

2022 Regular Session

HOUSE BILL NO. 762

BY REPRESENTATIVE ZERINGUE

CONSERVATION: Creates and provides for the Louisiana Outdoors Forever Program

1 AN ACT

2 To enact R.S. 36:610(B)(13), R.S. 56:10(B)(17), and Part VI of Chapter 8 of Title 56 of the
3 Louisiana Revised Statutes of 1950, to be comprised of R.S. 56:1931 through 1936,
4 relative to the Louisiana Outdoors Forever Program; to create the Louisiana
5 Outdoors Forever Program and the Louisiana Outdoors Forever Fund; to provide for
6 executive branch organization; to create a project selection board and a technical
7 advisory board; to provide for board membership and duties; to provide for program
8 eligibility and applications; to provide for administrative rules; to provide for
9 program termination; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 36:610(B)(13) is hereby enacted to read as follows:

12 §610. Transfer of agencies and functions to Department of Wildlife and Fisheries

13 * * *

14 B. The following agencies, as defined in R.S. 36:3, are transferred to and
15 hereinafter shall be within the Department of Wildlife and Fisheries, as provided in
16 R.S. 36:802.

17 * * *

18 (13) The Louisiana Outdoors Forever Program project selection board and
19 technical advisory board (R.S. 56:1931 et seq.).

20 * * *

1 Section 2. R.S. 56:10(B)(17) and Part VI of Chapter 8 of Title 56 of the Louisiana
2 Revised Statutes of 1950, comprised of R.S. 56:1931 through 1936, are hereby enacted to
3 read as follows:

4 §10. Annual report to governor; estimate of proposed expenditures; particular funds;
5 limitations on purposes for use of monies in particular funds and accounts;
6 warrants; vouchers; surplus funds

7 * * *

8 B.

9 * * *

10 (17) There is hereby created within the Conservation Fund a "Louisiana
11 Outdoors Forever Fund". The funds in this account shall be used solely for and in
12 accordance with the Louisiana Outdoors Forever Program, provided for in R.S.
13 56:1931 et seq. Any appropriations, public or private grants, gifts, or donations
14 received by the state or the Department of Wildlife and Fisheries for the purposes of
15 this program shall be credited to the fund. The monies in the fund shall be subject
16 to the same requirements as provided for in Paragraph (1) of this Subsection. The
17 monies in the fund shall be invested by the treasurer in the same manner as the
18 monies in the state general fund and all interest earned shall be deposited and
19 credited to the fund after compliance with the requirements of Article VII, Section
20 9(B) of the Constitution of Louisiana. All unexpended or unencumbered monies
21 remaining in the fund at the end of the fiscal year shall remain to the credit of the
22 fund.

23 * * *

24 PART VI. LOUISIANA OUTDOORS FOREVER PROGRAM

25 §1931. Louisiana Outdoors Forever Program; fund

26 There is hereby established within the Department of Wildlife and Fisheries
27 the Louisiana Outdoors Forever Program for the purpose of providing funding for
28 outdoor conservation projects in the state. The administration of the program and

1 the conservation projects selected for funding under the program shall be funded by
2 the Louisiana Outdoors Forever Fund as provided for in R.S. 56:10(B)(17).

3 §1932. Project selection board

4 A. The program shall be governed by a project selection board composed of
5 the following members:

6 (1) The governor or his designee.

7 (2) The executive assistant to the governor for coastal activities or his
8 designee.

9 (3) The lieutenant governor or his designee from the office of state parks.

10 (4) The commissioner of the Department of Agriculture and Forestry or his
11 designee.

12 (5) The secretary of the Department of Environmental Quality or his
13 designee.

14 (6) The secretary of the Department of Natural Resources or his designee.

15 (7) The secretary of the Department of Wildlife and Fisheries or his
16 designee.

17 (8) The speaker of the House of Representatives or his designee.

18 (9) The president of the Senate or his designee.

19 B. The members of the board representing the Louisiana Legislature shall
20 be nonvoting members.

21 C. The project selection board shall elect a chairman at its first meeting each
22 year. The chairman shall serve a one-year term and may be reelected by the board.

23 D. The project selection board shall make all final determinations regarding
24 the selection of projects for funding under the program.

25 §1933. Technical advisory board

26 A. The project selection board shall be advised by a technical advisory board
27 composed of the following members:

28 (1) Subject matter representatives from the following:

29 (a) The office of the governor.

1 (b) The division of administration.

2 (c) The office of coastal activities.

3 (d) The office of state parks.

4 (e) The Department of Agriculture and Forestry.

5 (f) The Department of Environmental Quality.

6 (g) The Department of Natural Resources.

7 (h) The Department of Wildlife and Fisheries.

8 (2) Up to three representatives of nonprofit conservation organizations
9 having offices in Louisiana and engaged in conservation efforts in the state may be
10 appointed by the governor, provided that no such representative may participate in
11 the evaluation of applications from their own organization.

12 B. The technical advisory board shall review and evaluate applications in
13 accordance with the program criteria and scoring and forward assessments to the
14 project selection board.

15 §1934. Program eligibility; application process

16 A.(1) Political subdivisions of the state, including state agencies and local
17 governing authorities, and nongovernmental organizations working in coordination
18 with public agencies may apply to the program for funding.

19 (2) The program shall be strictly voluntary and in no way invokes eminent
20 domain.

21 B. The following types of projects may be eligible for funding:

22 (1) Land conservation of important natural areas, including fish and wildlife
23 habitat.

24 (2) Water quality projects related to land conservation or land management,
25 including those lands that protect drinking water supplies.

26 (3) Working land, farms, and forested land.

27 (4) Recreational properties related to important natural areas and public use.

28 (5) Historic properties adjacent to or integral to habitat restoration or
29 enhancement.

1 C. Application forms as well as information about application requirements
2 shall be made available online.

3 D. Submitted applications shall be evaluated by the technical advisory board
4 and selected by the project selection board using defined criteria and scoring based
5 on a clear, defensible, science-based process.

6 E. The department shall, in accordance with the Administrative Procedure
7 Act, promulgate rules and regulations necessary to implement this program. Such
8 rules shall include procedures for applying to the program and detailed criteria and
9 scoring to be used by the boards in their evaluation and selection of projects for
10 funding.

11 §1935. Transparency

12 The Louisiana Outdoors Forever Program, fund, project selection board, and
13 technical advisory board shall be subject to all applicable laws concerning public
14 meetings and public records, including the Open Meetings Law, the Public Records
15 Law, and the Ethics Code. In addition, the meetings of each board shall be open to
16 the public, broadcast via the internet when possible, and allow time for public
17 comment. Meeting minutes shall be made available to the public. Information about
18 the members of each board shall also be readily available to the public.

19 §1936. Program termination

20 The Louisiana Outdoors Forever Program shall terminate on July 1, 2033.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 762 Reengrossed 2022 Regular Session Zeringue

Abstract: Creates the Louisiana Outdoors Forever Program and the Louisiana Outdoors Forever Fund for the purpose of funding public conservation projects in the state.

Present law provides for the offices and agencies within the Dept. of Wildlife and Fisheries.

Proposed law adds the La. Outdoors Forever Program to the list of agencies within the department.

Proposed law creates a La. Outdoors Forever Fund within the Conservation Fund for the purpose of funding the La. Outdoors Forever Program.

Proposed law creates a La. Outdoors Forever Program, which will be governed by a project selection board and advised by a technical advisory board.

Proposed law provides that the project selection board will make all final decisions about which projects will be selected for funding and will have the following subject matter members:

- (1) The governor or his designee.
- (2) The executive assistant to the governor for coastal activities or his designee.
- (3) The lieutenant governor or his designee from the office of state parks.
- (4) The commissioner of the Dept. of Agriculture and Forestry or his designee.
- (5) The secretary of the Dept. of Environmental Quality or his designee.
- (6) The secretary of the Dept. of Natural Resources or his designee.
- (7) The secretary of the Dept. of Wildlife and Fisheries or his designee.
- (8) The speaker of the House of Representatives or his designee. (nonvoting)
- (9) The president of the Senate or his designee. (nonvoting)

Proposed law provides that the technical advisory board will evaluate applications submitted under the program and provide recommendations to the project selection board. Specifies that the technical advisory board will consist of up to three representatives from nonprofit conservation groups in the state and subject matter representatives from:

- (1) The office of the governor.
- (2) The division of administration.
- (3) The office of coastal activities.
- (4) The office of state parks.
- (5) The Dept. of Agriculture and Forestry.
- (6) The Dept. of Environmental Quality.
- (7) The Dept. of Natural Resources.
- (8) The Dept. of Wildlife and Fisheries.

Proposed law provides that eligible applicants for program funding are state and local government entities as well as nongovernmental organizations working in coordination with public agencies.

Proposed law provides that the program is voluntary and does not invoke eminent domain.

Proposed law provides that certain types of conservation projects are eligible for funding under the program, including:

- (1) Land conservation of important natural areas, including fish and wildlife habitat.
- (2) Water quality projects related to land conservation or land management, including those lands that protect drinking water supplies.
- (3) Working land, farms, and forested land.
- (4) Recreational properties related to important natural areas and public use.
- (5) Historic properties adjacent to or integral to habitat restoration or enhancement.

Proposed law requires that projects be evaluated and selected based on a clear, defensible, science-based process, which will be detailed in rules promulgated by the Dept. of Wildlife and Fisheries.

Proposed law requires that applications and information about applying be provided online.

Proposed law specifies that the program and all board activities will be subject to public meetings, public records, and ethics code requirements.

Proposed law specifies that the program will sunset on July 1, 2033.

(Adds R.S. 36:610(B)(13) and R.S. 56:10(B)(17) and 1931-1936)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Natural Resources and Environment to the original bill:

1. Change the name of the Louisiana Outdoor Forever Program and the associated fund to the Louisiana Outdoors Forever Program and the Louisiana Outdoors Forever Fund, respectively.
2. Change the program listed under transfer provisions applicable to the Department of Wildlife and Fisheries to the two governing boards; specifically, the project selection board and the technical advisory board.

The House Floor Amendments to the engrossed bill:

1. Make technical changes.
2. Make express that the program is voluntary and does not invoke eminent domain.