

HOUSE COMMITTEE AMENDMENTS

2016 Regular Session

Amendments proposed by House Committee on Natural Resources and Environment to Original House Bill No. 241 by Representative Zeringue

AMENDMENT NO. 1

On page 1, line 2, after "To" insert the following:

amend and reenact R.S. 9:1103, R.S. 30:961(G)(3), 2000.11(E), 2459(A) and (D), 2460(14), R.S. 35:411(A), (B), and (E), R.S. 38:100(introductory paragraph), 106(A)(2)(introductory paragraph) and (B), 111, 112, 213(D), 214(B), 218(B), 221(F), 225(A)(2), (D)(2)(b), (F), 226, 301(B), 301.1(A), (B), and (C), 306(C), 313(B)(2), 315, 329.6(H), 330.1(C)(2)(c) and (3)(a), 3097.4(A)(9), R.S. 39:99.29(A), 366.3(1), 2202(1), (3), (5), and (6), R.S. 48:264.1(B), and R.S. 56:301.10(E)(3), 425(E), 427.1(C), 494(E)(3) and 2011(E), to"

AMENDMENT NO. 2

On page 1, line 3, after "Board;" insert the following:

"to change certain references to the "Office of Coastal Protection and Restoration" to "Coastal Protection and Restoration Authority"; to change certain references to the "Office of Coastal Protection and Restoration" to the Coastal Protection and Restoration Authority Board"; to make technical corrections to references to the "executive director", the "chair", the "chairman"; to make other technical corrections;"

AMENDMENT NO. 3

On page 1, between lines 6 and 7, insert the following:

"Section 1. R.S. 9:1103 is hereby amended and reenacted to read as follows:
§1103. Carbon sequestration on surface or water bottom
Any monetary compensation derived from the sequestration of carbon on the surface of land or water bottoms through biological processes, including but not limited to the growth of plants or animals or other natural or induced processes, is the property of the owner of the land or water bottom upon which such sequestration occurs, unless (a) contractually assigned to another party; or (b) the sequestration, uptake, or prevention of emission of greenhouse gases is directly related to the avoided conversion or avoided loss attributable to a project carried out or sponsored by the Coastal Protection and Restoration Authority or the Coastal Protection and Restoration Authority Board, including use of public resources as provided in R.S. 49:214.5.4. In such instance, the monetary compensation is the property of the state.

Section 2. R.S. 30:961(G)(3), 2000.11(E), 2459(A) and (D), 2460(A)(14) are hereby amended and reenacted to read as follows:

§961. Cooperative endeavor agreements; withdrawal of surface water; intent

* * *

G.

* * *

(3) The management of cooperative endeavor agreements to withdraw running surface water shall be consistent with the comprehensive master plan for coastal restoration and protection as approved by the Coastal Protection and Restoration Authority Board and the legislature.

* * *

1 §2000.11. Annual Basin plan

2 * * *

3 E. The annual Basin plan shall be submitted to the Coastal Protection and
4 Restoration Authority Board for their review and approval as consistent with the
5 master plan for coastal protection and restoration for a sustainable coast prior to final
6 adoption by the board.

7 * * *

8 §2459. State oil spill contingency plan

9 A. The coordinator shall develop and distribute to the public a state oil spill
10 contingency plan of response for actual or threatened unauthorized discharges of oil
11 and clean up of pollution from such discharges. In addition, the Department of
12 Environmental Quality, in cooperation with the coordinator, shall recommend
13 provisions of the plan relating to unauthorized discharges of oil. The Department of
14 Wildlife and Fisheries, in cooperation with the coordinator, shall recommend
15 provisions of the plan providing for protection, rescue, and rehabilitation of aquatic
16 life and wildlife and appropriate habitats on which they depend under its jurisdiction.
17 The executive director of the ~~Office of~~ Coastal Protection and Restoration Authority,
18 in cooperation with the coordinator, shall recommend provisions of the plan for
19 providing for the protection and restoration of the coastal areas of the state. The
20 Department of Natural Resources, in cooperation with the coordinator, shall
21 recommend provisions of the plan providing for protection and rehabilitation of
22 appropriate resources under its jurisdiction. The Department of Public Safety and
23 Corrections, in cooperation with the coordinator, shall recommend provisions of the
24 plan providing for emergency response coordination to protect life and property,
25 excluding prevention, abatement, containment, and removal of pollution from an
26 unauthorized discharge.

27 * * *

28 D. Prior to adopting the state oil spill contingency plan, the coordinator shall
29 adopt a fully delineated inland boundary for coastal waters as defined in this Chapter,
30 which boundary shall be based upon data provided by, including but not limited to
31 the United States Army Corps of Engineers, United States Department of the
32 Interior, Minerals Management Service, the Coastal Protection and Restoration
33 Authority, the Louisiana Department of Natural Resources, and the oil and gas
34 industry. The coordinator shall be authorized to amend the boundary by rule as
35 conditions may warrant. The boundary, as adopted, shall be clearly marked on large
36 scale maps or charts, official copies of which shall be available for public inspection
37 in ~~the Office of~~ Coastal Protection and Restoration Authority, the office of coastal
38 management in the Department of Natural Resources, in each agency comprising the
39 interagency council, and in the parish seat of each parish located within the
40 boundary.

41 §2460. Contingency plan provisions

42 A. The plan shall include all of the following:

43 * * *

44 (14) Procedures established in cooperation with the Department of
45 Environmental Quality, Department of Wildlife and Fisheries, the Coastal Protection
46 and Restoration Authority, and Department of Natural Resources for assessment of
47 natural resources damages and plans for mitigation of damage to and restoration,
48 protection, rehabilitation, or replacement of damaged natural resources. Pursuant to
49 R.S. 49:214.1 et seq., the Coastal Protection and Restoration Authority is responsible
50 for integrated coastal protection in the coastal area of the state, therefore, the Coastal
51 Protection and Restoration Authority and the ~~Office of~~ Coastal Protection and
52 Restoration Authority Board shall assist the coordinator in a primary role in
53 assessing natural resource damages in the coastal area.

54 * * *

55 Section 3. R.S. 35:411(A), (B), and (E) are hereby amended and reenacted to read
56 as follows:

57 §411. Ex officio notaries public for the ~~Office of~~ Coastal Protection and Restoration
58 Authority

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1 A. The executive director of the ~~Office of~~ Coastal Protection and Restoration
2 Authority may designate as ex officio notaries public up to five employees of the
3 office.

4 B. Employees so designated may administer oaths, take acknowledgments,
5 and attest on affidavits, and the authority granted under this Section is limited to acts
6 and instruments to which the ~~office authority~~, the executive director acting for the
7 ~~office authority~~, or the Coastal Protection and Restoration Authority Board, is a
8 party, and other documents concerning any matter in which the ~~office authority~~ or
9 the Coastal Protection and Restoration Authority Board has an official interest.

10 * * *

11 E. The cost of each notarial seal shall be paid by the ~~Office of~~ Coastal
12 Protection and Restoration Authority.

13 Section 4. 38:100(introductory paragraph), 106(A)(2)(introductory paragraph) and
14 (B), 111, 112, 213(D), 214(B), 218(B), 221(F), 225(A)(2), (D)(2)(b), (F), 226, 301(B),
15 301.1(A), (B), and (C), 306(C), 313(B)(2), 315, 329.6(H), 330.1(C)(2)(c) and (3)(a),
16 3097.4(A)(9) are hereby amended and reenacted to read as follows:

17 §100. Object and purpose

18 It is the object and purpose of this Chapter to provide for participation by the
19 state of Louisiana in the Westwego to Harvey Canal hurricane protection project, for
20 modifications of the Westwego to Harvey Canal hurricane protection project to
21 include the Lake Cataouatche area, the East of Harvey Canal hurricane protection
22 project, and for any other future project modifications or additions within the
23 parishes of Jefferson, Orleans, Plaquemines, and St. Charles. It is further the object
24 of this Chapter to designate the Coastal Protection and Restoration Authority Board
25 as the nonfederal sponsor for the construction of the projects and to furnish the
26 United States such assurances and cooperation as may be required by the Congress
27 of the United States that the department will:

28 * * *

29 §106. Object and purpose

30 A.

31 * * *

32 (2) It is further the object of this Chapter to designate the Coastal Protection
33 and Restoration Authority Board as the nonfederal sponsor for the construction of
34 the projects and to furnish the United States such assurances and cooperation as may
35 be required by the Congress of the United States that the authority shall:

36 * * *

37 B. The Coastal Protection and Restoration Authority or the Coastal
38 Protection and Restoration Authority Board shall repay to the United States, with
39 interest, the nonfederal share of the construction of the projects.

40 * * *

41 §111. Contracts by drainage districts, levee boards, and political subdivisions with
42 Department of Transportation and Development or the ~~Office of~~ Coastal Protection
43 and Restoration Authority

44 Any drainage or subdrainage district, gravity drainage, or gravity subdrainage
45 district, levee board, or political subdivision may contract with the Department of
46 Transportation and Development or, for projects in the coastal area as defined in ~~R.S.~~
47 ~~49:214.2(3)~~ R.S. 49:214.2(4), the ~~Office of~~ Coastal Protection and Restoration
48 Authority, upon any terms for the payment of the cost of the drainage and
49 reclamation projects within the confines of the district or districts involved
50 proportionately by the Department of Transportation and Development, or the ~~Office~~
51 ~~of~~ Coastal Protection and Restoration Authority, and the districts as may be agreed
52 upon between the Department of Transportation and Development, or the ~~Office of~~
53 Coastal Protection and Restoration Authority, and the governing authorities of the
54 districts entering into any contract.

55 §112. Cooperation with federal government and state of Mississippi in building
56 levees

57 By and with the concurrence and approval of the local levee authorities in
58 interest in Louisiana, and of the Department of Transportation and Development, or,

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1 for levees in the coastal area as defined in ~~R.S. 49:214.2(3)~~ R.S. 49:214.2(4), the
2 ~~Office of Coastal Protection and Restoration Authority~~, the state of Mississippi and
3 the United States Government, or either of them, jointly or severally, may construct
4 and have entire charge and control of, both in construction and maintenance, and for
5 protection and preservation, all levees which may be deemed necessary by the
6 grantees, or by either of them, for protection against overflow from the Mississippi
7 River, through and over all parts of the state of Louisiana which by the changes of
8 the channel of the Mississippi River have been separated from other parts of the state
9 of Louisiana, and which are now on the east side of the present channel of the river,
10 and attached to the mainland of the state of Mississippi. The levees shall be of the
11 dimensions and shall be located, and built from adjacent soil, along the lines, and for
12 the distances, determined by the engineers in charge of levee construction either for
13 the United States or for the state of Mississippi, or for both.

14 * * *

15 §213. Riding or hauling on levees prohibited

16 * * *

17 D. Nothing in this Section shall interfere with the crossing over any public
18 levees, at ramps or inclines established under plans and specifications of the
19 Department of Transportation and Development, or, for levees or integrated coastal
20 protection projects in the coastal area as defined in R.S. 49:214.2, the Coastal
21 Protection and Restoration Authority. Nothing in this Section shall interfere with the
22 ability of the Coastal Protection and Restoration Authority or the Coastal Protection
23 and Restoration Authority Board to carry out its responsibilities as the local sponsor
24 for all integrated coastal protection projects, in its jurisdiction, pursuant to R.S.
25 49:214.1(F).

26 §214. Interference with drainage prohibited

27 * * *

28 B. Upon the request of the Department of Transportation and Development,
29 the Coastal Protection and Restoration Authority, or the Coastal Protection and
30 Restoration Authority Board, if the area is located within the coastal area, as defined
31 in ~~R.S. 49:214.2(3)~~ R.S. 49:214.2(4), and involves integrated coastal protection, as
32 defined in ~~R.S. 49:214.2(10)~~ R.S. 49:214.2(11), the state police shall issue a citation
33 to any person who is in violation of this Section. Every person convicted of a
34 violation of this Section shall be fined not less than twenty-five dollars nor more than
35 three hundred dollars.

36 * * *

37 §218. Diversion of natural drain prohibited

38 * * *

39 B. Upon request of the Department of Transportation and Development, the
40 Coastal Protection and Restoration Authority, or the Coastal Protection and
41 Restoration Authority Board, if the area is located within the coastal area, as defined
42 in ~~R.S. 49:214.2(3)~~ R.S. 49:214.2(4), and involves integrated coastal protection, as
43 defined in ~~R.S. 49:214.2(10)~~ R.S. 49:214.2(11), the state police shall issue a citation
44 to any person who is in violation of this Section. Every person who is convicted of
45 a violation of this Section shall be fined not less than twenty-five dollars nor more
46 than one hundred dollars or imprisoned for not less than ten days nor more than
47 thirty days, or both.

48 * * *

49 §221. Rice-flumes, dahls, or pipes in public levees prohibited

50 * * *

51 F. The laying of such pipes through or under the public levees in cities,
52 municipalities, or parishes shall be with the consent and approval of the levee board,
53 the Department of Transportation and Development, for levees in the coastal area as
54 defined in ~~R.S. 49:214.2(3)~~ R.S. 49:214.2(4), the Office of Coastal Protection and
55 Restoration Authority, and the governing authorities of the cities, municipalities, or
56 parishes and under the supervision of the Department of Transportation and
57 Development, or the ~~Office of Coastal Protection and Restoration Authority~~.

58 * * *

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1 §225. Obstructions on levees, waterways, and rights-of-way therefor; removal at
2 expense of person responsible; destroying markers prohibited

3 A. No person shall:

4 * * *

5 (2)(a)(i) Tie or moor logs, rafts, boats, watercraft, or floating objects of any
6 description to the levees, or, when the water is against the levees, tie or moor any
7 floating objects to mooring posts, revetments, trees, or other objects within one
8 hundred eighty feet from the crown of any federally authorized and funded levees
9 or levees designated by the ~~Office of~~ Coastal Protection and Restoration Authority
10 or the Department of Transportation and Development;

11 (ii) When the water is against the levees, drive or push any logs, rafts, boats,
12 watercraft, or floating objects of any description onto or against any levees;

13 (b) Nothing herein shall prohibit the mooring or berthing of floating vessels
14 at such locations as have been permitted for this purpose by the United States Coast
15 Guard Captain of the Port, United States Army Corps of Engineers, the Louisiana
16 Department of Transportation and Development, the jurisdictional levee district or
17 flood protection authority, the ~~Office of~~ Coastal Protection and Restoration
18 Authority, or any other permitting authority;

19 * * *

20 D. Whoever violates this Section shall be subject to the following penalties:

21 * * *

22 (2)

23 * * *

24 (b) The provisions of this Paragraph shall remain in effect until such time as
25 the Coastal Protection and Restoration Authority promulgates regulations that will
26 provide levee districts, within the coastal area, as defined in ~~R.S. 49:214.2(3)~~ R.S.
27 49:214.2(4), with the authority to enforce the necessary prohibitions related to
28 Subparagraph (2)(a) of this Section as determined or approved by the Coastal
29 Protection and Restoration Authority.

30 * * *

31 F. Nothing in this Section shall interfere with the ability of the Coastal
32 Protection and Restoration Authority or the Coastal Protection and Restoration
33 Authority Board to carry out its responsibilities as the local sponsor for all flood
34 control projects, in its jurisdiction, pursuant to R.S. 49:214.1(F).

35 §226. Permits for levee crossings

36 If an appointed board or commission having jurisdiction over levees receives
37 letters of no objection from the United States Army Corps of Engineers and the
38 Department of Transportation and Development, office of engineering, or, for levees
39 in the coastal area as defined in ~~R.S. 49:214.2(3)~~ R.S. 49:214.2(4), the Coastal
40 Protection and Restoration Authority, in response to a request to the board or
41 commission for a permit or letter of no objection to a levee crossing or a request to
42 renew or transfer an existing permit, it shall be incumbent upon and a ministerial
43 duty of the executive or administrative officer to issue the requested permit or letter
44 of no objection to the crossing, subject to any conditions or stipulations contained
45 in the letters received from the United States Army Corps of Engineers and the
46 Department of Transportation and Development, office of engineering, or for levees
47 in the coastal area as defined in ~~R.S. 49:214.2(3)~~ R.S. 49:214.2(4), the Coastal
48 Protection and Restoration Authority. The board or commission may impose
49 customary fees, bonds, and other general stipulations. The executive or
50 administrative officer shall enforce such permits for levee crossings only to the
51 extent of the conditions and stipulations contained in the permit or letter of no
52 objection.

53 * * *

54 §301. Construction and maintenance of levees and drainage; care and inspection of
55 levees; measure of compensation; right of entry; bicycle paths and walkways

56 * * *

57 B. Except as provided in R.S. 38:330.2(I), the care and inspection of levees
58 shall devolve on resident commissioners, assisted by such inspectors and watchmen
59 as may be appointed pursuant to regulations, which the boards are hereby authorized

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1 to adopt. Each resident commissioner and any inspector or watchman who may be
2 appointed shall attend once during his term of office an educational training program
3 conducted by the Department of Transportation and Development or, if the levee
4 district is located within the coastal area, as defined in ~~R.S. 49:214.2(3)~~ R.S.
5 49:214.2(4), and involves integrated coastal protection, as defined in ~~R.S.~~
6 ~~49:214.2(10)~~ R.S. 49:214.2(11), such training shall be every two years, or twice
7 during a term in office, and shall be conducted by the Coastal Protection and
8 Restoration Authority Board.

9 * * *

10 §301.1. Coastal area levee districts; elevation reports

11 A. Every levee district located wholly or partially in the coastal area and
12 every parish governing authority for parishes located wholly or partially within the
13 coastal area but which are not part of a levee district shall, once every three years,
14 submit a levee elevation report on tidal levees located within the coastal area to the
15 Coastal Protection and Restoration Authority Board and to the ~~Office of Coastal~~
16 ~~Protection and Restoration~~ Authority. The levee elevation report shall be based upon
17 a centerline profile survey conducted by the levee district or parish governmental
18 entity on all tidal levees within the coastal area under its control. The centerline
19 profile survey shall be limited to the gathering of elevation information along the top
20 of the levee at two hundred fifty foot intervals and shall not include cross-sectional
21 levee elevation information. The information gathered pursuant to the centerline
22 profile survey shall be incorporated into the levee elevation report, which shall
23 indicate the elevation based on the North American Vertical Datum of 1988 of all
24 tidal levees, including federally funded and nonfederally funded levees, and shall
25 specifically identify inconsistencies in levee elevation. The report shall also include
26 a plan to correct any problems that have been identified.

27 B. The centerline profile survey required according to the provisions of this
28 Section may, at the discretion of the levee district or parish governing authority, be
29 conducted by a licensed surveyor or by the levee district or parish governing
30 authority. Any levee district or parish governing authority which chooses to conduct
31 the centerline profile survey may use its own employees and equipment. If a levee
32 district or parish governing authority undertakes the survey using its own employees
33 and equipment, the ~~Office of Coastal Protection and Restoration~~ Authority shall
34 provide technical assistance and shall provide guidance in conducting the survey.

35 C. Every levee district located wholly or partially in the coastal area may, in
36 addition to any other powers and duties provided by law for the boards of
37 commissioners of levee districts, establish on its own behalf or for the areas or the
38 levee districts under its authority adequate drainage, flood control, water resources
39 development, and integrated coastal protection, including but not limited to the
40 studying, engineering, designing, planning, maintenance, operation, and construction
41 of erosion control measures, marsh management, coastal restoration, reservoirs,
42 diversion canals, gravity and pump drainage systems, and other flood control works
43 as such activities, facilities, and improvements related to tidewater flooding, riverine
44 flooding, hurricane protection, conservation, and saltwater intrusion. Levee districts
45 located wholly or partially in the coastal area may enter into contracts or other
46 agreements, including cooperative endeavor agreements, with any public or private
47 person or persons, corporation, association, or other entity, including the Coastal
48 Protection and Restoration Authority, ~~Office of Coastal Protection and Restoration~~,
49 the state and other agencies thereof, public corporations, port authorities, levee
50 districts, parishes, other political subdivisions, or the United States government or
51 agencies thereof, or any combination thereof, or with instrumentalities of any kind
52 to provide such adequate drainage, flood control, water resources development, and
53 integrate coastal protection, and to this end, may contract for the acceptance of any
54 grant of money upon the terms and conditions, including any requirement of
55 matching the grants in whole or in part, which may be necessary.

56 * * *

57 §306. General powers and duties of board

58 * * *

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1 C. The board shall examine all of the accounts and operations of the board
 2 and determine in what manner work shall be undertaken. The board shall also be
 3 invested with the control of all public levees in the district, with authority to require
 4 the Department of Transportation and Development or the Coastal Protection and
 5 Restoration Authority Board, if the area is located within the coastal area, as defined
 6 in ~~R.S. 49:214.2(3)~~ R.S. 49:214.2(4), and involves integrated coastal protection, as
 7 defined in ~~R.S. 49:214.2(10)~~ R.S. 49:214.2(11), to lay off, furnish estimates, and
 8 perform all engineering work necessary to the location, construction, and repairs of
 9 levees, reserving, however, the right to the parishes in which the levees are located,
 10 also to provide funds and to construct and repair levees and exercise the powers now
 11 conferred to it by law. All works shall be advertised in accordance with the
 12 provisions of R.S. 38:2211 et seq., to be let out by means of sealed proposals to the
 13 lowest responsible bidder, reserving to the board authority to reject all bids. In case
 14 of emergency as defined in R.S. 38:2211(A)(6), the board may make contracts for
 15 the building and repair of and guarding the levees without advertisement or sealed
 16 proposals. It shall use all means at its command to strengthen, repair, or construct
 17 any portion of the levees that may demand attention.

18 * * *

19 §313. Cessation of activities

20 * * *

21 B. Within six months after the end of the five-year period delineated in
 22 Subsection A of this Section, the Louisiana legislative auditor shall certify the
 23 following:

24 * * *

25 (2) Whether or not there has been a protection levee constructed in the
 26 district, as certified by the Department of Transportation and Development or the
 27 Coastal Protection and Restoration Authority Board, if the area is located within the
 28 coastal area, as defined in ~~R.S. 49:214.2(3)~~ R.S. 49:214.2(4), and involves integrated
 29 coastal protection, as defined in ~~R.S. 49:214.2(10)~~ R.S. 49:214.2(11).

30 * * *

31 §315. Dedication of artificial waterways as public navigable waterways; approval

32 Wherever there presently exists or may hereafter be created within the
 33 territorial limits of any levee district or levee and drainage district in the state of
 34 Louisiana, except in the parish of Orleans, any canal or other artificial waterway
 35 created by any levee district or levee and drainage district for the purpose of
 36 constructing a levee or other public work and where said canal or other artificial
 37 waterway is navigable in fact and connects with or enters into any lake, river, stream,
 38 bayou, or other navigable waters, the governing authority of said levee district or
 39 levee and drainage district shall have the authority, with the approval of the office
 40 of engineering of the Department of Transportation and Development or the Coastal
 41 Protection and Restoration Authority Board, if the area is located within the coastal
 42 area, as defined in ~~R.S. 49:214.2(3)~~ R.S. 49:214.2(4), and involves integrated coastal
 43 protection, as defined in ~~R.S. 49:214.2(10)~~ R.S. 49:214.2(11), and with the
 44 concurrence of the United States district engineer, to dedicate and declare said canal
 45 or other artificial waterway, in whole or in part, as a waterway subject to the free and
 46 unrestricted navigation by the public; however, nothing herein shall be construed as
 47 authorizing the taking of private property, except as now provided by the constitution
 48 and laws of this state.

49 * * *

50 §329.6. St. Tammany Levee, Drainage, and Conservation District; powers and
51 duties

52 * * *

53 H. No action or work undertaken by the board or contract or agreement
 54 entered into by the board shall violate the master plan of the Coastal Protection and
 55 Restoration Authority Board or any statewide drainage and flood control plan
 56 administered by the Department of Transportation and Development.

57 * * *

58 §330.1. Southeast Louisiana Flood Protection Authority-East and Southeast
59 Louisiana Flood Protection Authority-West Bank; territorial jurisdiction; board of

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1 commissioners; appointments; terms; compensation; vacancy; officers; meetings;
2 domicile

3 * * *

4 C.

5 * * *

6 (2)

7 * * *

8 (c) The chairman of the Coastal Protection and Restoration Authority Board
9 shall be the custodian of the records of the nominating committee. The chairman of
10 the authority nominating committee, or in his absence, the chairman of the Coastal
11 Protection and Restoration Authority Board, shall call the meeting of the nominating
12 committee. The chairman of the Coastal Protection and Restoration Authority
13 Board, or his designee, shall serve as secretary for the nominating committee.

14 (3)(a) Within ten days after the occurrence of a vacancy on the flood
15 protection authority board, the board shall advise the chairman of the Coastal
16 Protection and Restoration Authority Board of such vacancy. Within fourteen days
17 after being advised of a vacancy on a board, the chairman of the Coastal Protection
18 and Restoration Authority Board shall publish notice of the vacancy in the official
19 journal of the state and of each parish within the territorial jurisdiction of the
20 authority.

21 * * *

22 §3097.4. Water Resources Commission; membership; powers and responsibilities

23 A. The Water Resources Commission is hereby created and shall be
24 composed of the following members:

25 * * *

26 (9) The ~~executive director~~ chairman of the Coastal Protection and
27 Restoration Authority Board or his designee.

28 * * *

29 Section 5. R.S. 39:99.29(A), 366.3(1), 2011(E), 2202(1), (3), (5), and (6) are hereby
30 amended and reenacted to read as follows:

31 §99.29. Governing board; membership; terms; compensation and expenses;
32 chairman and vice chairman; quorum; employees, agents; limitation of liability

33 A. The board of the corporation shall exercise all powers, rights, and duties
34 conferred by this Subpart or other provisions of law upon the corporation. The board
35 shall consist of the governor, the state treasurer, attorney general, president of the
36 Senate and speaker of the House of Representatives, chairman of the Coastal
37 Protection and Restoration Authority Board, secretary of the Department of Natural
38 Resources, secretary of the Department of Transportation and Development, or their
39 designees, and seven members appointed by the governor with one member
40 appointed from each congressional district and the remaining member or members
41 appointed from the state at large. The members of the board who are appointed by
42 the governor shall represent the state's diverse population as near as practicable, and
43 shall have a background and significant experience in financial management and
44 investments. The members of the board appointed by the governor shall be subject
45 to Senate confirmation and shall serve at the pleasure of the governor for terms of
46 four years each, or until their successors shall have been appointed and qualified, as
47 designated by the governor. Any appointment to fill a vacancy on the board shall be
48 made for the unexpired term of the member whose death, resignation, or removal
49 created such vacancy. Members on the board may be appointed to an additional
50 term.

51 * * *

52 §366.3. Definitions

53 In this Part, the following words and terms shall have the meanings ascribed
54 in this Section unless the context clearly requires otherwise:

55 (1) "Cooperative endeavor" means any agreement including one of
56 cooperative financing, other than a competitive bid or competitively negotiated
57 contract, whether contracted pursuant to Chapter 10 of Title 38 or Chapter 17 of Title
58 39 of the Louisiana Revised Statutes of 1950 or pursuant to a request for proposals,
59 request for qualifications, solicitation for offers, or other recognized process for

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1 competitively seeking qualified contractors, to which the state is a party and pursuant
2 to which the state has obligated state resources, whether funds, credit, property, or
3 things of value of the state to a nonpublic person for the accomplishment of a public
4 purpose or in the public interest, but shall not include projects contained in the
5 comprehensive state capital outlay budget, projects pursuant to the Governor's
6 Economic Development Rapid Response Program, and integrated coastal protection
7 programs and projects authorized in the annual coastal protection and restoration
8 plan and administered by the ~~Office of~~ Coastal Protection and Restoration Authority.

9 * * *

10 §2202. Definitions

11 As used in this Chapter the following terms have the following meanings
12 unless the context clearly indicates otherwise:

13 (1) "Agency" means the ~~Office of~~ Coastal Protection and Restoration
14 Authority.

15 * * *

16 (3) "Contractor" means any person who has a contract with the ~~Office of~~
17 Coastal Protection and Restoration Authority or a political subdivision to perform
18 a public work as defined in this Chapter.

19 * * *

20 (5) "Director" means the executive director of the ~~Office of~~ Coastal
21 Protection and Restoration Authority.

22 (6) "Public work" means the erection, construction, alteration, improvement,
23 or repair of any public facility or immovable property owned, used, or leased by the
24 ~~Office of~~ Coastal Protection and Restoration Authority or a political subdivision
25 which project is funded entirely or partially by monies received through the Federal
26 Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived
27 Economies of the Gulf Coast States Act of 2011, or as a result of any settlement
28 related to the explosion on, and sinking of the mobile offshore drilling unit
29 Deepwater Horizon, or the Comprehensive Master Plan for Coastal Protection.

30 Section 6. R.S. 48:264.1(B) is hereby amended and reenacted to read as follows:
31 §264.1. Salvage materials; bridges and roads; coastal protection and restoration
32 projects

33 * * *

34 B. When, in the opinion of the secretary of the department or his designee,
35 it is in the best interest of the state, he may order any materials deemed of no salvage
36 value recovered from the reconstruction or repair of any state road or bridge, or from
37 any other work performed by the department to be disposed of by transfer to the
38 ~~Office of~~ Coastal Protection and Restoration Authority to be utilized for coastal
39 protection and restoration projects, such transfer to be made in accordance with
40 procedures established by the secretary or his designee in coordination with the
41 ~~Office of~~ Coastal Protection and Restoration Authority.

42 Section 6. R.S. 56:301.10(E)(3), 425(E), 427.1(C), 494(E)(3) and 2011(E) are
43 hereby amended and reenacted to read as follows:

44 §301.10. Louisiana Finfish Task Force

45 * * *

46 E. The task force is hereby charged with responsibility to do the following:

47 * * *

48 (3) Make recommendations with respect to issues pertaining to the finfish
49 industry and finfish production to the various state agencies charged with
50 responsibility for differing elements of the finfish industry in this state, including the
51 Department of Wildlife and Fisheries, the Department of Natural Resources, the
52 ~~Office of~~ Coastal Protection and Restoration Authority, the Department of Health
53 and Hospitals, the Department of Agriculture and Forestry, and the legislature.

54 * * *

55 §425. Lease of water bottoms; stipulations; boundary disputes

56 * * *

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 E. No lease shall be granted for any water bottom for which any lease was
2 previously acquired by the state for integrated coastal protection, unless the
3 executive director of the ~~Office of~~ Coastal Protection and Restoration Authority
4 determines that leasing would otherwise be appropriate under the provisions of this
5 Subpart and the executive director of the ~~Office of~~ Coastal Protection and
6 Restoration Authority affirms that the water bottom is not necessary for integrated
7 coastal protection. Unless this determination has been made prior to issuance of the
8 lease, a lease of water bottom for which a lease was previously acquired shall be null
9 and void for such water bottom and shall be of no force or effect. No person shall
10 have any claim against the state of Louisiana, its political subdivisions, the United
11 States, or any agency, agent, contractor, or employee thereof or any other person in
12 relation to the nullity of such lease.

13 * * *

14 §427.1. State, political subdivisions of the state, and the United States held harmless
15 in coastal restoration

16 * * *

17 C.(1) A leaseholder whose oyster lease is acquired in whole or in part by the
18 ~~Office of~~ Coastal Protection and Restoration Authority pursuant to R.S. 56:432.1 for
19 dredging, direct placement of dredged or other materials, or other work or activities
20 necessary for the construction or maintenance of a project for integrated coastal
21 protection may seek compensation from the ~~Office of~~ Coastal Protection and
22 Restoration Authority pursuant to that Section.

23 (2) A leaseholder may seek acquisition and compensation from the ~~Office~~
24 ~~of~~ Coastal Protection and Restoration Authority pursuant to R.S. 56:432.1 for any
25 portion of an oyster lease that is not acquired by the ~~Office of~~ Coastal Protection and
26 Restoration Authority and upon which dredging, direct placement of dredged or
27 other materials, or other work or activities necessary for the construction or
28 maintenance of a project for integrated coastal protection has occurred.

29 * * *

30 §494. Louisiana Shrimp Task Force

31 * * *

32 E. The task force is hereby charged with responsibility to do the following:

33 * * *

34 (3) Make recommendations with respect to issues pertaining to the shrimp
35 industry and shrimp production to the various state agencies charged with
36 responsibility for differing elements of the shrimp industry in this state, including the
37 Department of Wildlife and Fisheries, the Department of Natural Resources, and the
38 ~~Office of~~ Coastal Protection and Restoration Authority, the Department of Health
39 and Hospitals, the Department of Agriculture and Forestry, and the legislature.

40 * * *

41 §2011. License to dredge; royalties; exemptions

42 * * *

43 E. Any private landowner, state agency, political subdivision, or associated
44 consultant or contractor engaged in a coastal protection, conservation, or restoration
45 activity consistent with an annual plan or the comprehensive master plan established
46 pursuant to R.S. 49:213.6 or engaged in an activity to remove sediment buildup to
47 preserve or restore the natural habitat of a water body of the state or to enhance
48 navigation and recreation activities on a water body of the state shall be exempt from
49 payment of the royalties and bond requirements of this Section. However, any such
50 private landowner, state agency, political subdivision, or associated consultant or
51 contractor shall be required to apply for and receive the appropriate license required
52 by this Section. To be eligible for exemption from the royalty payment and bond
53 requirements of this Section, a private landowner shall obtain a letter of no-objection
54 from either the governing authority of the political subdivision within which the
55 activity will occur or the local coastal management program under which the activity
56 is authorized, and the approval, in writing, of the secretary of the Department of
57 Natural Resources, the secretary of the Department of Transportation and
58 Development, and the ~~chair~~ executive director of the Coastal Protection and
59 Restoration Authority."

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 AMENDMENT NO. 4

2 On page 1, line 7, change "Section 1." to "Section 7."

3 AMENDMENT NO. 5

4 On page 1, line 19, change "Section 2. " to "Section 8."