



Louisiana Coastal Law is an advisory service of the Louisiana Sea Grant Program (National Oceanic and Atmospheric Administration, U.S. Department of Commerce.) Materials may be reproduced if credit is given. Distributed free upon written request.

Editors: Michael Wascom and Jim Wilkins  
Managing Editor/Layout: Neil Coig  
Staff Assistants: Natasha Cain and Ave Mince-Didier

Sea Grant Legal Program (504)388-5931 / FAX (504)388-5938  
170 Law Center, LSU E-Mail: [sglegal@unix1.sncc.lsu.edu](mailto:sglegal@unix1.sncc.lsu.edu)  
Baton Rouge, LA 70803-1018 WWW: <http://www.lsu.edu/~sglegal/>

## 1995 REGULAR SESSION OF THE LOUISIANA LEGISLATURE

This annual Legislative issue of *Louisiana Coastal Law* is devoted to summarizing acts and resolutions enacted during the Regular Session of the Louisiana Legislature. Legislation having a general impact on Louisiana coastal resources and environment is covered. Unless otherwise indicated these laws became effective on and were passed during the regular session. Further information about these laws or resolutions can be obtained by contacting the Sea Grant Legal Program.

Wildlife and Fisheries .....	1
Environmental Quality .....	6
Coastal Resources and Public Lands .....	12
Ports, Harbors, and Waterways .....	13
Oil, Gas, and Minerals .....	14
Miscellaneous .....	15

Act summaries written by Chris Fruge and Jim Noé

### Wildlife and Fisheries

**Act 77 SB 595 (Hines)**  
Creates the Louisiana Help Our Wildlife Program to pay reward money to those who report information essential to the prosecution of fish and wildlife law violators, to pay for educational campaigns to inform the public on the importance of protection of the environment and wildlife, to pay for a toll free telephone number, and to pay for other expenses. (Enacts R.S. 56:70.1 through 70.4)

**Act 89 SB 934 (Cain)**  
Provides for the issuance of a three day basic recreation sport fishing license for a \$10 fee for nonresidents. (Amends R.S. 56:302.1(B))

**Act 110 (HB 118 Dimos)**  
Includes a muzzleloader license in the lifetime hunting license. (Amends R.S. 56:649.1)

**Act 117 (HB 236 Salter, Pierre, and John Smith)**

Authorizes the Wildlife and Fisheries Commission to enter into reciprocal agreements with Texas to establish special fishing licenses and fees for the Toledo Bend Reservoir and Caddo Lake. (Enacts R.S. 56:677)

**Act 118 (HB 256 Hopkins)**

Increases the legal limit for yo-yos and other trigger devices in Caddo Lake from 12 to 24; prohibits leaving a yo-yo or other trigger device unattended except from one-half hour after official sunset to two hours after official sunrise. (Amends R.S. 56:410.4(A) and (B))

**Act 197 (HB 235 Salter et al)**  
Exempts from fishing license fees people required to use artificial limbs or braces for mobility. (Enacts R.S. 56:302.2(B)(2))

**Act 119 (HB 259 Montgomery, Roach, John Smith, and Sam Theriot)**  
Exempts mentally retarded people from recreational fishing license fees when fishing is part of therapy and habilitation service. (Amends R.S. 56:302.1, Enacts R.S. 56:302.1(F))

**Act 120 (HB 260 Roach)**  
Requires the Department of Health and Hospitals to report the results of contamination tests of oysters in Calcasieu Lake at least 45 days before the opening of oyster season. (Enacts R.S. 40:5.3(J))

**Act 129 (HB 426 Ackal)**  
Provides that the parish president of the Iberia Parish governing authority will appoint five members and the presiding officer of the St. Martin Parish Police Jury will appoint two

members of the Spanish Lake State Game and Fishing Commission. (Amends Section 2 of Act No. 261 of 1940 as amended by Section 1 of Act No. 462 of 1960 and Section 11 of Act No. 455 of 1966)

**Act 137 (HB 576 Salter)**  
Provides that acquittal in a criminal prosecution precludes prosecution for civil penalties for restitution of the value of the same wildlife or aquatic life that was the basis for the criminal proceeding. (Amends R.S. 56:40.8)

**Act 154 (HB 1105 Hebert)**  
Corrects an erroneous citation in R.S. 56:259(C) from R.S. 56:124(7) to 56:116.1. (Amends R.S. 56:259(C))

**Act 155 (HB 1107 Hebert)**  
Defines standard .22 caliber rimfire as any rimfire .22 caliber, including short, long, long rifle, or .22 magnum, specifically excluding any .22 centerfire. (Enacts R.S. 56:8(128))

**Act 156 (HB 1148 Hebert)**  
Changes the authorized time for the taking of raccoon or opossum from daylight hours during the open squirrel season to the daylight hours of open rabbit season. (Amends R.S. 56:116:1(c)(4)).



*Errata:* Act 601; ‘Department of Natural Resources’ should read ‘Department of Environmental Quality’

Act 604; ‘Department of Natural Resources’ should read ‘Department of Wildlife and Fisheries’

**Act 189 (HB 2254 Roach)**

Increases the limit for recreational oyster fishermen from one sack per person per day to two sacks per person per day.  
(Amends R.S. 56:424(C))

**Act 200 (HB 277 Riddle)**

Allows commercial taking of bowfin in Avoyelles, Terrebonne, and Tangipahoa Parishes during December, January, and February.  
(Amends R.S. 56:326.6(A))

**Act 213 (HB 574 Roach)**

Allows a licensed alligator hunter, after paying an additional fee of \$25, to have one Louisiana resident assistant accompany him while hunting alligators.  
(Amends R.S. 56:251(A)(2)(a))

**Act 225 (HB 777 Reilly)**

Requires turkey hunters in Louisiana between the ages of 16 and 60, both ages included, to have a wild turkey stamp in addition to a basic hunting or big game license; provides that the resident fee for the stamp is \$5.50 and that the nonresident fee is \$10.50; makes turkey hunting without a turkey stamp a class one violation; provides that the money from the sale of the stamps is to be placed in the Louisiana Wild Turkey Stamp Fund and is to be used to conserve and restore wild turkey habitat; allows the Department of Wildlife and Fisheries to enter in reciprocal agreements with any state, that shares a boundary with Louisiana and that has a similar stamp requirement, to allow residents of that state to hunt wild Turkey in Louisiana without having a Louisiana turkey stamp and to allow Louisiana residents to hunt turkey in the other states without having a turkey stamp issued by those states.  
(Amends R.S. 56:10(D), Enacts R.S. 56:10(B)(7) and 56:161 through 166)

**Act 234 (HB 976 Patti)**

Makes the unlawful use of a trawl or skimmer net in privately leased oyster beds a class three violation.  
(Amends R.S. 56:423(B)(2))

**Act 352 (HB 1424 Thomas et al)**

Adds slaughtering of alligator and nutria to the list of exceptions from penalty for handling of meat which is slaughtered by someone other than a licensed butcher.  
(Amends R.S. 40:941)

**Act 357 (HB 1613 Riddle)**

Provides for an individual income tax

checkoff for donations to the Louisiana Operation Game Thief Program.  
(Enacts R.S. 47:120.40)

**Act 362 (HB 1755 Alexander)**

Prohibits the use of snagging devices (which does not include bow and arrow) in the taking of game fish.  
(Amends R.S. 56:320(C))

**Act 379 (HB 2253 Oinet and Patti)**

Provides that oyster meats may be sold by count at retail but only at the time of final sale, prohibits prepackaging of oysters being sold by count; requires shell stock oysters to be sold by volumetric measure, weight, or count; requires that oysters removed from the shell be labeled by volume or weight; allows a maximum of 15 percent free liquid by weight for oysters sold by weight or by volume; requires anyone packaging, labeling, or distributing shucked oysters to follow guidelines in the NIST Handbook 130; provides that oysters shall be shucked and prepackaged only in facilities certified by the Department of Health and Hospitals and that meet requirements of the National Shellfish Sanitation Program; provides that these provisions do not apply to oysters shucked at a restaurant for immediate consumption on the premises.  
(Amends R.S. 3:4631)

**Act 383 (HB 2281 Mitch Theriot)**

Provides that mariculture permits shall be issued for the life of the project; provides that applications for permits will be accepted at any time if the applicant meets the requirements; provides that if a mariculture project requires a coastal use permit from the Department of Natural Resources no mariculture permit shall be issued until the coastal use permit is issued; requires the Department of Wildlife and Fisheries to notify a mariculture facility prior to an inspection; allows the enforcement division to inspect without prior notice; allows mariculture permits to be issued only for areas within the coastal zone on privately owned property and water bottoms.

(Amends R.S. 56:579.1(A),(B),(C)(1) and (2), and (3), (D), (E), and (2), (F), (G), (H), Repeals R.S. 56:579.1(C)(4) and (K))

**Act 412 (HB 584 Alexander)**

Requires a hunter safety course for hunter born on or after September 1, 1969; allows anyone under the age of 16 to hunt without taking a safety course if he is accompanied by and is directly supervised by a licensed hunter who is at least 18

years old.  
(Enacts R.S. 56:699.5)

**Act 448 (HB 2441 Oinet)**

Creates the Oyster Development Account within the Seafood Promotion and Marketing Fund to receive the revenue derived from an additional five cent fee, created herein, above the administrative costs of the tag program for each oyster tag; provides that the Oyster Task Force will supervise the Louisiana Seafood Promotion and Marketing Board and outline the board's responsibilities and functions.  
(Amends R.S. 56:10(B)(1)(a) and 449(B), Enacts R.S. 56:578.12)

**Act 461 (SB 690 Cain)**

Requires the commissioners of Agriculture and Forestry to regulate the raising, slaughtering, and sale of elk and farm-raised white tail deer for commercial purposes; requires a license to raise or sell farm-raised white tail deer for commercial purposes; provides that the license does not apply to the sale of white tail deer meat; provides that those who receive these licenses are not required to have the license provided for in R.S. 56:171; defines "farm-raised white-tail deer" as any animal of the species and genus *Adocoileus virginianus* which is born, bred, raised, and/or kept in a fenced-in premises for buying, selling, or trading in commerce; provides that farm-raised white-tail deer does not include any white-tail deer which is part of any zoo, game park, or wildlife exhibit; provides that on or before August 15, 1995, any white-tail deer that is born into, bought, sold, traded, or otherwise becomes farm-raised in Louisiana shall be identified with an electronic implant.  
(Amends R.S. 3:3101, 3102(A) and (B), and 3104, Enacts R.S. 3:3102(D) and 3106)

**Act 462 (SB 757 McPherson)**

Prohibits the issuance of commercial gear licenses to nonresidents whose domiciliary state prohibits the use of similar commercial fishing gear; prohibits the issuance of commercial gear licenses for use in saltwater areas of the state for anyone who did not hold a commercial gear license for at least two years during either the 1992, 1993, or 1994 calendar years; this provision shall not apply to the commercial taking of menhaden.  
(Amends R.S. 56:305(C)(2), Enacts R.S. 56:305(C)(3))

**Act 509 (SB 409 Foster)**

Prohibits shrimping, from one-half hour after official sunset to one-half



hour before official sunrise, inside Vermillion Bay, West and East Cote Blanche Bays, and Atchafalaya Bay, with certain exceptions in the waters of Southwest Pass at Marsh Island.

(Enacts R.S. 56:499.4)

**Act 513 (SB 462 McPherson)**

Allows the issuance of Louisiana hunting and fishing license and Wildlife Louisiana Stamps for three years (exclusive of any other special licenses for the same fee as the sum of the yearly fees for the individual licenses;) provides that all multiple year licenses will be renewable by computerized mail; provides that funds generated by the license and stamp fees go to the Louisiana Department of Wildlife and Fisheries Conservation Fund and are appropriated on a pro rata basis to the department.

(Enacts R.S. 56:647; Amends R.S. 109 (D)(1) and (3) and 1832 (A))

**Act 514 (SB 463 McPherson)**

Requires the Department of Wildlife and Fisheries, at least once every two years, to review the costs and expenses associated with all fees, licenses, and permits and to recommend adjustments.

(Enacts R.S. 56:30)

**Act 535 (SB 1033 Campbell)**

Establishes the Louisiana Black Bear License Plate; provides that the fee of \$50 for the plate shall be placed in the Natural Heritage Award within the Conservation Fund to be used solely for nongame purposes.

(Amends R.S. 56:10(B)(6), Enacts R.S. 47:463.39)

**Act 543 (SB 1375 Greene)**

Changes the number of members of the Louisiana Crawfish Promotion and Research Board from 11 to 12; provides that the members are to be appointed by the Commissioner of Agriculture and Forestry rather than the Governor; requires a commercial gear license fee of \$25 to use any legal number of crab traps; provides that anyone who produces and harvests crawfish in private ponds does not need a license to sell their crawfish; or to transport these crawfish from the ponds where they were harvested to the first point of sale; allows freshwater and saltwater game fish to be taken by means of crawfish nets; provides that the throats and flues on crawfish traps shall not exceed two inches.

(Enacts R.S. 3:556.2(3), (4), (5), and (6), 556.3(A), (B), (C), (D), and (F) and R.S. 56:8(29) and (30), 305(B)(12), 306.3(C), 307(B), 320(A)(1), 322(I) and 415(A), R.S.

56:8(30.1), 8:30.2, and 330, Repeals R.S. 56:320(B)(2))

**Act 545 (SB 1395 Cain, McPherson)**

Exempts Alexander State Forest at Woodworth and other state forest lands operated by the Department of Agriculture and Forestry and Department of Wildlife and Fisheries from the provisions of the comprehensive state land inventory law.

(Amends R.S. 39:14).

**Act 546 SB 1414 (Brinkhaus, McPherson, Campbell) (substitute for SB 6 by Brinkhaus)**

Creates a beaver, coyote, nutria, armadillo and coydog control program to be developed by the Louisiana Department of Agriculture and Forestry, administered by the Livestock Brand Commission; the control program shall control the animals' population on private or public lands excluding federally owned lands, but not excluding lands where servitudes were granted to a federal entity; provides that the state may use any state local or private funds to match federal funds for such purpose.

(Amends R.S. 3:732 (B)(1)).

**Act 550 (HB 42 Long)**

Requires that nets used in Black Lake, Clear Lake, and Prairie Lake in Natchitoches Parish be marked with a waterproof tag showing the fisherman's name, address, and fishing license number; makes failure to tag the nets a class three violation; allows the Northwest Louisiana Game and Fish Commission to regulate commercial fishing under a permit system, to regulate the use of nets and mesh sizes, and to require tagging of nets used for commercial fishing.

(Enacts R.S. 56:410.6, Amends Act No. 191 of the 1926 Regular Session of the Legislature as amended by Act No. 539 of the 1990 Regular Session of the Legislature)

**Act 604 (HB 1450 Ackal et al)**

Requires any resident engaged in the collection of native reptiles or amphibians for noncommercial purposes to have a basic recreational fishing license; requires residents under the age of 16 who are engaged in the sale of native reptiles or amphibians to have a \$10 collector's license; requires anyone who buys, acquires, or handles in any manner a native reptile or amphibian in Louisiana for resale or anyone who ships or transports native reptiles or amphibians either in or out of Louisiana to have a native reptile and amphibian wholesale/retail dealer's license; provides that the resident and nonresident fee for the native reptile and amphibians wholesale/retail dealer's li-

cence is \$105 and \$405 respectively; exempts employees of wholesale/retail dealers from having to have a wholesale/retail dealer's license when they are transacting the business of the dealer at his place of business; exempts from the wholesale/retail dealer's license requirement anyone transporting reptiles or amphibians for a licensed wholesale/retail dealer; requires drivers of commercial transports, except common carriers, who are loading, unloading, or transporting native reptile or amphibians to have a native reptile and amphibian collector's license, a native reptile and amphibian wholesale/retail dealer's license, or a native reptile and amphibian transport license; provides that the fee for a native reptile and amphibian transport license is \$30 per vehicle for a resident and \$120 per vehicle for a nonresident; provides that a native reptile and amphibian transport license can only be purchased by the holder of a native reptile and amphibian wholesale/retail dealer's license or the holder of a native reptile and amphibian collector's license; provides that anyone with only a native reptile and amphibian transport license cannot buy or sell native reptiles or amphibians; provides that no transport license is required for anyone transporting reptiles or amphibians only for a licensed native reptile and amphibian wholesale/retail dealer who has a native reptile and amphibian transport license; requires shipments containing native reptiles or amphibians to be plainly marked and the tags or certificates that show the name of the consignor and consignee, with an itemized list of each kind of native reptile or amphibian contained therein; requires bills of lading issued by a common carrier for such shipments to state the number of packages containing native reptiles or amphibians; requires shipments of native reptiles or amphibians of any species used for human consumption made to points outside the state, other than by common carrier, to be registered at some port of exit established by the commission and to be inspected; provides that a violation of any of these requirements is a class two violation; provides for a one percent fee on gross out-of-state sales of native reptiles and amphibians; allows taking of bullfrogs under the legal size limit from privately owned waters if a special permit is obtained from the Department of Natural Resources; requires wholesale/retail dealers to keep records of the quantity and species of reptiles and amphibians acquired, the date they were acquired, and the name and license number of the collector, wholesale/retail dealer, or out-of-state seller from whom the native reptiles or amphibians were



acquired; requires that when native reptiles or amphibians are sold to a consumer that the records include the quantity and species of native reptiles or amphibians sold, the date of the sale, and a statement that the native reptiles or amphibians were sold to a consumer; requires one board certified pathologist or toxicologist to be a member of the Native Reptile and Amphibian Task Force.

(Amends R.S. 56:8(34), 632.1, 632.3(A)(1), 632.4(A)(3), 632.5, 632.8(B), 633(E), 634(C), and 635, Enacts R.S. 56:632.8(B)(5), 632.9, 634(D), 636, and 637)

**Act 660** (HB 356 Salter, Patti, Pierre, and John Smith)

Allows use of a credit card in purchasing nonresident hunting licenses, nonresident fishing licenses, nonresident recreational gear licenses, and Wild Louisiana Stamps; allows the Department of Wildlife and Fisheries to set up a "900" telephone number for purchasing licenses by credit card. (Enacts R.S. 56:104(C), 302.4(C), 302.6(3), 642, and 1832(D))

**Act 731** (HB 2304 Sam Theriot)

Provides that for failing to possess a Wild Louisiana Stamp, a fishing license, or hunting license while on Department of Wildlife and Fisheries lands, the violator will be required to obtain the required stamp or license or leave the Department of Wildlife and Fisheries lands; requires that the violator be given directions to the nearest place where the required stamp or license can be purchased; provides second and subsequent offenses will be a class one violation. (Amends R.S. 56:109(D)(3) and 1832(A))

**Act 751** (HB 254 Stelly et al)

Provides for suspension of recreational hunting and fishing licenses for failure to pay child support. (Enacts R.S. 9:315.30 through 315.38 and R.S. 56:647)(see similar Act 1078)

**Act 772** (HB 747 Mitch Theriot)

Provides that hunting and fishing licenses may be purchased by credit card. (Enacts R.S. 33:1423.1)

**Act 832** (HB 2208 Roach, Theriot, Siracusa, Dewitt, Odinet)

Increases the required principal amount to be credited to the Rockefeller Wildlife Refuge Trust and Protection Fund from \$30 million to \$50 million. (Amends R.S. 56:797(A)(2)(D)).

**Act 849** (HB 2446 Roach and

Picard)

Provides for a procedure for the Department of Wildlife and Fisheries to compensate oyster fishermen in Cameron and Calcasieu Parishes for losses suffered due to action of the Department of Health and Hospitals in closing public oyster beds on October 31, 1994.

**Act 873** (HB 1803 Durand)

Prohibits issuance, from January 1, 1996, through December 31, 1998, of commercial crab trap gear licenses to anyone who did not have a valid commercial crab trap gear license for 1993, 1994, or 1995. (Enacts R.S. 56:305.6)

**Act 938** (SB 1374 Hines)

Authorizes the Department of Culture Recreation and Tourism through the state parks, to develop and enter into a cooperative agreement with the Police Jury of Evangeline Parish for the establishment and operation of a regional firearm range and hunter education facility within the boundaries of Chicot State Park in Evangeline Parish. The state is to incur no cost or obligations from the facility.

**Act 956** (SB 94 Brinkhaus)

Allows of taking of freshwater game fish by bow and arrow except from March 1 to May 31 each year; prohibits taking of freshwater game fish by bow and arrow between one-half hour after official sunset and one-half hour before official sunrise; prohibits use of artificial lights in taking freshwater game fish by bow and arrow; sets limits on the number of freshwater fish that can be taken by bow and arrow. (Amends R.S. 56:320(A)(1) and (2), Enacts R.S. 56:320(A)(4))

**Act 1029** (HB 491 Long et al)

Exempts from the recreational fishing license fee any resident who is totally and permanently disabled and receiving a disability benefit from the Federal Social Security System. (Enacts R.S. 302.2(B)(3))

**Act 1034** (HB 599 Salter)

Provides that a person charged with hunting deer at night will be tried by the court without a jury. (Amends R.S. 56:36)

**Act 1039** (HB 701 Sam Theriot, Bergeron, and Holden)

Defines a charter boat fishing guide as any person who operates a vessel for hire and derives income from taking recreational fishermen to fish in state waters; provides that a char-

ter boat fishing license entitles the owner or operator of the vessel to carry no more than six nonresident recreational fishermen to fish in federal, rather than international, waters; requires a charter boat fishing guide to have, in his possession and in his name, a valid state charter boat fishing guide license, a valid captain's license issued by the United States Coast Guard, and a valid state recreational fishing license; provides that a nonresident, while aboard a vessel operated by a licensed charter boat fishing guide, does not have to have a fishing license but must have a valid out-of-state driver's license or other proof of residency; provides that the annual fee for a resident charter boat fishing guide license is \$250 for operating a vessel that carries no more than six passengers and \$500 for a vessel that carries more than six passengers; provides that the annual fee for a nonresident charter boat fishing guide license is \$1,000 for a vessel that carries no more than six passengers and \$2,000 for a vessel that carries more than six passengers. (Amends R.S. 56:302.8(A), Enacts R.S. 56:8(128) and R.S. 56:302.9)

**Act 1043** (HB 744 Mitch Theriot)

Defines "work box" as the standard crab crate used by commercial crab fishermen aboard a vessel to sort and cull undersized crabs; exempts crabs in a work box held aboard a vessel from the minimum size requirements for hardshell crabs; allows a commercial crab fishermen aboard a vessel to have one work box if he is not using a grader and two work boxes if he is using a grader. (Enacts R.S. 56:8(128) and 326(B)(4))

**Act 1044** (HB 745 Mitch Theriot)

Allows a licensed commercial crab fisherman to have an incidental take of crabs in the berry stage in his work box equal to but not more two percent of the total crabs in his possession. (Amends R.S. 56:332(B))

**Act 1049** (HB 829 Roach)

Prohibits the use of saltwater gill nets, trammel nets, strike nets, and seines in the part of Calcasieu Lake situated in Cameron and Calcasieu Parishes. (Amends R.S. 56:322(C)(4)(c) and 410.2(A), Enacts R.S. 56:410.6)

**Act 1066** (HB 1190 Bergeron)

Requires any operator of a softshell crab shedding facility to obtain a soft shell crab shedder's license each



year; requires additional licenses for each shedding facility; license costs are set at \$100 for residents and \$400 for nonresidents; requires the shedder who purchases pemolt and buster crabs from a licensed commercial fisherman to record the sale on 3-part receipts and requires shedder to keep certain records. (Amends R.S. 56:345 (A)).

**Act 1078 (HB 1340 Douner and Schneider)**

Provides for the suspension of hunting and fishing licenses for failure to pay child support. (Enacts R.S. 9:315.30 through 315.35, R.S. 32:432, R.S. 37:2952, and R.S. 56:647) See similar Act 751.

**Act 1080 (HB 1360 Hebert)**

Allows the use of dip nets and bait seines as long as they are in compliance with all other laws; notwithstanding restrictions in RS 56:322 bait species may be taken with bait seines with a maximum mesh size not exceeding 1/4 inch mesh bar, 1/2 inch mesh stretched, and 30 feet in length; bait seines must be operated only on foot and solely by hand; dip nets may not exceed 3 feet in diameter and may only be operated by hand, by no more than one person without any mechanical assistance; provides that a violation of this law constitutes a class 4 violation; deletes the provision allowing bait seines 100 feet in length or less if used south of the saltwater boundary line. (Enacts R.S. 56:302.3(D), 323, and 497(B)(2))

**Act 1140 (HB 1451 Ackal, John, Alario, Copelin, DeWitt, and Senators Bangeris, Brinkhaus, Kelly)**

Provides for latitude and longitude coordinates in defining the boundary between Breton and Chandeleur Sounds for the use of trawling vessels. (Amends Enacts R.S. 56:495.1(A)(2))

**Act 1141 (HB 1452 Ackal et al)**

Authorizes the purchase, sale, exchange, or possession with intent to sell or exchange fingerlings species (rock bass, white bass, yellow bass, crappie and bream not exceeding three inches, largemouth bass, spotted bass, and striped bass not exceeding six inches long) by permitted residents and by persons bringing certain gamefish fingerlings into the state from a legal certified commercial hatchery for sale to Louisiana residents for stocking approved public as well as private waters; exempts residents from having to no-

tify the Louisiana Department of Wildlife and Fisheries 24 hours before a shipment of fingerlings for sale in Louisiana; requires both residents and nonresidents to have a bill of lading for each shipment; allows permitted residents to raise all types of bass, crappie, and bream in the state for selling to consumers in this state, for stocking private ponds and lakes and approved public waters, and for selling to consumers in other states. (Amends R.S. 56:327(A)(1)(b)(i) and (ii) and (2))

**Act 1142 (HB 1457 Ackal, John, Alario, Copelin, DeWitt Senators Bagnesis, Brinkhaus, Kelly)**

Exempts triploid grass carp possession and transportation for aquatic plant control purposes from the requirement for annual permit renewal

(Amends R.S. 56:319(B))

**Act 1165 (HB 1739 Forster)**

Increases the maximum fine for simple cruelty to animals from \$500 to \$1,000; creates aggravated cruelty to animals which is defined as torturing, maiming, mutilating, or maliciously killing an animal; creates a mandatory penalty for aggravated cruelty to animals of a fine of no less than \$1,000 and no more than \$25,000 and imprisonment for no less than one year and no more than ten years with or without hard labor, or both; specifies that where more than one animal is tortured, maimed, mutilated, or maliciously killed, each act constitutes a separate offense; provides that these criminal prohibitions do not apply to any accepted animal control practices; specifies that abandonment of an animal does not include delivering an animal to an animal control center. (Amends R.S. 14:102.1)

**Act 1226 (HB 2272 Toomy, Stine, Durand, Patti)**

Authorizes the Louisiana Wildlife and Fisheries Commission to create and regulate hunting permits for the physically challenged; provides that permits may be issued only to people certified by a commission-approved physician; requires the commission to provide for special handicap hunts, special deer seasons, access to wildlife management areas, and use of a crossbow for taking deer. (Amends R.S. 56:116(B)(1), Enacts R.S. 56:104.1, Repeals R.S. 56:116(A)(B)(2) and 109(E))

**Act 1304 (SB 1237 Brinkhaus)** Creates the Oyster Lease Damage Evaluation Board to regulate the method of establishing a uniform system of compensation for actual damage to the oyster beds of lease-

holders caused by oil and gas industry activity. (Enacts R.S. 56:700.10 through 700.14)

**Act 1316 (HB 815 Triche)**

Defines gill net as any net of one or more layers not customarily used for shrimp and mahaden with a mesh size that is designed to entangle fish by gills or bony projections; defines mullet strike net as a gill net no longer than 1200 feet with mesh size no smaller than three and one-half inches stretched, not anchored to the bottom or shore but actively worked and not left unattended when used; defines trammel net as a net composed of layers of different size mesh attached to one or more floatlines or bottomlines such that fish hitting the mesh of smaller size push it through the larger size mesh and get trapped in the pockets of the net; defines an unattended net as any net in the water more than 200 feet from the person licensed to use it; defines the Federal Fishery Conservation Zone or Exclusive Economic Zone as the waters between the outside boundary of state waters and the 200-mile Federal Waters Boundary; creates the Commercial Fisherman's Economic Assistance Fund to provide assistance to commercial fishermen displaced by this law; provides that assistance based on loss of income includes state buy-back of gill and trammel nets from fishermen until January 1, 1996 on a price schedule fixed according to the type and the size of the net; provides that commercial fishermen can also receive economic assistance until July 1, 1997 in the form of retraining, secondary education, and placement assistance; provides that eligibility for assistance is limited to Louisiana residents who can prove with tax forms for any two years between 1993 and 1995 that more than 50 percent of their income came from fishing and that they had a valid Louisiana gill net license in two of those years; excludes from the assistance program anyone who has ever been convicted of a wildlife and fisheries violation greater than a class three violation; requires applicants to apply for assistance by October 1, 1995; prohibits fishermen whose nets have been bought back by the state from receiving rod and reel commercial licenses or strike net licenses for spotted seatrout, mullet, or underutilized species under R.S. 56:305(B)(14), 325.3, 325.4, and 333; provides that the assistance program is funded by revenue generated from the Louisiana Marine Resources Conservation Act Stamp which recreational fishermen must purchase, in addition to other licenses, until June 30, 1998; provides that federal law enforcement agents have the same powers and



duties as Louisiana agents regarding the enforcement of these and other saltwater fisheries laws under the jurisdiction of the Louisiana Department of Wildlife and Fisheries; prohibits recreational use of gill nets, trammel nets, strike nets, or seines; prohibits recreational fishermen from selling their catch; provides that a violation of this prohibition results in a permanent loss of the fishing license; provides that Louisiana residents pay \$25 for freshwater gill net licenses, \$250 for gill nets to be used in the EEZ, \$250 for mullet strike nets used in mullet season or spotted seatrout season, and \$250 for pompano strike nets to be used in the special pompano season; provides that nonresidents pay \$1,000 for these licenses; sets the freshwater trammel net fee at \$25 for any number of nets for use only in freshwater areas defined in R.S. 56:322(A) and (B); establishes the commercial rod and reel license for saltwater areas for a \$250 fee available to applicants who can prove the following: that they held a valid Louisiana gill net license in any two of the years 1993, 1994, or 1995 that more than 50 percent of their income came from fishing in those same years; that they have not been convicted of wildlife and fisheries offenses greater than class three violations; requires rod and reel fishermen to report catches in accordance with R.S. 56:345; prohibits issuance of commercial gear licenses to nonresidents whose domiciliary state has banned gill nets and similar gear; requires all personnel on fishing boats engaged in commercial fishing to possess a valid rod and reel license; provides that possession of an unmarked net in saltwater areas is a class six violation; requires boats traversing state waters to fish in the EEZ to keep gill nets and trammel nets stored on board; provides that the only unattended nets that cannot be seized when found are those attached to a wharf at a camp; provides that all other unattended nets will be destroyed; provides that two seasons remain for controlled gill net fishing for spotted seatrout by means of mullet strike nets; provides that the first season runs from November 20, 1995 to no later than March 1, 1996; provides that the second season runs from November 18, 1996 to no later than March 1, 1997; provides that the seasons will close before these dates if one million pounds of fish are landed in Louisiana or taken commercially in Louisiana waters; prohibits setting nets on weekends between 5:00 a.m. on Saturday and 6:00 p.m. on Sunday; prohibits fishing from after sunset and before sunrise; provides that after the close of the two remaining net seasons, commercial fishing will be limited to rod and reel only, provided the one

million pound limit has not been exceeded; provides that the permits for these two seasons will be purchased from the Department of Wildlife and Fisheries at a fee of \$100 for residents and \$400 for nonresidents; requires that the nets must be no longer than 1200 feet long and must be tagged on each end with the permittees name, address, social security number, and permit number; applicants for the spotted seatrout license must prove that they had a valid gill net license in two of the years 1993, 1994, or 1995, that more than 50 percent of their income came from fishing in any two of these years, that they did not apply for net buy-back or vocational training or placement; provides that during the two remaining seasons for taking spotted seatrout and mullet, black drum, sheepshead, and flounder may be taken by using a pompano strike net; provides that this gear and this allowance may only be used until March 1, 1997; provides the same weekend restrictions and the same qualifications for obtaining licenses as in the spotted seatrout net season; requires the nets to be no longer than 1200 feet; provides that annual reports will be made by the Department of Wildlife and Fisheries Commission on the condition of black drum, sheepshead, and flounder stocks; provides that if the report shows a spawning ratio of less than 30 percent, then the season will close within two weeks and stay closed the next year; provides that a commercial net season for mullet runs from the third Monday in October to the third Monday in January; provides that mullet strike nets may only be used in mullet season; provides that the fee for the mullet permit is \$100 for residents and \$400 for nonresidents; limits each vessel to one mullet strike net no longer than 1200 feet long; requires applicants for the mullet permit to prove that more than 50 percent of their income came from fishing in any two of the years 1993, 1994, or 1995; imposes the same tagging requirement as is imposed for the spotted seatrout season. (Amends R.S. 56:8(52), (102), (113) and (302.3(D), 305(B)(4) and (10) and (C)(2), 305.5, 320(B)(1) and (3), (F), and (I)(1), 322(C)(5) and (7) and (J), 333(A), (B), and (D), 406(A)(1) and (3)(a)(b) and (d) and (C), and 640.3. Enacts R.S. 56:8(66.1)(66.2), 13, 13.1, 68.2, 302.9, 305(B)(14) and (F), 320.1, 320.2, 325.3(C), (D), (E), (F), 325.4, 333(E), (F), (G), (H), and (I), and 406(A)(3)(e). Repeals R.S. 56.6(27), 8(78))

**Act 1318** (HB 598 Roach and Patti)

Proposes a constitutional amend-

ment authorizing the legislature to enact local or special laws defining a crime affecting the taking or protection of fish, other aquatic life, wild quadrupeds, wild birds, or their habitats.

(Proposes to add Art. 3, Section 12(C) of the Louisiana Constitution) This act was rejected by voters on October 21.

### Resolutions

**(HCR 2 McCain)**

Urges the Department of Wildlife and Fisheries to enforce the minimum mesh size of crawfish nets and traps throughout the Atchafalaya.

**(HCR 39 Odinet)**

Memorializes the United States Congress to direct the United States Department of Health and Human Services to require all states to report vibrio illness (*vibrio vulnificus*) illness caused by the bacteria and to develop a policy for prompt, comprehensive investigation of vibrio illness.

**(HCR 79 Ellington)**

Directs the Department of Wildlife and Fisheries to remove and destroy beaver and nutria at the request of a parish governing authority.

## Environmental Quality

**Act 191** (SB 509 Landry, Bankston, Brinkhaus, Rep DeWitt)

Prohibits the Department of Environmental Quality (DEQ) from increasing any fee that would increase by more than five percent of the fee paid in the previous fiscal year. Prohibits the DEQ from creating any new fees. (Amends R.S. 30:201 4(D)).

**Act 228** (HB 832 Diez, Jetson, and Senator Landry)

Requires the Department of Transportation and Development (DOTD) to issue a special permit authorizing any truck filled with a compactor body which hauls or collects solid waste, with tandem axles, to operate on any state-maintained highway including the interstate system, provided that the total gross weight does not exceed 68,000 pounds; requires the DOTD to issue a special permit authorizing trucks with compactor bodies and tridem axles not exceeding a total gross weight of 80,000 pounds to operate on any





state-maintained highway including the interstate system. Each permit costs \$50. (Enacts R.S. 32:387(C)(3)(g))

**Act 237** (HB 1035 Representatives Strain, Travis, Schneider, and Senator Cain)

Provides that only a certified commercial applicator or someone supervised by a certified commercial applicator can apply or supervise the application of herbicides, rodenticides, insecticides or restricted use pesticides on a non-fee basis for grass or weed control and rodent and general pest control in or around subsidized or public housing, multi-family housing, or on school grounds; defines "least toxic method" as the most economical means of pest management that is least hazardous to the people, property, and the environment; requires that pesticide applications for wood destroying insects be performed by a licensed structural pest control operator; requires school systems having ten or more schools to employ at least two certified commercial applicators; requires school systems having less than ten schools to employ at least one certified commercial applicator; requires the governing authority of each school to prepare and submit to the Department of Agriculture and Forestry, on or before August 1 of each year, an annual integrated pest management plan recommending the least toxic method of grass, weed, rodent, and general pest control.

(Amends R.S. 3:3209(A), 3210(A), 3210(C)(1) and (2), and 3242, Enacts R.S. 3:3382(4) and 3386 through 3389)

**Act 263** (HB 2028 Willard-Lewis, Clarkson)

Adds community service hours in a trash or litter abatement work detail to littering violations; provides for the following penalties: for the first violation 8 hours, second violation 16 hours, third violation 24 hours; adds community service to violators of littering on highways and adjacent lands as follows: first offense 8 hours, second offense 12 hours, third offense 16 hours, fourth and subsequent violations 20 hours; provides that penalties for non-completion of community service will result in a doubling of fine and hours of community service for each non-completion violation. (Amends R.S. 25:111(E) and 32:289(A)(1) and (C)(3))

**Act 290** (SB 705 Dardenne)

Requires the DEQ to prepare and disseminate an annual toxic release inventory report (TRI) presenting data submitted by manufacturing

facilities in the state reporting releases and transfers of chemicals designated by the EPA as toxic during the previous calendar year; requires the report to be used by the department to improve the quality of the environment and provide information to the public. The report shall include background information on federal TRI results, businesses' required to report to repeat releases, types of data which must be regulated, explanations of types of releases, amounts of releases by media, releases by parish and facility for the highest volume manufacturers and any other information reasonably necessary to enhance the public's understanding of TRI information.

(Enacts R.S. 30:2011.1)

**Act 336** (HB 1205 Roach)

Requires facilities that store regulated substances (as opposed to hazardous substances governed by other laws) in underground storage tanks to register with the state; defines a regulated substance as any substance in Section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 excluding any substance regulated by the state as a hazardous substance; defines liquid petroleum as a regulated substance; defines a response action contractor to include a subcontractor who provides specialized services relating to a response action; limits a response action contractor to forty percent of all response actions at a tank site, not including reimbursement application preparation or laboratory analyses; provides that when emergency conditions exist from a release of motor fuel from an underground storage tank, any person performing department-approved emergency response actions during the first 72 hours after the release will be considered a response action contractor; requires regulation of all underground storage tanks with a capacity in excess of 110 gallons, where previous law required regulation only of commercial underground storage tanks with a capacity in excess of 1100 gallons; establishes a field citation program; allows the secretary of the Department of Environmental Quality to issue, deny, suspend, or revoke certifications for underground storage tank workers; prohibits placing or dispensing a regulated substance into an unregistered underground storage tank on or after January 1, 1996; requires owners of underground storage tanks that have leaked and caused damage to pay for remediation; no longer requires the revenues derived from the fee on the first sale or delivery of fuel after withdrawal from bulk to first be put into the Bond Security and Re-

demption Fund before being put into the Motor Fuel Underground Storage Tank Fund; requires the owners of registered tanks to pay a \$45 annual fee; provides that the revenue from this fee is to be put into the Environmental Trust Fund, and if any of the money is unspent at the end of the year, it goes into the Tank Trust Fund; provides that the money placed in the Tank Trust Fund is not to be put in the general fund and is subject to the appropriation process; provides that after September 6, 1991, "motor fuel" includes new and used motor oil; provides that third party claims must be brought against the secretary of DEQ and storage tank owners for damages that are a direct result of a release from an underground storage tank; provides that revenues from maintenance and monitoring fees are to be put in the Environmental Trust Fund rather than the Tank Trust Fund; provides that the Tank Trust Fund is no longer to be used to replace tanks and piping; prohibits use of the Tank Trust Fund for any costs related to the release of new or used motor oil before September 6, 1991; prohibits the use of the Tank Trust Fund for response actions and third party claims relating to underground storage tanks owned by the state or the federal government when the debts and liabilities are those of the state or the United States; prohibits the use of the Tank Trust Fund for any underground storage tank excluded or deferred from regulation under 40 C.F.R. 280.10, except for underground storage tanks that store fuel solely for use by emergency power generators or any underground storage tank not registered with the Department of Environmental Quality or any underground storage tank for which the owner has not met the financial responsibilities imposed by R.S. 30:2195.9; changes the fee imposed for first sale or delivery of fuel removed from bulk from \$27 to \$72 for each separate withdrawal of up to or at least 9,000 gallons; exempts from this fee underground storage tanks owned by the state or by the federal government and underground storage tanks excluded by 40 C.F.R. 280.10, except underground storage tanks used for emergency power generators; requires operators of bulk facilities to file an application with the Department of Environmental Quality for a certificate within thirty days of starting operations; requires the operator of a bulk facility to file reports and remittance of fees whether a certificate is sought or obtained; provides for a five percent per month late fee; provides that the fee for the first sale or delivery of motor fuel from bulk will be suspended if the amount in the Tank Trust Fund equals or exceeds \$20 million; provides that if the amount in the Tank Trust Fund





falls below \$10 million, the fee will be reinstated; allows the operator of a bulk facility to keep three percent of the fee if the report and fee are sent within the time limit; imposes a ten percent penalty when fees are not received within 30 days of the due date; provides that the Tank Trust Fund will reimburse underground tank owners who pay response action contractors rather than reimbursing the response action contractor directly; provides that except response actions taken within 72 hours of a release of motor fuel from an underground storage tank, an underground storage tank owner who is also a response action contractor will not be reimbursed for response actions at his own site; provides that except for response actions taken within 72 hours of a release from an underground storage tank, an underground storage tank owner will not be reimbursed for a response action performed by a contractor whose action caused the release; provides for payment of a third party claim when a judgment has been rendered against the secretary of the Department of Environmental Quality or the underground storage tank owner; changes the name of the advisory board to the Motor Fuels Underground Storage Tank Trust Fund Advisory Board; deletes the requirement that the board shall, recommend standards for response action contractors but provides that the board may do so; requires the underground storage tank owner to be financially responsible for up to \$5,000 per cleanup and \$5,000 per third party judgment. (Amends R.S. 30:2194(A), (B), (C), and (D), 2195, 2195.2, 2195.3(A)(1)(a)(i) and (b), (4), (6), (7), (10), and (11), (B) and (C), 2195.4, 2195.5, 2196.6, 2195.7, 2195.8(A), (B)(4), and (C), 2195.9, Enacts R.S. 30:2194(E) and 2194.1, Repeals R.S. 30:2195.1 and 2195(3)(A)(9))

**Act 378 (HB 2201 Guillory)**

Provides the governing authority of Calcasieu Parish may require property owners to remove trash, junk, wrecked automobiles, or other discarded items from their property when such items are stored in violation of any zoning or other regulatory ordinance. (Amends R.S. 33:1236(30)(b)(I))

**Act 457 (SB 608 Guidry)**

Provides that the DEQ shall prepare and disseminate an annual ozone standard attainment monitoring report presenting data collected at monitors in all affected areas of the state; provides that the report shall be used by the DEQ to evaluate existing and proposed ozone abatement progress and to achieve com-

pliance with the National Ambient Air Quality Standard for Ozone and provide educational information concerning the process toward attainment of the NAAQ standard; provides that the report shall include background information on federal requests, types of data reported, the number of violations reported to EPA, trends and patterns from monitoring reports from monitoring sites where attainment was not fully achieved, and any other information reasonably necessary to enhance the public's understanding of the ozone non-attainment data and report. (Enacts R.S. 30:2054(B)(8)(d))

**Act 505 (SB 220 McPherson)**

Requires all new and reconditioned sewage treatment systems with capacities up to and including 1,500 gallons per day that produce an effluent and do not significantly reduce the amount of effluent to include an effluent reducer approved by the Department of Health and Hospitals. (Enacts R.S. 40:4.10)

**Act 512 (SB 448 Brinkhaus)**

Provides for procedures for adoption of rules by the Department of Environmental Quality that are identical to federal laws and regulations. (Enacts RS 49:953(F)(3) and (4))

**Act 537 (SB 1103 Nunez and Cress)**

Provides that the governor shall be responsible for coordination of the policies of all departments with environmental responsibilities, except for the Department of Agriculture and Forestry; requires the governor to establish the Environmental and Natural Resources Council to advise the governor and develop an overall environmental and natural resources policy and strategic plan for the state; provides that the membership council shall include representatives from various state agencies, business organizations, regulated industry and conservation organizations with the governor or designee serving as chairperson. (Enacts R.S. 30:2005)

**Act 600 (HB 1386 DeWitt, Siracusa, Ellington)**

Requires the Department of Environmental Quality, to the maximum extent practical prior to the proposal of any rule, to make a written determination that the environmental and public health benefits to be derived from the proposed rule clearly outweigh the social and economic costs reasonably expected to result from proposed rule; requires that the written determination be based on sound scientific information and at least include a full explanation of

the environmental and health benefits to be derived from the proposed rule, the estimated economic cost, if applicable, and a detailed statement of data, assumptions, and methods used in making the determination; creates an exception to the written determination requirement for rules required by federal law or regulation rules that will cost the state and affected persons less than \$1 million to implement, and emergency rules under 49:953(B); requires secretary or assistant secretary to certify under oath to selected state officials that the rule falls under the exception. (Enacts R.S. 30:2019(D))

**Act 601 (HB 1396 RP Theriot, Senators - Bagnesis, Kelly)**

Excludes permit applicants under the Louisiana Pollutant Discharge Elimination System (LPDES) from the rule to show cause for the failure of the secretary of the Department of Natural Resources to grant or deny a permit, license, registration, variance or compliance schedule within the required time. (Amends R.S. 30:2022(C)(2), Enacts R.S. 49:962.1(P))

**Act 602 (HB 1397 Theriot et al)**

Prohibits anyone who approves of all or part of LPDES permit applications from receiving a significant portion of income, directly or indirectly, from any federal NPDES or state LPDES permit holder or applicant during the two years before review of the application; provides that recusal for LPDES applications is not allowed; excludes from the definition of "permit holder" any department or agency of the state government. (Enacts R.S. 30:2014.1(B)(5) and (E))

**Act 642 (HB 1254 Durand)**

Requires the Department of Environmental Quality to publish a cost/benefit analysis of proposed environmental regulations. (Enacts R.S. 49:953(G) and (H))

**Act 689 (HB 1290 Theriot)**

Provides that fees and oversight costs collected by DEQ for work on inactive and abandoned hazardous waste sites will be deposited in the Hazardous Waste Site Cleanup Fund; deletes the requirement that at least 65 percent of the funds be used as matching funds under federal cleanup programs or for state investigation and remedial work at sites not covered by federal programs; requires expenditure of funds for operating expenses of the inactive and abandoned sites division of DEQ; provides that the attorney general has discretion on whether to file suit to recover money expended from the



**Hazardous Waste Site Cleanup Fund** as reimbursement. (Amends R.S. 30:2205)

**Act 699 (HB 1546 Theriot)**

Allows anyone submitting information to the Department of Environmental Quality pursuant to the Louisiana Water Control Law to request, with certain exceptions, that the information remain confidential. (Amends R.S. 30:2074(B)(4), Enacts R.S. 30:2074(D))

**Act 706 (HB 1694 Theriot)**

Provides that the Department of Environmental Quality shall adopt rules and regulations to govern the disposal of wood waste from construction and land clearing by an air and curtain process by October 1, 1995; provides that until such rules are adopted the department shall extend existing permits. (Enacts R.S. 30:2154(D))

**Act 708 (HB 1721 Theriot)**

Defines "pollutant", for the purposes of the Louisiana Discharge Elimination System, as dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954), heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water; provides that "pollutant" does not mean water, gas, or other material injected into a well for disposal in accordance with a permit approved by the Department of Natural Resources or the Department of Environmental Quality; provides that "pollutant" does not mean water, gas, or other material injected into a well for the production of oil or gas, or water derived in association with oil or gas production and disposed of in a well, if the well facilitates production or is used for disposal and is approved by the authority of the state in which the well is located and the state determines that the injection or disposal will not degrade ground or surface water resources; defines "water pollution" for the purposes of Louisiana Discharge Elimination System as including but not limited to the putting of any pollutant into state waters from any source and the putting of any pollutant into the waters of the Contiguous Zone or the Gulf of Mexico from any source other than a vessel or other craft used for transportation; defines "water pollution" for the purposes of the Louisiana Discharge Elimination System as including but limited to addition of pollutants via surface runoff channelled by man, discharges

through pipes, sewers, or other conveyances owned by the state, a municipality, or other person, which do not lead to a treatment works; defines "water pollution" for the purposes of the Louisiana Discharge Elimination System as including but not limited to discharges through pipes, sewers, or other conveyances leading into a privately owned treatment works; provides that "water pollution" for the purposes of the Louisiana Discharge Elimination System does not include the addition of pollutants by an indirect discharger to a publicly owned treatment works; defines "bordering waters" for the purposes of the Louisiana Discharge Elimination System as any waters of the state, any waters that touch the state coastline as it borders on the Gulf of Mexico, and includes the Gulf of Mexico. (Amends R.S. 30:2004(15) and 2073(6), Enacts 30:2073(8))

**Act 740 (SB 1310 Chabert)**

Deletes subsistence use damages for the loss of subsistence use of natural resources; provides that profits and earnings capacity damages are no longer recoverable from oil spills; allows a coordinator, in consultation with DEQ to direct state discharge response and cleanup operations resulting from threatened unauthorized discharges of oil, as well as actual unauthorized discharges, in the lands and state waters as well as coastal waters; authorizes the Department of Natural Resources to petition the oil spill coordinator to stop any unauthorized oil discharge or threatened unauthorized oil discharge; requires the oil spill coordinator to reimburse the office of conservation for all expenses incurred; requires the oil spill coordinator to seek reimbursement for the fund; requires the coordinator to use the money in the fund for this purpose which shall not exceed \$3 million in a fiscal year; requires the coordinator to inventory and identify all the facilities, sumps, pumps, pits, or reservoirs involved in actual or threatened unauthorized discharge of oil in coastal waters, on public or private lands, and where possible, to identify the owners thereof; requires the coordinator, in conjunction with the office of conservation, to inventory coastal waters before inventorying public and private lands; requires the coordinator to seek annual appropriation from the Oil Spill Contingency Fund to complete the inventory; deletes the \$200,000 limit for the inventory; allows the inventory to be conducted on a cost-share basis with state or federal agencies. (Amends RS 30:2452(A), 2454 (A), (C) and (D), 2456 (B) and (D)(2), 2457(B), 2458(B)(2) and (4), 2459 (A) and (D), 2462(A), 2469(B), 2480, 2484 (5)(6), and

(7), 2486(A) and (D), 2487 (A), 2489 (B), 2495, 2496, Enacts RS 30:2454(30) and (31), 2469(E), 2484(8), (9) and (10) and 2489 (D); repeals RS 30:2454(5)(e) and (f) and 2469.1))

**Act 806 (HB 1517 Siracusa)**

Limits the Department of Environmental Quality's regulatory authority to regulating "commercial" laboratories; defines "commercial laboratory" as a laboratory which performs analyses or tests for third parties for a fee or other compensation except these commercial laboratories certified by the Department of Health and Hospitals RS 49:1001 et seq; provides for the certification of commercial laboratory. (Amends R.S. 30:2011 (D)(22)).

**Act 815 (HB 1712 Roach)**

Requires the Department of Environmental Quality to keep, in a place accessible to the public, a list of permit applications on which no permit action has become final; requires the list identify the applicant, the location of the activity described in the application, and the type of permit sought; provides that failure to list an application will not affect the validity of any action taken on the application. (Enacts R.S. 30:2022.1)

**Act 844 HB 2386 (Willard-Lewis & Patti)**

Provides that littering shall be defined to include the posting of temporary signs or flyers on any surface or pole; provides that the owner of temporary signs shall be given 30 days notice, by certified mail, to remove such items; requires that in the case of political signs, the candidate for office shall be given 30 days after the general election to remove the sign; provides that no fee shall be assessed unless the owner has been properly notified; states that this Section does not abrogate any other ordinance that is more restrictive. (Amends R.S. 25:1118)

**Act 850 (HB 2452 Holder) (substitute for HB 1221)**

Requires DEQ to make available for public examination, information in reports relevant to the discharging or emission of toxins including in the Louisiana Air Control Law and the Louisiana Water Control Law. (Enacts R.S. 30:2373(B)(3))

**Act 947 (HB 1851 Roach)**

Establishes policies and procedures to address violations of Department of Environmental Quality regulations and compliance orders; provides for



penalties for violations of DEQ regulations and compliance orders; requires the secretary of DEQ to keep a list of all notices of violations, compliance orders, and penalty assessments for the preceding twelve months; requires DEQ to send a notice of violation and notice of penalty to anyone who has violated a DEQ regulation; gives anyone accused of a violation, or any aggrieved party other than the accused, the right to request an adjudicatory hearing on a disputed issue of fact or law arising from a compliance order or penalty assessment; gives the secretary of DEQ or the hearing officer, if authority has been delegated to the hearing officer, the authority to issue a final enforcement action; requires the secretary of DEQ to give anyone who has violated a DEQ regulation notice of a final enforcement action; allows for informal procedures for some types of compliance orders and penalty assessments; gives the secretary of DEQ authority, with the attorney general's permission, to settle suits, disputes, or claims; provides that the secretary of DEQ does not need the attorney general's permission to settle suits, disputes, or claims regarding a compliance order; provides for public notice and public hearings regarding any settlement; gives the secretary of DEQ authority, in emergency situations, the authority to issue emergency cease and desist orders which expire after 15 days; gives the secretary of DEQ the right to seek an injunction after an emergency cease and desist order expires; requires the action for injunctive relief against an emergency cease and desist order to be filed in the district court for East Baton Rouge Parish; requires that a final compliance order or penalty assessment action is abandoned when no final enforcement action is sought for two years after issuance; requires the secretary of DEQ to adopt procedures for issuance of declaratory rulings; requires the secretary to keep, in a place accessible to the public, a list of petitions for declaratory rulings; provides for notice of declaratory rulings; makes a declaratory ruling a final agency action; provides for the qualifications of hearings officers; provides for the powers of a hearing officer; provides for administrative review by the secretary of DEQ of a hearing officer's decision; provides for judicial review by the Court of Appeal for the First Circuit of a hearing officer's ruling, a final permit action, a final enforcement action, or a declaratory ruling; requires that notice to an applicant for a permit, a respondent, a petitioner for a declaratory ruling, or a party to adjudicatory hearing, or other person be given by certified mail or delivery; provides that the computation of time for prescription is governed by Code of Civil Proce-

dures article 5059; provides that the laws of this Chapter are supplementary to the Administrative Procedure Act; allows for a writ of mandamus, issued by the 19th Judicial District Court of East Baton Rouge Parish, directing the secretary, authorized associate secretary, or hearing officer to act within a specified time; allows for public hearings for investigative fact-finding or establishing policy to be held at the discretion of the secretary of DEQ; allows for a trial de novo in the 19th Judicial District for East Baton Rouge Parish when the secretary of DEQ has denied a request for a public hearing; provides for civil actions to carry out these provisions are to be brought only by the secretary of DEQ; provides that only the secretary of DEQ can issue cease and desist orders; provides that the Environmental Commission cannot assess civil penalties.

(Amends R.S. 30: 2004(15), 2011(D)(17), 2024(A), (B), and (C), 2025(A), (C), (E)(2), (3)(a)(ix), and (6) and (I)(2), 2031(E), and 2033(D); enacts R.S. 30:2004(16) through (21), 2016, and 2033(E) and (F) and 30:2050.1 through 2050.29; Repeals R.S. 30:2018, 2025(D), (E), (4) and (5) and (H), 2060(J) and 2181.

**Act 1019** (HB 264 Thompson, John, Patti, and Theriot)

Transfers the regulation of litter from the Department of Culture, Recreation, and Tourism to the Department of Environmental Quality; provides that cutting, picking, digging up, or otherwise removing wildflowers from a designated wildflower area is no longer considered littering; provides that throwing, dumping, or depositing litter from a boat or other conveyance creates the presumption that it was done by the driver; prohibits operating a conveyance on any highway or waterway in such a way that its contents can blow out or fall out; prohibits operating a conveyance in such a way that an excessive amount of mud falls from the tires onto a roadway; changes the minimum and maximum fine for a first conviction for littering from \$100 to \$50 and from \$700 to \$500 respectively; requires an offender, after a second conviction, to serve eight hours of community service in a litter abatement work detail; provides that suspension of a driver's license is no longer a punishment for a second offense; provides that anyone convicted of littering may be required to pick up litter from state highways, public rights-of-way, public playgrounds, public parks, or other location for any period of time in lieu of or in addition to other penalties; provides that when litter is found that displays someone's name or in any manner indicates that it

belonged to someone, it creates a presumption that the person identified has littered; provides that defacing, destroying, or removing a posted sign denoting the law against littering, an "adopt a road", or an "adopt a beach" area is no longer considered littering; provides that each separate occurrence of littering is a separate violation; requires anyone convicted of littering, in addition to other penalties, to repair or pay for any property damage and to pay all reasonable investigative expenses of the investigating agency. (Amends R.S. 25:1101, 1102(1), (3), and (5), 1103(A)(1) and (D), 1104, 1105(A), (B), (C), and (18), 1106, 1107, 1108, 1110, 1111, 1112(A) and (B), 1114(A) and (3), (B), and (C), 1115(A) and (D), 1117 and (3), 1117.1, 1117.2, 1117.3, 1117.4, 1117.5, and 1117.6 and R.S. 36:239(C) and 918, Enacts R.S. 25:1102(6) and (7))

**Act 1037** (HB 667 Holden)

Requires the owner or operator of a facility where a release of a reportable quantity of a hazardous substance has occurred to allow the designated local emergency response agency to have access to the facility without delay; allows denial of access for a reasonable time to secure the facility, insure safety, preserve property, or verify the authority of the people demanding access to the facility.

(Enacts R.S. 30:2375)

**Act 1055** (HB 1056 Smith)

Allows a parish governing authority to give or deny permission to operate a commercial solid or hazardous waste incinerator within the parish; provides that on or after July 1, 1995, the Department of Environmental Quality must notify the governing authority of any parish affected by an application of a commercial facility seeking a license for the treatment, storage, or disposal of naturally occurring radioactive material; requires the Department of Environmental Quality to notify any public interest group or individual within the affected parish when the group or individual has requested notice in writing and has provided a mailing address; defines "public interest group" as an association of at least 25 members who reside in the affected parish; requires the parish governing authority to notify each municipality within the affected parish; provides that failure of Department of Environmental Quality or the parish governing authority to give the required notice will not affect any action taken on the application.

(Enacts R.S. 30:2116 and 2116.1)



**Act 1085 (HB 1442 Theriot et al)**

Provides that lead contractors will be licensed by the State Licensing Board for Contractors; provides that the license expires on December 31 of the year in which it was issued; requires anyone engaged in the design and planning of lead abatement projects to be certified as lead hazard reduction planners; requires everyone who inspects lead abatement activities to be a certified inspector; exempts from these requirements homeowners performing lead reduction in and around their own homes; exempts from these requirements activities performed wholly within an industrial facility by employees subject to the training requirements of the Occupational Safety and Health Administration's Hazard Communication Standard; requires refresher courses and training be no less stringent than the federal standards and provides that the secretary of DEQ is to determine the standards; provides that public entities are exempt from the license requirements and fees for lead contractors, although its employees must be certified under the appropriate categories; requires everyone analyzing lead in paint films to use nondestructive tests using detection instruments approved by the federal government; requires that laboratories doing lead analysis in human specimens to be accredited under the Clinical Laboratory Improvement Amendment of 1988, PL 100-578, and the Clinical Laboratory Personnel Law, R.S. 37:1311 et seq; requires the state health officer, rather than the Secretary of the Department of Environmental Quality, to develop standards for the medical surveillance program for everyone engaged in lead reduction; provides that pre-placement examinations and periodic blood screening are not required; provides that the money in the Lead Hazard Reduction Fund is no longer required to be spent only in amounts appropriated by the legislature; requires the identities of people who are engaged in lead reduction activities and whose blood tests positive for lead be reported to the state health officer, rather than the director; requires the state health officer to define what constitutes a positive test; requires a lead contractor to report to the state health officer, rather than the Department of Health and Hospitals, the names of employees who test positive for lead; allows the state health officer, rather than the secretary of the Department of Health and Hospitals, to agree with other departments of the state to receive, compile, analyze, or retain reports of lead exposure; allows the secretary of the Department of Environmental Quality to levy and collect taxes sufficient to fund the lead abatement program; provides that

anyone applying for a license for more than one category has to pay only the fee for the highest category; does away with the \$500 fee for the accreditation of training providers and allows the secretary of the Department of Environmental Quality to establish the fee.

(Amends R.S. 30:2351.1(1), (12), (17), and (19), 2351.3(B), (C), and (D), 2351.4(A), (B), and (1)(c), 2351.5, 2351.6, 2351.7, 2351.9, 2351.12, 2351.23, 2351.27, 2351.29, 2351.41, 2351.51, 2351.52, 2351.54, 2351.55, 2351.59, 2351.60, Enacts R.S. 30:2351.1(23), 2351.5(C), and 2351.27(C), Repeals R.S. 30:2351.1(G), 2351.4(C), (D), and (E), 2351.23(D)(8), 2351.29(D), 2351.52(D) and (E), 2351.53, 2351.55(C), (D), and (E))

**Act 1088 (HB 1556 Durand, Ackal, Alario, Copelin, Dewitt, and Senators Bagneris and Kelly)**

Exempts the Department of Transportation and Development from liability for environmental contamination which it did not cause or aggravate in a right-of-way acquired for transportation purposes. (Enacts R.S. 48:276)

**Act 1092 (HB 1183 Roach)**

Provides for the adoption of minimum remediation standards for soil, groundwater, and surface water on contaminated immovable property; requires standards to be based on generally accepted peer reviewed scientific methodologies and reasonable assumptions of contaminant exposure, and expressed as numeric standards where feasible; defines "responsible person" as one responsible for the discharge or disposal or threatened discharge or disposal of a hazardous substance or hazardous waste on or in immovable property, or one engaged in the business of generating or transporting, storing, treating or disposing, or who permitted others to use property for hazardous waste or hazardous substance disposal, or knows hazardous substance was located on property or whose actions contributed to the discharge or disposal; additionally provides for exemptions from certain non-federal liabilities for those who voluntarily clean up contaminated sites, provides for partial remedial action plans, submission and approval processes for voluntary plans and related administrative protocol. (Enacts R.S. 30:2272.1, 30:2275.1 and 30:2285-2290).

**Act 1135 (HB 1330 Smith)**

Creates exemptions, taking effect on January 1, 1995, from payment of all solid waste disposal fees for all

small business that dispose of less than 100 tons of solid waste per year and all nonprofit, civic, and fraternal organizations; provides for reimbursement of any fees already collected. (Amends R.S. 30:2155.1)

**Act 1160 (HB 1684 Theriot)**

Provides that if the secretary of the Department of Environmental Quality requests a civil action be taken by the attorney general to recover money spent from the Environmental Trust Fund and if the attorney general does not respond within 60 days, then an attorney from DEQ, with the permission of the attorney general, can represent DEQ or the secretary of DEQ in the suit; allows the secretary of DEQ, the assistant secretary, or the authorized technical secretary, rather than the Environmental Control Commission, to issue cease and desist orders, issue compliance orders, and commence civil actions; provides that the Environmental Control Commission can no longer assess civil penalties.

(Amends R.S. 30:2015(E), 2025(A)(1), (B)(1), (C), (E)(2), (3)(a)(ix) and (5), (G)(1) and (2), and (1)(2), 2033(B), 2109(B), 2195.4(B) and 2225(D))

**Act 1189 (HB 1922)**

Provides that the Department of Environmental Quality shall adopt rules and regulations to govern the discharge of liquid wastes from commercial facilities that contain methanol alcohol by October 1, 1995; provides that the rules and regulations shall require pre-treatment of such waste before disposal. (Enacts R.S. 30:2074(D))

**Act 1297 (SB 975 Johnson)**

Provides the state will encourage and look favorable on Louisiana business in the recycling industry; defines "recycled paper product", "recovered paper", and "post-consumer recovered fiber"; establishes procurement goals for recycled paper products to increase five percent annually until fifty percent is achieved in ten years, at least twenty percent which consists of high grade white paper.

(Amends 30:2411(A)(3)(B)(4) and (C) and 2415(F)(6), Enacts 30:2411(B)(7)(D), 2412(27)(30) and 2415.1)

**Act 1328 (HB 841 Picard)**

Authorizes the governing authority of Calcasieu Parish to enact ordinances and impose penalties for violation of litter ordinances; authorizes governing authority to establish a beautification fund into which fines are paid; authorizes the parish to establish a litter control section



## Coastal Resources

to enforce its litter ordinances.  
(Amends R.S. 33:126.2)

### Act 1007 (SB 642 Landry)

Requires the Department of Environmental Quality to give notice of permit applications to affected parish governing authorities within 30 days of receipt of the application.  
(Amends R.S. 30:2022(A))

### Act 1208 (HB 2117 Representatives Windhorst, Donelon, and Senators Brinkhaus and Nunez)

Provides for paying a \$25 witness fee to law enforcement officers appearing in a proceeding for judicial review of a Department of Environmental Quality administrative decision pursuant to a subpoena; provides for an appeal of a final decision or order of the secretary of the Department of Environmental Quality by filing a petition within 30 days of the decision with the district court of the parish in which the agency is located.  
(Amends R.S. 13:3662(H)(2) and R.S. 30:2024(C))

### Act 1216 (HB 2224 Guzzardo)

Prohibits the Department of Environmental Quality from imposing a motor vehicles fuel program not expressly required by federal law and expressly authorized by state law.  
(Amends R.S. 30:2054(B)(2))

### Act 322 (HB 538 Theriot et al)

Defines duties of Office of Environmental Education, initiates a grant program to fund nonprofit organizations and public agencies conducting environmental education programs, provides for development of an environmental education curriculum framework for public and private elementary and secondary schools, provides for incorporation of environmental education into the training of teachers at colleges and universities, encourages development of continuing education or in-service training programs for teachers which offers environmental education, allows funding for the Louisiana Environmental Education Fund to be from any public or private source, places the Office of Environmental Education within the office of the governor and allows sale of prestige license plates at \$25.00 each to fund it.  
(Amends R.S. 30:2503 and Enacts 30:2504-2511, R.S. 36:4(N), 47:463.39)

## Resolutions

### (HCR 63 Holden)

Directs the secretary of the Department of Environmental Quality to report to the legislature before the

1996 Regular Session on the status of the Mississippi River Interstate Pollution Phase-Out Compact.

## Coastal Resources and Public Lands

### Act 65 (SB 387 Barham)

Authorizes the Department of Wildlife and Fisheries to exchange title to its property in Township 19 North, Range 5 East in Ouachita and Morehouse parish in return for International Paper Company property in township 19 North Range 4 East in Ouachita Parish if the property the state receives is of greater economic value than that which it is trading.

### Act 66 (SB 388 Barham)

Authorizes the Department of Transportation and Development to sell or transfer property in East Carroll Parish, Section 24, Township 21 North, Range 11, East, NE/4 of NW/4 to the Department of Wildlife and Fisheries.

### Act 70 (SB 419 Cox)

Authorizes the State Land Office to transfer to Joseph Lanza a tract of land bordered on the south by Shell Beach Drive and on the north by the waters of Lake Charles in the city of Lake Charles.

### Act 104 (HB 16 Durand et al)

Allows holders of Golden Age Passports and Golden Access Passports, from November 1, through February 28, to stay the third consecutive night free when they have rented a campsite in a state park at the discount rate for two consecutive nights; allows holders of Golden Access Passports to camp in state parks for one-half the normal fee; provides that in state parks where individual user fees are charged, the reduction applies only to the permit holder; provides that where vehicle permits are used, the reduction applies to the permit holder and each passenger accompanying the permit holder.  
(Amends R.S. 56:1692.1 and 1693.2)

### Act 108 (HB 87 Roach)

Authorizes the Department of Transportation and Development to transfer, or lease the land on which the state roadside park in Grand Chenier is located to the Cameron Parish Police Jury for a term of up to 99 years.

### Act 135 (HB 562 Hammett)

Authorizes the state and the De-

partment of Transportation and Development to convey lots 27 and 28 of the Ratchford lots and lots 9 and 10 in Square 3 in the town of Vidalia to transfer to the Vidalia Riverfront Development Project.

### Act 160 (HB 1230 Roach)

Provides that the expenditures of federal funds in coastal wetland and restoration projects on private property do not create any public rights.  
(Amends R.S. 49:213.7(E)(2))

### Act 173 (HB 1544 Roach)

Requires a written declaration of public use benefits prior to recommending any project for inclusion in a wetlands conservation and restoration plan; the public use benefits include: public and private benefits of project, the manner in which benefits will be realized, persons who will be responsible for long term operation and maintenance of the project, and who is responsible for monitoring and ensuring that the benefits are realized.  
(Amends R.S. 49:213.6(C))

### Act 179 (HB 1574 Thomas)

Authorizes the transfer of property at the Louisiana Approach to the Pearl River Bridge on State Route 10 in Washington Parish (State project No 047-05-0009) from the Department of Wildlife and Fisheries to the Department of Transportation and Development.

### Act 230 (HB 874 Triche and Sam Theriot)

Requires the assessor of each parish containing bona fide marshland to determine the use value of the marshland based on the use value table prepared by the Louisiana Tax Commission; requires assessors to assess the marshland for ad valorem tax purposes on the basis of its highest use value.  
(Amends R.S. 47:2307(B))

### Act 243 (HB 1204 Roach)

Requires the state to quitclaim title to owners of lots situated in Section 7, Township 15 South, Range 7 West in Rutherford Beach Subdivision in Cameron Parish for \$150 per lot.

### Act 266 (SB 1 Barham)

Provides that holders of Golden Age Passports or Golden Access Passports shall be permitted to camp at any Louisiana state park for one-half the normal fee if any unoccupied camp site is available; provides that between November 1 and February 28, the passport holders will be entitled to a fee waiver at any state park if any unoccupied site is available





after the holder has paid the normal discounted rate for a campsite for two consecutive nights; provides that for a stay longer than three days the fee waiver applies every third night following two consecutive nights at the normal discounted rate. (Amends R.S. 56:1692.1 and 1693.2(A), Enacts R.S. 56:1693.3, Repeals R.S. 56:1692(B)).

**Act 539 (SB 1212 Cox)**

Provides for the creation of the Creole Nature Trail Scenic Byway District to stimulate economic development and tourism in the parishes traversed by the Creole Nature Trail Scenic Byway. (Enacts R.S. 48:1815 through 1820)

**Act 607 (HB 1564 Jetson et al)**

Requires the statewide flood control program to pay the total cost of changes to drainage structures located within a state highway right-of-way. (Amends RS 38:90.1(10), 90.9(4), 90.12(A), and 92(A) and (B); Enacts RS 38:90.1(11))

**Act 711 (HB 1736 McCallum and Senator Ewing)**

Provides that public contracts and/or public work let by the Bayou D'Arbonne Lake Watershed District shall be let in accordance with the Public Bid Law. (Amends R.S. 38:2558(15))

**Act 923 (SB 1215 McPherson)**

Creates the adopt-a-byway program whereby an organization that owns, uses, or leases property adjacent to a parish maintained road may adopt a section of the road for the sole purpose of controlling litter along that section. (Enact R.S. 25:1121)

**Act 936 (SB 1362 Heitmeier)**

Exempts retroactively the state and its agents from any liability for any damages to rights of leaseholders, permittees, and licensees on state lands or waterbodies caused by coastal restoration projects. (Amends R.S. 49:214.5, Enacts R.S. 49:214.6).

**Act 1332 (SB 333 Nunez)**

Proposed a constitutional amendment to change the constitutional provision determining the ownership of mineral rights on navigable waterbottoms that have been formed by the erosion of private property and are reclaimed through implementation of state coastal restoration projects; proposes that the state be allowed to negotiate the ownership of mineral rights on the

reclaimed land with the landowner whose property is contiguous to and abutts the reclaimed waterbottoms and who would have had the right to reclaim those waterbottoms with a privately funded restoration project; current law provides that ownership of mineral rights on such reclaimed land must remain with the state.

(Amends LA Const Amendment Act IX Section 4(A)). (Passed by popular vote on October 21, 1995)

**Resolutions**

**(HR 5 Theriot)**

Approves the Coastal Wetlands Conservation and Restoration Plan for the 1995-1996 fiscal year.

**Ports, Harbors, and Waterways**

**Act 72 (SB 427 Ullo and Hainkel)**

Authorizes the parish governing authority of any parish with a population of at least 425,000 whose boundaries are not coterminous with a single municipality to adopt ordinances which establish a maximum allowable wake created by any vessel on parish waterways, if the waterways are within or are abutting a national park; provides that the maximum wake is 15 inches; requires "no wake" zones to be posted on any waterway affected by the ordinance; allows for certain exceptions to the wake ordinances; makes the fine for a first offense \$100, for a second offense \$200, for a third and subsequent offenses \$300. (Enacts R.S. 33:1236(63))

**Act 161 (HB 1261 Hebert)**

Provides definitions relative to the South Tangipohoa Parish Port Commission for: administrative expenses, marine terminal operator, operating companies, operating expenses, repairs, and stevedoring company; deletes provision that reserved one acre of property with waterfront usage to serve the boating public until needed by industry for industrial purposes. (Amends R.S. 34:1963).

**Act 166 (HB 1404 Reilly et al)**

Requires the Louisiana Maritime Development Authority's board of commissioners to meet monthly or as required by the business needs of the authority. (Amends R.S. 51:2752(A)(2)(c))

**Act 345 (HB 1361 Hopkins)**

Creates the Caddo Lake Watershed District to control the freshwater supply from Caddo Lake; in Caddo Parish; provides extensive regula-

tion of activities that affect the water flow and drainage patterns in and out of the lake and that affect the water quality of the lake; provides for fines and penalties for violations (Enacts R.S. 38:3087.31 through 3087.47)

**Act 385 (HB 2316 Siracusa)**

Allows livestock to go on levees at any time except where the levee commissioners of a district and the office of public works have determined that damage would occur from wear, tear, and abuse; allows the levee commissioners of a district and the office of public works, rather than the road and levee inspector for the ward or any citizen, to impound livestock violating this provision; provides that livestock, if in violation of this provision, may be impounded by the levee commission and the office of public works; provides that impounded livestock will be sold at auction if not redeemed by the owner within eight days of notification to the owner of the impoundment and impending sale. (Amends R.S. 3:2571 and 2572)

**Act 925 (SB 1219 Cross)**

Extends the jurisdictional boundaries of the Amite River Basin Commission to include the land within the drainage right of way of the proposed Comite Diversion Canal in East Baton Rouge Parish until September 1, 1997. (Amends R.S. 38:3301)

**Act 974 (SB 425 Brinkhaus et al)**

Adds a member from St. Landry Parish to the Teche-Vermillion Fresh Water District providing that the St. Landry member can only vote on drainage and flood matters. (Enacts R.S. 38:3086.3(A) and 38:3086.3(F))

**Act 1032 (HB 579 Mitch Theriot and Patti)**

Removes Lafourche Parish from the Atchafalaya Basin Levee District (ABLD); reduces the number of levee commissioners from 19 to 15; requires the ABLD to annually remit 2/3 of the revenues on the separate accounts established in §331(A) to Terrebonne Parish for levee construction maintenance and other flood control works. (Amends R.S. 38:291(A)(1) and (2) and 331(B) and (C))

**Act 1045 (HB 796 Hammett)**

Creates the Lake Bruin Recreation and Water Conservation District comprised of the area around Lake Bruin and Brushy Lake in Tensas Parish; provides extensive regulation of activities that affect the waterflow





and drainage patters in and out of the lake and that affect the water quality of the lake; provides for fines and penalties for violations. (Enacts R.S. 38:3087.31 through 3087.47) (But see Act 345 which designates the same revised statute numbers. This is an error that will obviously be corrected at some future date.)

**Act 1080 (HB 1360)**

Clarifies that the powers of the Sabine River Authority include those of port authority commissions and terminal districts; declares that the Sabine River Authority has the power to do things necessary to facilitate economic development and generate recreation and tourism. (Amends R.S. 38:2324(A), Enacts R.S. 38:2325(r))

**Act 1162 (HB 1709 Krieger)**

Authorizes the governing authority of Drainage District No. 4 in St. Tammany Parish, subject to voter approval on or before December 31, 1996, to levy and collect a tax of no more than \$96 for each 10,000 square feet of each lot or parcel such that the minimum tax on each lot or parcel is equal to that amount which would be levied on the first 10,000 square feet. (Amends R.S. 38:1764.16(A)(1))

**Oil, Gas, and Minerals**

**Act 87 (SB 912 Nunez)**

Provides that the employment procedures of the Department of Conservation are subject to the budgetary control and policies of the Department of Natural Resources. (Amends R.S. 36:806)

**Act 88 (SB 914 Nunez)**

Defines for mineral based purposes "lessor" as the office of mineral resources, the commissioner of conservation, any school district, levee district, drainage district, municipal or parochial subdivision of the state, state institutions, penal or charitable institutions, any state university or college, or any other institution deriving its authority and powers from the state; allows any lessor to lease any lands it owns or has possession or custody of and allows the office of mineral resources to lease beds and bodies of navigable waterways for purposes of allowing the lessee to use the premises, tanks, and facilities for the receipt, storage, transportation, and shipment of oil, goods, wares, and merchandise, and for other uses incidental to these purposes; requires any per-

son, firm, or corporation desiring to lease any of the lessor's land or navigable water bodies or their beds to present to the lessor a written application with a \$50 cash deposit; provides that the applications and bids will be secret; requires the lessor, after receiving the application and deposit, to publish an ad in a newspaper of general circulation in the parish where the lands or navigable water bodies are located, or if the parish has no newspaper, in the newspaper of an adjoining parish; requires the ad to be run at least once a week for three consecutive weeks; requires the ad to set forth a description of the lands, water bodies, or beds of water bodies to be leased, the time when bids will be received, and other information the lessor deems appropriate; provides that if the lands or water bodies are situated in two or more parishes, then the ad shall be published in each of these parishes; requires the lessor to accept the highest bid; provides that no lease shall cover more than 640 acres except a lease for underground storage of natural gas which shall be limited by the extent of the underground storage reservoir; provides that the term of a lease shall not exceed 25 years, with the right of the lessee to extend the lease year to year, not to exceed an additional 25 years; requires the lease to give the lessee the right to remove all property placed by lessee on the leased premises; requires that all leases executed under these provisions provide for a rental fee of not less than \$1 per acre per year payable in cash and yearly in advance; provides that this law does not authorize the leasing of lands or navigable water bodies for the production of oil, gas, sulphur, or other minerals; provides that this prohibition does not prevent the drilling for and production of any stored natural gas from an underground reservoir or the drilling of wells for making caverns in salt domes or the injection, storage, or withdrawal of liquid hydrocarbons from the caverns; provides that the prohibition does not prevent the production of any natural gas or condensate which may remain in a partially depleted underground reservoir; requires the Louisiana commissioner of conservation, prior to granting any lease for the production of natural gas, or natural gas condensate remaining in a reservoir, or for the underground storage of hydrocarbons until public hearings are held pursuant to Title 30 of the Revised Statutes of 1950. (Amends R.S. 39:14(1), Enacts R.S. 30:148.1 through 148.9, Repeals R.S. 41:1261 through 1269)

**Act 92 (SB 998 Brinkhaus)**

Shifts all responsibility for receiving and examining mineral leases from

the commission of administration to the Assistant Secretary of the Office of Mineral Resources. (Amends R.S. 30:125 and 126).

**Act 95 (SB 1146 Nunez)**

Moves the Geological Survey from the Office of the Secretary of the Department of Natural Resources to the Office of Mineral Resources in the Department of Natural Resources. (Amends R.S. 36:354(E) and 358(A)).

**Act 98 (SB 1279 Nunez)**

Authorizes the secretary of the Department of Revenue to collect fees for the Department of Natural Resources' Office of Conservation. (Enacts R.S. 47:1515.2)

**Act 240 (HB 1091 Ackal et al)**

Provides relative to sulfur mining that indemnification agreements, for death or bodily injury when there is fault on the part of the indemnitee, are not null and void as a matter of public policy so long as the work being performed is not any of the operations listed in R.S. 9:2780(C); provides that companies who drill with the Frasch process are no longer allowed to have indemnification agreements where there is death or bodily injury and fault of the indemnitee. (Amends R.S. 9:2780(E))

**Act 296 (SB 1012 Brinkhaus)**

Provides that the party authorized to execute geological surveys, leases or permits as provided in the Mineral Code shall have the power to consent to geological surveys for oil, gas or other minerals; deletes "owner" as the person whose consent is required to perform geological surveys for oil or other minerals by means of torsion balance, seismographic explosions, mechanical device or any other method. (Amends R.S. 30:217(A) and (B)(1)).

**Act 479 (SB 1011 Brinkhaus)**

Authorizes a co-owner of land to grant a valid lease or permit for geological surveys, by means of a torsion balance, seismographic explosions, mechanical device, or any other method as to his undivided interest in the land; provides that a lessee or permittee may not exercise his rights without consent of co-owners owning at least an individual eighty percent interest in the land; defines operations as geological surveys, by means of a torsion balance, seismographic explosions, mechanical device, or any other method. (Amends R.S. 31:166 and 175)



**Act 1293 (SB 913 Nunez)**

Allows the State Mineral Board to employ and fix compensation for additional counsel subject to the approval of the attorney general and the secretary of the Department of Natural Resources; creates the Legal Support Fund to pay the costs associated with legal actions. (Amends R.S. 30:132, Enacts R.S. 30:136.2)

**Act 1304 (SB 1237)**

Creates the oyster lease damage evaluation board to compensate oyster fishermen for damage to oyster beds by oil exploration, drilling and equipment movement; establishes the following guidelines to govern settlements between oyster lease holders and oil and gas interests: 1) settlements must be in writing signed by both parties 2) settlements between parties are a bar to further claims or demands for damages 3) the board shall arbitrate and determine a final settlement when parties cannot agree on one 4) if claims are brought by an oyster lease holder, the oil and gas company must obtain and file an initial biological survey of the project site, pay a deposit based on estimated damages, and do another survey of the project site on completion of the proposed activity; the two surveys are assessed to determine actual damages 5) payment of damage creates the presumption that oil and gas owner has paid damages in full to oyster lease holder 6) lawsuits subsequent to the settlement are to be filed in district court of the Parish where leases are located 7) the leaseholder has burden of proof of further damage and the leaseholder pays the oil and gas owner's attorney's fees and court costs if he fails to show damages already paid are inadequate 8) the board is administered by Department of Natural Resources secretary and consists of four members: the DNR secretary, a Department of Wildlife and Fisheries Biologist, a member of the Louisiana Oyster Task Force, and the Assistant Secretary from the DNR Office of Conservation; requires the rules and regulations and fees for the administration be adopted according to Louisiana Administrative Procedures Act. (Enacts R.S. 56:700.10 - 700.14)

**Act 1330 (SB 298 Nunez)**

Proposed a constitutional amendment to create the Oilfield Site Restoration Fund to be used solely by the Department of Natural Resources for site restoration of orphaned oilfield sites in Louisiana. (Amends Article VII, Section 10.6 of the Constitution of Louisiana) (Passed by popular vote on October

21, 1995.)

**Act 1331 (SB 299 Nunez)**

Proposed to amend Article Louisiana Constitution by adding an Oil Spill Contingency Fund to be established by the state treasury effective January 4, 1996; provides various sources of revenue for the fund and that its balance not exceed \$30 million (Amends La Const. Art VII Sect.10.6) (Passed by popular vote on October 21, 1995.)

---

 Miscellaneous
 

---

**Act 7 (HB 93 Roach)**

Authorizes the governing authority of Cameron Parish to adopt and enforce ordinances relative to grass and weed cutting on private property. (Amends R.S. 33:1236(C)(21)(c))

**Act 31 (HB 2114 McCain)**

Allows the governing authority of the city of Plaquemine to adopt ordinances regulating the cutting of grass and weeds on private property. (Amends R.S. 9:4821(1), Enacts R.S. 33:5062.1)

**Act 35 (HB 49 Diez)**

Allows the governing authority of Ascension Parish to adopt and enforce zoning regulations. (Amends R.S. 33:4780.40)

**Act 171 (HB 1501 Ellington et al)**

Requires the Department of Agriculture and Forestry to terminate on July 1, 2000 and to begin the process termination on July 1, 1999; supersedes provisions of the "Sunset Law" requiring procedures for recreation and a separate bill to recreate each statutory entity within the department. (Enacts R.S. 49:191(10)(c), Repeals R.S. 49:191(7)(b))

**Act 239 (HB 1084 Holden)**

Provides that the maximum penalty for violation of ordinances in Titles 11 or 13 of the Code of Ordinances for the parish of East Baton Rouge and the city of Baton Rouge will be a fine of \$1,000 and imprisonment for six months in parish jail. (Amends R.S. 33:1243(A))

**Act 253 (HB 1535 Durand)**

Provides for the issuance of permits by the state entomologist for growers of marsh plants, all trees, shrubs, ornamental plants, grass sod, and

foliage plants grown or propagated for sale or distribution. (Enacts R.S. 3:1656)

**Act 299 (SB 1352 Barham)**

Provides that the referendum vote required to levy an assessment upon cotton producers for boll weevil suppression or eradication shall be two-thirds of those voting farmers who farm more than 50% of the total cotton acreage in the state. (Amends R.S. 3:1613(E))

**Act 302 (HB 2199 Thompson et al)**

Requires the minimization of the impact of government actions on private agricultural property; requires a written assessment of the extent to which government action impacts the property; gives the owner the right to an action against the government to determine whether the government action has caused a reduction in the value of the property; allows the owner, when there has been at least a 20 percent reduction in the property value, or economically viable use of the property to either recover money equal to the reduction of the property value and keep the property or recover the full market value of the property and transfer the property to the government; requires the minimization of the impact of government action on private forest land; requires a written assessment of the extent to which government action impacts the property; allows the owner to have an action against the government to determine whether the government action has caused a reduction in the value of the land by prohibiting or limiting the owner's ability to conduct forestry activities; allows the owner, when there has been at least a 20 percent reduction in the property value or economically viable use of the property, to recover money equal to the reduction of the property value. (Amends R.S. 3:3601, Enacts R.S. 3:3602(11) through (15) and 3608 through 3612 and 3621 through 3624)

**Act 322 (HB 538 Sam Theriot et al)**

Requires the Louisiana Environmental Education Commission to have as a member one environmental educator from each congressional district to be recommended by the president of the Louisiana Environmental Educators Association; requires the terms of the commission's to be staggered in one, two, and three year increments; requires the commission each December to elect a chairman and vice chairman whose terms run from the following January 1 to December 31 of the next



## Miscellaneous

year; creates the Office of Environmental Education to assist the commission; provides for development of environmental education programs in public and private elementary and secondary schools; provides for incorporating environmental education into teacher education requirements; requires universities, colleges, and vocational schools to implement programs that encourage environmental literacy and stewardship among the student population.  
(Amends R.S. 30:2503, Enacts R.S. 30:2504 through 2511, R.S. 36:4(N), and R.S. 47:463.39)

### Act 497 (SB 1380 Cox)

Provides for the control and destruction of the Chinese tallow plant.  
(Enacts 3:1791)

### Act 734 HB 2381 (Durand)

Provides that the Department of Transportation and Development shall set aside up to \$10,000 of the funds received through the Intermodal Surface Transportation Efficiency Act of 1991 for the DOTD Employees Wildflower Incentive Program; provides that awards of up to \$500 shall be awarded to employees involved in highway beautification.  
An Act.

### Act 1240 (HB 2380 Durand)

Dedicates the proceeds from the two percent sales tax on hotel occupancy in St. Martin Parish to the St. Martin Parish Enterprise Fund to be used by the St. Martin Tourist Com-

mission for tourism purposes.  
(Enacts R.S. 47:302.14)

### Act 1246 (HB 2434 Patti)

Provides that delivering an animal which is found running at large to an animal control center by a private party shall not constitute abandoning an animal; reduces the fine for cruelty to animals to \$100 and adds a penalty of 5 to 8 days of court appointed community service; provides that this community service can not be suspended.  
(Amends R.S. 14:102.1(A)(4) and (B)).



Sea Grant Legal has found its home on the World Wide Web!

Check our home page out at

<http://www.lsu.edu/~sglegal/>

or E-Mail us at

[sglegal@unix1.sncc.lsu.edu](mailto:sglegal@unix1.sncc.lsu.edu)



**LOUISIANA STATE UNIVERSITY**  
**SEA GRANT LEGAL PROGRAM**  
170 LAW CENTER, L.S.U.  
BATON ROUGE, LA 70803-1018

Non-Profit  
Org.  
U.S. Postage  
PAID  
Permit No. 733  
Baton Rouge

