the 1980 Regular Session as amended by Act No. 642 of the 1984 Regular Session)

Allows the St. Landry Parish Solid Waste Disposal Commission to enter into intergovernmental agreements to use surplus funds collected from solid waste disposal fees for road improve-

ments.

**Act No. 1296**

HB No. 1592; Damico, et al.  
(Enacts R.S. 30:2289.1(D) and 2417(N))

Authorizes LDEQ to charge and collect a participation fee per application for approval of each remedial action plan. The department will have rulemaking powers to regulate this program. Requires certain oil collection centers, transfer facilities and transporters to obtain licenses or permits if they are processing the oil as well.

**Act No. 1333**

HB No. 2230; Damico, et al.  
(Enacts R.S. 30:2012.1)

Provides that any person who operates monitoring equipment or allows the placement of monitoring equipment on his property is not held liable for any data or information obtained from such equipment. Also provides that the LDEQ does not assume any liability for equipment operated or held by anyone who is not an employee of LDEQ.

**Act No. 1374**

SB No. 1041; Lambert, et al.  
(Amends R.S. 30:2103 and 2117(A))  
Defines "low-level radioactive waste" according to the Low-Level Radioactive Waste Policy Act. Also defines "naturally occurring radioactive waste material" (NORM waste) and "radioactive waste."

RESOLUTIONS

**S.R. No. 16/S.C.R. 44** - C. Fields, et al.

Directs the LDEQ to prevent disposal of napalm in North Baton Rouge unless precautionary measures are taken. Specific measures include a

risk management plan, air monitoring system, a Community Alert System, and emergency evacuation program for Southern University.

**H.R. No. 2/H.C.R. 15** - Ansardi  
Memorializes the U.S. Dept. Of Commerce, U.S. Dept of Transportation, National Transportation Safety Board, and U.S. Environmental Protection Agency, to require all commercial vessels that are transporting hazardous materials to use a placarding system either approved by the United Nations or the North American Placarding System.

**S.R. No. 63** - Lentini and Schedler  
Requests that LDEQ and DHH, in a joint study, determine the feasibility of a system to monitor serious chemical exposures and other serious substance exposures to individuals. This system should include identification of the individuals who are exposed, medical monitoring of these individuals, identification of the source of the exposure, determination of the effect of such exposure and determination of a mechanism for reimbursement or set-off of costs for this monitoring. Also requests that LDEQ and DHH make a report on their findings next year, and provide proposals for legislation the following year.

**H.C.R. No. 19** - Baylor and Baudoin  
Requests, in conjunction with the Louisiana Municipal Association and the Louisiana Municipal Black Caucus Association, that all municipalities of the state enforce littering laws and participate in efforts toward beautification and improvements.

**H.C.R. No. 134** - Guillory, et al.  
Memorializes the U.S. Congress to enact legislation to allow Louisiana to impose requirements on the stor-



age and transportation of hazardous materials by rail car that are more stringent than federal requirements considering the large amount of hazardous materials that are created, transported and often stored in rail cars in Louisiana.

**H.C.R. No. 222 - Holden**

Memorializes the U.S. Congress to continue support and funding of the United States-Asia Environmental Partnership, Environmental Technology Network for Asia, and Council of State Governments' State Environmental Initiative in order to encourage the "clean revolution" and the transfer of environmental solutions.

**S.C.R. No. 113 - Cain**

Urges and requests the DOTD to study long term effects of taking water from public water sources to be used for industrial or commercial purposes.

**S.C.R. No. 149 - Robichaux and Irons**

Urges and requests that LDEQ prepare a study reviewing how other states utilize the cost-benefit analysis in their environmental agencies, how many and which states are utilizing such analysis and by what methodology such analysis is being implemented and conducted in other states.

**S.C.R. No. 170 - W. Fields**

Creates the Used Oil Study Commission to study the collection, treatment, and disposal of used oil in Louisiana in order to determine whether such operations should be permitted or more closely regulated by LDEQ. The commission is to include certain members of the legislature, the secretary of LDEQ, a member of the Louisiana Mid Continental Oil and Gas Association and a member of the Delta Chapter of the Sierra Club.

**PORTS, HARBORS  
AND WATERWAYS**

**Act No. 12**

HB No. 1559; John Smith, et al. (Amends R.S. 34:855.3(C) and (F); enacts R.S. 34:855.3(G))

Changes hours of operation of personal watercraft from one half hour after sunset and one-half hour before sunrise to sunset and sunrise. Also provides that any violation of this regulation is a class one violation as set forth in Title 56 of the revised statutes (Wildlife and Fisheries).

**Act No. 75**

SB No.606; Sen. Greene and Rep. Marionneaux (Enacts R.S. 33:1236.25)

Authorizes the governing authority of the Parish of Point Coupee to adopt ordinances to regulate the construction of buildings and structures over False River, and to regulate the filling in of portions of False River. Any ordinance is subject to the approval of LDNR.

**Act No. 435**

HB No. 122; Marionneaux (Amends R.S. 34:2453(B))

Requires that the Pointe Coupee Port, Harbor and Terminal District meet no less than twice during each calendar year, and eliminates the requirement that they meet once per month.

**Act No. 491**

HB No. 1009; Hainkel (Enacts R.S. 56:1847(56) and 1855(J))

Establishes the Tangipahoa River as a natural and scenic river and pro-

vides for the regulation of dredging and snagging of it.

**Act No. 499**

HB No. 2194; Schneider, Clarkson, and Schendler

(Enacts R.S. 1431)

Provides for the clearing of debris to maintain flood control of Bayou Liberty in St. Tammany Parish. Maintains and protects the bayou and prevents its expropriation.

**Act No. 516**

HB No. 100; Powell

(Enacts R.S. 34:1951(D))

Limits the number of terms a person can serve on the Tangipahoa Parish Port Commission to two full six year terms.

**Act No. 588**

HB No. 1672; Hammett and Ellington

(Enacts R.S. 38:3087.111 through 3087.127)

Creates the Black River Lake Recreation and Water Conservation District for Black River Lake in Concordia and Catahoula parishes. Creates a board of commissioners and assigns powers and duties to the board. Authorizes board to levy taxes and fees. Provides for violations and penalties. Creates regulations for commercial and recreational facilities within the district.

**Act No. 615**

HB No. 1964; Triche and Landry

Allows the governing authority of any fresh water district to employ an attorney as special counsel as provided in La. R.S. 42:263.

**Act No. 634**

SB No. 96; Landry

(Amends R.S. 34:445; enacts R.S. 34:3402(D))



Authorizes the second phase of the Mississippi River Deepening Project to advance the deepening of the river from 45 feet to 53 feet from the Gulf of Mexico to mile 232.4 above the Head of Passes.

**Act No. 701**

HB No. 429; Wright and Kenney  
(Enacts R.S. 38:343)

Allows the board of commissioners of the Tensas Basin Levee District to transfer a parcel of land from the levee district to a private person.

**Act No. 731**

HB No. 2140; Diez  
(Amends R.S. 38:306(A) and 309)  
Gives levee district boards and levee and drainage district boards the authority to exchange, buy and sell property within the district.

**Act No. 739**

SB No. 339; Landry  
(Amends R.S. 9:5626)  
Updates provisions regarding prescription on claims and actions for lands used or destroyed for levees or levee drainage purposes. Removes provision of statute that states that prescription of claims under Art. XVI §6 will accrue two years from Nov. 17, 1958. Also, removes the provision which states that prescription will run against interdicts, married women, absentees and minors and replaces it with a provision stating that prescription will run against "all persons otherwise excepted by law."

**Act No. 775**

SB No 669; Robichaux  
(Amends R.S. 38:318, R.S. 39:1304 through 1314; enacts R.S. 39:1302(3) and 1315)  
Requires the legislative auditor to develop a uniform chart of accounts for the levee districts' use and requires the

Joint Legislative Committee on the Budget to create the forms and format to be used.

**Act No. 823**

SB No. 30; Hainkel  
(Enacts R.S. 56:1847(56) and 56:1855(J))  
Includes the Tchefuncte River in the natural and scenic rivers system, it excludes all tracts of land that are classified as a commercial zone.

**Act No. 847**

SB No. 430; Landry, Lambert and Faucheux  
(Enacts R.S. 48:2051 - 2056)  
Creates the Mississippi River Road Commission, establishing the boundaries, membership, duties and authority. Purpose of commission is generally for enhancement of tourism and historic preservation, but includes scenic enhancement and creation of a scenic levee.

**Act No. 852**

SB No. 996; Landry  
(Amends R.S. 34:2471, 2473, 2474, 2475, 2476; enacts R.S. 34:2473.1(F))  
Renames the "South Louisiana Port Commission" as the "Port of South Louisiana." Updates the commission's powers and the contract requirements.

**Act No. 877**

HB No. 1109; Warner  
(Amends Section 1(B) of Act 716 of 1989)  
Adds a member from St. Bernard Parish to the Board of Directors of the Lake Pontchartrain Basin Foundation.

**Act No. 995**

HB No. 1933; Diez, et al.  
(Amends R.S. 34:962(B)(2),(3),(4),

991.1(B)(4) and 1049(B)(1) through(4); enacts R.S. 34:962(C), 991.1(C) and 1049(C))

Establishes time periods for submittal of Mississippi River accident reports to the general counsel of the Department of Transportation and Development (DOTD) by the Board of New Orleans and Baton Rouge Steamship Pilot Review.

**Act No. 1045**

HB No. 2168; McMains, Fontenot and Kennard  
(Amends R.S. 38:3301 and 3309)  
Redesignates the Amite River Basin Drainage and Water Conservation District with more distinct geographical coordinates. Subjects the Comite River Diversion Canal Impact Area to taxation to provide revenue for this district.

**Act No.1152**

HB No. 1680; Jack Smith  
(Amends R.S. 34:322, 323, 324, 326, 328, 330; enacts R.S. 34:323.1)  
Makes changes to the Morgan City Harbor and Terminal District board of commissioners membership and powers. Includes giving the board the power to develop industry within the district and also allows the board members to receive reimbursement for travel expenses. Also allows the board to lease land in the district.

**Act No. 1225**

SB No. 863; Hainkel, et al.  
(Enacts R.S. 34:3471 through 3486)  
Creates the Millennium Port Authority and board of commissioners. Provides for powers, duties and responsibilities of the board. This port authority is created to promote, plan, finance, develop, construct, control, license, regulate, supervise, operate, manage, maintain and/or modify offshore or onshore terminal facili-



ties to be constructed after July 1, 1999.

**Act No. 1269**

HB No. 962; Walsworth  
(Amends R.S. 56:1850(A) and (7) and 1853; repeals R.S. 56:1855(E) and (H))

Allows the Department of Wildlife and Fisheries to regulate all boat slips, bulkheads and houseboats that have been docked in scenic rivers, removing the requirement that they must have been docked for more than thirty days. Prohibits barricades, barriers, fences or obstacle of any kind from being placed across any river in the natural or scenic river system, and expressly requires the dam currently across Big Creek to be removed at the owner's expense by Jan. 1, 2001.

**Act No. 1340**

SB No. 242; Landry, et al.  
(Amends R.S. 38:301(A); enacts R.S. 38:301(E))

Allows levee boards to construct bicycle paths and walkways across the tops of the levees in Jefferson, St. Charles and St. John parishes. Further holds the levee boards harmless for any personal liability, property damage or other loss which may occur while a person is on any such property.

RESOLUTIONS

**H.C.R. No. 11** - Long and Sen. Mike Smith

Requests that DOTD and U.S. Army Corps of Engineers review the drainage problems in the lower Cane River in Natchitoches Parish and make recommendations to the legislature for the 2000 Regular Session.

**H.C.R. No. 58/S.C.R. No. 54** - Long and Sen. Mike Smith

As a result of recent flooding along the shores of Black Lake/Clear Lake, the legislature requests that DOTD determine methods of protecting the structures from damage, and to further study the impacts of the Red River Waterway project on the flooding problems. Requests that they report their findings to by March 1, 2000.

**H.C.R. No. 66** - Jetson

Requests that the Division of Administration study and develop a strategy to preserve public access to public waterways and make recommendations to the legislature prior to the next Regular Session.

**H.C.R. No. 75** - Hebert

Requests that LDNR study the effects of the Keystone Lock and Dam on Bayou Teche particularly on fields and siltation and report its finding to the legislature prior to the next Regular Session.

**H.C.R. No. 176** - Rep. Salter, Sen. Cain and Mike Smith

Urges the Federal Energy Regulatory Commission to interpret the requirements of the Sabine River Authority power sales agreement and license as to whether 168 mean sea level feet can be implemented as the minimum level for routine power generation. To maintain the Toledo Bend Reservoir at 168 mean sea level feet may adversely effect the use and enjoyment of the area, as well as commerce and economic development in the area.

**H.C.R. No. 185** - Flavin

Memorializes the U.S. Congress to restore funding to the U.S. Geological Survey Water Resources Program,

particularly its State-Federal Cooperative program in light of the program's importance in flood damage mitigation.

**S.C.R. No. 124** - Mike Smith

Memorializes the U.S. Congress to provide funding for the construction of the Big Creek Recreation Access Project. Big Creek, located in Grant Parish, is an excellent source of recreational activities in Kisatchie National Forest and the project would create an economical boost and provide facilities for recreation in this area.

MISCELLANEOUS

**Act No. 59**

SB No. 988; Dyess, et al.  
(Enacts R.S. 49:191(12))

Re-creates the Department of Agriculture and Forestry pursuant to R.S. 49:193. Provides for the Department's termination on July 1, 2005.

**Act No. 1332**

HB No. 2206; Lancaster, et al.  
(Amends R.S. 49:964(A) and 992(B)(3))

Precludes agency officials and agencies from being entitled to judicial review of any decision made under authority of the Louisiana Administrative Procedure Act.



Sea Grant Legal has found its home on the World Wide Web!

Check our home page out at

**<http://www.lsu.edu/guests/sglegal/>**

or E-Mail us at

**[sglegal@lsu.edu](mailto:sglegal@lsu.edu)**



Non-Profit  
Org.  
U.S. Postage  
PAID  
Permit No. 733  
Baton Rouge

