

House Committee on Natural Resources and Environment

Minutes of Meeting
2022 Regular Session
April 13, 2022

I. CALL TO ORDER

Representative Jean-Paul P. Coussan, chairman of the House Committee on Natural Resources and Environment, called the meeting to order at 9:33 a.m. in Room 4, in the state capitol in Baton Rouge, Louisiana.

II. ROLL CALL

MEMBERS PRESENT:

Representative Jean-Paul P. Coussan, chairman
Representative Ryan Bourriaque, vice chairman
Representative R. Dewith Carrier
Representative Mack Marcel Cormier
Representative Adrian Fisher
Representative Brett F. Geymann
Representative Timothy P. Kerner
Representative Mandie Landry
Representative Buddy Mincey, Jr.
Representative Joseph A. Orgeron
Representative Neil Riser
Representative Troy D. Romero
Representative Rodney Wayne Schamerhorn
Representative William "Bill" Wheat, Jr.

MEMBERS ABSENT:

Representative Rhonda Gaye Butler

STAFF MEMBERS PRESENT:

Tyler Bosworth, legislative analyst
Robin Stalder, attorney
Brandy Phillips, committee administrative assistant

ADDITIONAL ATTENDEES PRESENT:

Angela McKnight, sergeant at arms

Victoria Grant, clerk

III. DISCUSSION OF LEGISLATION**House Concurrent Resolution No. 9 by Representative Lyons**

Representative Lyons presented House Concurrent Resolution No. 9, which amends provisions of administrative rules to require vapor recovery systems at certain facilities along the Mississippi River in certain parishes.

Representative Coussan offered amendments to remove the locations based on population range and replaces it with the parishes of Jefferson and Orleans. Representative Coussan offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 10 yeas and 0 nays. Representatives Coussan, Bourriaque, Carrier, Fisher, Kerner, Landry, Orgeron, Riser, Romero, and Schamerhorn voted yea.

Representative Landry offered a motion to report House Concurrent Resolution No. 9 with amendments, to which Representative Riser objected. Representative Riser offered a substitute motion to involuntarily defer action on House Concurrent Resolution No. 9. Without objection, action on House Concurrent Resolution No. 9 was involuntarily deferred by a vote of 7 yeas, 3 nays, and 1 abstention. Representatives Bourriaque, Carrier, Geymann, Orgeron, Riser, Romero, and Schamerhorn voted yea. Representatives Fisher, Kerner, and Landry voted nay. Representative Coussan abstained.

Witness cards by individuals who did not speak are as follows: 4 in support, and 7 in opposition. Witness cards are included in the committee records.

House Bill No. 422 by Representative Stefanski

Representative Stefanski presented House Bill No. 422, which provides for taking of deer by use of pre-charged pneumatic devices.

Mr. Cole Garrett, Louisiana Department of Wildlife and Fisheries, 2000 Quail Drive, Baton Rouge, LA 70808, no phone number provided, spoke for information only on House Bill No. 422.

Mr. Tommy Tuma, Louisiana Department of Wildlife and Fisheries, 2000 Quail Drive, Baton Rouge, LA 70808, (225) 765-2349, spoke for information only on House Bill No. 422.

Representative Schamerhorn offered a motion to report House Bill No. 422 favorably. Without objection, House Bill No. 422 was reported favorably by a vote of 9 yeas and 0 nays. Representatives Coussan, Bourriaque, Carrier, Fisher, Geymann, Kerner, Orgeron, Riser, and Schamerhorn voted yea.

House Bill No. 890 by Representative Robby Carter

Representative Robby Carter presented House Bill No. 890, which provides for the transfer of certain state property in Tangipahoa Parish.

Representative Riser offered a motion to report House Bill No. 890 favorably. Without objection, House Bill No. 890 was reported favorably by a vote of 9 yeas and 0 nays. Representatives Coussan, Bourriaque, Carrier, Fisher, Geymann, Kerner, Orgeron, Riser, and Schamerhorn voted yea.

House Bill No. 332 by Representative Bourriaque

Representative Bourriaque presented House Bill No. 332, which changes the frequency of mullet stock assessments.

Representative Coussan offered a motion to report House Bill No. 332 favorably. Without objection, House Bill No. 332 was reported favorably by a vote of 8 yeas and 0 nays. Representatives Coussan, Bourriaque, Carrier, Fisher, Geymann, Kerner, Orgeron, and Schamerhorn voted yea.

Witness cards by individuals who did not speak are as follows: 1 in support, and 2 for information only. Witness cards are included in the committee records.

House Bill No. 1051 by Representative Brown

On behalf of Representative Brown, Representative Coussan presented House Bill No. 1051, which authorizes the transfer of state property in Iberville Parish.

Representative Coussan offered a motion to voluntarily defer action on House Bill No. 1051. Without objection, action on House Bill No. 1051 was voluntarily deferred by a vote of 8 yeas and 0 nays. Representatives Coussan, Bourriaque, Carrier, Fisher, Geymann, Kerner, Orgeron, and Schamerhorn voted yea.

House Bill No. 1035 by Representative Coussan

Representative Coussan presented House Bill No. 1035, which provides relative to the Underground Storage Tank Program.

Mr. Michael Guillory, Guillory Oil, no address provided, (337) 789-4668 spoke in support of House Bill No. 1051.

Mr. Gary Fulton, Louisiana Department of Environmental Quality, no witness card provided, spoke for information only on House Bill No. 1051.

Representative Riser offered a motion to report House Bill No. 1035 favorably. Without objection, House Bill No. 1035 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Coussan, Bourriaque, Carrier, Fisher, Geymann, Kerner, Orgeron, Riser, Romero, and Schamerhorn voted yea.

Witness cards by individuals who did not speak are as follows: 6 in support. Witness cards are included in the committee records.

House Bill No. 1044 by Representative Miguez

Representative Miguez presented House Bill No. 1044, which provides relative to intentional littering.

Mr. Robert C. Jordan, 2500 Highway 14, New Iberia, LA, (337) 519-9399, spoke for information only on House Bill No. 1044.

Representative Coussan offered a motion to report House Bill No. 1044 favorably. Without objection, House Bill No. 1044 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Coussan, Bourriaque, Carrier, Fisher, Geymann, Kerner, Landry, Mincey, Orgeron, Riser, and Schamerhorn voted yea.

House Bill No. 718 by Representative Charles Owen

On behalf of Representative Charles Owen, Representative Schamerhorn presented House Bill No. 718, which provides relative to hunting and fishing licenses for nonresident veterans, retired military personnel, and Purple Heart recipients.

Mr. Cole Garrett, Louisiana Department of Wildlife and Fisheries, 2000 Quail Drive, Baton Rouge, LA 70808, spoke for information only on House Bill No. 718.

Representative Schamerhorn offered a motion to report House Bill No. 718 favorably. Without objection, House Bill No. 718 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Coussan, Bourriaque, Carrier, Fisher, Geymann, Kerner, Landry, Mincey, Orgeron, Riser, and Schamerhorn voted yea.

Witness cards by individuals who did not speak are as follows: 4 in support. Witness cards are included in the committee records.

House Bill No. 635 by Representative Schamerhorn

Representative Coussan announced that House Bill No. 635, which provides for taking of deer by use of pre-charged pneumatic devices was identical to House Bill No. 422 by Representative Stefanski, which was heard earlier during the meeting. He explained that Representative Schamerhorn has agreed to voluntarily defer action on House Bill No. 635 and co-author House Bill No. 422.

Representative Coussan offered a motion to voluntarily defer action on House Bill No. 635. Without objection, action on House Bill No. 635 was voluntarily deferred by a vote of 11 yeas and 0 nays. Representatives Coussan, Bourriaque, Carrier, Fisher, Geymann, Kerner, Landry, Mincey, Orgeron, Riser, and Schamerhorn voted yea.

House Bill No. 873 by Representative Marcelle

Representative Marcelle presented House Bill No. 873, which provides relative to permits for open burning.

Representative Coussan offered a motion to voluntarily defer action on House Bill No. 873. Without objection, action on House Bill No. 873 was voluntarily deferred by a vote of 11 yeas and 0 nays. Representatives Coussan, Bourriaque, Carrier, Fisher, Geymann, Kerner, Landry, Mincey, Orgeron, Riser, and Schamerhorn voted yea.

Witness cards by individuals who did not speak are as follows: 4 in support, and 5 in opposition. Witness cards are included in the committee records.

House Bill No. 683 by Representative Crews

Representative Crews presented House Bill No. 683, which provides relative to royalties on dredged materials.

Representative Coussan offered amendments to:

1. Authorize holders of a Class D license to dredge to sell fill sand or fill materials dredged.
2. Make technical changes.

Representative Coussan offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 10 yeas and 0 nays. Representatives Coussan, Bourriaque, Carrier, Geymann, Kerner, Landry, Mincey, Orgeron, Riser, and Schamerhorn voted yea.

Mr. Cole Garrett, Louisiana Department of Wildlife and Fisheries, 2000 Quail Drive, Baton Rouge, LA 70808, (225) 763-5577, spoke for information only on House Bill No. 683.

Mr Kyle Balkum, Louisiana Department of Wildlife and Fisheries, 2000 Quail Drive, Baton Rouge, LA 70808, (225) 765-2819, spoke for information only on House Bill No. 683.

Jack Montoucet, secretary, Louisiana Department of Wildlife Fisheries, 2000 Quail Drive, Baton Rouge, LA 70808, (225) 454-3317, spoke for information only on House Bill No. 683.

Representative Geymann offered a motion to report House Bill No. 683 with amendments. Without objection, House Bill No. 683 was reported with amendments by a vote of 9 yeas and 0 nays. Representatives Coussan, Carrier, Fisher, Geymann, Kerner, Landry, Orgeron, Riser, and Schamerhorn voted yea.

Witness cards by individuals who did not speak are as follows: 1 in support, and 1 in opposition. Witness cards are included in the committee records.

House Bill No. 338 by Representative Coussan

Representative Coussan presented House Bill No. 338, which provides relative to freshwater charter boat fishing guide licenses. A handout was provided, Exhibit "A", which is included in the committee records.

Representative Coussan offered amendments in the form of a substitute bill. Representative Coussan offered a motion to adopt the substitute bill. Without objection, the motion passed by a vote of 9 yeas and 0 nays. Representatives Coussan, Carrier, Fisher, Geymann, Kerner, Landry, Orgeron, Riser, and Schamerhorn voted yea.

Mr. Cole Garrett, Louisiana Department of Wildlife and Fisheries, 2000 Quail Drive, Baton Rouge, LA 70808, (225) 763-5577, spoke for information only on House Bill No. 338.

Mr. Jack Montoucet, secretary, Louisiana Department of Wildlife and Fisheries, 2000 Quail Drive, Baton Rouge, LA 70808, no phone number provided, spoke for information only on House Bill No. 338.

Mr. Bryan McClinton, Louisiana Department of Wildlife and Fisheries, 2000 Quail Drive, Baton Rouge, LA 70808, (225) 765-5021, spoke for information only on House Bill No. 338.

Representative Mike Johnson, District 27, spoke in support of House Bill No. 338. Ms. Gloria Thompson, Living the Dream Guide Services, 390 Southern Leisure Road, Many, LA 71449, (318) 990-9191, spoke in opposition to House Bill No. 338.

Representative Coussan offered a motion to report House Bill No. 338 by substitute, to which Representative Schamerhorn objected. The administrative assistant called the roll, and House Bill No. 338 was reported by substitute by a vote of 7 yeas and 1 nays. Representatives Coussan, Carrier, Fisher, Geymann, Kerner, Orgeron, and Riser voted yea. Representative Schamerhorn voted nay.

Witness cards by individuals who did not speak are as follows: 2 in opposition, and 1 for information only. Witness cards are included in the committee records.

House Bill No. 689 by Representative Schamerhorn

Representative Schamerhorn presented House Bill No. 689, which provides for the retail seafood dealer's license.

Representative Coussan offered amendments to:

1. Increase the resident fee for the license to \$230 phased in over a two year period.
2. Increase the nonresident fee for the license to \$920 phased in over a two year period.

Representative Coussan offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 8 yeas and 0 nays. Representatives Coussan, Carrier, Fisher, Geymann, Kerner, Orgeron, Riser, and Schamerhorn voted yea.

Representative Schamerhorn offered a motion to report House Bill No. 689 with amendments. Without objection, House Bill No. 689 was reported with amendments by a vote of 9 yeas and 0 nays. Representatives Coussan, Carrier, Fisher, Geymann, Kerner, Landry, Orgeron, Riser, and Schamerhorn voted yea.

Witness cards by individuals who did not speak are as follows: 2 in support, 1 in opposition, and 2 for information only. Witness cards are included in the committee records.

House Bill No. 61 by Representative Kerner

Representative Kerner presented House Bill No. 61, which extends the Fishermen's Gear Compensation Fund and extends payments into the Underwater Obstruction Removal Fund.

Representative Kerner offered amendments to:

1. Reduce the period of extension of payments into the Underwater Obstruction Removal Fund from June 30, 2026 to June 30, 2023. Additionally, provide a special effective date of July 1, 2022 for this provision.
2. Change the termination date of the Fishermen's Gear Compensation Fund from June 30, 2026 to June 30, 2023.
3. Move present law from Title 56 to Title 30 by inserting a new section of law to combine the Fishermen's Gear Compensation Fund with the Underwater Obstruction Removal Program and create a new dedicated fund account for fishermen's gear compensation and underwater obstruction removal. Additionally, provide a special effective date of July 1, 2023 for these provisions.
4. Authorize and direct the state treasurer to transfer any balances in the Fishermen's Gear Compensation Fund that was repealed in connection with the transfer of provisions to Title 30 to the new Fishermen's Gear Compensation and Underwater Obstruction Removal Dedicated Fund. Additionally, provide a special effective date of July 1, 2023 for this provision.
5. Provide for assessment of an annual fee in the amount of \$400 upon each lessee or operator for any agreement for mineral or energy production or for subsurface storage entered into by the State Mineral and Energy Board and each grantee of a state right of way to be deposited in to the Fishermen's Gear Compensation and Underwater Obstruction Removal Dedicated Fund Account.
6. Provide for powers of the secretary and the assistant secretary of the Department of Natural Resources.
7. Provide for the eligibility of claimants.
8. Provide for disbursement of funds from the fund account to eligible claimants.
9. Provide a sunset date for the program and account.
10. Make technical changes.

Representative Kerner offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 9 yeas and 0 nays. Representatives Coussan, Carrier, Fisher, Geymann, Kerner, Landry, Orgeron, Riser, and Schamerhorn voted yea.

Representative Orgeron offered a motion to report House Bill No. 61 with amendments. Without objection, House Bill No. 61 was reported with amendments by a vote of 8 yeas and 0 nays.

Representatives Coussan, Carrier, Geymann, Kerner, Landry, Orgeron, Riser, and Schamerhorn voted yea.

Witness cards by individuals who did not speak are as follows: 6 in support, and 2 for information only. Witness cards are included in the committee records.

House Bill No. 791 by Representative Kerner

Representative Kerner presented House Bill No. 791, which provides relative to charter fishing without required credentials.

Representative Coussan offered an amendment to make the penalty of license suspension and revocation available for second and subsequent offenses, rather than for third and subsequent offenses. Representative Coussan offered a motion to adopt the proposed amendment. Without objection, the amendments were adopted by a vote of 8 yeas and 0 nays. Representatives Coussan, Carrier, Geymann, Kerner, Landry, Orgeron, Riser, and Schamerhorn voted yea.

Mr. Richard Fisher, Louisiana Charter Boat Association, 4404 Meadowdale Street, Metairie, LA 70118, (985) 691-3474, spoke in support of House Bill No. 791.

Representative Kerner offered a motion to report House Bill No. 791 with amendments. Without objection, House Bill No. 791 was reported with amendments by a vote of 10 yeas and 0 nays. Representatives Coussan, Carrier, Fisher, Geymann, Kerner, Landry, Orgeron, Riser, Romero, and Schamerhorn voted yea.

Witness cards by individuals who did not speak are as follows: 2 in support. Witness cards are included in the committee records.

House Bill No. 324 by Representative Orgeron

Representative Orgeron presented House Bill No. 324, which provides relative to the composition of the Oyster Task Force.

Representative Orgeron offered amendments to:

1. Add a member to the task force to be appointed by the La. Oyster Aquaculture Association.
2. Make technical changes.

Representative Orgeron offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 11 yeas and 0 nays. Representatives Coussan, Carrier, Cormier, Fisher, Geymann, Kerner, Landry, Orgeron, Riser, Romero, and Schamerhorn voted yea.

Representative Orgeron offered amendments to:

1. Add Terrebonne Parish to the list of parishes from which the La. Oyster Dealers and Growers Association can select appointees from.
2. Change the requirement that one member each be from Lafourche Parish and Jefferson Parish, to a requirement that two members serve at-large, one of the remaining two members be from Jefferson Parish, and one be chosen from Lafourche Parish or Terrebonne Parish.

Representative Orgeron offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 11 yeas and 0 nays. Representatives Coussan, Carrier, Cormier, Fisher, Geymann, Kerner, Landry, Orgeron, Riser, Romero, and Schamerhorn voted yea.

Mr. Mitch Jurisich, Louisiana Task Force, P.O. Box 82, Empire, LA 70050, (504) 382-7061, spoke in support of House Bill No. 324.

Mr. Ralph Pausina, Louisiana Oyster Dealers Association, 1335 Carrollton Avenue, no city and state provided, (504) 234-7970, spoke in support of House Bill No. 324.

Representative Riser offered a motion to report House Bill No. 324 with amendments. Without objection, House Bill No. 324 was reported with amendments by a vote of 9 yeas and 0 nays. Representatives Carrier, Cormier, Fisher, Kerner, Landry, Orgeron, Riser, Romero, and Schamerhorn voted yea.

Witness cards by individuals who did not speak are as follows: 2 in support, and 2 for information only. Witness cards are included in the committee records.

House Bill No. 1033 by Representative Orgeron

Representative Orgeron presented House Bill No. 1033, which provides relative to the commercial menhaden catch.

Mr. David Cresson, CCA, 12241 Industriplex Boulevard, Baton Rouge, LA 70809, (225) 588-4823, spoke in support of House Bill No. 1033.

Mr. Chris Magaluso, Theodore Roosevelt Construction Partnership, 12442 Schkyer Avenue, Baton Rouge, LA, (225) 802-4048, spoke in support of House Bill No. 1033.

Mr. Ben Landry, Omega protein, Ocean Harvesters, no address provided, (985) 688-6193, spoke in opposition to House Bill No. 1033.

Mr. Francois Kuttez, Westbank Fishing, 365 Canal Street, New Orleans, LA, (504) 520-0880, spoke in opposition to House Bill No. 1033.

Mr. Shane Treadaway, Westbank Fishing, P.O. Box 159, Port Sulphur, LA 70083, (504) 912-1076, spoke in opposition to House Bill No. 1033.

Mr Mitch Jurisich, concerned citizen, P.O. Box 82, Empire, LA 70050, (504) 382-7061, spoke in opposition to House Bill No. 1033.

Mr. Jacques Gassuet, Tri-State Oil, 129 Chancellor Drive, Belle Chasse, LA 70037, (504) 394-5530, spoke in opposition to House Bill No. 1033.

Mr. John Helmers, Plaquemines Parish President Lepine, 333 Edward Hebert, no city or state provided, (504) 934-6000, spoke in opposition to House Bill No. 1033.

Mr. Darren Fremin, Westbank Fishing, no address provided, (504) 329-2766, spoke in opposition to House Bill No. 1033.

Mr. Patrick Banks, Louisiana Department of Wildlife and Fisheries, no address provided, no phone number provided, spoke for information only on House Bill No. 1033.

Mr. Jason Adriance, Louisiana Department of Wildlife and Fisheries, 2000 Quail Drive, Baton Rouge, LA, (504) 284-2032, spoke for information only on House Bill No. 1033.

Representative Orgeron offered a motion to report House Bill No. 1033 favorably, to which Representative Cormier objected. The administrative assistant called the roll, and House Bill No. 1033 was reported favorably by a vote of 9 yeas and 3 nays. Representatives Carrier, Geymann, Kerner, Mincey, Orgeron, Riser, Romero, Schamerhorn, and Wheat voted yea. Representatives Cormier, Fisher, and Landry voted nay.

Witness cards by individuals who did not speak are as follows: 15 in support, and 5 in opposition. Witness cards are included in the committee records.

IV. OTHER BUSINESS

There was no other business.

V. ANNOUNCEMENTS

There were no announcements.

VI. ADJOURNMENT

Representative Fisher offered a motion to adjourn. Without objection, the motion passed by a vote of 12 yeas and 0 nays. Representatives Carrier, Cormier, Fisher, Geymann, Kerner, Landry, Mincey, Orgeron, Riser, Romero, Schamerhorn, and Wheat voted yea.

The meeting was adjourned at 1:18 p.m.

Respectfully submitted,

Chairman Jean-Paul P. Coussan
House Committee on Natural Resources and Environment

Date adopted: