

GREEN SHEET REDIGEST

HB 61

2022 Regular Session

Kerner

**FISHING: Extends the Fishermen's Gear Compensation Fund and extends payments into the Underwater Obstruction Removal Fund**

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DIGEST

Present law creates the Fishermen's Gear Compensation Fund to pay compensation for damages suffered by a commercial fisherman as a result of hitting or snagging on an obstruction or a hazard in waters of the state resulting from natural occurrences, oil and gas activities, or other activities where the obstruction is unknown. Provides that payments into the Underwater Obstruction Removal Fund will cease on June 30, 2022.

Proposed law extends payments into the Underwater Obstruction Removal Fund to June 30, 2023, and extends the existence of the Fishermen's Gear Compensation Fund to June 30, 2023.

Proposed law sunsets the Fishermen's Gear Compensation Fund and creates the Fishermen's Gear Compensation and Underwater Obstruction Removal Dedicated Fund Account.

Proposed law authorizes the secretary of the Dept. of Natural Resources to levy an annual fee in the amount of \$400 upon each lessee or operator for any agreement for mineral or energy production or for subsurface storage entered into by the State Mineral and Energy Board and each grantee of a state right-of-way, for each lease and right-of-way on July 1, 2023, and which are located within the coastal zone boundary. Further prohibits the secretary from levying the fee upon a political subdivision of the state.

Proposed law provides for the eligibility of claimants and the requirements for disbursement of funds.

Proposed law requires the department to maintain an accurate accounting of all structures and facilities on state waterbottoms and to classify all potential hazards to commercial fishing.

Proposed law provides a termination date of June 30, 2027, for the program and fund account.

Proposed law provides that the secretary of the office of coastal management shall administer the program and fund account for purposes of fishermen's gear compensation, and the assistant secretary of the office of conservation shall administer the program and fund account for purposes of underwater obstruction removal.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends the heading of Part VIII of Chapter 1 of Title 30 of the Louisiana Revised Statutes of 1950, R.S. 30:101.1, 101.2(A), 101.3(1) and (4), 101.4 (Section heading) and (A), 101.5(A)(1), 101.6(A)(5) and (6), and 101.9 (Section heading), (A) and (C)(4), R.S. 36:354(E)(2), and R.S. 56:700.2(A)(4) and 700.6; adds R.S. 30:101.3(7) and (8), 101.6(A)(8) and (9), 101.9(D)(5), and 101.11-101.15; repeals R.S. 56:700.1-700.6)

Summary of Amendments Adopted by House

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

1. Reduce the period of extension of payments into the Underwater Obstruction Removal Fund from June 30, 2026, to June 30, 2023. Additionally, provide a special effective date of July 1, 2022, for this provision.

2. Change the termination date of the Fishermen's Gear Compensation Fund from June 30, 2026, to June 30, 2023.
3. Move present law from Title 56 to Title 30 by inserting a new section of law to combine the Fishermen's Gear Compensation Fund with the Underwater Obstruction Removal Program and create a new dedicated fund account for fishermen's gear compensation and underwater obstruction removal. Additionally, provide a special effective date of July 1, 2023, for these provisions.
4. Authorize and direct the state treasurer to transfer any balances in the Fishermen's Gear Compensation Fund that was repealed in connection with the transfer of provisions to Title 30 to the new Fishermen's Gear Compensation and Underwater Obstruction Removal Dedicated Fund. Additionally, provide a special effective date of July 1, 2023, for this provision.
5. Provide for assessment of an annual fee in the amount of \$400 upon each lessee or operator for any agreement for mineral or energy production or for subsurface storage entered into by the State Mineral and Energy Board and each grantee of a state right-of-way to be deposited in to the Fishermen's Gear Compensation and Underwater Obstruction Removal Dedicated Fund Account.
6. Provide for powers of the secretary and the assistant secretary of the Department of Natural Resources.
7. Provide for the eligibility of claimants.
8. Provide for disbursement of funds from the fund account to eligible claimants.
9. Provide a sunset date for the program and account.
10. Make technical changes.

The House Floor Amendments to the engrossed bill:

1. Make technical changes.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Natural Resources to the reengrossed bill

1. Add provisions specifying that administration of Fishermen's Gear Compensation is under the secretary of the office of coastal management, and administration of underwater obstruction removal is under the assistant secretary of the office of conservation.