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## Bills and Resolutions Passed in the 2004 Regular Legislative Session of the Louisiana Legislature Affecting Coastal Resource Use and Conservation

By: Laurie Marien and Mindy Heidel

This annual Legislative issue of Louisiana Coastal Law is devoted to summarizing acts and resolutions enacted during the Regular Legislative 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.

### Environmental Quality

#### HCR 108

Representatives Futrell, Beard, Dove, Downs, Erdey, Fannin, M. Guillory, Katz, Lambert, Pitre, Quezaire, and Smiley and Senator Dardene

Expresses the Louisiana Legislature's support of Baton Rouge's request for the maximum extension of the deadline by which the Clean Air Act non-attainment area must switch to use of reformulated gasoline.

#### SCR 62

Holden

Urges and requests the Secretary of the Department of Environmental Quality and each member of the Louisiana delegation to the United States Congress to support federal regulations mandating restrictions on mercury emissions and discharges to reduce mercury contamination in the environment.

#### SR 165

Romero

Urges and requests the United States Environmental Protection Agency to act immediately to renew the National Pollutant Discharge Elimination System permits for the Gulf of Mexico because, as a result of the failure to issue the permits, energy development under

leases already granted by Minerals Management Service has been prevented or halted, severely impacting the nation's energy production.

#### Act No. 17

SB 467

Fontenot

(Enacts R.S. 30:2025(H)). Provides a five-year limitation on the time within which actions, suits, or proceedings for the assessment or enforcement of any civil fine or penalty under Louisiana's Environmental Quality Act may be instituted.

#### Act No. 52

HB 838

Damico

(Amends and reenacts R.S. 30:2025(E)(1)(a)). Increases the maximum civil penalty for violations of the Environmental Quality Act from \$27,500 to not more than \$32,500 for each day of the violation. Retains an additional \$1,000,000 penalty if the act by the violator is intentional, willful or knowing, causes severe or irreparable environmental damage or endangers human life.

#### Act No. 72

SB 464

Fontenot

(Amends and reenacts R.S. 30:2018(C) and enacts R.S. 30:2017(B)(3)). Allows the Department of Environmental Quality to conduct a single environmental assessment hearing and combine this hearing with a hearing on a proposed permit. Requires that the hearing take place in a parish where the facility in question is located. Removes the requirement to have a hearing in every parish where the facility is located.

#### Act No. 73

SB 466

Fontenot

(Amends and reenacts R.S. 40:1376(F)). Prohibits any subdivision of state or local government from providing, furnishing, or selling, badges with the same design or markings as those issued to employees of the Department of

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Environmental Quality who are commissioned by the Office of State Police.

**Act No. 107**

HB 811  
Representative Hammett and  
Senators Adley and Malone

(Amends and reenacts R.S. 32:1510(A)(3)). Exempts oil transporters from reporting mechanical failures if the failure is completely unrelated to the transportation container or the hazardous material being shipped. Incidents must be reported to the Office of the State Police if they result in the release of any hazardous material, if the regulated hazardous material comes to rest at an angle of 45 degrees or more from upright, or if it is necessary to transfer hazardous material to another bulk package within 500 feet of an inhabited building or on a public highway.

**Act No. 108**

HB 1051  
Farrar

(Amends and reenacts R.S. 22:1386(A) and (B)). Requires that in the case of a claim of personal injury or death caused by exposure to asbestos fiber or any environmental pollutant or contaminant, the claimant must first exhaust all other insurance available before recovering from the Louisiana Insurance Guaranty Association. Requires that claimants be domiciled in Louisiana or that their exposure occur in Louisiana.

**Act No. 150**

HB 303  
Representatives Carter and McVea  
and Senator Nevers

(Enacts R.S. 30:2154(B)(2)(g)). Prohibits the Secretary of the Department of Environmental Quality from registering or permitting a solid waste disposal facility in St. Helena Parish, except those facilities disposing or processing industrial waste generated and disposed on site, non-industrial waste, or wood waste. Allows St. Helena to site and permit its own solid waste disposal facility,

provided that the facility only receives and disposes of residential, commercial, and industrial solid waste produced in the parish.

**Act No. 584**

HB 377  
Damico, Alario, Alexander, Ansardi,  
Arnold, Badon, Baldone, Baudoin,  
Baylor, Beard, Bowler, Broome,  
Bruce, Bruneau, Burns, K. Carter, R.  
Carter, Cazayoux, Crane, Crowe,  
Curtis, Daniel, Dartez, Dewitt,  
Doerge, Dorsey, Dove, Downs,  
Durand, Erdey, Fannin, Farrar,  
Faucheux, Flavin, Frith, Futrell,  
Geymann, Gray, E. Guillory, M.  
Guillory, Hamett, Heaton, Hebert,  
Hill, Honey, Hopkins, Hunter,  
Hutter, Jefferson, Johns, Katz,  
Kennard, Kenney, Labruzzo, Lafleur,  
Lambert, Lancaster, Marchand,  
Martiny, McDonald, Montgomery,  
Morrell, Murray, Odinet, Pierre, Pitre,  
M. Powell, T. Powell, Quezaire,  
Richmond, Ritchie, Scalise,  
Schneider, Smiley, G. Smith, Jack  
Smith, Jane Smith, John Smith, St.  
Germaine, Strain, Thompson,  
Toomy, Townsend, Trahan, Triche,  
Tucker, Waddell, Walker, Walsworth,  
White, Winston, Wooton, and  
Wright

(Amends and reenacts R.S. 30:2054(B)(8) and R.S. 32:1306(C)(3)). Increases the additional fee for motor vehicle emission inspections in parishes/municipalities placed on the nonattainment list for ozone standards from three to eight dollars. Provides for frequency of and exemptions from onboard diagnostic testing of certain vehicles. Provides for dispersing money generated by the fees.

**Act No. 636**

SB 338  
Adley

(Enacts R.S. 30:2030(D)). Requires that security-sensitive information be restricted from distribution and dissemination by the Department of Environmental Quality via the internet. Provides that employees, former employees, and contractors that breach this rule can be charged with a misdemeanor and can be

fined up to one thousand dollars and/or imprisoned for up to one year. This Act does not prevent or restrict interdepartmental transfer or communication of information to be used in the performance of official duties.

**Act No. 655**

SB 468  
Fontenot

(Enacts Part II of Chapter 21 of Title 30 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 30:2551 and 2552). Provides for the Brownfields Cleanup Revolving Loan Fund in order to result in benefits to the public by reducing risk to public health and the environment. The monies shall be used, among other ways, to make low interest loans, provide assistance to governmental agencies or non-profit entities, and to invest in an interest bearing account.

**Act No. 667**

SB 592  
Fontenot

(Amends and reenacts R.S. 30:2075.2(A)(1) and R.S. 40:31.32(D)). Any applicant, prospective transferee, or permittee for the discharge of effluent from any privately owned sewage treatment facility regulated by the Public Service Commission may apply to the Secretary of the Department of Environmental Quality for approval of a single financial security instrument, having a maximum amount of two-hundred fifty thousand dollars. Allows the Secretary in determining whether to approve the application for a single financial security instrument, to consider the assets, debts, and compliance history of the applicant, the condition and capacity of the facilities to be covered by such security, and any other factor that may impact the applicant's ability to operate and maintain the facilities. Requires that for each sewage installer, maintenance and combination license issued, the Department of Environmental Quality charge an annual fee of one hundred dollars.

**Act No. 692**

SB 560; Senator Fontenot and Representative Walsworth

(Amends and reenacts the introductory paragraph of R.S. 30:2194(B), (introductory paragraph), (4), (9), and (11) through (15) and the introductory paragraph of (C), 2195(A) and (E), the introductory paragraph of 2195.2(A)(1), (a), and (c)(I), (2), (3), (4), and (5), 2195.3(A)(1)(b) and (7), 2195.4(A)(1), (2), and (3)(c)(ii), 2195.6, 2195.7, 2195.8(A), the introductory paragraph of 2195.8(B) and (1) and (C), 2195.9(A), and 2195.10, and enacts R.S. 30:2195.8(D), (E), and (F), 2195.11, and R.S. 45:1206, and repeals R.S. 30:2194(B)(16)). Redefines those eligible to participate in the Motor Fuels Underground Storage Tank Trust Fund. Redefines contamination to include surface water and all soil. Requires more detail in reporting disbursements from the Trust Fund. Removes the "substantial compliance" as an avenue of participating in the Trust Fund. Provides for late charges on payments to the Trust Fund. Provides for changes in operations and membership of the Motor Fuels Underground Storage Tank Trust Fund Advisory Board. Provides for creation of an Energy Efficiency Fund. Provides for use of money in the Motor Fuels Underground Storage Tank Trust Fund for response costs and provides for financial obligations of tank owners for civil actions. Releases occurring after August 1, 2001, are subject to additional financial responsibility for noncompliance if noncompliance caused the release or contributed to the magnitude of the release.

**Act No. 844**

HB 793  
Dove

(Enacts R.S. 9:2800.14). Proclaims that unless agreed upon in writing, a licensed commercial or marine contractor, architect, engineer, person licensed by the Louisiana Manufactured Housing Commission or real estate licensees representing marine or commercial contracts who are licensed by the Louisiana Real Estate Commission will not be held

civily liable for personal injuries, property damages or any other damages, losses, or claims related to mold or mold damage not caused by defects in workmanship or design.

**Ports, Harbors, & Water**

**HR 39**

Thompson, Downs, Fannin, Gallot, Hammett, Hunter, Katz, Kenney, McDonald, Walsworth, and Wright

Memorializes the United States Congress to oppose the proposed federal funding cuts to maintenance and operation of locks and dams along the Ouachita and Black River navigational system. See also SR 65.

**HCR 35**

Hutter

Requests that the United States Congress authorizes and directs the Army Corps of Engineers to close the Mississippi River Gulf Outlet, which has resulted in adverse environmental impacts to the Louisiana coast.

**HCR 61**

McDonald, Alario, Alexander, Arnold, Badon, Baldone, Baudoin, Baylor, Beard, Bruce, Burns, Burrell, K. Carter, R. Carter, Crowe, Curtis, Daniel, Darrtez, Doerge, Dorsey, Dove, Downs, Erdey, Fannin, Fauchaux, Gray, E. Guillory, M. Guillory, Hammett, Heaton, Hebert, Hill, Honey, Hopkins, Jefferson, Katz, Odinet, Pierre, Pitre, T. Powell, Quezaire, Richmond, Ritchie, Romero, Salter, Shepherd, Smiley, G. Smith, J. Smith, Townsend, Trahan, Triche, Waddell, Walker, Walsworth, Winston, Wooten, and Wright

Memorializes the United States Congress to appropriate funds for design and construction assistance for water-related environmental infrastructure and resource development and protection projects in Louisiana.

**HCR 68**

Representatives Odinet and Hutter and Senator Boasso

Requests that the United States Congress, the Louisiana Congressional Delegation, and the United States Army Corps of Engineers promptly close the Mississippi River Gulf Outlet in the manner contemplated by the Coast 2050 Plan and memorializes the United States Congress and the Louisiana Congressional Delegation to authorize the full funding capability of the United States Army Corps of Engineers for the Inner Harbor Navigation Canal lock project.

**SCR 111**

Ellington

Urges and requests the Governor of Louisiana to support the Sea Point container transfer facility project in order for southeast Louisiana to capture a greater share of the container cargo market.

**SR 50**

Boasso, Boissiere, Chaisson, Cravins, Dardene, Duplesis, Dupre, B. Gautreaux, N. Gautreaux, Hainkel, Heitmer, Hines, Hollis, Irons, Kostelka, Lentini, Michot, Mount, Nevers, Romero, Schedler, and Ullo

Urges and requests the Governor of the State of Louisiana and the Commissioner of Administration to give notice to the Port of New Orleans that the state will honor the Port's request for funds to build a temporary cruise terminal located at Poland Avenue Wharf.

**SR 65**

Ellington, Barham, Kostelka, Smith, Boissiere, and Jones

Memorializes the United States Congress to oppose the proposed federal funding cuts to maintenance and operation of locks and dams along the Ouachita and Black River navigational system. See also HR 39.

**SCR 24**

Senator McPherson and Representative McDonald

Requests that the governor support policies that endure the public's right to access and use, for both navigation and fishing, the naturally navigable waterways in the state.

**SCR 25**

Senator McPherson and Representatives Baudoin, Dove, Frith, Geymann, Hill, Hutter, Lambert, Pierre, Robideaux, J. Smith, and St. Germain

Urges and requests The Honorable Kathleen Babineaux Blanco, Governor of the State of Louisiana, to direct the State Land Office of the Division of Administration to complete within the next four years an inventory of the waterbottoms in this state and to provide sufficient funding through appropriations, or other means, for the accomplishment of this urgent and crucial task.

**Act No. 119**

HB 64  
Johns

Amends and reenacts R.S. 34:2101(A)(introductory paragraph), 2102(B), and 2103(introductory paragraph)). Changes the name of the West Calcasieu Port Harbor and Terminal District to the West Calcasieu Port.

**Act No. 137**

HB 1102  
Daniel

(Amends and reenacts R.S. 34:3474(B)(1). Allows the two ex-officio commissioners of the Millennium Port Authority to be the designee of the Secretary of the Department of Transportation and Development and the designee of the Secretary of the Department of Economic Development.

**Act No. 238**

HB 106  
Farrar

(Amends and reenacts R.S. 34:851.31(A)(1) and enacts R.S. 34:851.27(C)). Establishes no-wake zones on all waterways within three hundred feet of a public boat launch or a public docking facility adjacent to a public boat launch. States that every vessel must operate at a bare steerage speed (the slowest speed the vessel can travel while allowing the operator to maintain directional control of the vessel to produce the minimum water surface turbulence) in these areas.

**Act No. 307**

SB 346  
Chaisson and Amedee

(Amends and reenacts R.S. 34:2471(A)(1)(d), (6) and (7), 2473(B)(3) and (F)(1) and (2), and 2474(B), and to enact R.S. 34:2471(A)(8), 2472(D), 2476.1, 2476.2, and 2476.3). Provides for changes in membership in the Port of South Louisiana Commission, for payment of per diem to commissioners, for approval of contracts set by the commission, and for approval of purchases by the commission. Authorizes the commission to set an ad valorem tax with approval of the electors. Allows the port to act as an industrial development entity including the construction or acquisition of industrial parks, to issue obligations, to enter into cooperative endeavors, to issue revenue bonds and other pertinent powers.

**Act No. 310**

SB 368  
Senator Dupre and Representative Baldone

(Amends and reenacts R.S. 38:291(F)(1)(d) and (2) and enacts R.S. 38:325(C)(4)). Removes the North Lafourche Conservation Levee and Drainage District from the Lafourche Basin Levee District shared jurisdiction for flood protection leaving the South Lafourche Levee District and the

Lafourche Basin Levee District. Allows for the construction with matching funds of recreational facilities in the Lafourche Basin Levee District between Donaldsonville and the Gulf of Mexico.

**Act No. 390**

HB 950  
Gallot

(Amends and reenacts R.S. 38:2862, 2866, 2868, 2869(3), (4), and (10)(introductory paragraph) and (d) and (g), and 2870 and to repeal R.S. 38:2869(10)(e)). Clarifies that the conservation responsibilities of the Claiborne Parish Watershed District include surface and groundwater. Modifies qualifications of the members of the board of commissioners of the district and procedures for their appointment and removal. Provides qualifications, four-year term limits, removal, and increased powers to include conservation of surface and groundwater to the Claiborne Parish Watershed District board. Allows the board to cooperate with conservation districts to achieve the goals of those districts. Allows the board to grant utility franchises to establish rules and regulations for public water bodies within the district to manage surface and groundwater levels and to levy fines.

**Act No. 397**

HB 1146  
Lafleur and Hudson

(Amends and reenacts R.S. 34:1451(A)(1)(a), (b), and (c)). Provides that of the Greater Krotz Springs Port Commission members, two shall live within the city limits of each city of Eunice, Opelousas, or Krotz Springs or within five miles of those cities.

**Act No. 559**

HB 1414  
Crowe

(Amends and reenacts R.S. 38:1674.16(D)(2)). Authorizes an increase in the maximum additional maintenance and operation tax levied by the St. Tammany Drainage District No. 4 from nine to fifty-three

dollars annually for each ten thousand square feet of each lot parcel owned.

**Act No. 709**  
SB 710  
Ellington

(Amends and reenacts R.S. 34:855.3(E) and (F)). Prohibits persons under the age of sixteen from operating a personal watercraft on Louisiana waters. Exempts from this requirement persons thirteen years of age or older on January 1, 2005, who have completed a boating safety education course and carry proof of completion of the course.

**Act No. 716**  
SB 767  
Hainkel

(Enacts R.S. 41:1702(J)). Prohibits dredging of the water bottom of Lake Ponchartrain for private commercial purposes except as authorized by Article IX, Section 3 of the Constitution of Louisiana, and then only if it does not unreasonably or unduly restrain navigability or public use. Exempts from the prohibition water bottoms located in Jefferson Parish.

**Act No. 719**  
SB 774  
Hollis

(Amends and reenacts R.S. 34:29(A)(introductory paragraph), (D), and (E), and enacts R.S. 34:29(J), and repeals R.S. 34:29(B)). Removes the five hundred thousand dollar limit on the debt of the Port of New Orleans, relative to the port's borrowing power amount for temporary loans, and removes the ninety-five million dollar limit on total bonded indebtedness. Provides for the port's authority to continue the issuance of bonds and other obligations.

**Act No. 728**  
SB 842  
C. Romero

(Enacts Chapter 45 of Title 34 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 34:3301

through 3313). Authorizes the State of Louisiana's participation in the deepening of the Acadiana Gulf of Mexico Access Channel to twenty feet through the Department of Transportation and Development. Actions authorized are: negotiating with the federal partner on cost share, providing logistics of servitudes and rights of way and pipeline protection, providing dredged soil disposal areas, negotiating any necessary contracts, instituting legal proceedings, coordinating with other state and local agencies requesting an Army Corps of Engineers study on a hurricane protection levee, and powers of expropriation.

**Act No. 752**  
HB 357  
Martiny

(Enacts R.S. 32:661.1(D)). Defines "public navigable waterways" as any waters within the territorial limits of the state and the marginal sea adjacent to the state and high seas when navigated as a part of a journey or ride to or from the shore of this state. Those waters privately owned with no ingress or egress to public waters are not included in this definition of "public navigable waterways." Provides this definition is in reference to operating a watercraft under the influence of alcohol or controlled dangerous substances.

**Act No. 791**  
HB 1135  
Representative Damico and Senator Cheek

(Enacts R.S. 40:4.12). Exempts certain facilities with potable water distribution identification plans from color-coding potable and nonpotable water supply lines.

**Act No. 813**  
HB 1480  
Frith

(Enacts R.S. 9:1254). Provides the owner of an enclosed estate, with no other means of access to his estate, a servitude of passage on existing

waterways passing through neighboring property provided that the existing waterway is directly accessible from a publicly navigable waterway. Asserts that if two or more waterways are available, the servitude shall be granted over the shortest route of safe passage to the publicly navigable waterway.

**Act No. 863**  
HB 1165  
Representative Morish and Senator Nevers

(Amends and reenacts R.S. 38:1704(B)(2)). Increases the per diem compensation for members of drainage districts from one hundred to one hundred and fifty dollars per day. Provides that per diem compensation may also be paid for each day spent performing duties on behalf of the board if two-thirds of the board approves.

**Act No. 902**  
HB 1708  
Representatives Pinac, Alexander, Anasardi, Arnold, Badon, Baldone, Baudon, Baylor, Beard, Bowler, Broome, Bruce, Bruneau, Burns, Burrell, K. Carter, Cazayoux, Crane, Crowe, Curtis, Damico, Daniel, Dartex, Doerge, Dorsey, Dove, Downs, Durand, Erdey, Fannin, Farrar, Fauchaux, Flavin, Frith, Futrell, Gallot, Geymann, Glover, Gray, E. Guillory, M. Guillory, Hammett, Heaton, Hebert, Honey, Hopkins, Hutter, Jackson, Jefferson, Johns, Katz, Kennard, Kenney, Labruzzo, LaFleur, Lambert, Lancaster, Marchand, Martiny, McDonald, McVea, Montgomery, Morrish, Murray, Odinet, Pierre, Pitre, M. Powell, T. Powell, Quezaire, Richmond, Ritchie, Romero, Scalise, Schneider, Sheperd, Smiley, G. Smith, J. Smith, St. Germain, Strain, Thompson, Toomy, Trahan, Triche, Tucker, Waddell, Walker, Walsworth, White, Winston, Wooton, and Wright and Senators Dardenne and Hollis

(Amends and reenacts R.S. 34:1073, 1076, 1121, 1122, 1124, and 1125. Enacts R.S. 34:1129 through 34:1136). Creates the Louisiana

River Pilot Review and Oversight Committee. Requires the Committee to review any regulation proposed by the Board of Commissioners or Examiners, to review and maintain accident records, and to receive pilot disciplinary appeals from the Board of Commissioners or Examiners. Requires anyone seeking to hold a river pilot liable for damages to prove by clear and convincing evidence that the damages arose from the pilot's negligence or willful misconduct.

### Wildlife & Fisheries

**HR 108**  
Faucheux

Urges and requests the Wildlife and Fisheries Commission to eliminate doe days and increase buck days during certain deer hunting seasons within the Marepas Swamp Wildlife Management Area.

**HCR 62**  
Odinet

Urges and requests the Department of Wildlife and Fisheries and the Department of Health and Hospitals to study the correlation between nighttime water and air temperature and the development of *Vibrio vulnificus* in oysters harvested during those times to determine whether changes in harvesting practices could reduce the bacteria in oysters destined for consumption.

**HCR 65**  
Odinet

Urges and requests the Department of Wildlife and Fisheries to study the development and implementation of a plan for the management of nuisance fish, particularly black drum, around oyster beds because nuisance fish are one of the major problems faced by the oyster industry in Louisiana.

**HCR 146**  
Representative Townsend and Senator Smith

Urges and requests the Department of Wildlife and Fisheries to take certain actions to reduce invasive aquatic weeds in Saline Lake due to the devastating effects these weeds have had on the native aquatic animal and plant life in the lake.

**HCR 151**  
Faucheux

Urges and requests the Wildlife and Fisheries Commission to study deer hunting seasons within the Marepas Swamp Wildlife Management Area.

**HCR 176**  
Frith

Creates the Mariculture Task Force to explore the feasibility of, and model policies relative to, the development of a marine aquaculture industry on offshore oil and gas platforms in the Gulf of Mexico.

**HCR 226**  
Frith

Urges and requests the Department of Wildlife and Fisheries to study the scheduling and management of muzzleloader season for deer hunting to resolve disagreement among the hunting public as to when the season should be scheduled because it temporarily halts the still hunting season.

**HCR 257**  
Frith

Urges and requests charter fishing boat captains to respond to effort surveys in order to better manage fisheries resources and to assist in the distribution of disaster assistance from the federal government.

**HCR 297**  
Baldone

Requests that the U.S. Department of the Interior reevaluate the establishment of duck season, taking into consideration changes in

climate and bird migration patterns, so as to enhance both the economic impact of duck hunting and protection of the resource.

**HCR 305**  
Farrar

Urges and requests the Secretary of Department of Wildlife and Fisheries to review the agency's enforcement needs on state refuges and wildlife management areas and to evaluate the feasibility of assigning law enforcement powers to properly qualified employees in the Wildlife and Fur and Refuge divisions, and to report his findings to the House and Senate Natural Resources Committees prior to the beginning of the 2005 Regular Session.

**SR 17**  
Romero

Urges and requests the governor to include within the budget an amount of not less than three hundred thousand dollars to assist Louisiana shrimpers and the Southern Shrimp Alliance to combat unfair trade practices by foreign companies importing shrimp into the United States.

**SR 49**  
Barham

Urges and requests the Louisiana Department of Wildlife and Fisheries to place a moratorium on the taking of alligator snapping turtles to protect them from excessive exploitation.

**SR 116**  
McPherson

Urges and requests the Department of Wildlife and Fisheries to review law enforcement activities on state refuges and wildlife management areas and the assignment of law enforcement powers to departmental employees to provide enhanced protection for these state assets while making more efficient use of limited enforcement division personnel and resources.

**SCR 30**  
M. Smith

Urges and requests the Department of Wildlife and Fisheries to study the possible migration of triploid grass carp out of Saline Lake.

**SCR 90**  
M. Smith

Urges and requests the Department of Wildlife and Fisheries to study the possible migration of triploid grass carp out of Iatt Lake.

**SCR 91**  
Senator M. Smith and Representative Townsend

Urges and requests the Department of Wildlife and Fisheries to slowly draw down Saline Lake six feet, to apply herbicides to the lake, and to allow the Saline Lake Game and Fish Preserve Commission to stock the lake with triploid grass carp under the direct supervision of the department and its biologists. No fishing will be allowed in the lake during the drawdown.

**SCR 92**  
M. Smith

Urges and requests the Department of Wildlife and Fisheries to slowly draw down Iatt Lake six feet, to apply herbicides to the lake, and to allow the Grant Parish Police Jury to stock the lake with triploid grass carp under the direct supervision of the department and its biologists. No fishing will be allowed in the lake during the drawdown

**Act No. 12**  
HB 367  
Thompson and Senator B. Gautreaux

(Amends and reenacts R.S. 3:556.3(B) and (E)). Provides for vacancies and changes in membership requirements for the Louisiana Crawfish Promotion and Research Board. Requires that the board include four members that harvest wild crawfish.

**Act No. 86**  
HB 168  
Jack Smith, Hudson and St. Germain and Senator Marionneau

(Amends and reenacts R.S. 56:322.1(B), (D), and (F)(4)). Allows any legal-sized freshwater commercial fish in addition to shad and skipjack herring to be taken with a shad seine. Authorizes the use of shad seines after sunset and before sunrise from February first through June thirtieth in freshwater areas of St. Landry Parish, parts of the Atchafalaya River, Whisky by Pilot Channel, and parts of the Mississippi River. Prohibits the use of a shad seine in a manner that interferes with commercial shipping.

**Act No. 94**  
HB 595  
Representatives Jack Smith, Baldone and Dartez and Senator Dupre

(Amends and reenacts R.S. 56:646). Provides that the Louisiana Sportsman's Paradise license does not include the recreational gear license for trawls specified in R.S. 56:302.3(B)(5)(b).

**Act No. 95**  
HB 596  
Representative Jack Smith and Senator B. Gautreaux

(Amends and reenacts R.S. 56:305.3 and enact R.S. 56:302.3(E)). Allows a valid recreational gear license to be temporarily transferred to a person holding a basic fishing license with the same residency status as the recreational gear license holder. Allows a valid commercial gear license to be temporarily transferred to a person holding a valid commercial fisherman's license with the same residency status. Prohibits the transfer of gear licenses that require qualification.

**Act No. 96**  
HB 597  
Representatives Jack Smith and Frith and Senator B. Gautreaux

(Amends and reenacts R.S. 56:303.5 and 325.3(A)(1)). Provides that

finfish found on board a vessel operated by a person with a commercial fishing license are presumed to have been caught for commercial purposes and are subject to all applicable seasons, limits, regulations, restrictions, and size requirements. Permits a person not on a commercial fishing trip, but holding a permit for the commercial taking or possession of spotted sea trout, to take or possess to the recreational limit if in compliance with other regulations.

**Act No. 97**  
HB 598  
Representatives Dartez and Dupre and Senator B. Gautreaux

(Amends and reenacts R.S. 56:322(C)(7)). Requires unattended nets and trawls attached to a wharf at a camp that are used for taking fish or shrimp in saltwater areas to be tagged with a Department of Wildlife and Fisheries tag.

**Act No. 98**  
HB 600  
Representatives Jack Smith and Pierre and Senators B. Gautreaux and Malone

(Enacts R.S. 56:319.2). Allows the Wildlife and Fisheries Commission to designate fish not indigenous to Louisiana as exotic fish, and promulgate rules for their taking; allows the Secretary of the Department of Wildlife and Fisheries to issue permits, which are valid for one year subject to monitoring, review and suspension.

**Act No. 100**  
HB 609  
Representatives Jack Smith and Pierre and Senators B. Gautreaux and Malone

(Amends and reenacts R.S. 56:116(D) and 69.5(A)). Allows youth under sixteen years of age who have not completed a hunter safety course and who do not have a valid hunting license to hunt while accompanied by an adult who has a valid hunting license, or has a hunting safety certificate, or has

proof of completing a hunter safety course approved by the Department of Wildlife and Fisheries. The accompanying adult shall maintain visual and voice contact with the youth at all times.

**Act No. 111**  
HB 1244  
Triche

(Enacts R.S. 14:102.19). Prohibits the commercial or private display of fighting between feral or domestic hogs and canines. Prohibits the organizing or conducting or supporting of fights between hogs and canines. Exempts the lawful hunting of hogs with canines or the use of canines for the management, farming, or herding of hogs, which are livestock or the private training of canines from the requirements of this act.

**Act No. 126**  
HB 603  
Representatives Pierre and St. Germain and Senator Marionneaux

(Amends and reenacts R.S. 56:8(84), 305(B)(17) and (G), 323(A), and 491(1) and to enact R.S. 56:305(B)(18) and 501). Amends the definition of shrimp by changing the scientific names of certain species and dividing them into "saltwater" and "freshwater" shrimp. Establishes a gear license fee of twenty-five dollars for taking freshwater shrimp and payment of an additional fee into the Shrimp Marketing and Promotion Account. Establishes the legal methods for the commercial taking of freshwater shrimp and penalties for violations of these legal methods.

**Act No. 138**  
HB 1317  
Daniel

(Enacts R.S. 36:605(B)(8) and R.S. 43:31(A)(6)). Authorizes the Secretary of the Department of Wildlife and Fisheries to print materials that assist in the promotion of the natural and recreational resources and programs and the printing and distribution of informal publications concerning the powers,

duties, functions, or related events of the department in order to facilitate effective and efficient intradepartmental and interdepartmental communications.

**Act No. 161**  
HB 601  
Representative Baldone and Senator B. Gautreaux

(Amends and reenacts R.S. 56:323(B) and (C) and 500(B)). Permits a recreational fisherman to use a bait seine with a maximum mesh size not to exceed one-quarter inch mesh bar, one-half inch mesh stretched, and thirty feet in length, or a dip net not to exceed three feet in diameter to take saltwater shrimp. Prohibits a recreational fisherman from taking more than fifty pounds of saltwater shrimp during the closed season or more than one hundred pounds during the open season.

**Act No. 162**  
HB 602  
Daniel

(Amends and reenacts R.S. 56:495(A)(38), (39), (40), (41), (42), and (43) and 497(B)(2) and (C)(1)). Changes the definition of inside and outside waters in Caminada Bay for shrimp fishing purposes. Establishes a fee of one hundred dollars for a special bait dealers permit.

**Act No. 164**  
HB 695  
Jack Smith

(Enacts Subpart C of Part V of Chapter 1 of Title 56 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 56:291). Prohibits the intentional feeding of wild bears. Penalizes first time violators with a warning ticket and the second time violators with a class two violation.

**Act No. 172**  
SB 35  
Senators N. Gautreaux, Cain, B. Gautreaux, Malone, McPherson and Michot and Representative Thompson

(Enacts R.S. 56:699.7). Allows the Department of Wildlife and Fisheries

to offer safety instruction for operating "four wheeler" or all-terrain vehicles in the firearm and hunter education program.

**Act No. 173**  
SB 45  
M. Smith

(Enacts R.S. 56:409). Authorizes the Saline Lake Game and Fish Preserve Commission and the Grant Parish Police Jury, under the supervision of the Department of Wildlife and Fisheries, to place triploid grass carp into Saline and Iatt Lakes respectively.

**Act No. 174**  
SB 117  
McPherson

(Amends and reenacts R.S. 56:31.1(E) and 39). Provides for the use of the first two dollars of any penalty or fine imposed for violations involving fish and wildlife in the state to be deposited in the Fish and Wildlife Violations Reward Fund. States that monies not deposited into the Fish and Wildlife Violations Reward Fund are to be used for salaries and related benefits of enforcement agents and assist with hiring and equipping of additional enforcement agents, providing a uniform allowance for field personnel, and administering the class one civil penalty program.

**Act No. 185**  
SB 433  
Senator Theunissen and Representative Pierre

(Enacts R.S. 36:610(J) and Subpart A-1 of Part VII of Chapter I of Title 56 of the Louisiana Revised Statutes of 1950, comprised of R.S. 56:360.1 through 360.3). Creates the Louisiana Aquatic Invasive Species Council and the Louisiana Aquatic Invasive Species Advisory Task Force within the Department of Wildlife and Fisheries. Names members to the Council and the Task Force. Instructs the Louisiana Aquatic Invasive Species Council and Task Force to implement the Louisiana Invasive Species Management Plan and reduce the number of invasive



species. Provides that the Task Force shall serve in an advisory capacity to the Council on items relating to aquatic invasive species.

**Act No. 211**

HB 450  
Odinet

(Amends and reenacts R.S. 56:424(E)(2) and 433(J)). Requires any person convicted of any violation of the laws governing the taking of oysters to only harvest oysters for one year after the date of such conviction from a vessel that employs a vessel monitoring system. Requires access to the monitoring system to be granted to the Department of Wildlife and Fisheries, and mandates that for that year, the person convicted of a violation notify the department as to which vessel he will be using to harvest oysters.

**Act No. 213**

HB 494  
Odinet

(Amends and reenacts R.S. 3:4631(E), 40:5.3(E) and (F), and 56:449(A) and (C)). Calls for the Department of Health and Hospitals to enforce the requirements for classification of shellfish growing areas and requirements for certifying, processing, and distributing shellfish, which are contained in Louisiana Administrative Code Title 51, Part X and promulgated under the provisions of R.S. 49:953(B).

**Act No. 215**

HB 565  
Farrar

(Amends and reenacts R.S. 17:87.8(A) (introductory paragraph)). Removes Rapides Parish from the list of parishes excepted from provisions relative to procedures for the renting or leasing of sixteenth section school lands (the sixteenth section in each township was given legislatively to the cities, parishes, and local public school board for income purposes) by local school boards for hunting or

trapping purposes. The remaining parishes excepted under the statute are East Carroll, West Carroll, and Morehouse.

**Act No. 217**

See Natural Resources/Public Lands

**Act No. 237**

HB 105  
Salter

(Amends and reenacts R.S. 56:325(A)(1)). Increases the maximum recreational possession limit on the Toledo Bend Reservoir for any combination of blue, channel, or flathead catfish from 100 to 125 from July 1, 2004 to June 30, 2008. Increases the daily recreational possession limit on the Toledo Bend Reservoir from 25 to 50 undersize fish of the same species combination during that period.

**Act No. 240**

HB 117  
Jack Smith

(Amends and reenacts R.S. 56:8(28.1) and 320(B)(3)). Provides that crab traps located in areas designated freshwater north of the northern bank of the Intracoastal Waterway and west of Highway 70 are not required to be marked with floats and floatlines.

**Act No. 253**

HB 736  
Representative LaFleur and Senator Dardenne

(Amends and reenacts R.S. 56:31 and 31.1). Removes civil penalties and provides criminal penalties for class one violations of the hunting and fishing laws. Imposes a fine of fifty dollars or imprisonment of not more than fifteen days or both for a first offense. Makes the second offense punishable by a fine of not less than seventy-five dollars or more than two hundred fifty dollars or imprisonment for not less than thirty days or more than sixty days or both. Imposes a fine of not less than two hundred dollars or more than five hundred-fifty dollars and imprisonment for not less than thirty days or more than

ninety days for a third offence. Provides that class one violations will become punishable by criminal penalties as of July 1, 2004 and removes the jurisdiction of the Division of Administrative Law for all cases not pending on July 1, 2004. Removes the Secretary of Wildlife and Fisheries ability to enforce civil penalties after July 1, 2006.

**Act No. 282**

HB 1338  
Damico

(Amends and reenacts R.S. 56:700.12(4) and (5) and 700.13(C) and enacts R.S. 56:700.13(F)). Provides for biological surveys of oyster leases and authorizes those surveys to be conducted by the Oyster Lease Damage Evaluation Board when a lessee of an oyster bed is requested to enter into a settlement for damages which may occur due to an oil and gas activity. The owner of the oil and gas activity is required to donate to the board an amount sufficient to pay the costs of the biological survey.

**Act No. 297**

SB 105  
Senator Dupre and Representative Baldone

(Amends and reenacts R.S. 56:2(D)). Provides for elections of the chairman and vice-chairman of the Wildlife and Fisheries Commission annually at the first meeting in January.

**Act No. 438**

HB 1456  
Pierre, Daniel, Frith, Morrish, and Jack Smith

(Amends and reenacts R.S. 56:109(D)(5) and 647.1 and enacts R.S. 56:104(D) and 302.2(C)). Authorizes exemptions from licensing requirements for hunting, basic fishing or saltwater licenses, and special outdoor press licenses. Requires that these exemptions be issued for good cause only in the form of a letter from the Secretary of the Department of Wildlife and Fisheries.

**Act No. 460**  
SB 494  
Schedler

(Amends and reenacts R.S. 56:302(A)(3) and 320(A)(1) and (C)(1)). Authorizes the use of multi-pronged barbed gigs for taking flounder in saltwater by a recreational fisherman who has purchased a basic recreational fishing license.

**Act No. 479**  
HB 160  
Frith

(Amends and reenacts R.S. 56:435.1(A),(C),(F), and (G), to enact R.S. 56:435.1.1, and to repeal R.S. 56:435.1(H)). Removes the prohibition of the use of dredges and scrapers to take oysters from the natural oyster reefs in Calcasieu Lake. Limits oyster harvesting in Calcasieu Lake to tonging, hand dredging with no mechanical assists and a tooth bar no more than thirty-six inches long, or scrapping provided that the scraper does not have a mechanical assist and has a flat bar length of no more than thirty-six inches. Allows the Department of Wildlife and Fisheries to manage the West and East Coves of the lake separately.

**Act No. 541**  
HB 975  
Gallot

(Amends and reenacts R.S. 38:2874). Authorizes the Wildlife and Fisheries Commission to regulate, restrict, or prohibit the commercial, recreational, and commercial use of hoop nets, gill nets, trammel nets, strike nets, seines, wire nets, slat traps, and wire traps on Lake Claiborne.

**Act No. 556**  
HB 1374  
Jack Smith

(Enacts R.S. 56:303(F)). Provides for a senior commercial fishing license for persons seventy and over for an annual fee of twenty dollars. States that the license will be valid from January 1 of each calendar year to

December 31 of the same calendar year. Provides that the license will serve in lieu of a commercial fisherman's license and in lieu of a commercial gear license.

**Act No. 566**  
HB 1467  
Pierre

(Amends and reenacts R.S. 56:25 and repeals R.S. 56:26, 644 and 645). Authorizes the Department of Wildlife and Fisheries to conduct and establish cooperative fish and wildlife restoration acts as outlined in the Dingell-Johnson Sport Fishing Act and the Pittman-Robertson Wildlife Restoration Act.

**Act No. 598**  
SB 15

Senators Dupre, B. Gautreaux, N. Gautreaux, McPherson and Romero and Representative Baldone

(Amends and reenacts R.S. 56:326(F)(1)). Provides for an affirmative defense by a wholesale or retail dealer for undersized crab violations if, while the crabs are in transport, the invoice or other written documentation possessed by the dealer reflects that the total number of undersized crabs possessed by the dealer did not exceed ten percent of the total number of crabs bought for processing and shipping.

**Act No. 696**  
SB 636  
McPherson

(Amends and reenacts R.S. 42:1123(19)). Requires a member of the Louisiana Wildlife and Fisheries Commission to recuse himself or be disqualified by the commission from participating in transactions regarding oyster leases if he obtains or holds renewals of those oyster leases while serving on the commission.

**Act No. 792**  
HB 1162  
Dove

(Enacts R.S. 9:2800.14). Limits the liability of oil, drilling, exploration, production, and pipeline companies and marine contractors to the diminution in market value for damage to oyster leases caused by exploration, construction, maintenance, and other related activities provided the damage is caused within a designated water route or navigable waters approved by the Department of Natural Resources. Provides that the value of the leases shall be calculated by the method used by the Louisiana Oyster Lease Damage Evaluation Board.

**Act No. 825**  
HB 201  
Dartez and St. Germain

(Amends and reenacts R.S. 56:305(B)(4)(f), 320(A)(1) and 322.2(D)(1) and (G)). Provides that recreational wire and hoop nets may only be used in geographical areas located north of Interstate 12 from where it crosses the Louisiana/Mississippi state line westward to Baton Rouge, and in geographical areas north of Interstate 10 from Baton Rouge west to the town of Ragley, and in geographical areas north of La. Highway 12 from the town of Ragley to where it crosses the Louisiana/Texas state line. Allows the commercial taking of shad and skipjack all day and night everyday between November and June in Lake Palourde and Lake Verret.

**Act No. 831**  
HB 415  
Jack Smith

(Amends and reenacts R.S. 56:305.6). Institutes a moratorium on the purchase of crab trap gear licenses for commercial license until 2005, unless a person possessed a license during 2002, 2003, or the portion of 2004 prior to November 15.

**Act No. 835**  
HB 606

Representatives Jack Smith, Pierre and Thompson and Senators B. Gautreaux, Malone, N. Gautreaux, and Michot

(Amends and reenacts R.S. 56:14(A), (B), and (C), 649.3(A), and 650(A)(2)). Provides for a senior lifetime hunting and fishing license for those sixty years of age and older for a fee of fifty dollars. Changes the name of Saltwater Fishery Enforcement Account to the Saltwater Fishery Enforcement Fund.

**Act No. 836**  
HB 608

Jack Smith and Pierre

(Enacts R.S. 56:1621(C)). Prohibits classified employees of the Wildlife and Fisheries Commission and the Department of Wildlife and Fisheries from engaging in activities relating to exploitation of natural resources. Those activities include being actively interested in the exploiting of any state natural resource for personal gain, being employed by any person engaged in exploiting any state natural resources, or being an officer of or a member of the board of directors of any corporation engaged in the exploitation of the state's natural resources.

**Act No. 841**  
HB 682

Representative Townsend and Senators Barham and Malone

(Enacts R.S. 56:108). Allows the Wildlife and Fisheries Commission to promulgate and adopt rules and regulations in relation to deer or turkey harvest records and tagging. Provides that deer tagging shall only occur when a reduced buck limit is adopted by the commission.

**Act No. 847**  
HB 849

Farrar, Baldone, Baudoin, Baylor, K. Carter, Curtis, Daniel, Faucheux, Frith, Futrell, Gallot, Geymann, Hammett, Hebert, Hill, Jefferson, Johns, Kenney, Odinet, T. Powell,

Quezaire, Ritchie, Salter, Gary Smith, Jack Smith, John Smith, St. Germain, Thompson, Townsend, Walker, and Wright

(Enacts R.S. 56:109.1). Requires the Department of Wildlife and Fisheries to keep at least one all-terrain vehicle trail on each department owned WMA that has a trail open throughout the year. Authorizes the department to temporarily close year-round trails in the interest of public safety.

**Act No. 865**

H.B. 1192

Representative Townsend and Senators Ellington and Smith

(Amends and reenacts R.S. 36:802.6 and R.S. 44:4.1 (B)(1) and enacts R.S. 3:559.1 through 559.14, and R.S. 36:629 (Q)). Enacts the Louisiana Aquaculture Development Act. Creates the Louisiana Aquaculture Coordinating Council and provides for the selection of its membership. Gives the Louisiana Aquaculture Coordinating Council the authority to develop and advise on the implementation of a regulatory framework for the aquaculture industry, recommend which fish species should be used for aquaculture, recommend permit and licensing requirements, and advise the Commissioner of Agriculture and Forestry on the civil penalties that should be assessed for breaching aquaculture regulations. Provides a procedure by which the Council is to recommend suitable species for aquaculture to the Wildlife and Fisheries Commission. Requires each facility used for aquaculture to obtain a permit from the Department of Agriculture and Forestry. Authorizes the Department of Agriculture and Forestry and the Department of Wildlife and Fisheries to inspect facilities used for aquaculture. Allows the Commissioner of Agriculture and Forestry to issue a stop order prohibiting the production, harvesting and sale of aquatic livestock if a regulation is violated. Provides penalties for infractions of aquaculture regulations and provides for the enforcement of these violations. Excludes largemouth

bass, spotted bass, black crappie, and white crappie from regulation under the Act.

**Act No. 879**

HB 1516

Baldone

(Enacts R.S. 56:499(D)). Provides that stationary shrimp nets not be operated within one thousand feet upstream from another shrimp net that is attached or moored to a wharf or platform that has been permitted by the United States Army Corps of Engineers. Provides that if two permitted wharves or platforms are located within one thousand feet of each other, the owner of the upstream wharf or platform may attach a stationary shrimp net thereto if the permit from the Corps of Engineers was issued prior to the date of this act, or the permit from the Corps of Engineers was issued prior to the permit for the downstream wharf or platform, or the if the owner of the downstream wharf or platform does not operate a stationary shrimp net.

**Act No. 891**

HB 1621

Odinot and Daniel

(Enacts R.S. 14:102.19). Prohibits the sport killing of animals that were previously or are currently zoo or circus animals. Prohibits the transfer of former zoo or circus animals to a business where the animal may be intentionally killed for sport. Violators of the act shall be fined not more than five hundred dollars or imprisoned for no more than six months or both.

**Act No. 904**

HB 1711

Wooton

(Amends and reenacts R.S. 56:10(B)(1)(b) and 305(G) and enacts R.S. 56:305(H) and 506.1- HB 1711 was a substitute for HB 913). Provides for, in addition to other fees, a fee of ten dollars for residents and forty dollars for non-residents for the purchase of commercial shrimp trawl, skimmer, or butterfly

gear licenses. It also creates the Shrimp Trade Petition Account in the Conservation Fund which will be administered by the Louisiana Seafood and Marketing Board to be used for the development of markets for shrimp and creation of marketing strategies for the development and market expansion for shrimp harvested in Louisiana waters and for the purposes of promotion and protection of domestic wild-caught shrimp. Provides for additional fees for wholesale/retail seafood dealer's licenses.

**Act No. 927**

SB 2

Senators McPherson, Cain, B. Gautreaux, N. Gautreaux, Malone, Michot, Romero, Ellington, Hollis, Marionneau and Smith and Representatives Alario, Arnold, Badon, Baldone, Broome, R. Carter, Cazayoux, Curtis, Dartez, Dewitt, Dorsey, Dove, Downs, Erdey, Fannin, Farrar, Faucheux, Flavin, Frith, Futrell, E. Guillory, M. Guillory, Hammett, Hebert, Hill, Hopkins, Hunter, Hutter, Jefferson, Katz, Kennard, Kenney, Labruzzo, LaFleur, Lambert, Lancaster, Marchand, McDonald, McVea, Morrell, Morrish, Murray, Pierre, M. Powell, T. Powell, Quezaire, Ritchie, Salter, Scalise, Shepherd, Gary Smith, Jack Smith, Jane Smith, John Smith, St. Germaine, Strain, Thompson, Townsend, Trahan, Walker, Walsworth, White, Wooton, and Wright

Adds Article I, Section 27 of the Constitution of Louisiana. Proclaims the preservation of the right of citizens to have freedom to hunt, fish, and trap subject to regulation, restriction, or prohibition imposed pursuant to law. The amendment was approved by the electors of Louisiana in the election held on November 2, 2004.

**Act No. 928**

SB 44

Senators Nevers and Schedler and Representatives Strain and Morrel

Adds Article VII, Section 10.12 to the Constitution of Louisiana. Creates the Louisiana Seafood Products support fund. States that monies deposited in the fund will come from monies received by the state for the licensing of trademarks or labels for use in promoting Louisiana agriculture and seafood products, grants, gifts, donations, and any other revenues provided for by law. Requires that monies in the fund be used for programs and purposes as required by Department of Economic Development for assistance to Louisiana farmers and fishermen with support and expansion of their industries. The amendment was approved by the electors of Louisiana in the election held on November 2, 2004.

**Natural Resources/Public Lands**

**HCR 80**

Pierre

Approves the Coastal Wetlands Conservation and Restoration Plan for Fiscal Year 2004-2005, as adopted by the Wetlands Conservation and Restoration Authority. The Wetlands Conservation and Restoration Authority includes the annual development of a comprehensive plan for conserving and restoring the state's coastal vegetated wetlands and serve as an overall strategy to preserve wetlands.

**HCR 115**

Odinot

Urges and requests the Department of Natural Resources to provide to the Louisiana Oyster Task Force information which would delineate the projected salinity regimes for a five-year period, and a three-year projection of areas that will be restricted to oyster leasing due to

coastal erosion and restoration.

**HCR 180**

Dove and Scalise

Urges and requests the Departments of Natural Resources, Environmental Quality, and Wildlife and Fisheries to work cooperatively to attain a goal of taking no more than forty-five days to process drilling permits and coastal use permits in order to provide more efficient service to their various user groups.

**HCR 291**

Baldone

Urges and requests the Secretary of the Department of Natural Resources to review the base mitigation costs used to calculate monetary contributions to the Coastal Mitigation Account of the Louisiana Wetlands Conservation and Restoration Fund and to make changes in the rules and procedures for mitigation that could facilitate appropriate mitigation of coastal wetland losses, including the possibility of implementing a program of monetary mitigation payments only.

**SCR 75**

Senators N. Gautreaux, Amedee, Boasso, Chaisson, Dupre, B. Gautreaux, Hainkel, McPherson, Mount, Romero, Schedler, Theunissen, Malone and Michot and Representative Frith

Memorializes the United States Congress to authorize and fund the establishment of the Coastal Forest Reserve Program to provide incentives to coastal forest owners to preserve and sustainably manage their coastal forests to help restore the Mississippi River coastal delta and Chenier Plain of Southwest Louisiana, and to urge the United States Department of Agriculture's Forest Service, the Louisiana Department of Agriculture and Forestry, and the Louisiana State University School of Renewable Natural Resources, with the assistance from the University of

Louisiana at Lafayette and other Louisiana universities, to provide an inventory and assessment of coastal forests to facilitate the coastal restoration process.

**SCR 159**  
Dupre

Memorializes the United States Congress to review federal laws, rules, and procedures affecting coastal wetland activities and permitting in Louisiana, in order to promote effective stewardship by enhancing cooperation and effective communication between federal agencies and Louisiana state and local agencies.

**Act No. 50**  
HB 599

Representative Gary Smith and Senator Chaisson and co-authored by Representative Pierre

(Amends and reenacts R.S. 56:1855(L)). Provides that activities undertaken as part of an official state and federal remediation and restoration plan developed for Bayou Trepagnier will not require a scenic stream permit, when such activities are required to remove, treat, or isolate of contaminated sediments in and around Bayou Trepagnier.

**Act No. 82**  
HB 79  
Hutter

(Amends and reenacts R.S. 38:301(A)(3)). Authorizes levee boards to construct bicycle paths and walkways along the main line levees of the Mississippi River in Plaquemines and St. Bernard parishes.

**Act No. 163**  
HB 638  
Quezaire

(Enacts R.S. 48:461.27). Provides for permits for outdoor advertising devices in forestry management areas along highway right-of-ways in areas designated in a Department of Agriculture and Forestry management plan. Allows applications to be denied if the Department of Agriculture and

Forestry plans to reforest the area with trees or other vegetation, which would eventually cause the location to be unfavorable for such use.

**Act No. 175**  
SB 120  
McPherson

(Enacts R.S. 56:1847(58), (59), (60), (61), and (62)). Adds that portion of Ouiska Chitto Creek in Beauregard Parish, Barnes Creek, Beckwith Creek, Bundicks Creek, and Hickory Branch to the state's natural and scenic rivers system.

**Act No. 217**  
HB 620  
Pierre

(Enacts R.S. 49:213.0(C)). States that any person who has entered into an oyster lease with the state and who is claiming compensation arising out of or in any way related to the oyster lease granted by the state shall file such action only in the Nineteenth Judicial District Court for the Parish of East Baton Rouge.

**Act No. 221**  
HB 653  
Pierre

(Enacts R.S. 56:424(H)). Authorizes the Department of Natural Resources to sample oyster leases on state water bottoms for matters related to coastal restoration after first requesting permission in writing from the leaseholder. Permits the leaseholder to accompany the biologist during the survey. States that surveys shall be conducted in the same manner as provided in rules adopted by the Department of Natural Resources under R.S. 56:700.14(D).

**Act No. 277**  
HB 1266  
Damico

(Amends and reenacts R.S. 49:214.30(C)(2)(a) and 214.42(C) and (D)). Amends the requirement that those wishing to conduct activities subject to a coastal use permit notify, or make a reasonable effort to notify, the owners of the

land where the proposed activity is to take place. Permits the Secretary of the Department of Natural Resources to deem an application for a coastal use permit complete where the property is owned by more than ten persons or the property is owned jointly in an undivided interest consisting of ten or more persons and the Secretary receives proof that fifty percent of the persons with an undivided interest have been provided with a copy of the application. Allows the Secretary to deem an application complete when fifty percent of the land owners are notified and the permit applicant holds a valid right of way, servitude, or easement, or where the permittee is a government entity proposing to conduct maintenance activities on an existing public works project. Permits monies in the Coastal Mitigation Account to be used for wetland restoration projects developed or implemented by a parish department with an approved coastal use program. Requires that the department only accept payment to the Coastal Mitigation Account in lieu of mitigation where the permittee is unable to provide mitigation through an appropriate individual project or an appropriate mitigation bank, or an area located with in the Louisiana Coastal Zone or the Louisiana Wetlands Conservation Plan area. Requires the Secretary to ensure that any fees collected fully offset the cost of restoring the habitat value lost.

**Act No. 386**  
HB 788  
Pierre

(Enacts R.S. 49:214.30(C)(9)). Requires consideration of an applicant's compliance history with the Louisiana Coastal Resources Program prior to issuance or denial of a coastal use permit. Allows the permit applicant to review and comment on his compliance record.

**Act No. 407**  
HB 429  
Dove

(Enacts R.S. 49:214.7). Requires the

Secretary of the Department of Natural Resources to establish a program for barrier islands and shoreline stabilization and preservation relative to the coastal restoration and preservation program. States that the Department of Natural Resources shall require that all projects subject to public bid include appropriate dredges to stabilize and preserve barrier islands and shorelines.

**Act No. 453**

SB 160  
Hainkel

(Amends and reenacts R.S. 56:1855(K)). Removes suburban agricultural zoning as an exception to The Natural and Scenic Rivers Act for certain tracts of land located along the Tchefuncte River and land between Louisiana Highway No. 22 and Lake Ponchartrain.

**Act No. 459**

SB 308  
Senator Dupre and Representative Baldone

(Amends and reenacts R.S. 49:214.27(B)(2), 214.30(C)(2)(b), and 214.41(E)). Removes the requirement that the Secretary of the Department of Natural Resources review the requirements for coastal use permits annually. Expands the class of persons that the Secretary may delegate the power to grant coastal use permits, licenses, registrations and variances. Removes the requirement that coastal use permits be denied if the applicant fails to respond within sixty days to a departmental request and allows the Secretary to place the permit on inactive status.

**Act No. 613**

SB 118  
Senators McPherson and N. Gautreaux and Representative Farrar

(Amends and reenacts the introductory paragraph of R.S. 36:801 and enacts R.S. 36:610(J) and Subpart I-1 of Part I of Chapter 2 of Title 56 of the Louisiana Revised Statutes of 1950, to be comprised of

R.S. 56:799.1 through 799.6). Creates for Vermillion Parish the White Lake Property Fund in the state treasury as a fund within the Louisiana Wildlife and Fisheries Conservation Fund and creates the White Lake Property Advisory Board. States that the purpose of the fund and the board, among other things, is to provide for the administration, control, management, and funding for the White Lake Property located in Vermillion Parish.

**Act No. 633**

SB 310  
Senators Dupre and Romero and Representative Baldone

(Amends and reenacts R.S.49:214.38, and enacts Part II-B of Chapter 2 of Title 49 of the Louisiana Revised Statutes of 1950, consisting of R.S. 49:214.52 through 214.61). Provides for expropriation of barrier islands needed for barrier island preservation, restoration or the creation of wetlands. Allows expropriation by the Department of Natural Resources when the department cannot amicably acquire said property and after the landowner has been properly notified of the Department's intent to expropriate the property. Allows the landowner to retain the subsurface mineral rights on the then-existing coastline and a 50% interest in emergent lands within the project area. States that these rights are perpetual and transferable. Permits the landowner to retain the rights of use of such property, subject to applicable federal, state or local law and regulation, for the purpose of locating, accessing, extracting, and transporting subsurface minerals. States that the transfer of all subsurface mineral rights to then existing shoreline to the landowner shall be just and adequate compensation for the taking of the property and that no further compensation will be owed by the state. Sets out the procedure for expropriating said property and provides the landowner with a

procedure to object to the taking.

**Act No. 786**

HB 1034  
Dove and Baldone

(Enacts R.S. 49:214.8). Creates the Barrier Island Stabilization and Preservation Fund as a special fund in the state treasury. The sources of the fund will be appropriations, donations, grants, and other monies, which may become available for the Department of Natural Resources support of the barrier island stabilization and preservation program.

**Oil, Gas, & Minerals**

**HCR 134**

Daniel

States that the ownership of improvements, including abandoned oil casings and facilities placed by a lessee or another third party on the land of another does not become the property of that landowner if the landowner fails to request the removal of the improvements at the end of the lease. Provides that this Act is not retroactive.

**SCR 22**

Malone

Urges and requests the Commissioner of Conservation to seek agreements with bordering states, providing for the timely notification of Louisiana prior to oil and gas activity within one mile of the state boundary because such activities as subsurface salt water injection and disposal may impact Louisiana.

**SR 103**

McPherson

Urges and requests the President of the United States to cease the purchasing or transferring of oil for the United States Strategic Petroleum Reserve while oil prices are at record

highs, thereby allowing more petroleum to be released into the free market and potentially resulting or assisting in the fall of petroleum prices from their record high.

**Act No. 104**

HB 668

Representative Montgomery, Senator Malone and co-authored by Representative Daniel

(Amends and reenacts R.S. 30:148.2(A)(2)). Further defines the term "reservoir" as any natural or manmade space capable of containing or holding natural gas or liquefied hydrocarbons, including caverns created in salt domes. This definition is relative to the lease and storage of natural gas, oil, and liquid hydrocarbons in reservoirs and salt dome caverns.

**Act No. 220**

HB 650

Pierre

(Repeals R.S. 49:954.2). States that a rule, regulation, permit or license issued by the Department of Environmental Quality, the Department of Natural Resources, the Department of Revenue, the Mineral Board, the Wildlife and Fisheries Commission, or the Department of Wildlife and Fisheries shall be effective, valid, and enforceable, if issued or promulgated as otherwise provided by law which issues, monitors compliance with, or otherwise regulates any permit or license, relative to oil and gas development. None of the departments listed above have to index or summarize the rule's extent of applicability to oil and gas development or the types of permits required of any entity in the oil and gas development business any longer.

**Act No. 222**

HB 654

Pierre and Daniel

(Amends and reenacts 30:706). Provides that the Commissioner of Transportation and Development shall annually review the fee charged

to the operators of intrastate pipelines. States that the fee may not exceed twenty-two dollars and forty cents per mile of pipeline operated.

**Act No. 223**

HB 655

Pierre and Daniel

(Amends and reenacts 30:560). Increases the maximum annual safety and odorization inspection fee imposed upon operators of jurisdictional gas distribution facilities from fifteen dollars to twenty-two dollars and forty cents per mile or four hundred dollars which ever is greater. Requires the Commissioner of Conservation to annually review the fee amount.

**Act No. 225**

HB 669

Pierre and Daniel

(Amends and reenacts R.S. 30:93). States that all oilfield sites for which there is no site-specific trust fund shall be restored with monies provided by the fund. Costs from a prior owner shall not be recovered in excess of two hundred fifty thousand dollars (amended from not in excess of two hundred thousand dollars). Costs shall be recovered from parties in reverse chronological order from the date on which the oilfield site was declared orphaned. States that for each oilfield site that becomes orphaned and for which a site-specific trust fund has been created and is fully funded under the provisions of R.S. 30:88(F), recovery costs shall be against only the responsible party and the site shall be restored using the site-specific funds and then funds from the responsible party and lastly from the general fund.

**Act No. 412**

HB 651

Pierre and Daniel

(Amends and reenacts R.S. 30:87(A), (B), and (F) and repeals R.S. 30:87(G)). Increases the fee on crude petroleum from Louisiana wells from one cent to one and one-half cents per barrel and increases the

fee on gas produced from Louisiana wells from one-fifth to three-tenths of one cent for each thousand cubic feet. Increases the site restoration fee for full rate production from one cent to one and one-half cent per barrel on crude oil and concentrate or increases from one-fifth to three-tenths of one cent per thousand cubic feet on natural gas and casing head gas. Repeals the section that allowed, as declines in production occurred, the fund to be compensated to maintain the required amount by increasing the site reclamation fees on each site by five percent annually until the fees respectively had been increased by a total of one hundred percent per site after which no further increases would occur.

**Act No. 578**

HB 1666

Daniel

(Amends and reenacts R.S. 30:213(A)). Provides for ownership by permit holder of data gathered through geophysical surveys and information for permits issued after July 1, 2004. States that the permit holder shall not have to submit the data that was previously required to the State Mineral Board, but the Office of Mineral Resources shall be allowed to review the data. Classifies all information, maps, plots, and other data reviewed by the State Mineral Board hereunder as confidential and an exception to the provisions of public records laws. States that such information shall not be released to any other agency or entity absent a valid court order from a court of competent jurisdiction.

**Act No. 768**

HB 652

Pierre

(Amends and reenacts R.S. 30:86(E)(2)). Increases the amount of the Oilfield Site Restoration Fund that can be used by the Department of Natural Resources for administration from five hundred thousand to seven hundred fifty

thousand dollars each fiscal year.

**Act No. 892**  
HB 1623  
Hopkins

(Enacts R.S. 30:5.2). Authorizes the Commissioner of Conservation to establish a single unit to be served by one or more wells for coal seam natural gas production in order to avoid drilling unnecessary wells and to encourage the development of cool seam natural gas producing areas in Louisiana. States that a landowner can be ordered to create a unit and a provision shall be made for the proportionate allocation to the owners of the costs and expenses of the unit operation. Provides that initial unit production shall be allocated in the proportion to the surface acreage of each tract in the unit.

**Act No. 919**  
SB 695  
Malone

(Amends and reenacts R.S. 31:149, and repeals R.S. 31:149.1, 149.2, 149.3, 150, 151, and 152). States that when land is acquired by a subdivision of the federal, state, or

local government, other public entity with the power to expropriate or condemn property, or a non-profit land conservation group, and the owner of the property reserves a mineral right subject to the prescription of nonuse, prescription will not run as long as the transferee retains the property. Provides that if the land (or a portion of the property) is later transferred to a group not enumerated above prescription will begin to accrue on the transferred portion. States that if a mineral right subject to prescription of nonuse had already been acquired at the time of the transfer to a party enumerated above that the prescription will continue to accrue. Allows the transferor of the land to recapture the mineral right subject to the prescription of nonuse at the extinction of the mineral right if the instrument or judgment by which the land was acquired purports to give this right to the transferor and if the land is still owned by a party enumerated above. Limits the ability of the transferee to transfer the property to a party not enumerated above when the land was acquired by expropriation and was subject to a mineral reservation.

### Miscellaneous

**SCR 20**  
Nevers

Memorializes the United States Congress to appropriate and expedite funding for the development of a hurricane evacuation route in Louisiana and Mississippi due to increasing vulnerability in coastal storm surge and flooding. Proposes an evacuation route from New Orleans along Highway 25 to the Mississippi state line continuing along Mississippi Highway 27 to Crystal Springs, Mississippi and intersecting with Interstate 55. Proposes a second route from Louisiana Highway 47 connecting in New Orleans with the first proposed evacuation route into Mississippi.

**Act No. 99**  
HB 605  
Representatives Frith and Pierre and Senator Gautreaux

(Repeals R.S. 56:306(B)(6)). Removes the exemption for restaurants relative to the requirement of a wholesale/retail seafood dealer's license.

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