

First Extraordinary Session, 2005

SENATE BILL NO. 109

BY SENATORS N. GAUTREAUX, BOASSO AND DUPRE

COASTAL RESOURCES. Requires the wetlands authority to implement an inspection program for coastal and hurricane protection.

1 AN ACT

2 To amend and reenact R.S. 49:213.2 and 213.4(A), and to enact R.S. 49:213.11, relative to
3 coastal and hurricane protection; to authorize and provide for the development and
4 implementation of an inspection program; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 49:213.2 and 213.4(A) are hereby amended and reenacted and R.S.
7 49:213.11 is hereby enacted to read as follows:

8 §213.2. Definitions

9 As used in this Part, the following terms shall have the meaning ascribed to
10 them below:

11 * * *

12 **(5) "Hurricane protection" means a system of barriers and associated**
13 **elements to provide protection against tidal surges.**

14 ~~(5)~~**(6)** "Plan" means the state coastal vegetated wetlands conservation and
15 restoration plan and amendments to the plan.

16 ~~(6)~~**(7)** "Project" means a physical structure or structures designed and
17 constructed according to the plan.

- 1 **political subdivision. The notice shall contain a description of the defect. The**
 2 **notice of defect shall be mailed by certified mail, or return receipt requested.**
 3 **The appropriate entity, or political subdivision, shall have fourteen days from**
 4 **receipt of the notice of defect to provide the authority with a plan and timeline**
 5 **to remedy the defect.**

The original instrument was prepared by J. W. Wiley. The following digest, which does not constitute a part of the legislative instrument, was prepared by Thomas L. Tyler.

DIGEST

N. Gautreaux (SB 109)

Proposed law defines "hurricane protection" as a system of barriers and associated elements to provide protection against tidal surges.

Present law provides for the powers and duties of the Wetlands Conservation and Restoration Authority, including the development of a comprehensive conservation and restoration plan. Proposed law authorizes the Wetlands Conservation and Restoration Authority to develop procedures in accord with the APA and the taking of actions against any entity, including a political subdivision for the enforcement of, and compliance with the notice of defect.

Proposed law requires the authority to establish and implement a comprehensive hurricane protection inspection program. The program will review hurricane protection diagrams, designs, and plans; monitor defects and problems; and conduct inspections at least every five years and after a hurricane impacts a hurricane barrier and its associated elements. Proposed law further requires that if a defect or problem is discovered, then the authority must test the elevations, soil conditions, and structural integrity of the hurricane protection.

Proposed law requires the authority to report a notice of defect to the appropriate entity, or political subdivision within two days of the inspection results. The notice must contain a description of the defect. The notice must be mailed either by certified mail, or return receipt requested.

Proposed law requires the appropriate entity, or political subdivision, to provide a plan and timeline to remedy the defect within 14 days of receipt of the notice of defect.

(Amends R.S. 49:213.2 and 213.4(A); adds R.S. 49:213.11)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Natural Resources to the original bill.

1. Changes the duties of the program.
2. Changes the number of days when the authority must report the notice of defect.
3. Changes certain provisions relative to the notice of defect.
4. Adds that the appropriate entity, or political subdivision, must provide a plan

to remedy the defect within 14 days of receipt of the notice.

Senate Floor Amendments to engrossed bill.

1. Requires that a timeline be included with the plant to remedy a defect.