

ACT No. 613

Regular Session, 2004

SENATE BILL NO. 118

BY SENATORS MCPHERSON AND N. GAUTREAUX AND REPRESENTATIVE
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AN ACT

To amend and reenact the introductory paragraph of R.S. 36:801 and to enact R.S. 36:610(J) and Subpart I-1 of Part I of Chapter 2 of Title 56 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 56:799.1 through 799.6, relative to the White Lake Property; to create the White Lake Property Fund in the state treasury as a fund within the Louisiana Wildlife and Fisheries Conservation Fund; to provide for deposits of monies into the fund; to provide for investment and uses of monies in the fund; to create the White Lake Property Advisory Board; to provide for its domicile, membership, and duties; to authorize the board to solicit and accept donations; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The introductory paragraph of R.S. 36:801 is hereby amended and reenacted and R. S. 36:610(J) is hereby enacted to read as follows:

§610. Transfer of agencies to Department of Wildlife and Fisheries

* * *

R.S. 36:610(J) is all new law.

J. The White Lake Property Advisory Board (R.S. 56:799.1-799.6) is placed within the Department of Wildlife and Fisheries and shall exercise and perform its powers, duties, functions, and responsibilities in the manner provided for agencies transferred in accordance with R.S. 36:801.

* * *

1 §801. Transfer; retention of functions

2 The agencies transferred by the provisions of R.S. 36:4.1(B), R.S. 36:53(A),
 3 R.S. 36:409(B), R.S. 36:459(D), **R.S. 36:610(J)** and R.S. 36:651(C) shall continue
 4 to be composed and selected as provided by law; each agency shall continue to
 5 exercise all powers, duties, functions, and responsibilities provided or authorized for
 6 each by the constitution or laws which are in the nature of policymaking, rulemaking,
 7 licensing, regulation, enforcement, or adjudication and also shall continue to exercise
 8 all advisory powers, duties, and functions provided by law; each agency shall
 9 continue to administer and implement all programs provided or authorized for each
 10 by law which relate to rulemaking, licensing, regulation, enforcement, and
 11 adjudication; each agency shall continue to be governed by the Administrative
 12 Procedure Act, in its entirety, including provisions relative to adjudication
 13 proceedings, unless otherwise specifically provided by law; the executive head of
 14 each such agency shall employ, appoint, remove, assign, and promote such personnel
 15 as is necessary for the efficient administration of such powers, duties, functions, and
 16 responsibilities and for the administration and implementation of such programs, in
 17 accordance with applicable civil service laws, rules, and regulations, and with
 18 policies and rules of the department to which the agency is transferred, and subject
 19 to budgetary control and applicable laws; except as specifically provided in
 20 Paragraphs (1), (2), and (3) below. The agencies transferred as provided in this
 21 Section shall exercise the powers, duties, functions, and responsibilities and shall
 22 administer and implement the programs authorized in this Section independently of
 23 the secretary, the undersecretary, and any assistant secretary, except that:

24 * * *

25 Section 2. Subpart I-1 of Part I of Chapter 2 of Title 56 of the Louisiana Revised
 26 Statutes of 1950, comprised of R.S. 56:799.1 through 799.6, is hereby enacted to read as
 27 follows:

28 SUBPART I-1. WHITE LAKE PROPERTY

29 **Subpart I-1 is all new law.**

1 §799.1. Purpose

2 **R.S. 56:799.1 is all new law.**

3 The purpose of this Subpart is to provide for the administration, control,
4 management, and funding for the White Lake Property located in Vermilion Parish.
5 The legislature acknowledges that the White Lake Property provides an opportunity
6 for, and an obligation on, the state to preserve a scarce fresh water ecosystem and to
7 conserve and protect in perpetuity a relatively natural habitat of fish, wildlife or
8 plants or similar ecosystem.

9 §799.2. Definitions

10 **R.S. 56:799.2 is all new law.**

11 As used in this Subpart, the following terms shall have the following
12 meanings:

13 (1) "Act of donation" means the "Act of Donation by BP America Production
14 Company to the State of Louisiana," dated July 8, 2002, and recorded July 11, 2002,
15 in the conveyance records of Vermilion Parish, bearing entry number 20208337 in
16 which the property in and around White Lake, located in Vermilion Parish, was
17 donated to the state.

18 (2) "Board" means the White Lake Property Advisory Board.

19 (3) "Commission" means the Louisiana Wildlife and Fisheries Commission.

20 (4) "Department" means the Department of Wildlife and Fisheries.

21 (5) "Fund" means the White Lake Property Fund.

22 (6) "White Lake Property" means the properties owned by the state in and
23 around White Lake, located in Vermilion Parish which were donated to the state in
24 "Act of Donation by BP America Production Company to the State of Louisiana,"
25 dated July 8, 2002, and recorded July 11, 2002, in the conveyance records of
26 Vermilion Parish, bearing entry number 20208337.

27 §799.3. White Lake Property Fund

28 **R.S. 56:799.3 is all new law.**

29 A. Effective January 1, 2005, there shall be established in the state treasury,

1 as a special fund within the Louisiana Wildlife and Fisheries Conservation Fund, the
2 White Lake Property Fund, hereinafter referred to as the “fund.” After allocation of
3 money to the Bond Security and Redemption Fund as provided in Article VII,
4 Section 9(B) of the Constitution of Louisiana, the treasurer shall deposit in and credit
5 to the fund all of the following:

6 (1) All revenues received by the state derived from agricultural leases and
7 from mineral revenues from royalty payments, bonus payments, and rentals from the
8 properties owned by the state in and around White Lake, located in Vermilion Parish
9 which were donated to the state in “Act of Donation by BP America Production
10 Company to the State of Louisiana,” dated July 8, 2002, and recorded July 11, 2002,
11 in the conveyance records of Vermilion Parish, bearing entry number 20208337,
12 hereinafter referred to as the “White Lake Property.”

13 (2) All fees charged by the Louisiana Wildlife and Fisheries Commission or
14 the Department of Wildlife and Fisheries for use of the White Lake Property.

15 (3) All monies received by the state and derived from any sale of assets
16 produced by the White Lake Property.

17 (4) All donations of private funds or public contributions made to the state,
18 commission, department, or board for the conservation, administration, control,
19 management, development, or operation of the White Lake Property or the activities
20 conducted thereon.

21 B. The monies in the fund shall be invested by the state treasurer in the same
22 manner as the state general fund and the interest earned on the investment of these
23 monies shall be credited to the fund, after compliance with the requirements of
24 Article VII, Section 9(B) of the constitution, relative to the Bond Security and
25 Redemption Fund. All unexpended and unencumbered monies in the fund at the end
26 of the fiscal year shall remain in the fund.

27 C. The monies in the fund shall be available only for the operation,
28 maintenance, administration, control, management, or enhancement of the White
29 Lake Property and to enhancement of the White Lake Property and to promote its

1 wildlife and ecosystem conservation and for education and research purposes
2 associated directly with the White Lake Property.

3 D. The monies in the fund shall be appropriated only for the purposes set
4 forth in Subsection C of this Section. The legislature shall make no appropriation
5 from the fund which is inconsistent with the recommendations of the White Lake
6 Property Advisory Board.

7 §799.4. White Lake Property Advisory Board

8 **R.S. 56:799.4 is all new law.**

9 A. There is hereby created the White Lake Property Advisory Board within
10 the Department of Wildlife and Fisheries, which shall be domiciled in East Baton
11 Rouge Parish.

12 B. The board shall be composed of members appointed by the governor,
13 subject to confirmation by the Senate, from nominations submitted as follows:

14 (1) Three members shall be appointed from a list of nominees submitted by
15 the following:

- 16 (a) Two nominees submitted by Ducks Unlimited.
- 17 (b) Two nominees submitted by Delta Waterfowl.
- 18 (c) Two nominees submitted by the Louisiana Nature Conservancy.
- 19 (d) Two nominees submitted by the Louisiana Wildlife Federation.
- 20 (e) Two nominees submitted by the Louisiana Ornithological Society.
- 21 (f) Two nominees submitted by the Sierra Club.

22 (2) Three members shall be appointed from a list of nominees submitted by
23 the following:

- 24 (a) Two nominees submitted by the Board of Supervisors of the Louisiana
25 State University and Agricultural and Mechanical College.
- 26 (b) Two nominees submitted by the Board of Supervisors of the Southern
27 University and Agricultural and Mechanical College.
- 28 (c) Two nominees submitted by the Board of Supervisors of the University
29 of Louisiana System.

1 (3) One member appointed from a list of two nominees submitted by the
2 Vermilion Parish Police Jury.

3 (4) Two members appointed from a list of four nominees submitted by the
4 BP America Production Company.

5 (5) One member appointed from a list of two nominees, not members of the
6 legislature, submitted by the speaker of the Louisiana House of Representatives.

7 (6) One member appointed from a list of two nominees, not members of the
8 legislature, submitted by the president of the Louisiana Senate.

9 (7)(a) Two members appointed at large.

10 (b) At such time as the governor determines that the Articles of Incorporation
11 and Bylaws of White Lake Preservation, Inc., have been amended to provide that the
12 board of the White Lake Preservation, Inc., is appointed or selected in a manner
13 sufficient to insure that the board is not self-perpetrating, these at large members
14 shall be appointed from a list of four nominees submitted by the board of directors
15 of White Lake Preservation, Inc.

16 C. Three members of the board shall at all times be residents of Vermilion
17 Parish. All members appointed to the board shall serve at the pleasure of the
18 governor. Vacancies shall be appointed in the same manner as provided for the
19 vacant member.

20 D. A minimum of seven of the members of the board shall have expertise in
21 scientific disciplines pertinent to the management and conservation of the natural
22 resources found on the White Lake Property.

23 E. The secretary of the Department of Natural Resources and the secretary
24 of the Department of Wildlife and Fisheries shall serve as ex officio, non-voting
25 members of the board.

26 F. The board shall select from its members a chairman, vice-chairman,
27 secretary, and treasurer. The board shall adopt rules, in accordance with the
28 Administrative Procedure Act, for the orderly transaction of business and shall keep
29 a record of its resolutions, transactions, and other business. A majority of the

1 individuals appointed to the board shall constitute a quorum.

2 G. The members of the board shall serve without compensation, and shall not
3 be eligible to engage in the taking of fish and game resources or other recreational
4 activities on the White Lake Property at times and places when these activities are
5 not also available to the general public.

6 H. Meetings of the board shall be held at a time and place as determined by
7 the chairman or when requested by a majority of the board members, provided that
8 the board shall meet no less than twice annually. Notices of all meetings of the
9 board, together with an agenda of the business to come before the board, shall be
10 provided to the public. The board shall be subject to the Open Meetings Law (R.S.
11 42:4.1, et seq.) and the Public Records Law (R.S. 44:1, et seq.).

12 I. The board may solicit and accept gifts and donations for the purposes set
13 forth in R.S. 56:799.3(A)(4), to be deposited in and credited to the White Lake
14 Property Fund.

15 J. The treasurer shall provide for full and accurate financial records to be
16 maintained and the financial records of the board shall be subject to annual audit by
17 the legislative auditor.

18 K. Concerning the White Lake Property, the board shall advise the Louisiana
19 Wildlife and Fisheries Commission and the Department of Wildlife and Fisheries
20 regarding:

21 (1) Administration, control, and management.

22 (2) Proper operation, management, and supervision of all activities consistent
23 with the "conservation purposes" stated in the act of donation and subject to all of the
24 other terms and conditions of the act of donation.

25 (3) Development and implementation of a conservation management plan
26 consistent with the "conservation purposes" in the act of donation.

27 (4) Establishment and maintenance of a biodiversity wetlands center to be
28 named the "BP Wetlands Center."

29 (5) Ensuring the protection of the natural resources.

1 (6) Preserving, protecting, and promoting the biological diversity.

2 (7) Undertaking land and water management projects that enhance or restore
3 natural wetland and upland habitats.

4 (8) Promoting environmental education and research.

5 §799.5. Commission duties and responsibilities

6 **R.S. 56:799.5 is all new law.**

7 In addition to duties, responsibilities, and powers provided by the constitution
8 and statutory law and consistent with the recommendations of the board, the
9 commission:

10 (1) Shall establish a conservation management plan for the White Lake
11 Property.

12 (2) May authorize the conduct of lottery hunts on the White Lake Property
13 by the department or, through a cooperative endeavor agreement.

14 §799.6. Department duties and responsibilities; powers

15 **R.S. 56:799.6 is all new law.**

16 A. In addition to duties, responsibilities, and powers otherwise provided by
17 law and consistent with the recommendations of the board, the department shall
18 administer, control, and manage the White Lake Property.

19 B. Subject to recommendations by the board, the department may enter into
20 cooperative endeavor agreements to fulfill its duties and responsibilities under this
21 Subpart. Each such agreement shall be subject to review by the Joint Legislative
22 Committee on the Budget.

23 Section 3. Agricultural leases involving the White Lake Property in existence on the
24 effective date of this Section are hereby ratified, subject to their terms and conditions.

25 Section 4. Sections 3 and 4 of this Act shall become effective upon signature by the
26 governor or, if not signed by the governor, upon expiration of the time for bills to become
27 law without signature by the governor, as provided by Article III, Section 18 of the
28 Constitution of Louisiana. If vetoed by the governor and subsequently approved by the
29 legislature, this Act shall become effective on the day following such approval.

1 Section 5. Sections 1, 2, and 5 of this Act shall become effective on January 1, 2005;
2 if vetoed by the governor and subsequently approved by the legislature, this Act shall become
3 effective on January 1, 2005, or on the day following such approval by the legislature,
4 whichever is later.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____