

ACT No. 430

2016 Regular Session

HOUSE BILL NO. 241

BY REPRESENTATIVE ZERINGUE

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AN ACT

To amend and reenact R.S. 9:1103, R.S. 30:961(G)(3), 2000.11(E), 2459(A) and (D), 2460(A)(14), R.S. 35:411(A), (B), and (E), R.S. 38:100(introductory paragraph), 106(A)(2)(introductory paragraph) and (B), 111, 112, 213(D), 214(B), 218(B), 221(F), 225(A)(2), (D)(2)(b), (F), 226, 301(B), 301.1(A), (B), and (C), 306(C), 313(B)(2), 315, 329.6(H), 330.1(C)(2)(c) and (3)(a), 3097.4(A)(9), R.S. 39:99.29(A), 366.3(1), 2202(1), (3), (5), and (6), R.S. 48:264.1(B), and R.S. 56:301.10(E)(3), 425(E), 427.1(C), 494(E)(3) and 2011(E), to enact R.S. 49:214.6.2(D)(8), and to repeal R.S. 49:214.6.2(C)(4), relative to the Coastal Protection and Restoration Authority Board; to change certain references to the "Office of Coastal Protection and Restoration" to "Coastal Protection and Restoration Authority"; to change certain references to the "Office of Coastal Protection and Restoration" to the "Coastal Protection and Restoration Authority Board"; to make technical corrections to references to the "executive director", the "chair", the "chairman"; to make other technical corrections; to provide for the utilization of certain services provided by the Department of Natural Resources; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:1103 is hereby amended and reenacted to read as follows:

§1103. Carbon sequestration on surface or water bottom

Any monetary compensation derived from the sequestration of carbon on the surface of land or water bottoms through biological processes, including but not limited to the growth of plants or animals or other natural or induced processes, is the property of the owner of the land or water bottom upon which such sequestration

1 occurs, unless (a) contractually assigned to another party; or (b) the sequestration,
 2 uptake, or prevention of emission of greenhouse gases is directly related to the
 3 avoided conversion or avoided loss attributable to a project carried out or sponsored
 4 by the Coastal Protection and Restoration Authority or the Coastal Protection and
 5 Restoration Authority Board, including use of public resources as provided in R.S.
 6 49:214.5.4. In such instance, the monetary compensation is the property of the state.
 7 Section 2. R.S. 30:961(G)(3), 2000.11(E), 2459(A) and (D), 2460(A)(14) are hereby
 8 amended and reenacted to read as follows:

9 §961. Cooperative endeavor agreements; withdrawal of surface water; intent

10 * * *

11 G.

12 * * *

13 (3) The management of cooperative endeavor agreements to withdraw
 14 running surface water shall be consistent with the comprehensive master plan for
 15 coastal restoration and protection as approved by the Coastal Protection and
 16 Restoration Authority Board and the legislature.

17 * * *

18 §2000.11. Annual Basin plan

19 * * *

20 E. The annual Basin plan shall be submitted to the Coastal Protection and
 21 Restoration Authority Board for their review and approval as consistent with the
 22 master plan for coastal protection and restoration for a sustainable coast prior to final
 23 adoption by the board.

24 * * *

25 §2459. State oil spill contingency plan

26 A. The coordinator shall develop and distribute to the public a state oil spill
 27 contingency plan of response for actual or threatened unauthorized discharges of oil
 28 and clean up of pollution from such discharges. In addition, the Department of
 29 Environmental Quality, in cooperation with the coordinator, shall recommend
 30 provisions of the plan relating to unauthorized discharges of oil. The Department of

1 Wildlife and Fisheries, in cooperation with the coordinator, shall recommend
 2 provisions of the plan providing for protection, rescue, and rehabilitation of aquatic
 3 life and wildlife and appropriate habitats on which they depend under its jurisdiction.
 4 The executive director of the ~~Office of~~ Coastal Protection and Restoration Authority,
 5 in cooperation with the coordinator, shall recommend provisions of the plan for
 6 providing for the protection and restoration of the coastal areas of the state. The
 7 Department of Natural Resources, in cooperation with the coordinator, shall
 8 recommend provisions of the plan providing for protection and rehabilitation of
 9 appropriate resources under its jurisdiction. The Department of Public Safety and
 10 Corrections, in cooperation with the coordinator, shall recommend provisions of the
 11 plan providing for emergency response coordination to protect life and property,
 12 excluding prevention, abatement, containment, and removal of pollution from an
 13 unauthorized discharge.

14 * * *

15 D. Prior to adopting the state oil spill contingency plan, the coordinator shall
 16 adopt a fully delineated inland boundary for coastal waters as defined in this Chapter,
 17 which boundary shall be based upon data provided by, including but not limited to
 18 the United States Army Corps of Engineers, United States Department of the
 19 Interior, ~~Minerals Management Service~~, the Coastal Protection and Restoration
 20 Authority, the Louisiana Department of Natural Resources, and the oil and gas
 21 industry. The coordinator shall be authorized to amend the boundary by rule as
 22 conditions may warrant. The boundary, as adopted, shall be clearly marked on large
 23 scale maps or charts, official copies of which shall be available for public inspection
 24 in the ~~Office of~~ Coastal Protection and Restoration Authority, the office of coastal
 25 management in the Department of Natural Resources, in each agency comprising the
 26 interagency council, and in the parish seat of each parish located within the
 27 boundary.

28 §2460. Contingency plan provisions

29 A. The plan shall include all of the following:

30 * * *

(14) Procedures established in cooperation with the Department of Environmental Quality, Department of Wildlife and Fisheries, the Coastal Protection and Restoration Authority, and Department of Natural Resources for assessment of natural resources damages and plans for mitigation of damage to and restoration, protection, rehabilitation, or replacement of damaged natural resources. Pursuant to R.S. 49:214.1 et seq., the Coastal Protection and Restoration Authority is responsible for integrated coastal protection in the coastal area of the state, therefore, the Coastal Protection and Restoration Authority and the ~~Office of Coastal Protection and Restoration~~ Authority Board shall assist the coordinator in a primary role in assessing natural resource damages in the coastal area.

* * *

Section 3. R.S. 35:411(A), (B), and (E) are hereby amended and reenacted to read as follows:

§411. Ex officio notaries public for the ~~Office of Coastal Protection and Restoration~~ Authority

A. The executive director of the ~~Office of Coastal Protection and Restoration~~ Authority may designate as ex officio notaries public up to five employees of the office.

B. Employees so designated may administer oaths, take acknowledgments, and attest on affidavits, and the authority granted under this Section is limited to acts and instruments to which the ~~office~~ authority, the executive director acting for the ~~office~~ authority, or the Coastal Protection and Restoration Authority Board, is a party, and other documents concerning any matter in which the ~~office~~ authority or the Coastal Protection and Restoration Authority Board has an official interest.

* * *

E. The cost of each notarial seal shall be paid by the ~~Office of Coastal Protection and Restoration~~ Authority.

Section 4. R.S. 38:100(introductory paragraph), 106(A)(2)(introductory paragraph) and (B), 111, 112, 213(D), 214(B), 218(B), 221(F), 225(A)(2), (D)(2)(b), (F), 226, 301(B),

1 301.1(A), (B), and (C), 306(C), 313(B)(2), 315, 329.6(H), 330.1(C)(2)(c) and (3)(a),
2 3097.4(A)(9) are hereby amended and reenacted to read as follows:

3 §100. Object and purpose

4 It is the object and purpose of this Chapter to provide for participation by the
5 state of Louisiana in the Westwego to Harvey Canal hurricane protection project, for
6 modifications of the Westwego to Harvey Canal hurricane protection project to
7 include the Lake Cataouatche area, the East of Harvey Canal hurricane protection
8 project, and for any other future project modifications or additions within the
9 parishes of Jefferson, Orleans, Plaquemines, and St. Charles. It is further the object
10 of this Chapter to designate the Coastal Protection and Restoration Authority Board
11 as the nonfederal sponsor for the construction of the projects and to furnish the
12 United States such assurances and cooperation as may be required by the Congress
13 of the United States that the department will:

14 * * *

15 §106. Object and purpose

16 A.

17 * * *

18 (2) It is further the object of this Chapter to designate the Coastal Protection
19 and Restoration Authority Board as the nonfederal sponsor for the construction of
20 the projects and to furnish the United States such assurances and cooperation as may
21 be required by the Congress of the United States that the authority shall:

22 * * *

23 B. The Coastal Protection and Restoration Authority or the Coastal
24 Protection and Restoration Authority Board shall repay to the United States, with
25 interest, the nonfederal share of the construction of the projects.

26 * * *

1 §111. Contracts by drainage districts, levee boards, and political subdivisions with
 2 Department of Transportation and Development or the ~~Office of~~ Coastal
 3 Protection and Restoration Authority
 4 Any drainage or subdrainage district, gravity drainage, or gravity subdrainage
 5 district, levee board, or political subdivision may contract with the Department of
 6 Transportation and Development or, for projects in the coastal area as defined in ~~R.S.~~
 7 ~~49:214.2(3)~~ R.S. 49:214.2(4), the ~~Office of~~ Coastal Protection and Restoration
 8 Authority, upon any terms for the payment of the cost of the drainage and
 9 reclamation projects within the confines of the district or districts involved
 10 proportionately by the Department of Transportation and Development, or the ~~Office~~
 11 of Coastal Protection and Restoration Authority, and the districts as may be agreed
 12 upon between the Department of Transportation and Development, or the ~~Office of~~
 13 Coastal Protection and Restoration Authority, and the governing authorities of the
 14 districts entering into any contract.

15 §112. Cooperation with federal government and state of Mississippi in building
 16 levees

17 By and with the concurrence and approval of the local levee authorities in
 18 interest in Louisiana, and of the Department of Transportation and Development, or,
 19 for levees in the coastal area as defined in ~~R.S. 49:214.2(3)~~ R.S. 49:214.2(4), the
 20 ~~Office of~~ Coastal Protection and Restoration Authority, the state of Mississippi and
 21 the United States Government, or either of them, jointly or severally, may construct
 22 and have entire charge and control of, both in construction and maintenance, and for
 23 protection and preservation, all levees which may be deemed necessary by the
 24 grantees, or by either of them, for protection against overflow from the Mississippi
 25 River, through and over all parts of the state of Louisiana which by the changes of
 26 the channel of the Mississippi River have been separated from other parts of the state
 27 of Louisiana, and which are now on the east side of the present channel of the river,
 28 and attached to the mainland of the state of Mississippi. The levees shall be of the
 29 dimensions and shall be located, and built from adjacent soil, along the lines, and for

1 the distances, determined by the engineers in charge of levee construction either for
2 the United States or for the state of Mississippi, or for both.

3 * * *

4 §213. Riding or hauling on levees prohibited

5 * * *

6 D. Nothing in this Section shall interfere with the crossing over any public
7 levees, at ramps or inclines established under plans and specifications of the
8 Department of Transportation and Development, or, for levees or integrated coastal
9 protection projects in the coastal area as defined in R.S. 49:214.2, the Coastal
10 Protection and Restoration Authority. Nothing in this Section shall interfere with the
11 ability of the Coastal Protection and Restoration Authority or the Coastal Protection
12 and Restoration Authority Board to carry out its responsibilities as the local sponsor
13 for all integrated coastal protection projects, in its jurisdiction, pursuant to R.S.
14 49:214.1(F).

15 §214. Interference with drainage prohibited

16 * * *

17 B. Upon the request of the Department of Transportation and Development,
18 the Coastal Protection and Restoration Authority, or the Coastal Protection and
19 Restoration Authority Board, if the area is located within the coastal area, as defined
20 in ~~R.S. 49:214.2(3)~~ R.S. 49:214.2(4), and involves integrated coastal protection, as
21 defined in ~~R.S. 49:214.2(10)~~ R.S. 49:214.2(11), the state police shall issue a citation
22 to any person who is in violation of this Section. Every person convicted of a
23 violation of this Section shall be fined not less than twenty-five dollars nor more than
24 three hundred dollars.

25 * * *

26 §218. Diversion of natural drain prohibited

27 * * *

28 B. Upon request of the Department of Transportation and Development, the
29 Coastal Protection and Restoration Authority, or the Coastal Protection and
30 Restoration Authority Board, if the area is located within the coastal area, as defined

1 in ~~R.S. 49:214.2(3)~~ R.S. 49:214.2(4), and involves integrated coastal protection, as
 2 defined in ~~R.S. 49:214.2(10)~~ R.S. 49:214.2(11), the state police shall issue a citation
 3 to any person who is in violation of this Section. Every person who is convicted of
 4 a violation of this Section shall be fined not less than twenty-five dollars nor more
 5 than one hundred dollars or imprisoned for not less than ten days nor more than
 6 thirty days, or both.

7 * * *

8 §221. Rice-flumes, dahls, or pipes in public levees prohibited

9 * * *

10 F. The laying of such pipes through or under the public levees in cities,
 11 municipalities, or parishes shall be with the consent and approval of the levee board,
 12 the Department of Transportation and Development, for levees in the coastal area as
 13 defined in ~~R.S. 49:214.2(3)~~ R.S. 49:214.2(4), the ~~Office of Coastal Protection and~~
 14 Restoration Authority, and the governing authorities of the cities, municipalities, or
 15 parishes and under the supervision of the Department of Transportation and
 16 Development, or the ~~Office of Coastal Protection and Restoration~~ Authority.

17 * * *

18 §225. Obstructions on levees, waterways, and rights-of-way therefor; removal at
 19 expense of person responsible; destroying markers prohibited

20 A. No person shall:

21 * * *

22 (2)(a)(i) Tie or moor logs, rafts, boats, watercraft, or floating objects of any
 23 description to the levees, or, when the water is against the levees, tie or moor any
 24 floating objects to mooring posts, revetments, trees, or other objects within one
 25 hundred eighty feet from the crown of any federally authorized and funded levees
 26 or levees designated by the ~~Office of Coastal Protection and Restoration~~ Authority
 27 or the Department of Transportation and Development;

28 (ii) When the water is against the levees, drive or push any logs, rafts, boats,
 29 watercraft, or floating objects of any description onto or against any levees;

1 (b) Nothing herein shall prohibit the mooring or berthing of floating vessels
 2 at such locations as have been permitted for this purpose by the United States Coast
 3 Guard Captain of the Port, United States Army Corps of Engineers, the Louisiana
 4 Department of Transportation and Development, the jurisdictional levee district or
 5 flood protection authority, the ~~Office of Coastal Protection and Restoration~~
 6 Authority, or any other permitting authority;

7 * * *

8 D. Whoever violates this Section shall be subject to the following penalties:

9 * * *

10 (2)

11 * * *

12 (b) The provisions of this Paragraph shall remain in effect until such time as
 13 the Coastal Protection and Restoration Authority promulgates regulations that will
 14 provide levee districts, within the coastal area, as defined in ~~R.S. 49:214.2(3)~~ R.S.
 15 49:214.2(4), with the authority to enforce the necessary prohibitions related to
 16 Subparagraph (2)(a) of this Section as determined or approved by the Coastal
 17 Protection and Restoration Authority.

18 * * *

19 F. Nothing in this Section shall interfere with the ability of the Coastal
 20 Protection and Restoration Authority or the Coastal Protection and Restoration
 21 Authority Board to carry out its responsibilities as the local sponsor for all flood
 22 control projects, in its jurisdiction, pursuant to R.S. 49:214.1(F).

23 §226. Permits for levee crossings

24 If an appointed board or commission having jurisdiction over levees receives
 25 letters of no objection from the United States Army Corps of Engineers and the
 26 Department of Transportation and Development, office of engineering, or, for levees
 27 in the coastal area as defined in ~~R.S. 49:214.2(3)~~ R.S. 49:214.2(4), the Coastal
 28 Protection and Restoration Authority, in response to a request to the board or
 29 commission for a permit or letter of no objection to a levee crossing or a request to
 30 renew or transfer an existing permit, it shall be incumbent upon and a ministerial

1 duty of the executive or administrative officer to issue the requested permit or letter
 2 of no objection to the crossing, subject to any conditions or stipulations contained
 3 in the letters received from the United States Army Corps of Engineers and the
 4 Department of Transportation and Development, office of engineering, or for levees
 5 in the coastal area as defined in ~~R.S. 49:214.2(3)~~ R.S. 49:214.2(4), the Coastal
 6 Protection and Restoration Authority. The board or commission may impose
 7 customary fees, bonds, and other general stipulations. The executive or
 8 administrative officer shall enforce such permits for levee crossings only to the
 9 extent of the conditions and stipulations contained in the permit or letter of no
 10 objection.

11 * * *

12 §301. Construction and maintenance of levees and drainage; care and inspection of
 13 levees; measure of compensation; right of entry; bicycle paths and walkways

14 * * *

15 B. Except as provided in R.S. 38:330.2(I), the care and inspection of levees
 16 shall devolve on resident commissioners, assisted by such inspectors and watchmen
 17 as may be appointed pursuant to regulations, which the boards are hereby authorized
 18 to adopt. Each resident commissioner and any inspector or watchman who may be
 19 appointed shall attend once during his term of office an educational training program
 20 conducted by the Department of Transportation and Development or, if the levee
 21 district is located within the coastal area, as defined in ~~R.S. 49:214.2(3)~~ R.S.
 22 49:214.2(4), and involves integrated coastal protection, as defined in ~~R.S.~~
 23 ~~49:214.2(10)~~ R.S. 49:214.2(11), such training shall be every two years, or twice
 24 during a term in office, and shall be conducted by the Coastal Protection and
 25 Restoration Authority Board.

26 * * *

27 §301.1. Coastal area levee districts; elevation reports

28 A. Every levee district located wholly or partially in the coastal area and
 29 every parish governing authority for parishes located wholly or partially within the
 30 coastal area but which are not part of a levee district shall, once every three years,

1 submit a levee elevation report on tidal levees located within the coastal area to the
 2 Coastal Protection and Restoration Authority Board and to the ~~Office of Coastal~~
 3 Protection and Restoration Authority. The levee elevation report shall be based upon
 4 a centerline profile survey conducted by the levee district or parish governmental
 5 entity on all tidal levees within the coastal area under its control. The centerline
 6 profile survey shall be limited to the gathering of elevation information along the top
 7 of the levee at ~~two hundred fifty foot~~ two-hundred-fifty-foot intervals and shall not
 8 include cross-sectional levee elevation information. The information gathered
 9 pursuant to the centerline profile survey shall be incorporated into the levee elevation
 10 report, which shall indicate the elevation based on the North American Vertical
 11 Datum of 1988 of all tidal levees, including federally funded and nonfederally
 12 funded levees, and shall specifically identify inconsistencies in levee elevation. The
 13 report shall also include a plan to correct any problems that have been identified.

14 B. The centerline profile survey required according to the provisions of this
 15 Section may, at the discretion of the levee district or parish governing authority, be
 16 conducted by a licensed surveyor or by the levee district or parish governing
 17 authority. Any levee district or parish governing authority which chooses to conduct
 18 the centerline profile survey may use its own employees and equipment. If a levee
 19 district or parish governing authority undertakes the survey using its own employees
 20 and equipment, the ~~Office of Coastal Protection and Restoration~~ Authority shall
 21 provide technical assistance and shall provide guidance in conducting the survey.

22 C. Every levee district located wholly or partially in the coastal area may, in
 23 addition to any other powers and duties provided by law for the boards of
 24 commissioners of levee districts, establish on its own behalf or for the areas or the
 25 levee districts under its authority adequate drainage, flood control, water resources
 26 development, and integrated coastal protection, including but not limited to the
 27 studying, engineering, designing, planning, maintenance, operation, and construction
 28 of erosion control measures, marsh management, coastal restoration, reservoirs,
 29 diversion canals, gravity and pump drainage systems, and other flood control works
 30 as such activities, facilities, and improvements related to tidewater flooding, riverine

1 flooding, hurricane protection, conservation, and saltwater intrusion. Levee districts
 2 located wholly or partially in the coastal area may enter into contracts or other
 3 agreements, including cooperative endeavor agreements, with any public or private
 4 person or persons, corporation, association, or other entity, including the Coastal
 5 Protection and Restoration Authority, ~~Office of Coastal Protection and Restoration,~~
 6 the state and other agencies thereof, public corporations, port authorities, levee
 7 districts, parishes, other political subdivisions, or the United States government or
 8 agencies thereof, or any combination thereof, or with instrumentalities of any kind
 9 to provide such adequate drainage, flood control, water resources development, and
 10 integrate coastal protection, and to this end, may contract for the acceptance of any
 11 grant of money upon the terms and conditions, including any requirement of
 12 matching the grants in whole or in part, which may be necessary.

* * *

§306. General powers and duties of board

* * *

16 C. The board shall examine all of the accounts and operations of the board
 17 and determine in what manner work shall be undertaken. The board shall also be
 18 invested with the control of all public levees in the district, with authority to require
 19 the Department of Transportation and Development or the Coastal Protection and
 20 Restoration Authority Board, if the area is located within the coastal area, as defined
 21 in ~~R.S. 49:214.2(3)~~ R.S. 49:214.2(4), and involves integrated coastal protection, as
 22 defined in ~~R.S. 49:214.2(10)~~ R.S. 49:214.2(11), to lay off, furnish estimates, and
 23 perform all engineering work necessary to the location, construction, and repairs of
 24 levees, reserving, however, the right to the parishes in which the levees are located,
 25 also to provide funds and to construct and repair levees and exercise the powers now
 26 conferred to it by law. All works shall be advertised in accordance with the
 27 provisions of R.S. 38:2211 et seq., to be let out by means of sealed proposals to the
 28 lowest responsible bidder, reserving to the board authority to reject all bids. In case
 29 of emergency as defined in ~~R.S. 38:2211(A)(6)~~ R.S. 38:2211(A)(5), the board may
 30 make contracts for the building and repair of and guarding the levees without

1 advertisement or sealed proposals. It shall use all means at its command to
2 strengthen, repair, or construct any portion of the levees that may demand attention.

3 * * *

4 §313. Cessation of activities

5 * * *

6 B. Within six months after the end of the five-year period delineated in
7 Subsection A of this Section, the Louisiana legislative auditor shall certify the
8 following:

9 * * *

10 (2) Whether or not there has been a protection levee constructed in the
11 district, as certified by the Department of Transportation and Development or the
12 Coastal Protection and Restoration Authority Board, if the area is located within the
13 coastal area, as defined in ~~R.S. 49:214.2(3)~~ R.S. 49:214.2(4), and involves integrated
14 coastal protection, as defined in ~~R.S. 49:214.2(10)~~ R.S. 49:214.2(11).

15 * * *

16 §315. Dedication of artificial waterways as public navigable waterways; approval

17 Wherever there presently exists or may hereafter be created within the
18 territorial limits of any levee district or levee and drainage district in the state of
19 Louisiana, except in the parish of Orleans, any canal or other artificial waterway
20 created by any levee district or levee and drainage district for the purpose of
21 constructing a levee or other public work and where said canal or other artificial
22 waterway is navigable in fact and connects with or enters into any lake, river, stream,
23 bayou, or other navigable waters, the governing authority of said levee district or
24 levee and drainage district shall have the authority, with the approval of the office
25 of engineering of the Department of Transportation and Development or the Coastal
26 Protection and Restoration Authority Board, if the area is located within the coastal
27 area, as defined in ~~R.S. 49:214.2(3)~~ R.S. 49:214.2(4), and involves integrated coastal
28 protection, as defined in ~~R.S. 49:214.2(10)~~ R.S. 49:214.2(11), and with the
29 concurrence of the United States district engineer, to dedicate and declare ~~said~~ the
30 canal or other artificial waterway, in whole or in part, as a waterway subject to the

1 free and unrestricted navigation by the public; however, nothing herein shall be
2 construed as authorizing the taking of private property, except as now provided by
3 the constitution and laws of this state.

4 * * *

5 §329.6. St. Tammany Levee, Drainage, and Conservation District; powers and
6 duties

7 * * *

8 H. No action or work undertaken by the board or contract or agreement
9 entered into by the board shall violate the master plan of the Coastal Protection and
10 Restoration Authority Board or any statewide drainage and flood control plan
11 administered by the Department of Transportation and Development.

12 * * *

13 §330.1. Southeast Louisiana Flood Protection Authority-East and Southeast
14 Louisiana Flood Protection Authority-West Bank; territorial jurisdiction;
15 board of commissioners; appointments; terms; compensation; vacancy;
16 officers; meetings; domicile

17 * * *

18 C.

19 * * *

20 (2)

21 * * *

22 (c) The chairman of the Coastal Protection and Restoration Authority Board
23 shall be the custodian of the records of the nominating committee. The chairman of
24 the authority nominating committee, or in his absence, the chairman of the Coastal
25 Protection and Restoration Authority Board, shall call the meeting of the nominating
26 committee. The chairman of the Coastal Protection and Restoration Authority
27 Board, or his designee, shall serve as secretary for the nominating committee.

28 (3)(a) Within ten days after the occurrence of a vacancy on the flood
29 protection authority board, the board shall advise the chairman of the Coastal
30 Protection and Restoration Authority Board of such vacancy. Within fourteen days

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 after being advised of a vacancy on a board, the chairman of the Coastal Protection
2 and Restoration Authority Board shall publish notice of the vacancy in the official
3 journal of the state and of each parish within the territorial jurisdiction of the
4 authority.

5 * * *

6 §3097.4. Water Resources Commission; membership; powers and responsibilities

7 A. The Water Resources Commission is hereby created and shall be
8 composed of the following members:

9 * * *

10 (9) The ~~executive director~~ chairman of the Coastal Protection and
11 Restoration Authority Board or his designee.

12 * * *

13 Section 5. R.S. 39:99.29(A), 366.3(1), 2202(1), (3), (5), and (6) are hereby amended
14 and reenacted to read as follows:

15 §99.29. Governing board; membership; terms; compensation and expenses;
16 chairman and vice chairman; quorum; employees, agents; limitation of
17 liability

18 A. The board of the corporation shall exercise all powers, rights, and duties
19 conferred by this Subpart or other provisions of law upon the corporation. The board
20 shall consist of the governor, the state treasurer, attorney general, president of the
21 Senate and speaker of the House of Representatives, chairman of the Coastal
22 Protection and Restoration Authority Board, secretary of the Department of Natural
23 Resources, secretary of the Department of Transportation and Development, or their
24 designees, and seven members appointed by the governor with one member
25 appointed from each congressional district and the remaining member or members
26 appointed from the state at large. The members of the board who are appointed by
27 the governor shall represent the state's diverse population as near as practicable, and
28 shall have a background and significant experience in financial management and
29 investments. The members of the board appointed by the governor shall be subject
30 to Senate confirmation and shall serve at the pleasure of the governor for terms of

1 four years each, or until their successors shall have been appointed and qualified, as
2 designated by the governor. Any appointment to fill a vacancy on the board shall be
3 made for the unexpired term of the member whose death, resignation, or removal
4 created such vacancy. Members on the board may be appointed to an additional
5 term.

6 * * *

7 §366.3. Definitions

8 In this Part, the following words and terms shall have the meanings ascribed
9 in this Section unless the context clearly requires otherwise:

10 (1) "Cooperative endeavor" means any agreement including one of
11 cooperative financing, other than a competitive bid or competitively negotiated
12 contract, whether contracted pursuant to Chapter 10 of Title 38 or Chapter 17 of Title
13 39 of the Louisiana Revised Statutes of 1950 or pursuant to a request for proposals,
14 request for qualifications, solicitation for offers, or other recognized process for
15 competitively seeking qualified contractors, to which the state is a party and pursuant
16 to which the state has obligated state resources, whether funds, credit, property, or
17 things of value of the state to a nonpublic person for the accomplishment of a public
18 purpose or in the public interest, but shall not include projects contained in the
19 comprehensive state capital outlay budget, projects pursuant to the Governor's
20 Economic Development Rapid Response Program, and integrated coastal protection
21 programs and projects authorized in the annual coastal protection and restoration
22 plan and administered by the ~~Office of~~ Coastal Protection and Restoration Authority.

23 * * *

24 §2202. Definitions

25 As used in this Chapter the following terms have the following meanings
26 unless the context clearly indicates otherwise:

27 (1) "Agency" means the ~~Office of~~ Coastal Protection and Restoration
28 Authority.

29 * * *

1 (3) "Contractor" means any person who has a contract with the ~~Office of~~
2 Coastal Protection and Restoration Authority or a political subdivision to perform
3 a public work as defined in this Chapter.

4 * * *

5 (5) "Director" means the executive director of the ~~Office of~~ Coastal
6 Protection and Restoration Authority.

7 (6) "Public work" means the erection, construction, alteration, improvement,
8 or repair of any public facility or immovable property owned, used, or leased by the
9 ~~Office of~~ Coastal Protection and Restoration Authority or a political subdivision
10 which project is funded entirely or partially by monies received through the Federal
11 Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived
12 Economies of the Gulf Coast States Act of 2011, or as a result of any settlement
13 related to the explosion on, and sinking of the mobile offshore drilling unit
14 Deepwater Horizon, or the Comprehensive Master Plan for Coastal Protection.

15 Section 6. R.S. 48:264.1(B) is hereby amended and reenacted to read as follows:

16 §264.1. Salvage materials; bridges and roads; coastal protection and restoration
17 projects

18 * * *

19 B. When, in the opinion of the secretary of the department or his designee,
20 it is in the best interest of the state, he may order any materials deemed of no salvage
21 value recovered from the reconstruction or repair of any state road or bridge, or from
22 any other work performed by the department to be disposed of by transfer to the
23 ~~Office of~~ Coastal Protection and Restoration Authority to be utilized for coastal
24 protection and restoration projects, such transfer to be made in accordance with
25 procedures established by the secretary or his designee in coordination with the
26 ~~Office of~~ Coastal Protection and Restoration Authority.

27 Section 7. R.S. 56:301.10(E)(3), 425(E), 427.1(C), 494(E)(3) and 2011(E) are
28 hereby amended and reenacted to read as follows:

29 §301.10. Louisiana Finfish Task Force

30 * * *

1 E. The task force is hereby charged with responsibility to do the following:

2 * * *

3 (3) Make recommendations with respect to issues pertaining to the finfish
4 industry and finfish production to the various state agencies charged with
5 responsibility for differing elements of the finfish industry in this state, including the
6 Department of Wildlife and Fisheries, the Department of Natural Resources, the
7 ~~Office of~~ Coastal Protection and Restoration Authority, the Department of Health
8 and Hospitals, the Department of Agriculture and Forestry, and the legislature.

9 * * *

10 §425. Lease of water bottoms; stipulations; boundary disputes

11 * * *

12 E. No lease shall be granted for any water bottom for which any lease was
13 previously acquired by the state for integrated coastal protection, unless the
14 executive director of the ~~Office of~~ Coastal Protection and Restoration Authority
15 determines that leasing would otherwise be appropriate under the provisions of this
16 Subpart and the executive director of the ~~Office of~~ Coastal Protection and
17 Restoration Authority affirms that the water bottom is not necessary for integrated
18 coastal protection. Unless this determination has been made prior to issuance of the
19 lease, a lease of water bottom for which a lease was previously acquired shall be null
20 and void for such water bottom and shall be of no force or effect. No person shall
21 have any claim against the state of Louisiana, its political subdivisions, the United
22 States, or any agency, agent, contractor, or employee thereof or any other person in
23 relation to the nullity of such lease.

24 * * *

25 §427.1. State, political subdivisions of the state, and the United States held harmless
26 in coastal restoration

27 * * *

28 C.(1) A leaseholder whose oyster lease is acquired in whole or in part by the
29 ~~Office of~~ Coastal Protection and Restoration Authority pursuant to R.S. 56:432.1 for
30 dredging, direct placement of dredged or other materials, or other work or activities

1 necessary for the construction or maintenance of a project for integrated coastal
2 protection may seek compensation from the ~~Office of Coastal Protection and~~
3 Restoration Authority pursuant to that Section.

4 (2) A leaseholder may seek acquisition and compensation from the ~~Office~~
5 of Coastal Protection and Restoration Authority pursuant to R.S. 56:432.1 for any
6 portion of an oyster lease that is not acquired by the ~~Office of Coastal Protection and~~
7 Restoration Authority and upon which dredging, direct placement of dredged or
8 other materials, or other work or activities necessary for the construction or
9 maintenance of a project for integrated coastal protection has occurred.

10 * * *

11 §494. Louisiana Shrimp Task Force

12 * * *

13 E. The task force is hereby charged with responsibility to do the following:

14 * * *

15 (3) Make recommendations with respect to issues pertaining to the shrimp
16 industry and shrimp production to the various state agencies charged with
17 responsibility for differing elements of the shrimp industry in this state, including the
18 Department of Wildlife and Fisheries, the Department of Natural Resources, and the
19 ~~Office of Coastal Protection and Restoration Authority~~, the Department of Health
20 and Hospitals, the Department of Agriculture and Forestry, and the legislature.

21 * * *

22 §2011. License to dredge; royalties; exemptions

23 * * *

24 E. Any private landowner, state agency, political subdivision, or associated
25 consultant or contractor engaged in a coastal protection, conservation, or restoration
26 activity consistent with an annual plan or the comprehensive master plan established
27 pursuant to ~~R.S. 49:213.6~~ R.S. 49:214.5.3 or engaged in an activity to remove
28 sediment buildup to preserve or restore the natural habitat of a water body of the
29 state or to enhance navigation and recreation activities on a water body of the state
30 shall be exempt from payment of the royalties and bond requirements of this Section.

1 However, any such private landowner, state agency, political subdivision, or
 2 associated consultant or contractor shall be required to apply for and receive the
 3 appropriate license required by this Section. To be eligible for exemption from the
 4 royalty payment and bond requirements of this Section, a private landowner shall
 5 obtain a letter of no-objection from either the governing authority of the political
 6 subdivision within which the activity will occur or the local coastal management
 7 program under which the activity is authorized, and the approval, in writing, of the
 8 secretary of the Department of Natural Resources, the secretary of the Department
 9 of Transportation and Development, and the ~~chair~~ executive director of the Coastal
 10 Protection and Restoration Authority.

* * *

Section 8. R.S. 49:214.6.2(D)(8) is hereby enacted to read as follows:

§214.6.2. Functions and responsibilities; coastal activities

* * *

D. The authority may:

* * *

17 (8) Utilize the services of the Department of Natural Resources, office of
 18 management and finance, for accounting and budgetary control, procurement and
 19 contractual management, data processing, management and program analysis, and
 20 personnel management and grants management, provided that the secretary of the
 21 Department of Natural Resources shall exercise no authority over the provision of
 22 these services.

* * *

Section 9. R.S. 49:214.6.2(C)(4) is hereby repealed in its entirety.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____