

2018 Regular Session

SENATE BILL NO. 427

BY SENATOR CHABERT

COASTAL PROTECT/RES AUTH. Transfers the Atchafalaya Basin Research and Promotion Board and the Atchafalaya Basin Program from within the Department of Natural Resources to the Coastal Protection and Restoration Authority. (7/1/18)

1 AN ACT

2 To amend and reenact R.S. 36:4(Z), 41:1706(A)(2) and (4), and 1709(A), to enact Subpart

3 D of Part II of Chapter 2 of Title 49 of the Louisiana Revised Statutes of 1950, to be

4 comprised of R.S. 49:214.51 through 214.60, and to repeal Chapter 17 of Subtitle 1

5 of Title 30 of the Louisiana Revised Statutes of 1950, comprised of R.S. 30:2000.1

6 through 2000.12, and R.S. 36:359(J), relative to the transfer of the Atchafalaya Basin

7 Research and Promotion Board and the Atchafalaya Basin Program from the

8 Department of Natural Resources to the Coastal Protection and Restoration

9 Authority; to provide for the effect of such transfer on previously executed

10 partnerships, memoranda of understanding, and cooperative endeavors; to provide

11 for the transfer of all property; to provide for the effect of the transfer on employees,

12 legal proceedings, and contractual obligations; and to provide for related matters.

13 Be it enacted by the Legislature of Louisiana:

14 Section 1. R.S. 36:4(Z) is hereby amended and reenacted to read as follows:

15 §4. Structure of executive branch of state government

16 \* \* \*

17 Z. The Governor's Advisory Commission on Coastal Protection, Restoration

1 and Conservation (R.S. 49:214.4.1) and the Coastal Protection and Restoration  
 2 Authority Board (R.S. 49:214.5.1 et seq.), and the Coastal Protection and Restoration  
 3 Authority (R.S. 49:214.6.1 et seq.), shall be placed within the office of the governor  
 4 and shall perform and exercise their powers, duties, functions, and responsibilities  
 5 as provided by law. **The Atchafalaya Basin Research and Promotion Board and**  
 6 **the Atchafalaya Basin Program (R.S. 49:214.51 et seq.) shall be placed within**  
 7 **the Coastal Protection and Restoration Authority and shall perform and**  
 8 **exercise their powers, duties, functions, and responsibilities as provided by law.**

9 Section 2. R.S. 41:1706(A)(2) and (4) and 1709(A) are hereby amended and  
 10 reenacted to read as follows:

11 §1706. Classes of permits

12 A. \* \* \*

13 (2) Class B Permits: Permits to construct bulkheads or flood protection  
 14 structures in proximity to the bank or shore, excluding bank stabilization works and  
 15 projects to facilitate the development, design engineering, implementation,  
 16 operation, maintenance, or repair of coastal or barrier island restoration projects by  
 17 the ~~Department of Natural Resources~~ **Coastal Protection and Restoration**  
 18 **Authority** under R.S. 49:214.1 **214.6.1** et seq. or other applicable law or projects for  
 19 the Atchafalaya Basin Program.

20 \* \* \*

21 (4) Class D Permits: Permits to construct structures other than wharves or  
 22 piers, excluding projects to facilitate the development, design engineering,  
 23 implementation, operation, maintenance or repair of coastal or barrier island  
 24 restoration projects by the ~~Department of Natural Resources~~ **Coastal Protection and**  
 25 **Restoration Authority** under R.S. 49:214.1 **214.6.1** et seq. or other applicable law  
 26 or projects for the Atchafalaya Basin Program.

27 \* \* \*

28 §1709. Terms and conditions of leases

29 A. Owners or occupiers of encroachments, constructed pursuant to a permit

1 issued hereunder, and those existing upon state lands as of July 13, 1978, which are  
 2 otherwise lawful except for a permit, shall apply to the office for a lease of the  
 3 encroachment. No permit shall be required for projects to facilitate the development,  
 4 design, engineering, implementation, operation, maintenance, or repair of coastal or  
 5 barrier island restoration projects by the ~~Department of Natural Resources~~ **Coastal**  
 6 **Protection and Restoration Authority** under R.S. 49:214.1 ~~et seq.~~ **214.6.1** et seq. or other  
 7 applicable law or projects for the Atchafalaya Basin Program. Where the best  
 8 interests of the state and applicant will be served, a noncompetitive lease shall be  
 9 granted upon the conditions contained in this Chapter. The term "noncompetitive  
 10 lease" as used in this Chapter shall not refer to any proposed use for which the lease  
 11 is granted. All such leases shall be for a cash consideration and such terms and other  
 12 considerations as deemed most beneficial to the state of Louisiana, considering the  
 13 type and extent of the encroachment. The cash and other considerations for the leases  
 14 and renewals shall be based upon linear feet, area, values of the improvement and the  
 15 public land occupied, degree of impairment to the public interest, and benefit to the  
 16 owner, be it income, profit or otherwise, that is derived by use of the public lands.  
 17 The cash and considerations for leases of minor commercial wharves and piers shall  
 18 be a nominal fee, sufficient to cover the costs of processing and administration by  
 19 the office. If it is determined that the considerations paid to the state are not  
 20 reasonable, fair, and adequate value of the lands occupied as of the date of renewal,  
 21 additional cash, or other considerations may be required of the lessee at that time in  
 22 order that the state be justly compensated for use of the public lands. All leases shall  
 23 be reviewed and approved by the attorney general prior to issuance or renewal.

24 \* \* \*

25 Section 3. Subpart D of Part II of Chapter 2 of Title 49 of the Louisiana Revised  
 26 Statutes of 1950, comprised of R.S. 49:214.51 through 214.60, is hereby enacted to read as  
 27 follows:

28 **SUBPART D. ATCHAFALAYA BASIN PROGRAM**

29 **§214.51. Purpose**

1           The provisions of this Subpart are intended to establish an Atchafalaya  
2           Basin Program within the Coastal Protection and Restoration Authority to  
3           serve as the authority on behalf of the state to work in partnership with the U.S.  
4           Army Corps of Engineers and other public entities, and coordinate state and  
5           local activities, in developing and implementing the federally sponsored and  
6           funded Atchafalaya Basin Floodway System, Louisiana Project.

7           §214.52. Definitions

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

10           (1) "Access project" means construction or renovation of a boat launch  
11           or a roadway that provides access to areas of the Atchafalaya Basin, or  
12           acquisition of a maximum of fifteen hundred acres, all in compliance with the  
13           provisions of the state or federal master plans.

14           (2) "Annual basin plan" means the list of projects or stages of projects  
15           to be undertaken in any single fiscal year.

16           (3) "Atchafalaya Basin" means the area located within the guide levees  
17           of the Atchafalaya Basin and those areas directly adjacent to the levees bounded  
18           on the north by U.S. Highway 190 and on the south by Morgan City, and as  
19           defined in the Atchafalaya Basin Floodway System, Louisiana Project.

20           (4) "Atchafalaya Basin Floodway System, Louisiana Project" means the  
21           Atchafalaya Basin Floodway System, Louisiana Project and enacted by the 1982  
22           Atchafalaya Basin Floodway System, U.S. Army Corps of Engineers Feasibility  
23           Study, Supplemental Appropriations Act of 1985, Public Law 99-88, as  
24           amended by the Water Resources Development Act of 1986, Public Law 99-662,  
25           the Energy and Water Development Appropriations Act of 1991, Public Law  
26           101-514, the Energy and Water Development Appropriations Act of 1997,  
27           Public Law 104-206, the Water Resources Development Act of 2000, Public Law  
28           106-541, and the Water Resources Development Act of 2007, Public Law 110-  
29           114.

1           (5) "Authority" means the Coastal Protection and Restoration  
2           Authority.

3           (6) "Basin master plan" means the plan developed by the state in  
4           accordance with the federal Atchafalaya Basin Floodway System, Louisiana  
5           Project, pursuant to federal law, including the Supplemental Appropriations  
6           Act of 1985, Public Law 99-88, and the Water Resources Development Act of  
7           1986, Public Law 99-662.

8           (7) "Board" means the Atchafalaya Basin Research and Promotion  
9           Board.

10          (8) "Director" means the executive director of the Coastal Protection  
11          and Restoration Authority.

12          (9) "Program" means the Atchafalaya Basin Program.

13          (10) "Water management project" means any project that facilitates  
14          improvements to water quality, interior circulation, water access, or  
15          improvements to general ecosystem function by means of sediment reduction,  
16          removal, or diversion.

17          §214.53. Creation of program

18           A. The Atchafalaya Basin Program is hereby created as an agency within  
19           the Coastal Protection and Restoration Authority.

20           B. The program shall include the director, the Atchafalaya Basin  
21           Research and Promotion Board, and staff for the boards and commissions in the  
22           program.

23          §214.54. Powers and duties

24           A. The director, in consultation with the board as desired, shall:

25           (1) Develop, implement, and manage a comprehensive state master plan  
26           for the Atchafalaya Basin Floodway System, Louisiana Project.

27           (2) Present the annual basin plan to the legislature each year for its  
28           review and approval.

29           (3) Coordinate state implementation of congressional mandates

1 concerning the Atchafalaya Basin Floodway System, Louisiana Project.

2 (4) Serve as primary liaison on behalf of the state with the U.S. Army  
3 Corps of Engineers on the Atchafalaya Basin Floodway System, Louisiana  
4 Project, including representation of the state in state and federal partnerships,  
5 cost and share agreements, and other public and private cooperative endeavors.

6 (5) Represent the policy and consensus viewpoint of the state at the  
7 federal, regional, state, and local levels with respect to the Atchafalaya Basin  
8 Floodway System, Louisiana Project.

9 (6) Enter into partnerships, memoranda of understanding, and  
10 cooperative endeavors with state agencies and departments to implement the  
11 basin master plan or annual basin plan, including:

12 (a) Department of Wildlife and Fisheries: to operate and maintain  
13 wildlife management areas created by the Atchafalaya Basin Floodway System,  
14 Louisiana Project, and to plan and monitor projects to improve water quality  
15 and fish and wildlife production.

16 (b) Department of Culture, Recreation and Tourism: to operate and  
17 maintain tourist information centers and state parks funded by the Atchafalaya  
18 Basin Floodway System, Louisiana Project.

19 (c) Department of Agriculture and Forestry: to monitor environmental  
20 easements as required by the Atchafalaya Basin Floodway System, Louisiana  
21 Project.

22 (d) State land office: to monitor and enforce timber harvesting and  
23 campsite development on state-owned lands in the basin as required by the  
24 Atchafalaya Basin Floodway System, Louisiana Project.

25 (e) Department of Transportation and Development, Department of  
26 Environmental Quality, and Louisiana Department of Health: to advise the  
27 program on departmental operations relating to the Atchafalaya Basin.

28 (7) Provide recommendations to the legislature and congress with respect  
29 to the implementation, management, and funding of the state master plan.

1           (8) Monitor and seek available federal and private funds and property  
2           consistent with the purposes of this Subpart, including funds from matching  
3           sources.

4           (9) Enter into agreements and cooperative endeavors consistent with the  
5           purposes of this Subpart.

6           (10) Conduct meetings, hold hearings, and promulgate rules as necessary  
7           and consistent with the purposes of this Subpart.

8           (11) Appoint advisory committees.

9           (12) Expend funds consistent with the purposes of this Subpart.

10          (13) Enter into memoranda of understanding and cooperative endeavors  
11          with state, local, and federal public entities consistent with the purposes of this  
12          Subpart.

13          (14) Utilize the services and personnel of state, local, and federal public  
14          entities upon mutually agreeable terms and conditions consistent with the  
15          purposes of this Subpart.

16          (15) Seek, accept, and use, in accordance with law, gifts, grants, bequests,  
17          and endowments, including immovable property, for purposes consistent with  
18          the powers and duties in this Subpart and take such actions as are necessary to  
19          comply with any conditions required for such acceptance.

20          (16) Administer and enforce the provisions of this Subpart relating to  
21          duties and activities of the program and boards, committees, and commissions  
22          within the program.

23          (17) Perform such other acts and duties as necessary to effectuate the  
24          purposes of this Subpart.

25          (18) Comply with the provisions of Part II and Part III of Chapter 1 of  
26          Subtitle 1 of Title 39 of the Louisiana Revised Statutes of 1950, relative to the  
27          operating and capital outlay budgets.

28          B. The director is authorized to:

29          (1) Acquire one thousand five hundred acres of land in the Atchafalaya

1 Basin for recreation purposes, and to construct new recreation areas, facilities,  
2 and water management features.

3 (2) Conduct environmental easement monitoring.

4 (3) Operate and maintain public access features.

5 (4) Enter into cooperative endeavors or other agreements with federal,  
6 state, or local departments or agencies to implement the basin master plan or  
7 annual basin plan.

8 (5) Enter into a minimum of four cooperative endeavors or agreements  
9 with the United States Army Corps of Engineers for projects covering public  
10 access, environmental easements, water management, and recreation as  
11 provided in the state master plan and in the congressional authorization  
12 contained in Public Laws 99-88 of 1985 and 99-662 of 1986.

13 (6) Use any federal funds that are, or that may become, available as  
14 matching funds or on any other basis for any of the projects contained in the  
15 annual basin plan or any other projects authorized for purposes of this Subpart,  
16 including federal funds from the Atchafalaya Basin Floodway System,  
17 Louisiana Project, Transportation Equity Act for the 21st Century (TEA-21)  
18 funds, and Section 204, Section 206, Section 235, and Section 1135 funds.

19 (7) Expend funds to implement the annual plan.

20 (8) In addition to funds appropriated for the program, use any other  
21 funds, goods, lands, or services donated or otherwise made available, including  
22 federal funds made available to the program.

23 (9) Enter into cooperative endeavors or agreements with designated local  
24 sponsors for the operation and maintenance of capital improvements under the  
25 recreation feature of the program.

26 (10) Negotiate and execute, on behalf of the state, project-specific or  
27 programmatic project cooperation agreements or similar agreements with the  
28 federal government for those projects that are part of the Atchafalaya Basin  
29 Floodway System, Louisiana Project. The director shall also be authorized to



1 negotiate and execute such agreements.

2 §214.55. Atchafalaya Basin Research and Promotion Board; duties

3 A. The Atchafalaya Basin Research and Promotion Board is hereby  
4 created within the Atchafalaya Basin Program. The board shall be domiciled  
5 in Baton Rouge.

6 B. The duties of the board shall include:

7 (1) Advise the director relating to the program.

8 (2) Advise the director on who receives grants for research and education  
9 activities consistent with the duties and purposes of the program.

10 (3) Develop an annual basin plan as provided in R.S. 49:214.59 and  
11 present the plan to the secretary.

12 (4) Develop and adopt criteria which must be met prior to a project  
13 being included in an annual basin plan.

14 (5) Hold public hearings on the annual basin plan prior to adoption. The  
15 board shall hold a minimum of two public hearings on the annual basin plan  
16 each year with at least one hearing to be held at a location on the west side of  
17 the Atchafalaya Basin and at least one hearing to be held at a location on the  
18 east side of the Atchafalaya Basin. The board shall advertise in the official  
19 journal of the state the date, time, and location of the public hearings at least  
20 seven days prior to the hearings.

21 C. The board may promulgate rules in accordance with the  
22 Administrative Procedure Act in order to carry out its duties and shall conduct  
23 its meetings in accordance with R.S. 42:11 et seq., the Open Meetings Law.

24 §214.56. Membership of board

25 A. The board shall consist of the following fifteen members:

26 (1) The governor or his designee within the office of the governor.

27 (2) The executive director of the Coastal Protection and Restoration  
28 Authority.

29 (3) The commissioner of the Department of Agriculture and Forestry or

1 his designee within the department.

2 (4) The secretary of the Department of Culture, Recreation and Tourism  
3 or his designee within the department.

4 (5) The secretary of the Department of Environmental Quality or his  
5 designee within the department.

6 (6) The secretary of the Louisiana Department of Health or his designee  
7 within the department.

8 (7) The secretary of the Department of Natural Resources or his designee  
9 within the department.

10 (8) The secretary of the Department of Transportation and Development  
11 or his designee within the department.

12 (9) The secretary of the Department of Wildlife and Fisheries or his  
13 designee within the department.

14 (10) The register of the state land office or his designee within the office.

15 (11) A representative of the Atchafalaya Basin Levee Board, selected by  
16 the levee board.

17 (12) Two representatives chosen by the Louisiana Police Jury Association  
18 from a list of names submitted by the parish governing authorities of parishes  
19 which lie, all or part thereof, within the boundaries of the Atchafalaya Basin  
20 west of the Atchafalaya River.

21 (13) Two representatives chosen by the Louisiana Police Jury Association  
22 from a list of names submitted by the parish governing authorities of parishes  
23 which lie, all or part thereof, within the boundaries of the Atchafalaya Basin  
24 east of the Atchafalaya River.

25 B. Board members shall serve terms concurrent with the term of the  
26 secretary of the department or office represented. Members shall serve until  
27 their successors are appointed.

28 C. Vacancies shall be filled in the same manner as the original  
29 appointments for the unexpired portion of the term of office vacated.

1           D. A majority of the voting members of the board shall constitute a  
2           quorum for the transaction of business. All official actions of the board shall  
3           require the affirmative vote of a majority of the voting members of the board.  
4           Of the four representatives chosen by the Louisiana Police Jury Association  
5           under the provisions of Paragraphs (A)(12) and (13) of this Section, two shall  
6           be designated by the Louisiana Police Jury Association as voting members of  
7           the board. The remaining two members chosen by the Louisiana Police Jury  
8           Association shall be nonvoting members.

9           E. The board shall meet quarterly and may hold additional meetings on  
10          the call of the chairman.

11          F. Members of the board shall not receive any salary for their duties as  
12          members. Members may receive a mileage allowance for mileage traveled in  
13          attending meetings. The mileage allowance shall be fixed by the board in an  
14          amount not to exceed the mileage rate for state employees.

15          §214.57. Officers and employees of board

16          A. The members of the board shall elect a chairman, a vice chairman,  
17          and such other officers as deemed necessary. All officers shall be members of  
18          the board.

19          B. The board shall employ an administrator and assistant administrator,  
20          who shall be appointed by the board subject to the approval of the director. The  
21          administrator and assistant administrator shall be in the unclassified service.  
22          The director may employ such other personnel of the board as he deems  
23          appropriate. All employees of the board shall be under the direction and  
24          supervision of the director.

25          §214.58. Capital improvement program

26          A. The projects in the authorized capital improvement program for the  
27          program are those projects as enumerated or otherwise provided in this Section.  
28          Acquisition, development, and construction of such projects shall be based upon  
29          the findings and recommendations included in the state master plan and

funding for such projects will be as provided in the comprehensive state capital budget. The program is granted, subject to annual appropriation by the legislature, flexibility to receive and expend federal funds or surplus state funds generated by expenditure of such federal funds, for any projects as provided in this Section.

B.(1) The capital improvement projects authorized for the program and the estimated cost of each such project are as follows:

<u>Project</u>	<u>Location</u>	<u>Estimated Cost</u>
<u>Pelba Park</u>	<u>Butte LaRose exit</u>	<u>\$1,069,458</u>
<u>(children's fishing pier, trails, shop)</u>		
<u>Visitors' Center</u>	<u>Butte LaRose exit</u>	<u>482,510</u>
<u>Boat Launch Upgrade</u>	<u>Various locations</u>	<u>2,894,667</u>
<u>Morgan City Complex:</u>		
<u>Interpretive Center</u>	<u>Lake Palourde</u>	<u>2,781,680</u>
<u>Park Improvements</u>	<u>Lake Palourde</u>	<u>1,706,648</u>
<u>Bank Stabilization</u>	<u>Lake Palourde</u>	<u>1,000,000</u>
<u>St. Martinville Cultural Center,</u>		
<u>Bridge, RV Center</u>	<u>St. Martinville</u>	<u>1,500,000</u>
<u>Lynch Gardens observation tower,</u>		
<u>Bridge Center</u>	<u>Cypress Cove</u>	<u>687,040</u>
<u>Henderson Complex:</u>		
<u>Elevated boardwalk</u>	<u>Henderson</u>	<u>1,838,460</u>
<u>Other features</u>	<u>Henderson</u>	<u>307,120</u>
<u>Land purchase 1,000 acres,</u>		
<u>scenic area</u>	<u>Atchafalaya Basin</u>	<u>1,150,000</u>
<u>State Preservation Area</u>	<u>Lake Verret</u>	<u>3,000,000</u>
<u>Community Park</u>	<u>Stephensville</u>	<u>500,000</u>
<u>Primitive Campgrounds</u>	<u>3 sites in Basin</u>	<u>214,500</u>
<u>State Preservation Area</u>	<u>Catahoula</u>	<u>3,500,385</u>

1	<u>(only after approval by the community)</u>		
2	<u>Access Road Upgrade</u>	<u>Hwy. 105, 975, 70, 75</u>	<u>7,367,532</u>
3	<u>Estimated Total Cost</u>		<u>\$30,000,000</u>

4 (2) The proposed schedule of funding is as follows:

5	<u>FY 99/00 - \$3,530,500</u>	<u>FY 02/03 - \$3,500,000</u>	<u>FY 05/06 - \$3,000,000</u>
6	<u>FY 00/01 - \$3,969,500</u>	<u>FY 03/04 - \$3,500,000</u>	<u>FY 06/07 - \$2,750,000</u>
7	<u>FY 01/02 - \$4,000,000</u>	<u>FY 04/05 - \$3,500,000</u>	<u>FY 07/08 - \$2,250,000</u>

8 (3) Projects are generally in order of priority. It is intended that those  
 9 projects with local sponsor contracts will be implemented first. The boat launch  
 10 project will be funded over the first four years.

11 C. Any project which is proposed for inclusion in an annual basin plan  
 12 but is not included in the basin master plan nor is included in the Atchafalaya  
 13 Basin Floodway System, Louisiana Project shall first be reviewed, studied, and  
 14 analyzed by the board. Water management and water quality projects shall be  
 15 reviewed as required by R.S. 30:2000.11. The board may consider the proposal,  
 16 and if approved, the project shall be included in an annual plan for presentation  
 17 to the legislature for its approval.

18 §214.59. Annual basin plan

19 A. The board shall develop an annual basin plan that includes all  
 20 projects or stages of projects that will be proposed for funding or funded in any  
 21 one fiscal year. The annual basin plan may include projects that are any of the  
 22 following:

- 23 (1) A part of the basin master plan.
- 24 (2) A part of the Atchafalaya Basin Floodway System, Louisiana Project.
- 25 (3) A water management or water quality project that meets the criteria  
 26 developed by the board for inclusion in an annual plan and has been approved  
 27 through the procedures adopted by the board for inclusion of a project in the  
 28 annual plan, including public hearings.
- 29 (4) A project consistent with the mission statement contained in the basin

1 master plan.

2 (5) A project to be completed which was previously approved by the  
3 board.

4 B.(1) As a part of the procedures to be followed by the board in the  
5 development of an annual basin plan, the director is hereby authorized to  
6 appoint a technical advisory group that shall review, evaluate, and approve all  
7 water management and water quality projects proposed for inclusion in an  
8 annual plan. The group shall determine if the project meets the criteria for  
9 inclusion as adopted by the board and make recommendations to the board.

10 The technical advisory group shall consist of the following appointments:

11 (a) Two members from the Department of Wildlife and Fisheries, one of  
12 whom shall serve as the chair of the group.

13 (b) One member from the Department of Environmental Quality.

14 (c) One member from the Department of Agriculture and Forestry.

15 (d) One member from the Department of Natural Resources.

16 (e) One member from the U.S. Geological Survey.

17 (f) One member from the U.S. Fish and Wildlife Service.

18 (g) One member from the U.S. Army Corps of Engineers.

19 (h) One member from the LSU School of Renewable Natural Resources.

20 (2) The director shall submit all proposed appointments to the technical  
21 advisory group to the Atchafalaya Basin Program Oversight Committee of the  
22 legislature for approval. However, if the committee fails to take action on such  
23 proposed appointment within thirty days after receipt by the committee of  
24 notice of the proposed appointment, the appointment shall take effect and the  
25 member shall become a member of the technical advisory group.

26 C. Meetings of the technical advisory group shall be held in accordance  
27 with R.S. 42:11 et seq., the Open Meetings Law, and the group shall allow for  
28 public input and comment into its deliberations. The date, time, and location of  
29 any meeting held to discuss projects for inclusion in the annual basin plan shall

1 be advertised in the official journal of the state at least seven days prior to the  
2 meeting. Any project recommended by the technical advisory group for  
3 inclusion in an annual basin plan shall first be certified by that group as a  
4 project that would result in significant water management or water quality  
5 improvements that will enhance the wildlife, fisheries, or forest resources of the  
6 Atchafalaya Basin.

7 D. After receipt of the recommendations on all water management and  
8 water quality projects approved by the technical advisory group and receipt of  
9 recommendations from the staff of the program, the board shall develop an  
10 annual basin plan. The board shall hold public hearings on the proposed plan  
11 prior to the adoption of the annual basin plan. Information received during the  
12 public hearings may be used to amend the annual basin plan prior to  
13 presentation to the secretary. The board shall submit the final annual basin plan  
14 to the director.

15 E. The annual basin plan shall be submitted to the Coastal Protection  
16 and Restoration Authority Board for their review and approval as consistent  
17 with the master plan for coastal protection and restoration for a sustainable  
18 coast prior to final adoption by the board.

19 F. Upon final adoption of the annual basin plan by the board, the  
20 director shall submit the annual basin plan to the House Committee on Natural  
21 Resources and Environment and the Senate Committee on Natural Resources  
22 at least thirty days prior to the start of each regular session of the legislature.  
23 The committees shall take action on the annual basin plan on or before May  
24 first of each year. The committees may make recommendations concerning  
25 changes they deem necessary or appropriate to remedy any deficiencies in the  
26 plan. The plan shall then be presented for approval by the legislature, by  
27 resolution, adopted by a majority vote of the members of each house of the  
28 legislature.

29 §214.60. Atchafalaya Basin Conservation Fund

1           A. There is hereby created, as a special fund in the state treasury, the  
2           Atchafalaya Basin Conservation Fund, hereinafter referred to as the "fund".  
3           The source of monies for the fund shall be appropriations, donations, grants,  
4           and other monies which may become available for the purposes of the fund.

5           B. The monies in the fund shall be subject to appropriation and may be  
6           used only as provided in Subsection C of this Section. The monies in the fund  
7           shall be invested by the treasurer in the same manner as monies in the state  
8           general fund, and interest earnings shall be deposited in and credited to the  
9           fund. All unexpended or unencumbered monies remaining in the fund at the  
10          end of the fiscal year shall remain to the credit of the fund.

11          C.(1) Monies appropriated from the fund shall be used exclusively by the  
12          authority to fund projects contained in the state or federal basin master plans,  
13          an annual basin plan, or to provide match for the Atchafalaya Basin Floodway  
14          System, Louisiana Project. Of the monies allocated in any one fiscal year,  
15          seventy-five percent shall be used for water management, water quality, or  
16          access projects, and the remaining twenty-five percent may be used to complete  
17          ongoing projects and for projects that are in accordance with the mission  
18          statement of the state master plan. The monies in the fund shall not be used to  
19          pay salaries or operating costs of the program or authority.

20          (2) Of the monies received by the fund each year in accordance with the  
21          provisions of Article VII, Section 4(D)(4)(b) of the Constitution of Louisiana, a  
22          minimum of five percent shall be set aside until the total amount reaches ten  
23          million dollars. Such funds shall be used by the authority for the purchase of  
24          land, or rights, or servitudes, specifically including conservation servitudes  
25          pursuant to R.S. 9:1271 et seq., from willing sellers to improve water quality,  
26          access, or other projects consistent with the Atchafalaya Basin Master Plan.  
27          Annual set-asides shall continue to be used to replenish funds used to make  
28          qualifying purchases, with such set-asides not to exceed ten million dollars. Any  
29          land, or right, or servitude thereof proposed to be purchased pursuant to the



1 provisions of this Section shall be included in a annual basin plan presented to  
2 the legislature, and no proposed contract made pursuant to the provisions of  
3 this Section shall be executed without such purchase having been included in an  
4 approved annual basin plan. Willing sellers shall be permitted to avail  
5 themselves of the applicable provisions of R.S. 31:149 and R.S. 9:2795, for the  
6 sale of property, or any right or servitude thereof, made pursuant to this  
7 Section, specifically including the sale or lease of other rights, to the exclusion  
8 of the general public, upon the same parcel of land; however, the authority shall  
9 not enter into an agreement pursuant to this Section unless such an agreement  
10 specifically provides that the assertion of such rights will not impact surface  
11 activities on such parcels, including coastal restoration and conservation  
12 projects constructed by or at the direction of the state. The director shall seek  
13 from the United States Army Corps of Engineers, or its successor, credit  
14 towards any voluntary or mandatory funding matching requirement for the  
15 Atchafalaya Basin Floodway System, Louisiana Project equal to the value of the  
16 property, or right thereof, secured by any contract of sale executed pursuant to  
17 this Section.

18 D. Any credit provided toward the nonfederal share of the cost of a study  
19 or project authorized in an annual basin plan may be applied toward the  
20 nonfederal share of the cost of any other study or project included in an annual  
21 basin plan.

22 Section 4. Chapter 17 of Subtitle 1 of Title 30 of the Louisiana Revised Statutes of  
23 1950, comprised of R.S. 30:2000.1 through 2000.12, is hereby repealed.

24 Section 5. R.S. 36:359(J) is hereby repealed.

25 Section 6. All books, papers, records, money, equipment, actions, and other property  
26 of every kind, movable and immovable, real and personal, heretofore possessed, controlled,  
27 or used by the Atchafalaya Basin Program and the Atchafalaya Basin Research and  
28 Promotion Board, the provisions for which are enacted, amended, or repealed by this Act,  
29 in carrying out functions, duties, and responsibilities granted by this Act are hereby

1 transferred to the Coastal Protection and Restoration Authority.

2 Section 7. All rules and regulations adopted or permits, licenses, registrations,  
3 variances, or orders issued by the Atchafalaya Basin Program and the Atchafalaya Basin  
4 Research and Promotion Board prior to the effective date of this Act, shall continue in full  
5 force and effect as rules and regulations of the agency within the Coastal Protection and  
6 Restoration Authority until and after the effective date of this Act, unless otherwise revoked,  
7 repealed, amended, modified, or terminated in accordance with law.

8 Section 8. Any legal proceeding, as defined in R.S. 36:924, to which any agency or  
9 office, the statutory provisions for which are amended or repealed by the provisions of this  
10 Act, is a party and which is filed, initiated, or otherwise pending before any court on the  
11 effective date of this Act and all documents involved in or affected by said legal proceeding,  
12 shall retain their effectiveness and shall be continued in the name of the former agency. All  
13 further legal proceedings and documents in the continuance, disposition, and enforcement  
14 of said legal proceedings shall be in the name of the original party agency, and the Coastal  
15 Protection and Restoration Authority shall be substituted for the original party agency  
16 without the necessity for amendment of any document to substitute the name of the authority  
17 or the name or title of any subdivision or section of the authority. For purposes of this  
18 Section, "document" shall be defined as provided in R.S. 36:924.

19 Section 9. All employees heretofore engaged in the performance of functions of the  
20 Atchafalaya Basin Program and the Atchafalaya Basin Research and Promotion Board, to  
21 the extent the director of the authority deems necessary to carry out the functions formerly  
22 performed, shall insofar as practicable and necessary continue to perform the duties  
23 heretofore performed, subject to applicable state civil service laws, rules, and regulations.

24 Section 10. This Act is in no way and is to no extent intended to, nor shall it be  
25 construed in any manner which will impair the contractual or other obligations of any  
26 agency, office, or department, or of the state of Louisiana, the provisions for which are  
27 enacted, amended, or repealed by this Act. It is hereby specifically provided that all  
28 obligations of any such agency, office, or department hereafter shall be deemed to be  
29 obligations of the Coastal Protection and Restoration Authority, to the same extent as if

1 originally made by it. In like manner and in order to prevent any violation of the provisions,  
 2 terms, or conditions of any gift, donation, deed, will, trust, or other instrument or disposition  
 3 by which property of any kind has been vested in any such agency, office, or department,  
 4 or division from the purposes for which such property was thus vested in any agency, office,  
 5 or department, it is hereby specifically provided that such instrument or disposition hereafter  
 6 shall be deemed to have been vested in the Coastal Protection and Restoration Authority and  
 7 its director shall be the successor in every way to each such agency, including all of the  
 8 obligations and debts of each such agency.

9 Section 11. This Act shall become effective on July 1, 2018.

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The original instrument and the following digest, which constitutes no part  
 of the legislative instrument, were prepared by Alan Miller.

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DIGEST

SB 427 Engrossed

2018 Regular Session

Chabert

Present law provides for the Atchafalaya Basin Research and Promotion Board and the Atchafalaya Basin Program within the Department of Natural Resources.

Proposed law transfers the Atchafalaya Basin Research and Promotion Board and the Atchafalaya Basin Program to the Coastal Protection and Restoration Authority.

Present law provides for 14 members of the Atchafalaya Basin Research and Promotion Board.

Proposed law adds the executive director of CPRA the board.

Present law provides for four members of the Atchafalaya Basin Research and Promotion Board chosen by the La. Police Jury Assoc., with one member designated as a voting member.

Proposed law allows for two designated voting members chosen by the La. Police Jury Assoc.

Present law requires the House Comm. on Natural Resources and Environment and the Senate Comm. on Natural Resources to take action on the annual basin plan on or before April 15 of each year.

Proposed law changes the committee action date to May first.

Effective July 1, 2018.

(Amends R.S. 36:4(Z), 41:1706(A)(2) and (4) and 1709(A); adds R.S. 49:214.51 - 214.60; repeals R.S. 30:2000.1 - 2000.12 and R.S. 36:359(J))