

LOUISIANA COASTAL LAW

LCL 93, NOVEMBER 2010



Bills Passed in the 2010 Regular Legislative Session of the Louisiana Legislature Affecting Coastal Resource Use and Conservation

By Danielle Prado

Fisheries, Fish and Oysters

Act 16

SB 145

Senators Thompson, Long, Nevers, Riser, Smith and Walsworth and Representatives Badon, Chaney, Guinn, Lebas, Little, Ritchie and St. Germain

(Amends and reenacts R.S. 3:4617(C), 4734(G)(2) and (3), and 4735(B)). Provides that the definition of catfish includes certain families as well as provides for technical corrections. Originally, the vendor fraud provision defined “catfish” as only those species within the family of Ictaluridae or the family of Anarhichadidae and grown in the United States of America. Now, the text reads, “ ‘catfish’ shall mean only those species within the family of Ictaluridae, Ariidae or Loricariidae.” It is now unlawful to use the word “catfish” for any other fish unless it is defined as such in R.S. 4733(1).

Act No. 157

HB 1255

Representative Austin Badon

(Amends and reenacts R.S. 56:56). Allows an enforcing officer of the Department of Wildlife and Fisheries to seize any animal illegally possessed. Provides that any live animal illegally possessed can be voluntarily surrendered to the department without penalty. The

person will be immune from prosecution provided the surrendering of the animal is initiated prior to any independent investigation or contact by any public employee operating in their official capacity.

Act No. 223

HB 45

Representative Lambert

(Amends and reenacts R.S. 56:320(B)(3)). Lists new requirements for crab traps. Traps do not need to be marked with a float and float line in areas north of the northern bank of the Intracoastal Waterway and west of Louisiana Highway 70, and the newly established area located on the east side of the Mississippi River and inland from the saltwater line unless these traps are placed in a lake.

CONTENTS

<i>Bills Passed in the 2010 Regular Legislative Session</i>	1
<i>Announcements</i>	12

Act No. 260

HB 712

Representatives Wooten and Hutter

(Amends and reenacts R.S. 56:434(G) and enacts R.S.56:434(H)). Provides additional restrictions for harvesting public seed oysters during the part of oyster season set aside for that purpose. The restrictions prohibit any oyster harvester who is actively harvesting oysters in the public seed grounds to have on board his vessel any sacks or containers that may be used to hold oysters for transport to market. Creates a presumption that all oysters on a vessel actively harvesting oysters in the public seed grounds were harvested therein. Prohibits harvesters from selling or transporting with his vessel oysters intended for market sales on the same day he harvested seed oysters from the public grounds. A violation of these provisions will be a class two violation.

Act No. 263

HB 641

Representatives Henderson, Baldone, Hutter and Leger

(Repeals R.S. 56:431.1(D)). Repeals the provision relative to permits for devices to protect oysters from predation in its entirety. Previously, the state offered permits to use devices on leased acreage to protect oysters from predation. These devices had specific regulations and specifications; however, this provision has been entirely repealed.

Act No. 264

HB 642

Representatives Henderson, Hutter and Leger

(Amends and reenacts R.S. 56:421(B)(introductory paragraph) and enacts R.S.3 56:421(B)(14)). Adds a member appointed by the Louisiana Oystermen Association to the Louisiana Oyster Task Force.

Act No. 265

HB 644

Representatives Henderson and Hutter

Provides an area of public seed grounds for relocation of oysters from private leases, with a commission to consider recommendations from the Louisiana Oyster Task Force. The Louisiana Wildlife and Fisheries Commission shall set aside an area of public oyster seed grounds that will

be designated as “leasable.” This area cannot be within the footprint of an integrated coastal protection project contained in the state’s master plan or an annual plan for integrated coastal protection. The commission must consider recommendations from the Louisiana Oyster Task Force in the selection of the size and location of the area(s). Provides for the commission to promulgate rules and regulations regarding these leases before January 1, 2011. Any new lease issued under the relocation program shall be for an amount of acreage not to exceed the acreage of the lease that is being relocated. The department shall notify the leaseholder of an affected existing lease, or the leaseholder of record for a lease that was not renewed, of the option to relocate the lease. The affected leaseholder or leaseholder of record shall have sixty days from the date of notification to notify the Department of Wildlife and Fisheries that they desire to relocate or reestablish that oyster lease. The provisions of this act end January 1, 2013, but the leases will continue past this date if the lease terms so dictate.

Act No. 267

HB 692

Representatives Wooten, Baldone, Hutter and Leger

(Amends and reenacts R.S. 56:426(D)). Extends the time in which an oyster lease renewal shall be recorded to no later than six months after the expiration of the previous lease.

Act No. 268

HB 693

Representatives Wooten, Baldone, Hutter and Leger

(Amends and reenacts R.S. 40:5.3.1). Requires the Department of Health and Hospitals to notify oyster harvesters and dealers of a possible state exemption from the National Shellfish Sanitation Program’s *Vibrio* management plan.

LOUISIANA COASTAL LAW

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

Editors: Jim Wilkins and Melissa Trosclair Daigle
Layout: Jessica Schexnayder

Sea Grant Legal Program (225) 578-5931 FAX: (225) 578-5938
227B Sea Grant Bldg., LSU E-mail: sglegal@lsu.edu
Baton Rouge, LA 70803 http://www.lsu.edu/sglegal



Act No. 269

HB 695

Representatives Wooten, Bobby Badon, Baldone, Billiot, Brossett, Henry Burns, Carmody, Champagne, Chandler, Connick, Cromer, Dove, Edwards, Gallot, Gisclair, Guinn, Harrison, Hazel, Henderson, Howard, Hutter, G. Jackson, Labruzzo, Lopinto, Lorusso, Norton, Pearson, Pugh, Richard, Richmond, Schroder, Simon, Jane Smith, St. Germain, Templet, Thibaut, Tucker and Williams

Provides for oysters that have been harvested from Louisiana waters to be sold for raw consumption within the state at all times during the year. Federal regulations that may prohibit the interstate transportation and sale of oysters that have not been post-harvest treated shall not apply to oysters harvested, sold, and consumed within Louisiana. The Department of Health and Hospitals shall develop rules pursuant to the Administrative Procedure Act to administer the provisions of this Section and the Department of Wildlife and Fisheries shall help with enforcement.

Act No. 290

HB 881

Representatives St. Germain and Dove and Senator N. Gautreaux

(Amends and reenacts R.S. 56:23). Creates consistency in penalties for violations of wildlife and fishery provisions found in Chapters One (General Provisions), Two (Wildlife Management and Rescue Areas), Three (Water Control) and Five (Exploitation of Natural Resources), penalizing them as a class one violation.

Act No. 293

HB 888

Representatives St. Germain, Baldon, and Dove and Senator N. Gautreaux

(Amends and reenacts R.S. 56:325.2(A) and 326(E) (1)(a)). Requires any garfish caught or possessed by a recreational fisherman in saltwater areas of the state to retain a strip of skin sufficient to clearly identify the fish before the fish is set or put on shore. Forbids any shark fin to be possessed aboard a vessel unless still naturally attached to the original shark carcass. The head may be removed provided the carcass length without the head exceeds the legal minimum size requirement, but the

shark must have all fins intact and naturally attached, including the caudal fin.

Act No. 294

HB 890

Representatives Harrison, Bobby Badon, Baldone, Billiot, Henry Burns, Champagne, Dove, Foil, Gisclair, Guinn, Henderson, Lambert, Leger, Little, St. Germain and Williams and Senators B. Gautreaux and N. Gautreaux.

Authorizes the Department of Wildlife and Fisheries to establish a quality certification program for Louisiana wild fish and for Louisiana wild seafood products. The standards shall be in accordance with the Administrative Procedure Act. Seafood product intended to be marketed as Louisiana Wild Seafood must meet all rules set forth by the Department. Anyone who wishes to participate in the program must apply for a participation permit issued by the Department.

Act No. 315

HB 1346

Representatives Dove, Bobby Badone, Baldone, Billiot, Henry Burns, Champagne, Foil, Gisclair, Guinn, Harrison, Henderson, Sam Jones, Lambert, Leger, Little, Montoucet, Richard, St. Germain, White and Wooton.

(Amends and reenacts R.S. 56:639.8(E) and (G)). Provides that the money for the artificial reef fund will be used by the Wildlife and Fisheries Department to provide funding for the wild seafood certification program. However, no more than 10% of the funds deposited and 10% of the income generated by the reef fund may be used for this purpose. If the interest income exceeds operational costs for the artificial reef program in the future, research and enhancement projects may be funded through the department with advice.

Act No. 384

HB 656

Representative Gisclair

(Amends and reenacts R.S. 56:722.1). Authorizes the Lafourche Parish Game and Fish Commission to govern, regulate and control Lake Long.

Act No. 392

HB 876

Representatives St. Germain and Dove and Senator N. Gautreaux

(Amends and reenacts R.S. 56:427(A) and 428(B)). Provides an additional requirement for any person wishing to lease an oyster bed to pay an application fee, and changes the requirements for a survey of the bed.

Act No. 589

HB 597

Representative St. Germain

(Amends and reenacts R.S. 56:322.2(A) and (D), enacts R.S. 56:322.2(C)(3), and repeals R.S. 56:322.2(G) and (I)). Provides that a licensed commercial fisherman may take shad and skipjack with a gill net in Lake Palourde, Lake Verret, Lac Des Allemands, all of the waterways in Iberville Parish, and those portions of the parishes of Iberia, St. Martin, and St. Mary located between the guide levees of the Atchafalaya Basin. However, they are specifically not authorized to do so in the streams, bayous, canals, and other waterbodies connected to the specified lakes. Requires that the gill net must be placed at least 50 feet from the tree line. Skipjack may be taken before sunrise and after sunset during open season, but never on Saturday or Sunday.

Act No. 606

HB 875

Representatives Harrison, Bobby Badon, Baldone, Billiot, Henry Burns, Carmody, Champagne, Cromer, Dove, Edwards, Foil, Gisclair, Guinn, Hardy, Henderson, Howard, Sam Jones, Lambert, Leger, Little, Lopinto, Lorusso, Richard, Simon, Jane Smith, St. Germain, Stiaes, Templet, Tucker, Williams, and Wooton and Senator N. Gautreaux

(Amends and reenacts R.S. 56:10(B)(1)(b) and 578.12(B) and enacts R.S. 36:610(B)(11) and R.S. 56:494). Transfers the Shrimp Task Force to the Department of Wildlife and Fisheries. Authorizes the Shrimp Task Force to work in conjunction with the Louisiana Seafood Promotion and Marketing Board to disperse funds from the Shrimp Marketing and Promotion Account to develop market expansion for Louisiana shrimp. Provides for the Louisiana Shrimp Task Force to study and monitor the shrimp industry and make recommendations to

the Department of Wildlife and Fisheries. Sets forth guidelines on the operation of the Task Force, and provides responsibilities and duties for the members within. Imposes on the Task Force the duty of representing the interests of the Louisiana shrimp industry before federal and state administrative and legislative bodies.

Act No. 607

HB 887

Representatives St. Germain, Baldone and Dove and Senator N. Gautreaux

(Amends and reenacts R.S. 56:325.4(D)). Revises statute to allow the Wildlife and Fisheries Commission's monitoring reports of black drum, sheepshead and flounder species to be submitted every 5 years. If data indicate that the spawning ratio is less than 30%, the season shall be closed for at least one year or management options shall be given to the commission that will show an appropriate recovery period based on the biology, environmental conditions and needs of the fishing community.

Act No. 631

HB 1466

Representative Ellington

Authorizes the Wildlife and Fisheries Commission to adopt regulations for use of certain fishing gear for certain lakes, particularly yo-yo and trigger devices, trotlines, jugs and float fishing gear. Some regulations dictate that no more than fifty yo-yos or trigger devices shall be allowed per person. Requires that each yo-yo or trigger device shall be clearly tagged with the name, address and phone number of the owner or user, except for devices attached to privately owned property. Devices must be checked every 24 hours when in use, and all fish or animals hooked must be immediately removed. Trotline regulations include the requirements for identifying information of the owner or user to be clearly marked, as well as the date of placement. No person shall set more than three trotlines with a maximum of 50 hooks each. Each trotline shall be attended daily when in service. Finally, the Commission may adopt regulations regarding the use of jugs or float fishing gear in specific water bodies upon request of a water conservation district.

Act No. 654

SB 498

Senator Chabert

(Amends and reenacts R.S. 56:302.9(G)). Provides that 10% of the annual fees collected from the sale of charter boat fishing guide licenses will be used by the department for the promotion of the industry and protection of the fishery.

Act No. 672

SB 748

Senator Thompson

Regulates the use of yo-yo and trigger devices for fishing on Lake Saint Joseph. These devices may be used from December 1st to March 15th of the following year provided the following are fulfilled: No more than 24 yo-yos or trigger devices shall be allowed per boat, and each device shall carry the owner's name and phone number. The devices shall only be attached to a tree or pier, without using a nail, or tying a line from tree to tree. Any device found in violation shall be immediately seized.

Act No. 746

HB 1288

Representative Guinn

(Amends and reenacts R.S. 56:320(A)(1)). Saltwater and freshwater fish may be taken by means of rod, fishing pole, hook and line, trolling line, hand line, bait casting, fly casting, crawfish nets, with yo-yos or trigger devices, bow and arrow, recreational hoop nets, recreational wire nets, recreational slat traps, standard spearing equipment used by a skin diver sport fisher when submerged, pipes, buckets, drums, tires and cans. Recreational wire and hoop nets can only be used in areas designated as freshwater under R.S. 56:322. The wire nets must have a mesh no less than one inch square or two inches stretched.

Act No. 777

SB 308

Senator Marrison

Gives procedural guidelines for the adoption of rules in the Department of Wildlife and Fisheries; such guidelines had not existed previously. The rules promulgated must be in accordance with the Administrative Procedure Act.

Act No. 932

HB 953

Representative Lambert

(Amends and reenacts R.S. 56:332(M)). Allows finfish caught as by-catch by crab traps to be used by crab fishermen. Also, in addition to any fish retained as "by-catch," a licensed commercial fisherman holding a gear license that allows him to take finfish for commercial purposes may possess any finfish caught under that license up to the commercial possession limit allowed for them. The finfish will not be required to be segregated from the by-catch allowed in the previous paragraph of this provision.

Act No. 979

HB 545

Representatives Baldone, Arnold, Billiot, Connick, Dove, Gisclair, Guinn, Hardy, Harrison, Henderson, Hutter, Johnson, Sam Jones, Lopinto, Richard, Richmond, Simon, St. Germain, Williams and Wooton

(Amends and reenacts R.S. 56:325.3(A)(1)). Prohibits the commercial taking or harvesting of spotted sea trout within Louisiana waters west of the Mermentau River. Open season for spotted sea trout will run from the second day of January until the maximum annual quota is reached.

Hunting

Act 29

HB 172

Representative Henry

(Amends and reenacts R.S. 56:116.1(B)(3)). Makes it illegal for any person to take or kill any game bird or wild quadruped with a firearm fitted with any device to deaden or silence the sound of the discharge thereof; or fitted with an infrared sight, or laser sight except as provided in Paragraph (A)(8) of the same section, or fitted with any device specifically designed to enhance vision at night, or with an automatic loading or hand operated repeating shotgun capable of holding more than three shells.

Act No. 100

HB 875

Representatives Harrison, Dove, and St. Germain and
Senator N. Gautreaux

(Amends and reenacts R.S. 56:10(B)(7)(a) and (D), 103(C)(1), 103.1(B)(1), 153, the heading of Subpart A-2 of Part IV of Chapter 1 of Title 56, 164(A) and (B) (introductory paragraph), 165, and 649.1(A) and repeals R.S. 56:152, 154, 161, 162, and 163). Removes “stamp” from the name of the Louisiana Wild Turkey Stamp Fund. All unencumbered monies in the fund at the end of the year shall remain in the fund, to be invested by the treasurer in the same manner as general state monies. Changes the hunting license for waterfowl from a “duck license stamp” to simply a “duck license,” for which the annual fee for residents shall be \$5.50. The same fee applies to the newly named “wild turkey license,” also removing “stamp” from its original title. Nonresidents must purchase a duck license to hunt, available for \$25.00 annually. A nonresident wild turkey license will be \$20.50. Makes clear that simply purchasing duck stamps does not authorize the purchaser to hunt, take, possess or transport ducks in the state of Louisiana. Duck stamps are still available for purchase, but not for purposes of hunting. The cost for duck stamps shall be \$5.50 for a resident and \$25.00 for nonresidents. If another resident in a state bordering Louisiana has a similar license or stamp program, they may receive reciprocity to hunt wild turkey if they possess a license (or stamp) from the neighboring state.

Act No. 254

HB 569

Representatives Carmody and Hazel

(Amends and reenacts R.S. 56:116.1(B)(10) and (D)). Prohibits hunting from a half hour after sunset to a half hour before sunrise, but does not affect outlaw quadrupeds, nutria or beaver. They may be taken at any time of year from a half hour before official sunrise to a half hour after official sunset. Also provides for landowners, lessees or their agents to take outlaw quadrupeds, nutria or beaver during nighttime hours on the last day of February to the last day of August that same year, with written permission. Provides that the method of taking is limited to a shotgun no larger than a No. 10 gauge fired with buckshot or smaller or a standard .22 caliber rimfire firearm.

Act No. 289

HB 878

Representatives St. Germain, Dove and Harrison and
Senator N. Gautreaux

(Amends and reenacts R.S. 56:104(A)(9) and 302.1(H)). Allows a full-time student in an accredited college or university with a physical campus in Louisiana, but who is not a resident of Louisiana, to purchase a nonresident basic hunting or fishing license for the same price as a resident hunting or fishing license.

Act No. 292

HB 884

Representatives St. Germain, Dove and Harrison and
Senator N. Gautreaux

(Amends and reenacts R.S. 56:699.5). Provides for persons who are developmentally disabled and unable to successfully complete a hunter safety course to be issued a restricted hunter education certificate that permits him to hunt, provided he is accompanied and is under the direct supervision of a person over 18 who has a valid hunting license or proof of successful completion of a hunter safety education course. Documentation of the disability from a licensed medical doctor must be presented prior to the issuance of the certificate.

Act No. 336

SB 473

Senator Long

(Amends and reenacts R.S. 56:649.4). Provides a nonresident veteran of the United States military who has a permanent service-connected disability classification of 50% or more to obtain a combination lifetime hunting and fishing license. The fee will be \$300, provided the nonresident veteran possesses a valid Louisiana birth certificate or can provide proof of having been a Louisiana resident for at least ten years.

Water

Act No. 46

HB 877

Representatives St. Germain, Dove, and Harrison and Senator N. Gautreaux

(Enacts R.S. 34:851.14.1). Allows the secretary of the Department of Wildlife & Fisheries in an emergency or disaster to close any waterway, other than navigable waters of the United States, to boating access, travel, or use or to restrict the type of use including issuing no wake zones in a reasonable manner. The closure or restriction shall not be longer than the seventh day following the next meeting of the Wildlife and Fisheries Commission. The closure or restriction shall be made by an order issued by the secretary, and the order shall be subject to oversight by the House and Senate Committees on Natural Resources and Environment. The order must specify a closure or type of restriction, a description of the area subject to the order, and the reason for the emergency action. Violation of this order constitutes a class three violation.

Act No. 88

HB 81

Representatives Sam Jones and Mills and Senator Hebert

(Amends and reenacts R.S. 56:796(A) and (B)(1)). Expands the Lake Fausse Point and Grand Avoille Cove Advisory Board to include Lake Dauterive. The Board was created to advise the secretary of the Department of Wildlife and Fisheries on matters pertaining to the preservation of Lake Fausse Point, Lake Dauterive, and Grand Avoille Cove area. The Board also advises the secretary on matters pertaining to the development of recreational opportunities in the area.

Act. No 97

HB 646

Representative Brossett

(Enacts R.S. 38:330.1(C)(2)(a)(xi)). Adds a member of the Louisiana Engineering Society to the nominating committee of each board of the Southeast Louisiana Flood Protection Authorities.

Act No. 312

HB 1309

Representative Howard and Senator Smith

(Amends and reenacts R.S. 33:3815.3(A), (B), (C), and (F) and R.S. 34:844(A) and (B)). Prohibits a person from abandoning a vessel or object of any kind in the restricted area surrounding any public facility producing potable water supplies. These provisions originally applied strictly to waters surrounding the Mississippi River; they have now been expanded to apply to any body of water.

Act No. 646

SB 363

Senator Adley

Requires an owner or operator of a permitted oil and gas well to construct and maintain the drilling activity area to avoid disturbing the use of any privately owned active water well existing at the time of the application for the permit to drill. Also provides that an owner or operator of a permitted oil and gas well may negotiate with the owner of a privately owned active water well to relocate such water well. The owner or operator of a permitted oil and gas well shall pay for the relocation and plugging of the water well.

Act No. 994

HB 1449

Representatives Fannin, Anders, Arnold, Aubert, Baldone, Burford, Carmody, Champagne, Chandler, Chaney, Downs, Edwards, Ellington, Gisclair, Guillory, Guinn, Hardy, Hazel, Henry, Hoffmann, Johnson, Sam Jones, Katz, Lebas, Leger, Little, Montoucet, Nowlin, Pearson, Pugh, Richard, Ritchie, Roy, Schroder, Simon, Gary Smith, St. Germain, Thibaut, Tucker, Waddell, White and Wooton and Senator Thompson

Provides a riparian owner to assign access rights equal to his own for the withdrawal of surface water adjacent to his riparian land for any agricultural or aquacultural purpose, provided the withdrawal is ecologically sound. This is not allowed where withdrawal would significantly impact the sustainability of the water body or have negative impacts on navigation, public drinking supplies, etc.

Department of Environmental Quality

Act No. 48

HB 891

Representative Lambert

(Amends and reenacts R.S. 36:231(C)(1), enacts R.S. 30:2011(D)(26), and repeals R.S.30:2011(C)(1)(b) and R.S. 36:238(C)). Provides the secretary of the Department of Environmental Quality authority to provide for the functions of environmental air quality assessment, water quality assessment, remediation services and laboratory services, and to assign each of these functions to the office of environmental compliance or environmental services. Also removes the office of environmental assessment from the Department of Environmental Quality.

Act No. 49

HB 893

Representative Champagne

(Amends and reenacts R.S. 30:2011(D)(3), 2014(A)(1), and 2054(B)(2)(a)). Gives the following powers to the secretary of the Department of Environmental Quality: to delegate the power to grant or deny permits, licenses, registrations, variations or compliance schedules to an assistant secretary; to execute minor permit actions and issue registrations, certifications, and notices of deficiency. Notification of inclusion under a general or regulatory permit may be delegated to an authorized representative. Also, allows the secretary to grant all permits, licenses, registrations, variances and compliance schedules. This power may be delegated by an assistant secretary, subject to the secretary's oversight. The authority to execute the minor permit actions, mentioned above, may also be delegated to an authorized representative. Grants further powers to the secretary to develop permitting procedures conforming to applicable state and federal laws, and to require and issue permits, etc., for all sources of air contaminants in Louisiana. When the secretary deems it advisable, this power may be delegated.

Act No. 103

HB 1169

Representative White

(Enacts R.S. 30:2060(O)). Provides for a toxic air pollutant emission control program to comply with an applicable standard from the United States Environmental

Protection Agency (EPA). Determination of the standard for affected sources not subject to the federal standard shall be made by the department through the permitting process using the existing method. Defines "affected source" as the collection of equipment, activities or both within a single contiguous area and under common control. The affected sources shall be subject to ambient air standards pursuant to this law outside their property boundaries. Provides an exception that the rules regarding the regulation and control of asbestos shall not be affected by this legislation. Provides an exception that the standards shall not apply to roads, railroads, or water bodies where activities are transient in nature and long-term exposure to emissions is not anticipated. Standards will not apply to industrial properties adjacent to or impacted by emissions from affected sources, if the affected source can demonstrate that worker protection standards under OSHA regarding exposure limits are not exceeded. Affected sources shall be subject to annual emissions reporting and applicable fees.

Act No. 152, HB 892

Representative St. Germain

(Amends R.S. 30:2153(5)). "Solid waste disposal facility" does not include "processing, treatment, or disposal facility." Excludes facilities where solid waste management activities are limited to transferring solid waste from collection vehicles to vehicles for transport without processing.

Act No. 154

HB 898

Representative St. Germain

(Enacts R.S. 49:191(5)(b) and repeals R.S. 49:191(3)(h)). Re-creates the Department of Environmental Quality and extends statutory authority of the department until July 1, 2015.

Coast

Act No. 197

HB 688

Representative Foil

(Amends and reenacts R.S. 49:214.6.2(E)). Requires the office of the Coastal Protection and Restoration

Authorities to use Louisiana universities in its research to assist in the formation of a coastal science consortium. Dictates the specific members who will compose the consortium, specifying certain colleges and organizations among public or private universities from within or without Louisiana, federal, state, or local government, private entities, and research institutes. Also requires the consortium to be coordinated by a council with members from specific areas across the state.

Act No. 734

HB 1090

Representative Dove and Senator Chabert

Creates a state oil spill contingency plan. The Department of Environmental Quality and the Department of Wildlife and Fisheries shall work together to create recommendations for the plan and create action to rescue and rehabilitate wildlife. Adds a requirement for the director of the Office of Coastal Protection and Restoration to recommend provisions of the plan providing for the protection of the coast. Creates new responsibilities for the Office of Coastal Protection with the state's oil spill contingency plan.

Act No. 834

HB 844

Representative Gisclair

(Amends and reenacts R.S. 49:214.30(A)). Before a coastal use permit is issued, the secretary must ensure the activity is consistent with the state's master plan for integrated coastal protection. If it's not, a permit will not be granted. Further, provides that any permit granted to repair or replace a pipeline shall include a requirement that the pipeline owner is responsible for the cost to repair or replace such a pipeline.

Act No. 890

SB 564

Senator Chabert

(Amends and reenacts R.S. 25:1312(A)). Provides the South Louisiana Wetlands Discovery Center Commission to be created in Terrebonne parish. Consequently, Terrebonne parish is responsible for the funding, operations and creation of regulations of the commission.

Act No. 954

SB 599

Senator B. Gautreaux

Provides funding and resource allocation to the Coastal Restoration and Protection Fund. Requires at least \$200,000 but no more than 7% of federal revenues received by the state generated by Outer Continental Shelf oil and gas activity to be used for administrative costs or fees in each fiscal year. This requirement does not apply to any funds received for reimbursement in costs in response to the Deepwater Horizon Oil Spill.

Act No. 956

SB 65

Senator Amedee

(Amends and reenacts R.S. 49:214.24(C)). Adds part or all parts of Ascension or Iberville parishes to the inland boundary of the coastal zone as recommended by the final report of the Coastal Protection and Restoration Authority of Louisiana.

Act No. 1008

SB 693

Senators Morrish and N. Gautreaux and Representatives Baldone, Dove, Gisclair, Harrison, Sam Jones, Perry, Richard, Gary Smith and St. Germain

Provides for the creation of the Chenier Plain Coastal Restoration and Protection Authority, which includes all the lands in the parishes of Calcasieu, Cameron and Vermilion. Provides for the appointment of members to a commission, and grants the powers of a political subdivision of the state of Louisiana to the Authority. In addition to these privileges, provides special authority regarding floodwaters, levees, hurricane protection, and other methods to protect and restore Louisiana's coastline.

Minerals, Oil & Gas

Act No. 572

HB 297

Representatives Guinn, Arnold, Austin Badon, Henry Burns, Burrell, Carmody, Chandler, Chaney, Connick, Gisclair, Guillory, Hardy, Henry, Hoffman, Howard, Hutter, Lafonta, Norton, Stiaes, Talbot and Wooton

Adds safety requirements for those who work in the oil production industry. Requires any aircraft transporting offshore platform workers to provide at least one life preserver and beacon for each person on board. The act is known as “Jacob’s Law.”

Act No. 658

SB 531

Senator Claitor and Representatives Bobby Badon, Baldone, Billiot, Henry Burns, Carmody, Carter, Connick, Dixon, Foil, Gisclair, Harrison, Henry, Hoffmann, Honore, Sam Jones, Leger, Lopinto, Simon, Gary Smith, Jane Smith, St. Germain and Waddell

Creates the Oil Spill Relief Programs Integrity Act, which sets forth some ethical aspects regarding filing claims for oil spill relief, including sanctions for fraudulent claims. Provides guidelines for bringing a qui tam action (an action brought by an informer). People who knowingly misrepresent or present fraudulent claims for compensation from an oil relief program may be subject to civil claims set forth by the attorney general, in addition to any other civil, criminal or administrative action provided by law. Any person who violates this provision shall be subject to a civil fine not to exceed three times the amount of actual damages sustained by the oil spill relief program as a result of the violation. Additionally, the person may be fined up to \$10,000 for each false or fraudulent claim. A private person may institute action to seek recovery for himself and on behalf of the relief program (known as a qui tam plaintiff), which carries specific regulations and procedures.

Miscellaneous

Act 9

HB 480

Representative Montoucet

(Amends and reenacts R.S. 56:1681(A)(2)(c)). The State Parks and Recreation Commission shall be composed of eighteen members, including one member to be appointed by the governor from a panel of four members nominated by the Louisiana Garden Club Federation, Inc. (Changed from Louisiana Garden Club Society.)

Act 14

SB 50

Senators Thompson, Long, Nevers, Riser, Smith and Walsworth and Representatives Badon, Chaney, Guinn, Howard, Lebas, Little, Perry, Ritchie, St. Germain and Thibaut

(Enacts R.S. 49:191(5)(b) and repeals R.S. 49:191(3)(i)). Includes provisions to provide for the re-creation of the Department of Agriculture and Forestry and the statutory entities made a part of the department by law. It also provides for the effective termination date for all statutory authority for the existence of such statutory entities.

Act No. 34

HB 242

Representative Anders and Senator Thompson

(Enacts R.S. 3:3816(7)). Provides for the Louisiana Horticulture Commissioner to issue a temporary arborist license that authorizes a person to perform measures listed in R.S. 3:3808(A) in the event of a catastrophe and declaration of emergency. These measures include removing a tree or a portion thereof and measures prolonging the life of a tree or enhancing the aesthetic value of the tree. Applicants must be licensed in another state by passing a state examination or have acquired an International Society of Arboriculture (ISA) Certification. They must also present proof of the license certificate and present a certification of insurance. Finally, they must pay a fee of \$150. The temporary license must be applied for within 90 days of the declaration of emergency and is valid for 90 days from the date of issuance. If the holder of this temporary license wishes to continue performing the measures allowed by the license beyond 90 days, he will need to obtain an arborist license through normal procedures established by the Louisiana Horticulture Commission.

Act No. 50

HB 967

Representatives Guinn, Armes, Aubert, Bobby Badon, Barrow, Billiot, Henry Burns, Carmody, Chandler, Connick, Fannin, Gisclair, Hazel, Henry, Hill, Hoffmann, Howard, Huter, Katz, Leger, Ligi, Lorusso, Monica, Montoucet, Norton, Pope, Richard, Smiley, Gary Smith, Jane Smith, St. Germain, Stiaes, Templet, Thierry, Tucker and Wooton

(Amends and reenacts R.S. 56:1692.1 and 1693.2(A) and enacts R.S. 56:1693.3). Allows a U.S. citizen with a Golden Age Passport to camp at sites within Louisiana state parks for half the normal fee if an unoccupied site is available and if the state park system of the pass holder's domicile also recognizes such passes for discounts. It also exempts a pass holder of the day-use entrance fee to any Louisiana state park. Those who hold an America the Beautiful National Parks and Federal Recreational Lands Senior Pass and Access Pass may camp at sites in Louisiana state parks for half the normal fee if an unoccupied camp site is available and the state park system of the pass holder's domicile also recognizes such discounts.

Act No. 112

SB 35

Senators Thompson, Long, Nevers, Riser, Smith and Walsworth and Representatives Burford, Henry Burns, Chaney, Gisclair, Guillory, Guinn, Hazel, Howard, Lebas, Little, Mills, Ritchie and Thibaut

(Enacts R.S. 3:1(5)). Provides the definition for "sustainable" or "sustainable agriculture" as science-based practices, including use of technology, which lead to broad outcome-based performance improvements to meet the needs of present and future generations while advancing environmental, social and economic goals and the well-being of agricultural products and rural communities.





Sea Grant College Program
Sea Grant Legal Program
227 B Sea Grant Building
Baton Rouge, LA 70803-7507

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



ANNOUNCEMENTS

LCL E-mail Update Service

The Louisiana Sea Grant Legal Program disseminates an e-mail/web-based update to our biannual newsletter four times a year. These updates cover environmental law news relevant to the LSL's audience, summaries of recently introduced environmental legislation and regulations and recent court decisions. To subscribe to the LCL E-mail Update Service, send an e-mail to mtrosc2@lsu.edu.



Visit our Website:
www.lsu.edu/sglegal