

Regular Session, 2013

HOUSE BILL NO. 376

BY REPRESENTATIVE STUART BISHOP AND SENATOR ALLAIN

WILDLIFE/MGT AREAS: Provides for fees to be charged for mooring access in the Atchafalaya Delta WMA and creates the Atchafalaya Delta WMA Mooring Account in the Conservation Fund

1 AN ACT

2 To enact R.S. 56:109.3, relative to wildlife management areas; to authorize the imposition
3 of fees for mooring vessels in the Atchafalaya Delta Wildlife Management Area; to
4 create the Atchafalaya Delta WMA Mooring Account in the Conservation Fund; to
5 provide for deposit of such fees to the fund; to provide for the use of monies in such
6 fund; to provide an effective date; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 56:109.3 is hereby enacted to read as follows:

9 §109.3. Levy of mooring fees in the Atchafalaya Delta WMA; Atchafalaya Delta
10 WMA Mooring account; deposit of fees to the account; uses of the monies
11 in the account

12 A. The department shall, by promulgation through the Administrative
13 Procedure Act, establish a mooring program in the Atchafalaya Delta WMA for
14 owners of vessels who are interested in mooring vessels in the WMA for extended
15 periods of time. The department shall locate mooring pilings where appropriate and
16 lease such pilings through a mooring program that includes assignment of such
17 mooring sites through a lottery system developed by the department and through a
18 bid process for premium mooring sites as designated by the department. Forty
19 percent of the sites, the "premium" sites, shall be available through bidding by the

1 vessel owner and sixty percent of the mooring sites shall be available through the
2 lottery system. Mooring fees for sites acquired through the lottery system shall be
3 three hundred dollars for two pilings or five hundred dollars for three or more
4 pilings. All fees collected pursuant to the provisions of this Section shall be
5 deposited to the Atchafalaya Delta WMA Mooring Account created in this Section.

6 B. There is hereby created, as a special account in the Conservation Fund,
7 the Atchafalaya Delta WMA Mooring Account.

8 C. After compliance with the requirements of Article VII, Section 9(B) of
9 the Constitution of Louisiana relative to the Bond Security and Redemption Fund,
10 and after a sufficient amount is allocated from that fund to pay all of the obligations
11 secured by the full faith and credit of the state, which become due and payable within
12 any fiscal year, the treasurer shall pay into the Atchafalaya Delta WMA Mooring
13 Account an amount equal to the monies received by the department from the avails
14 of the Atchafalaya Delta WMA mooring fees authorized in this Section. The monies
15 in the account shall be used solely as provided in Subsection D of this Section and
16 only in the amounts appropriated by the legislature. All unexpended and
17 unencumbered monies in the account at the end of the fiscal year shall remain in the
18 account. The monies in the Account shall be invested by the state treasurer in the
19 same manner as monies in the state general fund.

20 D. Subject to annual appropriation by the legislature, the monies in the
21 Atchafalaya Delta WMA Mooring Account shall be used solely for the development,
22 construction, maintenance, and dredging of mooring sites in the Atchafalaya Delta
23 WMA.

24 Section 2. This Act shall become effective upon signature by the governor or, if not
25 signed by the governor, upon expiration of the time for bills to become law without signature
26 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
27 this Act is vetoed by the governor and subsequently approved by the legislature, this Act
28 shall become effective on the day following such approval.

1 DIGEST

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

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6 **Abstract:** Authorizes the imposition of fees for mooring vessels in the Atchafalaya Delta
7 WMA and provides for the uses of those fees.

8 Proposed law authorizes the Dept. of Wildlife and Fisheries, through the Administrative
9 Procedure Act, to establish a mooring program in the Atchafalaya Delta WMA. Requires
10 the dept. to locate mooring pilings where appropriate in the WMA. Provides that 40% of the
11 mooring sites be leased through a bidding process and 60% through a lottery system. Sets
12 fees of \$300 for two pilings or \$500 for three or more.

13 Proposed law also creates the Atchafalaya Delta WMA Mooring Account in the
14 Conservation Fund and provides that revenues received from payments for mooring access
15 fees be placed in the fund. Provides that the monies in the fund be used exclusively for
16 development, construction, maintenance, and dredging of the mooring sites in the
17 Atchafalaya Delta WMA.

18 Effective on signature of governor or lapse of time for gubernatorial action.

19 (Adds R.S. 56:109.3)

20 Summary of Amendments Adopted by House

21 Committee Amendments Proposed by House Committee on Natural Resources and
22 Environment to the original bill.

23 1. Removed the authorization for the Wildlife and Fisheries Commission to set the
24 fees within certain limitations and specifies what those fees shall be.