

Regular Session, 2014

HOUSE BILL NO. 850

BY REPRESENTATIVE DOVE

COASTAL COMMISSION: Provides relative to clean up of hazardous materials found in integrated coastal protection projects

1 AN ACT

2 To enact R.S. 49:214.5.2(G), relative to the responsibilities of the Coastal Protection and  
3 Restoration Authority Board; to authorize the board to authorize the Coastal  
4 Protection and Restoration Authority to contract for the study, investigation, and  
5 cleanup of, or response to hazardous substances located in an integrated coastal  
6 protection program project; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 49:214.5.2(G) is hereby enacted to read as follows:

9 §214.5.2. Functions and responsibilities; Coastal Protection and Restoration  
10 Authority Board

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12 G. Notwithstanding any law to the contrary, the Coastal Protection and  
13 Restoration Authority, upon approval by the board, may enter into a contract for the  
14 study, investigation, and cleanup of, or response to, hazardous substances directly  
15 with any person or entity who has entered into a contract with the United States  
16 Army Corps of Engineers for an integrated coastal protection program or project  
17 where the hazardous substance is located and if federal law, rules, regulations,  
18 guidance, or the terms of a cooperative, partnership, or other agreement for the  
19 program or project require the state of Louisiana to directly take action with regard  
20 to the study, investigation, and cleanup of, or response to, the hazardous substance.

1        Nothing in this Section shall prevent the authority from contracting with any person  
2        or entity in any other manner permitted by law. In approving the contract with the  
3        United States Army Corps of Engineers contracting entity or person, the board shall  
4        do all of the following:

5                (1) Make a determination that the United States Army Corps of Engineers  
6                entered into the contract with its contractor through a public bid process.

7                (2) Obtain from contractors other than the one under contract with the United  
8                States Army Corps of Engineers, at least two estimates for the needed work to be  
9                conducted under the contract for study, investigation, and cleanup of, or response to,  
10               hazardous substances from persons or entities qualified to conduct such work, as  
11               determined by the board.

12               (3) Obtain an estimate for the needed work from the United States Army  
13               Corps of Engineers contractor.

14               (4) Make a determination that contracting directly with the United States  
15               Army Corps of Engineers contractor is economical, feasible, and in the best interest  
16               of the health, safety, and welfare of the citizens of the state of Louisiana.

17        Section 2. This Act shall become effective upon signature by the governor or, if not  
18        signed by the governor, upon expiration of the time for bills to become law without signature  
19        by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
20        vetoed by the governor and subsequently approved by the legislature, this Act shall become  
21        effective on the day following such approval.

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#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Dove

HB No. 850

**Abstract:** Authorizes the Coastal Protection and Restoration Authority Board to authorize the Coastal Protection and Restoration Authority (CPRA) to contract for the study, investigation, and cleanup of, or response to, hazardous substances located in an integrated coastal protection program project.

Proposed law allows the CPRA, with approval of the CPRA Board, to enter into a contract for the study, investigation, and cleanup of, or response to, hazardous substances directly

with an entity who is already under contract with the Corps of Engineers for an integrated coastal protection project where the hazardous substance is located and where federal law, rules, regulations, guidance, or the terms of a cooperative, partnership, or other agreement for the project require the state to directly take action relative to the hazardous substance. In approving the contract with the Corps of Engineers contracting entity, proposed law requires the board determine that the Corps of Engineers entered into the contract with its contractor through a public bid process, get at least two estimates for the work from other contractors qualified to conduct such work, get an estimate for the needed work from the Corps of Engineers contractor, and determine that contracting directly with the Corps of Engineers contractor is economical, feasible, and in the best interest of the health, safety, and welfare of the citizens of the state of Louisiana.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 49:214.5.2(G))