









territorial waters that overlie state-owned waterbottoms that are contained within the coastal zone boundaries as defined in R.S. 49:214.24.

\* \* \*

§101.9. Fishermen's Gear Compensation and Underwater Obstruction Removal Dedicated Fund Account

A. There is hereby established a statutorily dedicated fund account in the custody of the state treasurer to be known as the Fishermen's Gear Compensation and Underwater Obstruction Removal Dedicated Fund Account, hereafter referred to in this Section as the "account", into which the state treasurer shall, each fiscal year, deposit the revenues received from the collection of the monies enumerated in Subsection C of this Section, after those revenues have been deposited in the Bond Security and Redemption Fund. Out of the funds remaining in the Bond Security and Redemption Fund, after a sufficient amount is allocated from that fund to pay all the obligations secured by the full faith and credit of the state that become due and payable within each fiscal year, the treasurer shall pay into the account an amount equal to the revenues generated as provided for in Subsection C of this Section. Such funds shall constitute a special custodial trust account which shall be administered by the secretary who shall make disbursements from the account solely in accordance with the purposes and uses authorized by this Part.

\* \* \*

C. The following monies shall be placed into the account:

\* \* \*

(4) Any monies deposited into the account pursuant to ~~R.S. 56:700.2(A)(4)~~ R.S. 30:101.11(B)(2).

D. The monies in the account may be disbursed and expended pursuant to the authority and direction of the assistant secretary for the following purposes and uses:

\* \* \*

(5) Payment of any fully justified claim made in accordance with procedures established in this Section for actual damages suffered by a commercial fisherman

1 as a result of hitting or snagging an obstruction or hazard in the waters of the state  
 2 resulting from natural occurrences, oil and gas activities, or other activities where the  
 3 owner of said obstruction is unknown.

4 \* \* \*

5 §101.11. Geographical coverage; annual assessments

6 A. The dedicated fund account as established in R.S. 30:101.9 shall be  
 7 utilized to compensate commercial fishermen operating in Louisiana territorial  
 8 waters which overlie state-owned waterbottoms which are contained within the  
 9 coastal zone boundaries as described and established by R.S. 49:214.24.

10 B.(1) The secretary is authorized and empowered to levy an annual fee in the  
 11 amount of four hundred dollars upon each lessee or operator for any agreement for  
 12 mineral or energy production or for subsurface storage entered into by the State  
 13 Mineral and Energy Board and each grantee of a state right-of-way, for each lease  
 14 and right-of-way on July 1, 2023, located within the coastal zone boundary. The  
 15 secretary shall not levy the fee upon a political subdivision of the state.

16 (2) The state treasurer shall be authorized to deposit into the account a sum  
 17 in the amount of one hundred thousand dollars from proceeds remaining in the Bond  
 18 Security and Redemption Fund after compliance with dedications of mineral  
 19 royalties, leases, bonuses, and rights-of-way and other sums payable to the state as  
 20 lessor of mineral leases and grantor of rights-of-way as required pursuant to R.S.  
 21 30:136(B) and 136.1(A), (B), and (C), after a sufficient amount has been allocated  
 22 from the Bond Security and Redemption Fund to pay all obligations secured by the  
 23 full faith and credit of the state which become due and payable within the fiscal year.

24 §101.12. Promulgation and adoption of rules and regulations

25 A. In carrying out the provisions of this Part applicable to compensation to  
 26 commercial fishermen for damage to their fishing gear, the secretary shall prescribe,  
 27 and from time to time amend, regulations for the filing, processing, and the fair and  
 28 expeditious settlement of claims pursuant to this Part, including a time limitation on  
 29 the filing of such claims and the appointment of a hearing examiner. These  
 30 regulations shall ensure that the whole claim procedure is as simple as possible. Any

1 designee of the secretary authorized to prescribe and amend such rules and  
2 regulations shall do so under the overall supervision and control of the secretary.

3 B. In the promulgation of regulations pursuant to this Part, the secretary shall  
4 establish a procedure whereby a fisherman may recover for damages from an  
5 obstruction encountered previously.

6 C. Any rule, regulation, or guideline shall be proposed or adopted pursuant  
7 to the rulemaking procedures set forth in the Administrative Procedure Act.

8 §101.13. Disbursement of funds; eligibility; hearings

9 A. Payments may be disbursed by the assistant secretary from the dedicated  
10 fund account to compensate commercial fishermen for actual property damage  
11 suffered as a result of hitting or snagging an obstruction or hazard in the territorial  
12 waters of the state within the boundaries established for the fund but shall not be  
13 extended to speculative loss such as anticipated profit or income.

14 B. In order to be eligible to receive reimbursement from the fund, a  
15 commercial fisherman shall show that he has a valid claim. A valid claim shall be  
16 established by the hearing examiner, based on evidence that the following conditions  
17 have been met:

18 (1) The fishing vessel was being used for fishing in Louisiana territorial  
19 waters within the boundaries established for this dedicated fund account.

20 (2) The fisherman made a report to the assistant secretary on the location of  
21 the obstruction postmarked within ninety days of the loss. If good cause is shown,  
22 the secretary, when there are extenuating circumstances, may waive the ninety-day  
23 limit on the reporting period, such waiver period not to exceed forty-five days.

24 (3) The fisherman made a good faith effort to locate the financially  
25 responsible party. Evidence of a good faith effort shall be established by regulation,  
26 and shall include attempts to identify the responsible party with the assistance of the  
27 Department of Natural Resources where necessary.

28 C. Notwithstanding the provisions of Subsections A and B of this Section,  
29 no payment:

1           (1) Shall be made from the fund when the damage set forth in a claim was  
2           caused by materials, equipment, structures, or other items attributable to a financially  
3           responsible party and unless evidence is submitted that the party responsible for the  
4           obstruction cannot be determined.

5           (2) Shall exceed five thousand dollars for any incident.

6           (3) Shall be made unless the claimant shows by a preponderance of evidence  
7           that he is free from contributory negligence in causing the loss.

8           (4) Shall be made for any claim at a site that has been certified by the  
9           assistant secretary of the office of conservation for the Department of Natural  
10          Resources as having been cleared under the provisions of this Part. Once a site has  
11          been cleared under the Louisiana Fishermen's Gear Compensation and Underwater  
12          Obstruction Removal Program, the assistant secretary shall certify that the site of at  
13          least two hundred yards in diameter is free of obstructions and future claims at a site  
14          so certified shall be denied. Whenever four or more claims are reported after a site  
15          has been certified as clear, the site shall be revisited and the new or leftover  
16          obstruction shall be located and, if the department determines it is feasible, removed.

17          D. Upon receipt of a claim against the fund, the secretary shall assign the  
18          matter to a hearing examiner for disposition. Claimants shall submit such  
19          documentary evidence as the hearing examiner requires to prove a valid claim  
20          justifying payment from the fund. In the event that a dispute arises over any claim  
21          that cannot otherwise be resolved, the hearing examiner shall hold a hearing, after  
22          giving public notice. At such hearing, the claimant and any other interested person  
23          may submit evidence. The hearing examiner shall have the power to administer  
24          oaths and subpoena witnesses and books, records, and other evidence pertinent to the  
25          issue. The hearing shall be held in the state at a place and time determined by the  
26          secretary. After the hearing, a prompt decision shall be made, all in accordance with  
27          rules and regulations adopted pursuant to this Part and the Administrative Procedure  
28          Act.





1 sources, building energy conservation, including the regulation of training,  
 2 certification, and quality control of home energy raters throughout the state, and  
 3 energy impacted area assistance; the laws relative to coastal energy impact  
 4 assistance; the laws relative to power plants and industrial fuel use; the laws relative  
 5 to the Fishermen's Gear Compensation and Underwater Obstruction Removal  
 6 Program and the Fishermen's Gear Compensation and Underwater Obstruction  
 7 Removal Dedicated Fund Account; ~~and the laws relative to the Fishermen's Gear~~  
 8 ~~Compensation Fund.~~

9 Section 4. Part XIV of Chapter 1 of Title 56 of the Louisiana Revised Statutes of  
 10 1950, comprised of R.S 56:700.1 through 700.6, is hereby repealed in its entirety.

11 Section 5. The state treasurer is authorized and directed to transfer any balances  
 12 remaining in the Fishermen's Gear Compensation Fund repealed and abolished in Section  
 13 4 of this Act to the Fishermen's Gear Compensation and Underwater Obstruction Removal  
 14 Dedicated Fund Account created in Section 2 of this Act.

15 Section 6. The Louisiana State Law Institute is hereby authorized and directed to  
 16 arrange in alphabetical order and renumber the definitions provided in R.S. 30:101.3.

17 Section 7. This Section and Sections 1 and 6 of this Act shall become effective July  
 18 1, 2022; if vetoed by the governor and subsequently approved by the legislature, this Act  
 19 shall become effective on July 1, 2022, or on the day following such approval by the  
 20 legislature, whichever is later.

21 Section 8. This Section and Sections 2, 3, 4, and 5 of this Act shall become effective  
 22 July 1, 2023.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_