



LOUISIANA COASTAL LAW

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1993 REGULAR SESSION OF THE LOUISIANA LEGISLATURE

This annual Legislative issue of "Louisiana Coastal Law" is devoted to summarizing acts and resolutions enacted during the 1993 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 August 21, 1993

and were passed during the regular session. Further information about these laws or resolutions can be obtained by contacting the Sea Grant Legal Program, Room 170, Law Center, LSU, Baton Rouge, Louisiana 70803, (504) 388-5931.

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WILDLIFE AND FISHERIES

Act 63 (HB 81 Triche, Theriot and McPherson)
Reduces the number of times the Secretary of the Department of Wildlife and Fisheries is required to publish notice of fishing season closure from three times to twice. (Amends R.S. 56:317(A))

Act 64 (HB 84 John, S. Theriot and McPherson)
Provides that a violation of the law concerning the wearing of "hunter orange" shall constitute a Class 1 violation. (Amends R.S. 56:143)

Act 68 (HB 300 Odinet, Bergeron, Patti, Roach, Siracusa and S. Theriot)
Provides that all oysters taken from the reefs of this state either for sale or consumption shall be landed in Louisiana and properly sacked, tagged, and taxed under provisions of R.S. 56:446. (Enacts R.S. 56:424(G))

Act 69 (HB403 Odinet)
Allows the mounting of a skimmer or butterfly net up to 24 inches from the side of the vessel, and prohibits the use of any trawl in conjunction with a butterfly or skimmer net. (Amends R.S. 56:499(B))

Act 72 (HB 412 S. Theriot)
Includes saltwater angling as an activity licensed under Louisiana's universal fishing license. (Amends R.S. 56:646)

Act 73 (HB 449 S. Theriot)
Provides for the issuance of separate hunting licenses for residents and non-residents. Violations of the non-resident license rules shall constitute a class two violation. (Amends R.S. 56: 103(B), 104(A)(4))

Act 80 (HB 75 S. Theriot)

Establishes a penalty provision for violations of firearm and hunter education and certification requirements. Violations under this provision shall constitute a class one violation, and all revenues generated from penalties are dedicated to the conservation fund of the Department of Wildlife and Fisheries. (Amends R.S. 56:31.1(E), Enacts R.S. 56:699.4)

Act 81 (HB 77 S. Theriot)

Allows a 50 lb per day recreational possession limit on shrimp taken by castnets, which applies at anytime in any waters. (Amends R.S. 56:500 (B))

Act 82 (HB78 Smith, S.Theriot, and McPherson)

Changes the term "game quadruped" to "wild quadruped" in all provisions of RS 56:116.1(B) which relate to the times and method of hunting or taking animals. (Amends R.S. 56:116.1(B)(1), (2), (3), (4), (5), (8), and (9))

Act 83 (HB 79 Schneider, S. Theriot, and McPherson)

Provides that violations of laws or commission rules, relative to the taking of clams, shall constitute a class 4 violation. (Enacts R.S. 56:482)

Act 85 (HB 175 Wilkerson)

Prohibits possession of or dealing in unidentified firearms, with the exception of inoperable antiques or war relics. Violators of this provision shall be fined not more than \$100,000 and may be imprisoned for not more than six months. (Enacts 14:957)

Act 93 (HB 594 Salter)

Prohibits the damaging or removal of any buoy placed in state waters by the state of Louisiana, or any agency or political subdivision of the state. (Enacts R.S. 56:29)

Act 99 (HB 789 Ellington)

Increases the permit fee for freshwater mussel harvesting for nonresidents from \$400 to a minimum of \$1000. One half of revenues shall be dedicated to the Department of Wildlife and Fisheries' enforcement division, with the remaining one half going to the operation of the inland fishing division. (Amends R.S. 56:450 (A))

Act 115 (HB 1133 Odinet)

Allows the Louisiana Wildlife and Fisheries Commission to extend the season for taking oysters from natural reefs, when sufficient quantities are available, so that it may end no later than May 15. This act

requires the commission to consider the recommendation of the Oyster Task Force. (Amends R.S. 56:433(B)(1), (C), (E) and (F))

Act 143 (HB 1725 Odinet)

Provides operating rules for committees, task forces, and advisory groups created in the Department of Wildlife and Fisheries. (Enacts 56:6.2)

Act 159 (HB 411 Hand, S. Theriot and Senator McPherson)

Allows a mandamus proceeding to be brought against the Department of Wildlife and Fisheries to compel the issuance of dredging permits. (Amends RS 56:2015)

Act 162 (HB 603 Riddle)

Authorizes the secretary of the Department of Wildlife and Fisheries to commission federal wildlife agents to enforce state wildlife laws in Avoyelles Parish. (Amends R.S. 56:68.1)

Act 164 (HB 733 Smith)

Creates a tax credit for state taxes paid on gasoline, motor fuel, or special fuel used in the operation of a commercial fishing boat to be credited against individual income tax. This credit is effective for taxable years beginning December 31, 1992. (Enacts R.S.47:297(C))

Act 179 (HB 1282 Patti)

Requires that oyster tags must contain information required by the National Shellfish Sanitation Plan Manual of Operations. This act repeals prior requirements that tags must be held by commercial users for a period of 60 days after oysters are removed from the sack. (Amends R.S. 56:449 (A))

Act 188 (HB 1749 Roach, S. Theriot, and Sen. McPherson)

Increases penalties for violations of any provisions relating to wildlife management areas, wildlife refuges, public hunting grounds, and recreational areas from a class one violation to a class two violation. Further provides that for any violations relating to the hunting of wild birds or quadrupeds where no fine or imprisonment has been specified in the past, there will now be a class one violation for the first and second offenses. (Enacts R.S. 56.109(F), Amends R.S. 56:139(A); Repeals R.S. 56:144)

Act 207 (SB 63 McPherson)

Authorizes an agreement whereby certain lands in Rapides Parish will be transferred from the Depart-

ment of Transportaiton to the Department of Wildlife and Fisheries.

Act 239 (HB 82 Hopkins, S. Theriot, Triche, and Senator McPherson)

Increases the penalty for violation of provisions relative to the taking of spotted fawns from a class two violation to a class 5-A violation. (Amends 56:116.3 (A)(2))

Act 240 (HB 85 Adely, S. Theriot and Senator McPherson)

Provides that the issuance of licenses by the Department of Wildlife and Fisheries is to be conditional upon the accuracy of the information provided by the applicant. Any material misstatement as to residency of the applicant, will result in revocation and confiscation of the license. The Act further provides that violations by any person, corporation, or business issuing or seeking a license will constitute a class 3 violation. (Enacts R.S. 56:57.3)

Act 241 (HB 147 Bergeron, S. Theriot, and Senator McPherson)

Allows the use of global positioning satellite navigational instrument readings to determine if a person is shrimping in inside or outside waters. (Amends 56:495 (C) and (D))

Act 242 (HB 157 Farrar)

Allows the use of power driven mud boats on Catahoula Lake for the purpose of hunting or fishing but continues the prohibition on power driven air boats. (Amends R.S. 56:142 (A))

Act 246 (HB 322 Hammelt, S. Theriot, and Senator McPherson)

Requires nonresident fishermen to have a fishing license in their immediate possession which they shall present upon demand by a duly authorized Department of Wildlife and Fisheries agent. Violation constitutes a class 2 violation. (Enacts R.S. 56:301.8)

Act 256 (HB 681 Tandrieu, et al)

Increases nonresident hunting and recreational fishing license fees by \$10.50, and increases the nonresident recreational gear fee from two to four times the fee paid by residents. Dedicates additional revenues generated to the Wildlife and Fisheries Conservation Fund for operations of the Department of Wildlife and Fisheries enforcement division, including the fur and refuge division. (Amends R.S. 56:104 (A)(2)(4)(6), 105(B), R.S. 56:302.1(A)(2) and (C)(2) and 302.3(c) and R.S. 56:302.1 (A)(1), (B), and (C)(2)(b))

Act 263 (HB 1024 Roach)

Prohibits the use of any trawl, butterfly net or skimmer net with a mesh of less than three-fourths of an inch square or one and one-half inches stretched in inside waters during the fall inshore shrimp season. Becomes effective January 1, 1995. (Amends 56:499(B))

Act 271 (HB 1164 S. Theriot)

Restructures the Artificial Reef Development Council by replacing the Louisiana Geological Survey and the Center for Wetland Resources with the Center for Coastal, Energy, and Environmental Resources (CCEER) and the Louisiana Sea Grant College Program as primary participants. CCEER will serve as technical advisor to the council, and the directors of Sea Grant and CCEER will serve as council members. The Department of Wildlife and Fisheries is to serve as liaison between the Council and the U.S. Department of Interior. (Amends 56:639.3 (2)(9), 639.5(A)(B)(C), 639.6, 639.8(G); R.S. 56:639.(11), and 639.5(C)(8); Repeals R.S. 56:639.3(4)(10), and 639.5(D))

Act 285 (HB 1305)

Requires the Wildlife and Fisheries Commission to set a season and designate trapping areas for the taking of crabs during inland shrimp season in Sabine Lake. (Enacts R.S. 56:410.3)

Act 290 (HB 1443 M. Theriot)

Waives the payment of fees for recreational fishing licenses by any person who is a resident and a single amputee. (Amends R.S. 56:302.2 (R)(2))

Act 294 (HB 1637 Roach, et al)

Requires a shipping label fee for alligators processed in-state which are to be shipped out of state. Provides for hide tag fees to be issued to alligator hunters and farmers. (Amends R.S. 56:253 (C)(2) and 279 (C)(1))

Act 301 (SB 1986 S. Theriot)

Deletes the word "marine" from the "Louisiana Marine Recreational Fishing Development Board" and adds 8 new members to the board. New members will include one representative each from the Louisiana Association of Coastal Anglers, the Louisiana Wildlife Federation, a tackle manufacturer or wholesaler, and 5 freshwater representatives. (Amends R.S. 56:580.1, 580.2(A),(C) and 580.3(3)(b)(d) and (4)(c))

Act 435 (HB 785 Durand)

Provides a minimum size limit of twenty two inches in length for bowfin commercially taken in the areas

known as Bayou Courtableau, Bayou Teche, Vermilion River, Carcencro Bayou, Que de Tortue Bayou, Bayou Nez Pique, Mermentau River, Bayou Lacassine, Sabine River, and the Atchafalaya Basin Floodway. Prohibits fishermen from possessing bowfin eggs not connected to the whole fish and the commercial taking of bowfin with nets during December, January and February, except in the above areas. (Enacts R.S. 56:326.5(D), Amends R.S. 56:366.6(A))

Act 437 (HB 819 Gunn, Bergeron)

Allows the Grant Parish Tourism Commission to conduct clearing operation on Big Creek in order to provide for canoeing and other public recreation. Only light equipment, such as chain saws, wenches and "come-alongs" may be used for such clearing. (Enacts R.S. 56:1855 (H))

Act 441 (HB 968 Roach)

Instructs the Department of Wildlife and Fisheries to post and maintain signs at the entrance of lands where Wild Louisiana Stamps are required to inform visitors that they must have a stamp and a hunting or fishing license in their possession. Requires the DWF to sell stamps at these posted entrances and at all outlets where hunting and fishing licenses are sold, and authorizes the DWF to sell a one day stamp for two dollars. (Amends R.S. 56:1832(A) and Enacts R.S. 56:109(D)(4))

Act 443 (HB 1026 Roach)

Provides a method for determining the count of white shrimp by the taking of 2 three-pound samples from each cargo lot of a shrimping vessel. One sample shall be taken by the fishermen. The count will be determined by the average count of both samples. (Amends R.S. 56: 498 (B)(1))

Act 460 (HB 1287 Riddle)

Designates the white perch (sac-a-lait) as the official state freshwater fish.

Act 504 (SB 359 Barrot et al)

Allows the Department of Wildlife and Fisheries to issue recreational fishing licenses to nonprofit rehabilitation programs in the program's name. (Enacts 56:302.1(E))

Act 508 (SB 407 Hines)

Allows the use of yo-yo's for fishing on Lake Chicot from November 1 through March 1 of each year, with a limit of 24 allowed per boat. The yo-yo's must be tagged and checked at least once every 48 hours. (Amends 56:320.1)

Act 551 (SB 870 McPherson)

Removes the authority of the Louisiana Wildlife Commission to issue permits allowing fishing tournament participants to possess numbers of live black bass, crappie, striped bass or their hybrids that would otherwise be above legal limits. (Repeals R.S. 56:318.1)

Act 688 (HB 1197 Sittig)

Requires dealers of off-road vehicles to collect sales and use taxes from the purchaser and remit them to the Department of Public Safety and Corrections at the time of registration. Deletes the requirement that the dealer furnish the purchaser with proof of the amount of sales tax paid. (Amends R.S. 47:303 (E)(1) and 304(A))

Act 738 (SB 1065 Hines)

Allows the Avoyelles Parish School Board to sell two tracts of land, one in the Pomme de Terre Wildlife Management Area and the other in the Grassy Lake Wildlife Management area to the Department of Wildlife and Fisheries. (Amends R.S. 33:4064.1, 4064.4(B)(1) and (3)(C)(H) and 4064.5 (D), (H)(1)(2))

Act 753 (HB 644 A. Alexander, Morial)

Provides that seafood plant inspections shall include a recommendation for testing the water source and surrounding environment if a health problem is noted. Implementation is dependent on the availability of federal funds. (Amends R.S. 40:4(A))

Act 754 (HB 655 Hammett)

Authorizes the Wildlife and Fisheries Commission to set fees for nonresident hunting and recreational fishing licenses. (Enacts R.S. 56:6(28))

Act 768 (HB 1176 Siracusa)

Prohibits the use of butterfly and bottom shrimp nets in Oyster Bayou and Grand Pass in Terrebonne Parish except by motor propelled vessels which are underway. (Enacts R.S. 56:499.3)

Act 776 (HB 1464 Hopkins)

Limits the number of yo-yo devices used on Caddo Lake to 12 per person, and requires that each device be marked and attended during daylight hours. (Enacts R.S. 56:410.3)

Act 815 (SB 435 Johnson and Hainkel)

Makes the green tree frog the state amphibian.

Act 843 (HB 171 Theunessen, S. Theriot)

Allows the use of elevated trotlines in White Lake in Vermillion Parish, and Grand Lake and Lake Misere in Cameron Parish. (Amends R.S. 56:321(A))

Act 911 (HB 2066 Odinet and Patti)

Authorizes a surcharge on water discharge permits issued for the Atchafalaya, Terrebone, Barataria, Lake Ponchartrain, and Mississippi River water quality

management basins. Funds raised by the surcharge will go to the "Oyster Sanitation Fund." (Enacts R.S. 30:2075.1 and R.S. 40:5.10)

Vetoed Legislation

HB 308 Roach (Vetoed)

Required the secretary of the Department of Natural Resources to assess a fee of \$1,000 each year on leases and rights of way to contribute to the Fishermans

Gear Fund. This bill further required the secretary to annually prepare and distribute a map of underwater obstructions and potential hazards which have been reported to the fund.

RESOLUTIONS

SCR 63 (Green et al)

Urges the Department of Wildlife and Fisheries and the Commissioner of Agriculture to study the feasibility of leasing small plots of public land greater than 50 acres for hunting and for logging.

HCR 105 (Roach and S. Theriot)

Requests that the Louisiana Department of Wildlife and Fisheries and the Louisiana Department of Labor develop a job training program for displaced oyster fishermen.

SCR 64 (Greene and Russo)

Requests the Department of Wildlife and Fisheries to study the feasibility of setting aside certain parts of each deer season when only mature antlered deer with four points or more can be taken.

HCR 111 (Adley)

Urges the Louisiana Wildlife and Fisheries Commission to open a 30 day hunting season for the Loggy Bayou Wildlife Management Area each year, no earlier than December 1.

SCR 155 (Nunez, Ullo, Patti, and Chabert)

Directed the Louisiana Wildlife and Fisheries Commission to open the inshore brown shrimp season in Zone 2 by May 20, 1993.

HCR 113 (Adley)

Requests that the Department of Wildlife and Fisheries permit the use of triploid grass carp for aquatic plant control in Champion Lake in Bossier Parish.

SCR 163 (Kelly)

Requests that the Department of Wildlife and Fisheries change the name of the Sabine Management Area to the Dewey W. "Jakie" Wills Wildlife Management Area.

HR 1 (Odet, Patti, and Pierre)

Urges the Department of Wildlife and Fisheries to study the feasibility of allowing oyster fishermen to buy preprinted oyster tags.

SCR 185 (Cain)

Urges the Department of Wildlife and Fisheries to study the feasibility of charging a hunting fee for hunting on leased land to support the purchase of public wildlife lands.

HR 38 (S. Theriot)

Creates an Alligator Industry Task Force to study all aspects of the alligator industry and make recommendations on ways of revitalizing and making the industry more profitable.

HCR 95 (Odet)

Urges the secretary of the Department of Wildlife and Fisheries to allow bimonthly meetings of the Marine Finfish Panel.

HR 42 (Roach)

Creates a Cameron Parish Shrimp Task Force to evaluate shrimping activities and to determine the nature and quality of the shrimp population in Calcasieu Lake and Sabine Lake.

ENVIRONMENTAL QUALITY

Act 79 (HB 73 Odinet, et al)

Authorizes parish governments to regulate siting of waste tire facilities. Prohibits the Department of Environmental Quality from issuing a permit for such a facility until the Department has given notice to the parish authorities, and has held a public hearing. (Enacts R.S. 30:2418(K))

Act 116 (HB 1143 S. Theriot, et al)

Requires that Department of Environmental Quality provide notice and opportunity for a hearing to the permittee before modifying a permit by incorporating terms and conditions deemed necessary for the protection of the environment. (Amends R.S. 30:2023 (A) and (B))

Act 117 (HB 1146 S. Theriot, et al)

Authorizes the Secretary of the Department of Environmental Quality to require and issue permits and compliance schedules for discharge of waste into the surface waters of the State and to issue water discharge permit variances. Allows the Secretary to delegate these duties to the assistant secretary. It further provides that the secretary is specifically authorized to issue compliance schedules and take enforcement action to address the unauthorized pollution of ground waters. See also Act 172. (Amends R.S. 30:2074 (B)(4))

Act 124 (HB 1292 Riddle)

Provides criminal penalties for the burning of cardboard by merchants or wholesalers, if such burning constitutes a violation of the Clean Air Act. Becomes effective on January 1, 1994. (Amends R.S. 30:2025 (F)(1))

Act 138 (HB 1656 R. Alexander et al)

Adds one new member to the Advisory Commission on Pesticides to be selected from the Society of Toxicology. (Amends R.S. 3:3211(B))

Act 147 (HB 1835 Deano)

Adds lakes, bayous, or ditches located in public rights of way to bodies of water subject to inspection under the Sanitary Code. Exempts waste water and wastes in discharges from industrial facilities which are subject to permitting under the Louisiana Water Control Law, and waste water in ditches upstream of state or federal water waste discharge points. (Amends R.S. 40:4(B)(2) and (3) and Enacts R.S. 40:4(B)(5))

Act 155 (HB 94 Odinet and Senator Morial)

Orders the closing of the Crescent City Acres landfill in St. Bernard and Orleans Parishes and prohibits the

disposal of waste in the landfill on or after January 1, 1994. Requires the secretary of the Department of Environmental Quality to issue orders for proper closure by September 1, 1993. This law terminates upon certification by the Secretary that the landfill is closed and there are no pending appeals. (Enacts R.S. 30:2159)

Act 158 (HB 179 Odinet)

Authorizes the disposal of waste tires in landfills if the tires have been prepared for disposal by cutting, separating, shredding, or by any other means which are in accordance with the rules and standards of the Department of Environmental Quality. (Amends R.S. 30:2418(C))

Act 171 (HB 1141 S. Theriot et al)

Includes lead compounds in the definition of toxic air pollutants. (Amends R.S. 30:2053 (3)(b))

Act 172 (HB 1144 S. Theriot, et al)

Defines Louisiana Pollutant Discharge Elimination System (LPDES) as the portion of the Louisiana Environmental Quality Act, the Louisiana Water Control Law and all resulting regulations, which are equivalent to the National Pollutant Discharge Elimination System once Louisiana assumes direct management of programs now under federal management in accordance with Section 402 of the Clean Water Act. See also Act 117. (Enacts R.S. 30:3073(6))

Act 173 (HB 1145 Accardo, et al)

Clarifies procedure for the input of opinions from the secretary of the Department of Environmental Quality, the chancellor of the Louisiana State University Agricultural Center, and the commissioner of Agriculture and Forestry on proposed environmental rules concerning agriculture. (Amends R.S. 30:2019.1(E))

Act 174 (HB 1147 Roach, et al)

Defines Louisiana Pollutant Discharge Elimination variance as any provision which allows a modification of state requirements applicable to discharges of substances into waters of the state or into treatment works. This definition does not include variances which under federal law may only be granted by the Environmental Protection Agency. (Enacts R.S. 30:2076.1)

Act 175 (HB 1149 Durant, et al)

Provides for civil enforcement of violations of the Louisiana Pollutant Discharge Elimination System. (Enacts R.S. 30:2076.1)

**Addendum to:
Environmental Quality**

Act 118 (HB 1150 Accardo et al)

Removes notification element of criminal penalties relative to environmental crimes, for violating fee or filing requirements. (Amends R.S. 30:2026 (B)(1))

Act 176 (HB 1156 Roach , et al)

Increases the fee paid for each withdrawal of 9,000 gallons of motor fuel from a bulk facility from \$13.50 to \$27.00. (Amends R.S. 30:2195.3 (A)(1)(a)(i))

Act 224 (SB 427 Crains)

Establishes a comprehensive law for lead abatement, hazard reduction, and technician training, licensing, and certification. This act authorizes the secretary of the Department of Environmental Quality to promulgate rules and regulations to achieve the standards set. (Enacts R.S. 30:2351-2351.60)

Act 268 (HB 1142 S. Theriot et al)

Enacts criminal penalties for certain violations of the state water discharge permits and defines those violations as negligent violations, knowing violations, knowing endangerments and false statements. Violations criminalized by this law concern the knowing or negligent introduction of a pollutant into a publicly owned sewer system or treatment works. (Enacts R.S. 30:2076.2)

Act 269 (HB1148 S. Theriot et al)

Requires the secretary of the Department of Environmental Quality to send notice of the request for a Louisiana Pollutant Discharge Elimination System permit, license, registration, or variance to any public interest group within the affected parish, provided that group has requested notice in writing, has provided a mailing address, and has at least 25 members who reside in the affected parish. (Amends 30:2022(A))

Act 270 (HB 1152 S. Theriot et al)

Authorizes the Department of Environmental Quality (DEQ) to, after announcing its purpose, enter the premises of any effluent producing facility which is operating under a DEQ issued permit, inspect that facility, have access to its records, inspect equipment, and take discharge samples. This inspection should be reasonably scheduled during regular business hours and adhere to reasonable safety rules. This act further provides that permitting of generators of hazardous waste, as a matter of law, is conditioned on DEQ's right to make inspections, and enforce applicable regulations. (Amends R.S. 30: 2012 (C)(D) and 30:2188(C))

Act 274 (HB 1214 Deuret et al)

Requires the Department of Environmental Quality to propose rules which are not identical to a corresponding federal law or regulation separately from those which are identical to any corresponding federal law or regulations which may exist. The act further requires DEQ to furnish an explanation of the ratio-

nale for variance from federal rules, which shall be provided with the notice of intent and published in the Louisiana Register. (Enacts R.S. 49:953(F))

Act 344 (HB 1154 Triche, et al)

Requires the plaintiff in a citizen's suit concerning an environmental violation to give written notice to the violator and secretary of the Department of Environmental Quality. Written notice is to be sent by certified mail, return receipt requested. (Amends R.S. 30:2026(B)(1))

Act 389 (SB 649 Kelly et al)

Directs the commissioner of agriculture and forestry to devise rules and regulations for "prescribed burning" as a land management tool. The act relieves a property owner from strict liability for damages caused by a prescribed burn and states that liability can only be established if negligence is proven. (Enacts R.S. 3:17)

Act 450 (HB 1117 S. Theriot)

Creates a statewide environmental education program. This program will be developed by the newly created Louisiana Environmental Education Commission which shall file a preliminary report with the Governor within 180 days. The Commission will complete its work and terminate within 365 days of the effective date of that act.

Act 451 (HB 1140 Riddle, et al)

Prohibits any board or body, including individuals with permit approval authority from reviewing any permit application under the Louisiana Pollution Discharge Elimination System if they have received a significant portion of income from the applicant in the previous two years. This act also prohibits a Department of Environmental Quality employee with an undisclosed felony conviction prior to his or her employment with the department from being involved in the application review process. (Enacts R.S. 30:2014.1)

Act 543 (SB 768 Landry)

Prohibits smoking in public transportation vehicles, public elevators, areas designated hazardous by a fire marshal, and child care facilities during certain times and requires the posting of non-smoking announcements. This act requires regulations for smoking in certain other public areas such as restaurants, taxi cabs, and businesses which sell alcoholic beverages. Penalties of not less than \$25 or more than \$50 for smoking in a non-smoking area are imposed by the act. These provisions do not affect any local ordinance enacted or adopted before September 1, 1993. (Enacts R.S. 40:1300.41 - 1300.47)

Act 555 (SB 943 Sevario, Representative DeWitt)
Excludes from the definition of solid waste, water in tanks, dumps, and ditches requiring either no further treatment or requiring only pH adjustments. This exclusion removes such waste water from the Department of Environmental Quality solid waste rule-making authority. (Amends R.S. 30:2153(1) and 2154(B)(1))

Act 556 (SB 944 Sevario and Representative Dewitt)
Authorizes the Secretary of the Department of Environmental Quality to exempt certain spent bauxite waste stored in surface impoundments from liner and final cover requirements, if the bauxite waste is generated in Louisiana. (Enacts R.S. 30:2159)

Act 557 (SB 949 Sevario)
Provides authority for the presiding officer at a public hearing to begin and end the proceeding, continue the hearing to another time and place, and limit unrelated or excessive testimony, as long as a citizen's right to speak is protected within time limit set. (Enacts R.S. 30:2017)

Act 567 (SB 1095 Brinkhaus)
Changes the time limit on a request for an adjudicatory hearing and the right to seek de novo review of a Department of Environmental Quality enforcement or permit action from 20 to 30 days. (Amends RS 30:2024(A))

Act 570 (HB 1159 Schneider et al)
Sets criminal penalties for any current or former employees of the Department of Environmental Quality (DEQ) who are convicted of disclosing confidential information; provides for a writ of mandamus from the 19th Judicial District Court directing the secretary of DEQ to act on a variance petition, and authorizes the implementation of a motor vehicle emissions abatement program in East Baton Rouge Parish. (Amends R.S. 30:2030(C), 2054(B)(8) and 2056(D); R.S. 32:1304 (A)(3)(b) Enacts R.S. 39:1615(F))

Act 571 (SB 743 Landry et al)
Expands the scope of the Louisiana Office Indoor Clean Air Law to include parish and municipal workplaces, removes the smoke free environment requirement and requires the designation of a separate smoking room. It also prohibits the imposition of any ordinance which is more restrictive than the provisions of this act. Local ordinances in effect prior to September 1, 1993 are not affected by this act. (Amends R.S. 40:1300.24 (A)(C), 1300.25(2), R.S. 1300.26 and Enacts R.S. 40:1300.27)

Act 622 (HB 1158 S.Theriot, et al)
Authorizes the secretary of the Department of Environmental Quality (DEQ) to disseminate information about environmental protection or control by publication of bulletins, circulars, newsletters, reports or other printed material. The publications cannot include advertising. The DEQ is required to itemize the cost of publications in its annual budget. (Amends R.S. 30:2011 (D)(9))

Act 682 (HB 900 Satter)
Requires the secretary of the Department of Health and Hospitals to regulate sewage discharges into Toledo Bend Reservoir, the Sabine River, and their drainage basins. (Amends R.S. 40:1152(A) and 1153(A))

Act 729 (SB 743 Cravins, Hainkel, and Morial)
Requires that application of a restricted use pesticide in a school building or on school grounds must take place at least eight hours before students are scheduled to be present. (Adds R.S. 3:3381-3385)

Act 767 (HB 1160 S. Theriot et al)
Establishes authority for the Secretary of the Department of Environmental Quality to adopt regulations requiring the pretreatment of wastes in accordance with Sections 307 and 402 of the Federal Water Pollution Control Act. (Amends R.S. 30:2011(D)(5), 2074(B)(1) and (3))

Act 833 (SB 969 Hainkel)
Changes the name of the Water Services Commission of St. Tammany Parish to the Environmental Services Commission of St. Tammany Parish and increases its authority, (Amends R.S. 33:4064.1, 4064.4(B)(1) and (3)(C)(H) and 4064.5 (D), (H)(1)(2))

Act 930 (HB 1195 Durand)
Relieves landowners of liability for the cost of removal of hazardous waste disposed of on their land by a third party without their knowledge or consent. Owners carry the burden of proof and this section will not apply to landowners engaged in the production, transportation or disposal of waste in connection with the property in question. (Enacts R.S. 30:2204.1)

Act 941 (HB 1396 Reilly)
Requires every automobile, truck, or other vehicle belonging to the state or any of its political subdivisions to display the official state anti-litter message. (Amends R.S. 49:121(A))

Act 974 (SB 327 Morail)
Grants limited contractual power to any waste management authority, district or organization created by

law before January 1, 1993 with authorization to convert waste to energy. Requires waste reduction, reuse, and recycling before solid waste can be used for energy. Any district created under the Louisiana Resources Recovery and Development Authority is exempt from the effects of the statute. (Enacts R.S. 30:2159)

RESOLUTIONS

SCR 48 (Romero)

Urges the Louisiana oil spill coordinator within the office of the Governor to study the various ways the state could use the Kenaf product in the event of an oil spill.

HCR 109 (Adely)

Directed the Department of Environmental Quality to submit reports to the legislature regarding hazardous waste sites in this state by September 1, 1993.

HCR 144 (Quezaire)

Urges the House Committee on Natural Resources and the Senate Committee on Environmental Quality to form a joint committee to study the feasibility of enacting a Relocation Assistance program for persons and property owners affected by the siting of hazardous waste facilities.

Act 986 (SB 599 Hainbel)

Allows any person who has incurred remedial expenses from the cleanup of hazardous materials to bring an action for the recovery of expenses without prior demand by the Department of Environmental Quality. (Enact R.S. 30:2276 (G)(3))

HCR 150 (Warner)

Urges the governor to create a task force for the purpose of creating a state and local alternative fuel program. Requires the task force to submit its report to the legislature by March 1, 1994.

HCR 214 (Satter)

Request that Louisiana Department of Education and the Louisiana Board of Elementary and Secondary Education to study the feasibility of establishing a teacher certification program in environmental science.

HR 32 (Quezaire, Holden, and Greene)

Urges the Department of Environmental Quality to deny the permit application of Supplemental Fuels, Inc. for the operation of a hazardous waste treatment facility in St. Gabriel.

COASTAL RESOURCES AND PUBLIC LANDS

Act 91 (HB 543 Carter)

Authorizes the transfer of certain lands in Orleans Parish between the Department of Transportation and the Orleans Parish School Board.

Act 109 (HB Siracusa)

Repeals the designation of Bayou Penchant as a natural and scenic river. (Repeals R.S. 56:1847 (28))

Act 194 (HB 1974 S. Theriot et al)

Authorizes the secretary of the Department of Natural Resources (DNR) to adopt an additional system of civil penalties for violations of coastal zone management laws and regulations. The additional penalties are to be assessed for costs of abatement or mitigation of damages and/or administrative penalties based on such factors as: habitat value, prior knowledge, cooperation, and impact damage value. Establishes criteria for assigning value to these factors and allocates monies collected by the secretary under this act as follows: for violations relating to a use of state concern fifty percent shall go to the Coastal Resources Trust Fund for DNR's costs of enforcement of the State and Local

Coastal Resources Management Act of 1978, twenty-five percent to local government mitigation banks, and twenty-five percent to the Wetlands Conservation and Restoration Fund; for violations relating to a use of local concern all shall go to local government mitigation banks. This act further provides criteria for deciding whether to assess penalties, requires notice and opportunity for adjudicatory hearings, requires the issuance of after-the-fact permits and establishes criteria for after-the-fact permit conditions.

This act also provides that a coastal use permit issued for a private continuing marsh management project or activity shall be valid for the life of the project unless the permit is modified, revoked, or suspended and shall cover all activities required to operate or maintain the project or activity. (Amends R.S. 49:214.36(H), Enacts 49:214.30(C)(8))

Act 211 (SB 158 Bankston)

Abolishes the recreation and water conservation district in St. Helena Parish. (Repeals R.S. 38:2651-2661)

Act 216 (SB 242 Brinkhaus)

Designates as a Louisiana Byway, portions of Highway 93 from Grand Coteau in St. Landry Parish to Sunset, from Sunset South through Lafayette Parish to the Acadian Village, and Portions of LA Highways 27, 82, 384, and 385 commonly known as the Creole Nature Trail. (Enacts R.S. 56:1984.5 (21)(22))

Act 221 (SB 350 Lauricella and Hainkel and Representatives Diez and Downer)

Includes sections of the east and west bank of the Mississippi River Road and certain connecting roads in Jefferson, St. Charles, St. John the Baptist, St. James, and Ascension Parishes, in the Louisiana Byways Programs. (Enacts R.S. 56:1948 (21)-(45))

Act 332 (HB 775 Theunissen et al)

Establishes the Jean Lafitte Scenic Byway District as a political subdivision of the state comprising the Jean Lafitte Scenic Byway. Creates a governing board of 12 members as its governing board, and authorizes the Department of Transportation and Development, the Department of Wildlife and Fisheries, and the Department of Culture, Recreation, and Tourism to provide assistance and service to the board.

Act 372 (SB 786 Lauricella et al)

Exempts certain public leases involving lands of less than 10,000 square feet in size from requirements to advertise and request public bids in parishes with more than 450,000 residents. (Enacts R.S. 41:1224)

Act 483 (SB 68 Bankston)

Names the proposed bridge between New Roads and St. Francisville the John James Audubon Bridge.

Act 502 (SB 316 Cox)

Designates the swamp area behind the Toomey Rest Area at the I-10 Eastbound Welcome Area as "Nature's Nest".

Act 601 (SB 859 McPherson)

Prohibits commercial navigators from operating in the channels of the Poverty Point Reservoir District without the reservoir board's authority. (Amends R.S. 38:3087.9 (C)(1)(f))

Act 1012 (SB 1108 Nunez and Ullo)

Empowers the Department of Transportation and Development (DOTD) to act as a non-federal sponsor for West Bank hurricane protection projects. Further authorizes the DOTD to enter into joint ventures or cooperative projects with the United States and to contract with local and state public entities to carry out such projects. (Enacts R.S. 38:100-104)

Act 1016 (SB 1121 Nunez)

Sets the powers and duties of the board of commissioners of the Lake Borgne Basin Levee District and provides authority for the board to operate and maintain the Violet Siphon. (Enacts R.S. 38:327)

RESOLUTIONS

SR 20 (McPherson)

Approves the Coastal Wetlands Conservation and Restoration plan for the 1993-94 fiscal year. (see HR 17)

SCR 106 (Greene)

Urges the United States Congress to expedite the U.S. Army Corps of Engineers report relating to its study on the water and related land resources from Morganza to the Gulf of Mexico.

HCR 268 (Roach et al)

Expresses support for legislative efforts toward Christmas tree recycling/coastal restoration projects.

HR 17 (S. Theriot)

Approves the Louisiana Coastal Wetlands Conservation and Restoration plan for the 1993-94 fiscal year. (See SR 20)

PORTS, HARBORS, AND WATERWAYS

Act 120 (HB 1161 Satter)

Renames the Grand Bayou Reservoir District and dam as the John K. Kelly Grand Bayou District and dam. (Amends R.S. 30:2074(B)(1) and (3))

Act 204 (HB 1759 Hebert)

Increases the per diem pay rate for board members of

the South Tangipahoa Parish Port Commission from \$50.00 to \$75.00. (Amends R.S. 34:1951(A))

Act 208 (SB 64 McPherson)

Authorizes the Secretary of the Department of Health and Hospitals to execute necessary documents to trans-

fer certain property on the banks of the Red River in Rapides Parish to the Red River Waterway Commission.

Act 340 (HB 1081 Travis)

Establishes an Ocean Container Permit for transportation of sealed internodal containers used in international trade within 50 miles of a port or harbor district. The cost of the permit shall be \$500 annually. (Amends R.S. 32:387(J))

Act 371 (SB 774 Landry)

Establishes a Class II Ocean Container Permit which allows a weight limitation of not more than 95,000 lbs. within a 50 mile radius of a port or harbor, for a fee of \$ 500.00. The permit shall be transferable once a year. The law specifies that contents in a sealed container used in maritime shipment in international trade shall be considered nondivisible. (Amends 32:387(J))

Act 476 (HB 1720 Diez)

Changes matching fund requirements for local port authorities for port projects under the Port Construction and Development Priority Program from 25% of

the projected cost to 10%. Requires the port to provide all engineering services (Amends R.S. 34:3457(A))

Act 550 (SB 865 McPherson)

Authorizes the Red River Waterway Commission to assist port commissions in port development within the Red River Waterway District, and abolishes port subdistricts. Further provides that the Red River Waterway Commission may make reasonable contributions toward the port commission's matching fund requirements for the development of the waterway through a state or federal program. (Amends R.S. 34:2316, R.S. 34:2316.1)

Act 728 (SB 636 Kelly)

Renames the Cane River Levee Board as the Natchitoches Levee and Drainage District, and changes methods of nomination to the board. (Amends R.S. 34:3263)

Act 964 (HB 2028 Hudson et al)

Creates the Red River, Atchafalaya River and Bayou Beouf Gravity Drainage District. (Enacts R.S. 38:1921)

RESOLUTIONS

SCR 175 (McPherson)

Urges the Red River Waterway Commission to study the feasibility of implementing a port system plan for the entire waterway.

OIL, GAS, AND MINERALS

Act 113 (HB 1121 Durand, et al)

Adds operators and producers acting on behalf of persons who have or "had" the right to drill for minerals to the definition of owners of mineral rights. (Amends R.S. 30:3 (8))

Act 114 (HB 1132 Odinet et al)

Provides penalties for failure to submit the transfer or assignment of any lease of minerals or mineral rights to the State Mineral Board within 60 days of confederation. The penalties are set at \$100 a day, starting with the sixty-first day, and are payable to the Secretary of the Department of Natural Resources. Penalty waivers are included. (Amends 56:450(A))

Act 245 (HB 200 Dewitt, Montgomery)

Repeals the Louisiana Non Coal Surface Mining Law. (Repeals R.S. 30: 961-979)

Act 267 (HB 1126 Siracusa et al)

Repeals the current law concerning penalties for error, nonpayment, or underpayment of royalty payments to the state for mineral leases and provides new penalties. (Amends R.S. 30:136 (B))

Act 404 (HB 2038 S. Theriot et al)

Creates the Louisiana Oilfield Site Restoration Law, which establishes an oilfield site restoration commission, provides for a restoration fund, and grants powers to develop and administer provisions of the law to the Secretary of the Department of Natural Resources. (Enacts R.S. 30:80 through 97)

Act 889 (HB 1404 Theunissen)

Limits the liability of owners of oil, gas, or mineral property for injuries, death, or loss to any person, which may occur while that person is unlawfully present. (Amends R.S. 9:2800.4(A)(1). Enacts R.S. 9:200.4(A)(4)and (E))

MISCELLANEOUS

Act 134 (HB 1533 Thompson et al)

Creates rules and regulations for the growing of domestic farm-raised ratites, including ostrich, emu, rhea, and cassowary. These regulations will be administered under the authority of the Commissioner of Agriculture and Forestry. (Enacts R.S. 3:3111 - 3117)

Act 119 (HB 1157 Accardo, et al)

Provides for rulemaking and legislative oversight procedures concerning all state agencies. Removes requirement that a state agency issue a statement to any interested party explaining the reason for the agency's actions in response to public comments on proposed rules. The agency will instead furnish to any interested party, a copy of its report to the

appropriate legislative oversight subcommittee detailing public comments received on proposed rules and the agency's responses to those comments. Changes requirements for publication of proposed rules in the State Register, changes time periods for hearings on proposed rules by legislative oversight subcommittees. Changes the manner in which an agency submits reports to legislative oversight subcommittees on proposed rules and time period in which legislative oversight subcommittees are required to make decisions whether to approve proposed rules. Changes requirements for public notice of hearings concerning substantive changes to proposed rules and reports by the agency to legislative oversight committees on such hearings. (Amends R.S. 49:953 (A)(2)(b) and (B)(2), 954.1(C), 968(D)(1) and (2), (E)(1)(b) and (H)(2). Enacts R.S. 49:968 (H)(3))

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