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1983 REGULAR SESSION OF THE LOUISIANA LEGISLATURE

The following two articles are a brief discussion of the Environmental Quality Act and the Pesticides Act, two major pieces of legislation concerning the environment passed in this last legislative session.

Act 97: Louisiana Environmental Quality Act of 1983

by Linda Watkins

Of all legislation considered during the 1983 legislative session, the Louisiana Environmental Quality Act generated the most controversy.

The controversy centered on whether a new Department was needed, and if so, which existing department would be abolished or which departments would be merged in order to comply with the constitutional mandate of a maximum of 20 state departments. Further controversy involved whether the Coastal Management Section and the Underground Injection Section, both presently in the Department of Natural Resources, and the Scenic Rivers Program, presently in the Department of Wildlife and Fisheries, should be transferred to the new Department.

As passed, Act 97 creates the Department of Environmental Quality (DEQ) as a cabinet level state agency. It takes over all functions of the Department of Natural Resources Office of Environmental Affairs, which is abolished. Further, Act 97 transfers many of the functions of the Department of Natural Resources Environmental Control Commission to the Secretary of the DEQ. The Commission is retained, but most statutory duties are transferred and the Commission is left primarily as an appellate body and to consider those matters referred to it by the Secretary of the DEQ.

The Act creates a new emphasis on the Secretary of the DEQ as the "Commission Secretary", but after being so defined, few functions are delineated to the position. References to the Assistant Secretary of the Environmental Control Commission are deleted and transferred to the Secretary of the DEQ. The result allows the new Secretary of the DEQ to function as did the former Secretary of the Environmental Control Commission, and, additionally with many of the functions previously reserved to the Environmental Control Commission.

Duties of the Secretary of the Department of Environmental Quality are outlined in La. R.S. 36:234

as follows:

1. represent the public interest in the administration of the [Act] and be responsible to the Governor, the legislature, and the public.
2. determine the policies of the Department.
3. make, promulgate and alter (amend) rules necessary for administration of the Department.
4. organize, plan and supervise functions of the Department.
5. manage personnel, develop information systems and facilities vested in the Department.
6. develop research programs into technology utilization, pollution control, and health effects of pollution.
7. provide for personnel training.
8. develop public information programs.
9. provide the public with current, accurate information by establishing programs to monitor and analyze emissions into the air, water, and land.
10. advise the Governor on problems concerning administration of the Department.
11. grant or deny permits, licenses, registrations, variances, or compliance schedules; this power may be delegated.
12. report annually to the Governor and legislature concerning departmental operations and recommendations.
13. provide for the merger and consolidation of departments.

The Secretary has authority to:

1. move personnel as necessary.
2. appoint advisory councils and boards.
3. accept and use grants for purposes consistent with the provisions of the Environmental Quality Act of 1983.
4. formulate rules of administration.

The new law contains provisions for one of three newly created Deputy Secretaries to serve as Secretary when the Secretary is absent and as otherwise requested by the Secretary.

Three Assistant Secretaries of Environmental Affairs are responsible for their respective offices.

The Assistant Secretary for Air Quality will have administrative and technical control of the enforcement of laws regarding air pollution, including supervision and control over development and operation of nuclear energy and radiation emitting processes and facilities in the state.

The Assistant Secretary for Water Resources will be in charge of water control law enforcement and administration, which includes control of waste discharge into state waters and the processing of the applicable federal licenses or permits.

The Assistant Secretary for Solid and Hazardous Wastes will be responsible to ensure the proper disposal and utilization of solid waste, to develop a program to insure maximum reutilization of material, to regulate, monitor, and control the generation, transportation, storage, and disposal of hazardous waste, and to develop a program to clean up abandoned hazardous waste sites in the State.

The creation of the Department of Environmental Quality abolishes the following State Agencies:

Governor's Council on Environmental Quality (R.S.40:2351-40:2355)

Citizen's Advisory Board to the Governor's Council on Environmental Quality (R.S.40:2354)

Office of Science, Technology, and Environmental Policy (*Executive Orders Nos. 75-86; 77-18; 79-8*)

The following state agencies are transferred to the

DEQ:

The Department of Natural Resources Environmental Control Commission will exercise and perform its powers, duties, functions, and responsibilities as provided for agencies transferred in accordance with the provisions of R.S.36:802.

The Louisiana Resource Recovery and Development Authority will exercise and perform its powers, duties, functions, and responsibilities in the manner provided for agencies transferred in accordance with R.S.36:804.

The Louisiana Litter Control and Recycling Commission will exercise and perform its powers, duties, functions, and responsibilities in the manner provided for agencies transferred in accordance with R.S.36:802.

A question formerly existed as to whether Act 449 of 1978 abolished the Governor's Council on Environmental Quality and the Citizen's Advisory Board to the Governor's Council on Environmental Quality. It is likely that they were abolished and ceased to function after January 1980. In any event, Act 97 expressly abolishes them.

Act 97 also re-creates the Department of Natural Resources. In its new form the Department will be responsible for "conservation, management, and development of water, minerals, timber, and other such natural resources, except fish and wildlife and their habitats, and for the administration of state lands."

The Coastal Management Program is not transferred to the new Department of Environmental Quality, it was viewed instead as a land use program. However, the regulation of the injection of hazardous wastes and all matters incidental to it including surface facilities are transferred as provided in Section § 1136 A(6).

In order to create the Department of Environmental Quality, the Department of Public Safety and the Department of Corrections were merged.

Note: Governor-elect Edwards has expressed an intent to postpone the implementation of the Department of Environmental Quality due to dissatisfaction with the merging of the Department of Public Safety and Corrections. He intends to propose a constitutional amendment to create the Department of Environmental Quality as a 21st Department.

ACT 702 of 1983: LOCAL REGULATIONS OF PESTICIDES By: Linda Watkins

Act 702 received a substantial amount of interest from the environmental community and from those concerned with the Louisiana coastal zone. This Act is a legislative response to a recent Louisiana Supreme Court decision: Commissioner of Agriculture, State of Louisiana Plaquemines Parish Commission Council, No.82-LA-2657 (La. Mar. 18, 1983).

In the Plaquemines Case, the Commissioner of Agriculture of the state of Louisiana asked for a declaratory judgment against the Plaquemines Parish Commission Council declaring two 1982 parish ordinances invalid due to noncompliance with LSA - R.S. 3:1623(D). That statute, now repealed and replaced by the Louisiana Pesticide Law of 1982, (La.

R.S. 3:3201 et seq.) required submission of such ordinances to the State Advisory Commission on Pesticides for public hearing.

The parish ordinances required a separate local permit for the sale and application of certain pesticides. The local permit would enable parish agents to observe operations. Certain other pesticides were to be totally banned from the parish (ordinance 372). Ordinance 372 named prohibited pesticides by their chemical structural names as well as their trade names.

Reasons for the ordinance were well elucidated. A substantial portion of the parish economy depends

upon broad leaf crops which are target organisms of the regulated or banned pesticides; these crops had been exposed to a devastating freeze in the winter of 1982 and were in a "precarious state of recovery".

Various citizens of Plaquemines Parish joined the suit to oppose the Commissioner's position. Many were concerned with misapplication of broad leaf herbicides to their broad leaf crops. Moreover, they probably wanted witnesses if the spraying resulted in misapplications, and witnesses would be provided by parish agents' observations.

The trial judge upheld the validity of the ordinance. The Louisiana Pesticide Law (LSA-R.S. 3:1623) was held, in effect, to lack standards by which the Pesticide Commission could review such ordinances. The Louisiana Supreme Court affirmed the lower court and in doing so cited State v. Rodriguez, 379 So. 2d 1084 (1980) at 1086:

"Where a statute vests arbitrary discretion in a board or an official without prescribing standards of guidance there is an unconstitutional delegation of legislative authority..."

The Rodriguez rule, when applied to the Plaquemines case, means that the Commissioner of Agriculture may administer laws only if adequate standards for execution of legislative policy exist within those laws. Without adequate standards, the Commissioner may not act. This result was reached in a parish which is a "home rule", locally governed entity. Plaquemines Parish retains all self-governing authority absent specific reservation of authority to the state.

In response to the Plaquemines case the 1983 legislature acted to gut the Louisiana Pesticide Law of 1982. H.B. 964 was passed; it was signed by Governor Treen and became Act 702 of 1983. The new law went into effect 60 days after the last day of

the legislative session (July 1, 1983): August 30, 1983.

Act 702 provides that municipalities and other political subdivisions may not adopt pesticide-related ordinances, except as follows:

- B. The governing authorities may request rules specific to the distribution sale, etc. in their own parish or municipality if the following are adhered to:
1. The request must be addressed to the Commissioner of Agriculture.
 2. The Commission shall hear the request.
 3. The Commission shall make a preliminary determination and transmit it to the Commissioner.
 4. The Commissioner makes a final determination.
 5. The Standards for both Commission and Commissioner are as follows:
 - a. The gravity of the threat to the environment or to human, plant, or animal health sought to be alleviated by the proposed rule.
 - b. The economic impact on the agricultural community caused by the proposed rule.
 - c. The impact of the proposed rule on statewide uniformity of rules affecting pesticides.
 - d. The availability of alternative pesticides.
 - e. Whether the benefits of the proposed rule outweigh the liabilities of the proposed rule.

ENVIRONMENTAL

Act 34 (Thompson and Gian) exempts from the provisions of the Air Control Law the burning of byproducts created by the planting, harvesting, or processing of agricultural products and the burning in connection with timber stand management, but does not exempt paper mills and raw sugar mills.

Act 97 (Funandry et al.) establishes the Department of Environmental Quality.

Act 130 (Picard et al.) defines "phenoxy herbicide"; requires the registration of pesticide and the licensing of persons engaged in the application of pesticides.

Act 131 (Picard et al.) increases the Board of Commissioners of Consolidated Gravity Drainage District No. 1 of Vermillion Parish from 5 to 6 members.

Act 228 (Crosby) provides that any appeal from a determination of the Commissioner of Agriculture as to violations of the pesticide law, when filed in forma pauperis, shall be by civil proceeding in the district court for the parish in which the violation occurred.

Act 236 (Nicholson) provides that the discharge of air contaminants by the incineration of cardboard by a

retail or wholesale merchant shall not be subject to criminal penalties provided in La. R.S. 30:1073(F)(1).

Act 260 (Cain et al.) provides that hazardous waste permits shall be denied to all persons who propose to transport into and dispose any hazardous waste in this State where such waste was gathered in a foreign country; authorizes the revocation of permits where the facilities are used to dispose of hazardous waste from foreign countries.

Act 320 (Fernandez et al.) requires that the cost of an enforcement action under the Environmental Affairs Law be considered by the Environmental Control Commission or Assistant Secretary of the Office of Environmental Affairs in determining whether or not a civil penalty is to be assessed, the amount of the penalty, or any compromise amount.

Act 361 (Landry et al.) creates the Environmental Emergency Response Training Program and provides that Environmental Emergency Response Fund monies be used to provide training; requires promulgation of training guidelines before November 15, 1983.

Act 375 (Cain et al.) prohibits the disposal of hazardous wastes by injection into a Class I

underground injection well where the well head or any portion of the casing is within the banks or boundaries of any surface water body, natural or man-made.

Act 411 (Uelo et al.) creates the Governor's Resource Development and Environmental Quality Council and provides for its members, powers, and functions.

Act 435 (Kember et al.) places a moratorium from June 1, 1983 to April 30, 1984 on the creation of industrial offsite landfarming facilities for profit in parishes with a population of 29,000 to 34,000.

Act 467 (Fernandez et al.) defines "pollutant" and changes the name of the Abandoned Hazardous Waste Site Fund to the Hazardous Waste Site Cleanup Fund. Provides for the Assistant Secretary to administer the Fund.

Act 504 (Accardo and Landry) provides for civil immunity for a person who gives authorized care, assistance, or advice relative to a hazardous materials incident except where that person is acting under a legal duty or receives compensation. This immunity does not apply to damages resulting from gross negligence or intentional misconduct.

Act 511 (Cusimano) creates the Mississippi River Drinking Water Study Commission to study and make recommendations concerning the feasibility of establishing a regional drinking water authority for the eleven parishes which utilize the Mississippi River as a source of drinking water and provides plans for the establishment of such an authority if feasible.

Act 538 (Fernandez et al.) establishes the Environmental Programs Trust Fund pursuant to the Environmental Affairs Act; requires the Office of Environmental Affairs to compile and maintain an ongoing comprehensive air emissions inventory; requires that banked air emissions of permitted facilities and credits be discounted or decreased over time in nonattainment areas.

Act 543 (Fernandez and Nunez) establishes a solid waste operator certification and training program and provides for a Board of Certification and Training under the Department of Natural Resources; provides that the Board shall classify and list all nonhazardous solid waste disposal facilities within 120 days of the effective date of the Act and requires at least one certified operator at each facility.

Act 547 (Fernandez et al.) provides for the Louisiana Inactive and Abandoned Hazardous Waste Site Law to provide for the control, prevention, abatement, and clean up of in active and abandoned hazardous waste sites through administrative or legal action and expenditures from the Hazardous Waste Site Cleanup Fund.

Act 551 (Fernandez et al.) authorizes the Secretary of the Department of Environmental Quality to require owners or operators of facilities to submit the name of a facility environmental coordinator. The Act also authorizes the Secretary to develop environmental training programs and to encourage facility owners/operators to instruct and train personnel as to the applicable laws and regulations.

Act 625 (Kelly) establishes the Louisiana Water Resources Program within the Department of Transportation and Development Office of Public Works to ensure an adequate and safe supply of water to Louisiana users and creates statewide program for the planning, development, and management of water resources.

Act 669 (Nunez et al.) provides for the disbursement

of monies from the Coastal Environmental Protection Trust Fund and creates the Coastal Protection Task Force and a technical advisory committee.

Act 680 (Haik et al.) prohibits the Assistant Secretary of Conservation and the Environmental Control Commission of Department of Natural Resources from issuing permits or licenses for the treatment, storage, or disposal of hazardous wastes in salt domes and sulphur mines for two years.

Act 694 (Bagert et al.) prohibits importation of hazardous waste into Louisiana from foreign nations.

Act 696 (Frazier et al.) provides that certain municipalities and special drainage and/or flood control districts can fix the rates charged to users of the drainage system, subject to approval of a majority of the electors in that district or municipality.

Act 702 (Martin) restricts political subdivisions from adopting any ordinances that affect the registration, sale, or application of pesticides or the disposal of pesticide wastes and declares existing ordinances null and void.

Act 718 (Turnby et al.) provides that the Environmental Control Commission adopt and promulgate rules and regulations to monitor and test public drinking water wells within a two-mile radius of commercial hazardous waste facilities.

Act 722 (Kember) provides that Assumption, Iberville, and West Baton Rouge parishes have authority and jurisdiction concurrent with state jurisdiction to regulate, control, or prohibit the disposal of industrial wastes.

RESOLUTIONS

SCR 23 (Landry et al.) requests the Office of Health Services and Environmental Quality in the Department of Health and Human Resources test for unidentified chemical compounds and contaminants in drinking water from the Mississippi River and to establish drinking water quality standards beyond federal standards of the United States Environmental Protection Agency.

SCR 24 (Landry et al.) creates a joint legislative committee to study the quality of Mississippi River drinking water and examine the feasibility of alternative and/or emergency sources.

HCR 11 (Kember) requests the Department of Public Safety to conduct an investigation into the alleged use of railroad cars outside chemical plant grounds for the storage of hazardous substances and actions to stop the practice if it in fact exists.

HCR 32 (Johnson et al.) is SCR 23.

HCR 35 (Johnson et al.) requests Department of Natural Resources to submit a supplemental budget request for resources necessary for the establishment of an early warning organics detection system on the Mississippi River by the Water Pollution Division.

HCR 36 (Johnson et al.) requests that the Louisiana delegation in the United States Congress introduce legislation to reduce the amount of pollution discharged into the Mississippi River from other states.

HCR 42 (Johnson et al.) requests the Division of Disease Control to continue studying the relationship between drinking water derived from the Mississippi River and the incidence of cancer.

HCR 43 (Johnson et al.) is SCR 23.

HCR 47 (Russo) requests the South Louisiana Port Commission to construct docking facilities in St. James Parish.

HCR 54 (Kember et al.) directs the Department of Natural Resources to refuse and disallow acceptance of waste transported by Chemical Waste Management in Alabama for disposal anywhere within Louisiana.

HCR 65 (Kember et al.) directs the Attorney General to take the necessary legal action to prevent the disposal of waste transported by Chemical Waste Management in the Rollins Bayou Sorrel waste site.

HCR 90 (Kember et al.) directs the Secretary of the Department of Natural Resources to require cessation of operations of the A. Aucoin SWD No. 1 Saltwater injection well in Grand Bayou Field in Assumption Parish.

HCR 91 (Kember) requests the Department of Natural Resources to require all operations immediately cease at the Rollins Environmental Services of Louisiana Bayou Sorrel waste disposal site.

HCR 101 (Turnley) requests Environmental Affairs Air

Quality Division to install and operate air pollution monitoring stations at Southern University and Aisen Elementary School.

HCR 131 (Sour et al.) requests the House and Senate Committees on Natural Resources function as a joint committee to study all the various available methods for storage, treatment, and disposal of low-level hazardous waste.

HCR 142 (Uelo et al.) endorses the Forum for Environmental Action to motivate the formation of voluntary action groups to address environmental problems, facilitate dispersal of factual data, rebuild public confidence in the ability of government and industry to work together to solve problems, and address environmental concerns in the most efficient and cost effective manner.

HCR 173 (Kember) provides Assumption Parish shall have the authority, concurrent with the state, to regulate the disposal of industrial waste.

HCR 177 (Kember) provides the same authority as in HCR 173 to Iberville Parish.

HCR 178 (Kember) provides the same authority as in HCR 173 to West Baton Rouge Parish.

WILDLIFE & FISHERIES

Act 42 (Scogin) provides that hard and soft shell crabs can be prepared for public consumption at recognized outdoor festivals, including preparation in the open for service to the public.

Act 72 (Hogan) provides a maximum fine of \$750 for Class IV Wildlife and Fisheries law violations.

Act 73 (Hogan et al.) redefines "slat trap" to include any device used solely for the capture of catfish with at least one pair of slats spaced at least one inch apart on at least three sides of the trap, and no more than 6 feet long, two feet in diameter with one or more cone-shaped entrances.

Act 74 (Hogan et al.) excludes residents under sixteen years of age and 60 years of age and older who have resided in Louisiana for two years from the requirement to obtain licenses or pay fees to fish and hunt.

Act 232 (Patti et al.) requires the Department of Health and Human Resources to accept and utilize certified water quality data from other agencies in the certification of quality of oysters harvested in Louisiana waters.

Act 274 (Sour) provides for the recreation of the Department of Wildlife and Fisheries and all statutory entities until July 1, 1988. Suspends application of the "Sunset Laws" requiring a separate bill for each agency.

Act 287 (Downer) prohibits state agencies and political subdivisions charged with law enforcement from using the same or similar badge design or markings as those worn by state police officers or enforcement officers of the Department of Wildlife and Fisheries.

Act 382 (Borne and Guidry) requires the Department of Wildlife and Fisheries to maintain on the department

computer the boat hull number and serial number of the motor along with the assigned certificate of number.

Act 389 (Sour) suspends the application of the provisions of the "Sunset Laws" to the Department of Wildlife and Fisheries until July 1, 1987.

Act 412 (Williams and Theriot) defines "aquaculture", for the purposes of La. R.S. 56:356, to mean the production of fish in a controlled environment in private waters on private lands. The definition encompasses, but is not limited to, the production of catfish, crawfish, shiners, other bait species and freshwater prawns.

Act 427 (Adley) provides that bowhunters may carry a pistol no larger than .22 caliber with ammunition for the purpose of killing snakes and rats.

Act 430 (Soileau) authorizes the Attorney General to defend any employee of the Department of Wildlife and Fisheries in civil and criminal actions arising out of the employee's duties when the Attorney General believes this defense is required to protect the interests of the State.

Act 433 (Hogan) provides that seines used for the taking of commercial fish in freshwater areas must have a minimum mesh of not less than two inches square or four inches stretched after treating with tar or copper and may not exceed one thousand two hundred feet in length.

Act 515 (Nunez et al.) provides that no resident or nonresident shall possess on board any vessel any shrimp for commercial purposes unless the proper Louisiana commercial shrimping licenses have been obtained and are on board.

Act 522 (Weaver) prohibits the commercial sale and

purchase of rock bass. Out-of-state commercial freshwater game fish fingerlings three inches in length or less provided for sale for stocking private waters are exempt from this prohibition, but transporters of such fingerlings must give the Secretary of the Department of Wildlife and Fisheries 48 hours notice prior to shipment along with a bill of lading. The Department has the authority to cancel sales or confiscate and destroy shipments of such fingerlings determined by Department personnel to have fish diseases or parasites that would endanger native fish populations.

Act 536 (Nunez et al.) provides that the theft of a registered boat must be reported within 5 days of discovery to the Department of Wildlife and Fisheries by its owner.

Act 545 (Theriot) provides that initial (not renewal) applications for licenses for commercial fishermen shall be certified as to resident status by sheriffs departments or the Department of Wildlife and Fisheries.

Act 579 (Keith) provides that fish ladders may be constructed in all lakes by the Wildlife and Fisheries Commission with the approval of the Department of Public Works.

Act 580 (Sevario) provides that a person shall be guilty of the crime of careless operation of a watercraft if he operates such watercraft in a careless or reckless manner or at an unsafe rate of speed.

Act 600 (Nunez et al.) provides that no vessel shall pull more than four trawls and one test trawl in outside waters.

Act 601 (Nunez et al.) provides that an application for an annual vessel license for taking oysters from Calcasieu Lake shall be made available for thirty days prior to that opening date.

Act 640 (Nunez) provides that the 1200 foot length restriction for seiner used for commercial fishing in saltwater areas also applies to the total length when connecting two or more seines together. Exempts the historic chinchens net less than 1200 feet in length from the restriction.

Act 679 (Martin et al.) provides for the assessment

and distribution of funds relative to the Louisiana Crawfish Marketing and Research Program.

Act 712 (Hebert) provides that new fisheries development will include all fresh and salt water areas.

RESOLUTIONS

SR 4 (Keith) requests the Department of Wildlife and Fisheries to stock Caddo Lake with fish.

SCR 10 (Landry) suspends the minimum legal size requirement to take channel catfish until June 15, 1984. The Resolution also directs the Department of Wildlife and Fisheries to prepare and present a report on the effects of this suspension prior to the adjournment of the 1984 Session.

HR 8 (Sumlin and Sittig) requests the United States Department of Interior to lengthen the duck hunting season due to an abundance of ducks.

HR 9 (Hebert) requests the Louisiana Congressional Delegation direct the United States Army Corps of Engineers to utilize the now-inactive Atchafalaya Basin Agency Management Group forum to conduct studies and develop a comprehensive plan for flood protection and preservation of fish and wildlife resources of the coastal area of Louisiana and to direct the Corps to include funding for these studies.

BCR 19 (Hebert et al.) suspends the requirement that vessel licenses be obtained between January 1 and February 1 of each calendar year for the period May 16, 1983 to June 21, 1983. The Resolution suspends the requirement that nonresident commercial fishermen taking commercial finfish for sale or exchange obtain nonresident licenses during January 1 through January 31 for one day, June 1, 1983.

BCR 41 (Lanier and Blount) requests the Department of Wildlife and Fisheries to study and make recommendations concerning the closing of the trapping season on red and grey fox in St. Helena and Tangipahoa Parishes due to diminishing populations.

BCR 93 (Patti) provides for a special task force to study water quality in oyster propagating areas and the reasons for a decline in oyster production.

NATURAL RESOURCES

Act 53 (Sour) provides for the general recreation of the Department of Natural Resources and all the agencies made part of it in accordance with the "Sunset Laws". The provisions of the "Sunset Laws", requiring a separate bill to recreate each agency, board or commission, are suspended until the sixtieth day after the 1984 Regular Session.

Act 54 (Sour) suspends the application of the provisions of the "Sunset Laws", dealing with termination of operations, to the Department of Natural Resources until July 1, 1987.

Act 203 (Kelly and Fowler) defines "actual mining operations", as used in connection with lignite or other coal mining, to mean good faith operations to obtain or establish the production of the mineral. Examples of activity that constitute good faith operations are specified.

Act 327 (Atkins and Richey) authorizes municipalities (or agencies created by the municipality) owning and operating a revenue producing electric utility to contract with any other municipality and/or the Louisiana Energy and Power Authority within or without the state for the purchase or sale of hydroelectric generating capability. Revenue bonds may be issued to finance the costs of such acquisition, construction or operation.

Act 374 (Bolin and Landrieu) extends from 90 days to 180 days the time for filing for records and inscribing a notice of claim or privilege in connection with oil, gas, or water wells. Applies to claims of persons (1) performing labor or services, (2) doing trucking, towing, barging or repairing, (3) furnishing fuel, drilling rigs, standard rigs, machinery, equipment, material or supplies.

Act 377 (Scott et al.) requires the odorization of liquified petroleum gas, imposes liability for loading or transporting LPG that is not odorized, increases penalties for violation of LPG statutes and regulations, and increases the insurance coverage required to \$100,00.

Act 476 (D'Gerolamo et al.) authorizes the Assistant Secretary of the Office of Conservation (Commissioner) to collect the following fees: \$300 for each separate application for a pipeline hearing; \$100 for handling and processing each application for a non-commercial injection well (old law made no distinction); \$1,000 fee for commercial Class I injection well and \$500 for each additional injection well; \$500 fee for commercial Class II injection well and \$250 for each additional well; annual inspection fee of \$40 for all production and injection wells.

Act 494 (Nunez et al.) authorizes the Secretary of the Department of Natural Resources to delegate to the Deputy Secretary any and all duties, functions and authority of the Secretary.

Act 570 (Braden) provides for the imprescriptibility of mineral rights reserved in transfers of land to national, non-profit membership land conservation organizations and for the right of the original transferor to reacquire the land if the conservation organization proposes to divest itself of ownership of the land or if the organization changes its nature, purpose, or goal. Provides that all lands covered by this provision may be open to public use and recreation.

Act 573 (Kelly) authorizes the Commissioner of Conservation to promulgate rules enabling the State to meet federal priorities for participation in the abandoned Mine Reclamation Program provided in the Surface Mining Control & Reclamation Act of 1977.

Act 590 (Nelson et al.) authorizes the Secretary of Department of Natural Resources to obtain energy, natural resources, and environment information and data from the federal government and its agencies and other state agencies; such information subject to nondisclosure shall maintain such status while in the custody of the Secretary.

Act 591 (Nelson et al.) authorizes the Coastal Commission to utilize administrative law judges and clerks for preliminary and procedural matters concerning appeal hearings; requires the Coastal Commission to assign particular duties to a clerk; allows the governor to enter into agreements with the United States regarding projects along the coastline.

Act 602 (Nunez et al.) requires that when monies to the credit of the Conservation Fund are invested by the State Treasurer, the investment earnings shall be credited to that fund.

Act 617 (Ginn and Fair) provides that whoever willfully and intentionally cuts or destroys timber

without the consent of the owner shall be liable to the owner for reasonable attorney's fees in addition to other civil penalties.

Act 625 (Kelly et al.) established the Louisiana Water Resources Program to plan, develop, and manage the water resources of the State in order to ensure supplies for its citizens, commerce, and industry. (Also listed under Environmental)

Act 643 (Nunez et al.) provides that no severance tax shall be due under present and future state leases in regard to production from qualified tertiary recovery projects until payout.

Act 644 (Nunez et al.) provides that the State Mineral Board may relieve lessees under present and future state mineral leases from payment of royalties in regard to production from qualified tertiary recovery projects until payout.

Act 664 (Nunez et al.) amends the Underwater Obstructions Act and in part provides that pipelines, wells and associated structures built on state-waterbottoms conform to rules and regulations of the Assistant Secretary of the Office of Conservation and that field transmission, flow and gathering lines meet the requirements of the Corps of Engineers.

Act 705 (Laborde) re-establishes the Department of Natural Resources. Provides that as to the Fishermans' Gear Compensation Fund, "Secretary" shall mean, in addition to the Secretary of the Department of Natural Resources, his designee.

RESOLUTIONS

SCR 25 (Landry) and HCR 44 (Johnson et al.) request The Department of Health and Human Resources and the Department of Natural Resources to establish a formal mechanism by which to effectively share information and data relative to water quality functions exercised by each department.

SCR 29 (Nunez and Chabert) continues through the 1984 Regular Session of the Legislature the Energy Development Study Commission.

HCR 88 (Baik et al.) requests the Joint Committee on Transportation, Highways and Public Works to determine the available legal recourse and alternatives to operate and maintain the Gulf Intracoastal Waterway in the event the United States abrogates its responsibility to do so.

Act 660 (Brinkhaus) requires that information identifying the lease, the interest owner's share of the sales value, interest, taxes paid and other information accompany each payment for oil and gas production to a royalty or working interest owner.

Act 662 (Randolph et al.) provides that any application for a permit to conduct geological surveys on state land or right-of-ways be recorded and be made public.

MISCELLANEOUS

Act 567 (Braden) makes it a criminal offense to sell or offer for sale at retail any metal beverage container so designed and constructed that a metal part is detachable in opening the container. This is directed primarily toward beer and soft drink cans.

Act 572 (Nicholson et al.) provides that the state crustacean is the crawfish and the state reptile is the alligator.

Act 224 (Baker) establishes a centralized water data

depository to provide for applications, inspections, operations and maintenance, administration, and funding of the statewide flood control program.

Act 431 (Kimball) provides for the membership of Ascension Parish on the Greater Baton Rouge Port Commission and authorizes the Commission to issue bonds.

Act 618 (Casey) provides for preference for products harvested from Louisiana seas or waters when purchased by the state government.

Act 686 (Jackson et al.) authorizes levee boards in certain parishes to establish a set-aside program for procurement from small businesses, excluding construction, with particular emphasis on businesses owned and operated by socially or economically disadvantaged persons.

Act 724 (Bruneau) creates the Louisiana Export and Import Trade Development Authority in recognition of the State's responsibility to foster and develop the trading of Louisiana products and services.

RESOLUTIONS

HCR 6 (Crane et al.) requests the United States Army Corp of Engineers to study the causes of severe flooding in south Louisiana and to develop, implement, and maintain a comprehensive flood control program in this area.

HCR 8 (Martin) authorizes specific persons to file suit against the State on a claim of ownership or possession of lands, waters, waterbottoms, minerals, or

mineral rights in the Bayou Mollet area.

HCR 30 (Scogin et al.) requests the Department of Transportation and Development in conjunction with the Federal Highway Administration to construct additional water passages under I-10 through the Pearl River Basin and study the need for passages under Hwy 90.

HCR 39 (Russo) requests the Greater Baton Rouge Port Commission to construct docking facilities in Iberville and Ascension Parishes.

HCR 40 (Scogin et al.) requests the Vicksburg District of the United States Corps of Engineers to perform navigational maintenance on the West Pearl River to facilitate flood control.

HCR 47 (Russo) requests the South Louisiana Port Commission to construct docking facilities in St. James Parish.

HCR 68 (Jackson) requests the Board of Commissioners of the Orleans Levee District to perform routine inspections of the floodgates in Orleans Parish at regular intervals as well as during times of imminent flooding.

HCR 113 (Uelo) requests the Assistant Secretary of the Department of Transportation and Development to meet with the Jefferson Parish Council to resolve flooding problems along the Westbank Expressway.

HCR 104-107 (Patti) transfers the mineral rights of property obtained by the Orleans Parish Levee District for the Bohemia Spillway to the landowners or their heirs.

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