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## DIGEST

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HB 569 Original

2021 Regular Session

Kerner

**Abstract:** Creates the Louisiana Coastal Zone Recovery Authority within the office of the governor and provides for the disposition of funds recovered in settlement of the state and parish coastal zone litigation.

Proposed law creates the State and Parish Coastal Zone Recovery Authority and its board of directors that is charged with implementing any settlement of the coastal zone lawsuits and approving the use of funds deposited from such settlement.

Proposed law provides for the membership of the board as follows:

- (1) A member from each settling parish appointed by the parish governing authority of that parish.
- (2) The chairman of the Coastal Protection and Restoration Authority Board or his designee.
- (3) The president of the Senate or his designee.
- (4) The speaker of the House of Representatives or his designee.

Proposed law provides for terms of office of the members, frequency, location, time, place, and the necessary quorum of meetings. Proposed law prohibits members from receiving compensation, but authorizes members to seek travel reimbursement from their respective agencies.

Proposed law provides the board and its staff are subject to the Code of Governmental Ethics, the Open Meetings Law, and to the jurisdiction of the legislative auditor and the office of the state inspector general. Requires the board make annual reports to the legislature on the activities of the Coastal Zone Recovery Authority.

Proposed law defines "coastal zone lawsuits" as any action to enforce coastal use permits requirements in present law by the secretary, the attorney general, an appropriate district attorney, or a local government with an approved coastal program.

Proposed law defines "settling parish" as any parish where either the appropriate district attorney or the local government with an approved coastal program filed a coastal zone lawsuit and entered into an agreement or compromise to settle the suit.

Proposed law establishes the Coastal Zone Recovery Fund funded by monies paid from settlement or by final judgement for assessed damages, restoration costs, actual restoration of areas disturbed, or reasonable and proper sanctions and all interest income and all realized capital gains on investment of any such monies. Proposed law provides for the retention in the fund of any unexpended money remaining in the fund at the end of the fiscal year.

Proposed law limits the use of the fund, subject to appropriation by the legislature, for the purposes of the implementing of any settlement or final judgment in the of the coastal zone lawsuits.

Proposed law further limits the use of the funds to only those projects and programs consistent with the terms and conditions of any final settlement of the coastal zone lawsuits, consistent with the master plan for integrated coastal protection projects and program, and that support the long-term health of Louisiana's coastal communities through investments in ecological restoration and remediation, community protection, including infrastructure, business and residential resilience, economic development, and administrative costs. Proposed law creates accounts within the Coastal Zone Recovery Fund for use for those specific purposes.

Proposed law provides for the "coastal master plan integrated coastal protection account" which shall be used to implement integrated coastal protection projects and programs in the coastal master plan. Further provides that 60 percent of all monies in the Coastal Zone Recovery Fund shall be dedicated to this account.

Proposed law provides for the "restoration, protection, and remediation account" that settling parishes submit to the board every three years a funding priority list from which the board approves projects that comply with proposed law and the terms and conditions of the settlement agreements. Proposed law requires the board to coordinate with Coastal Protection and Restoration Authority to determine if proposed projects qualify for funding from other sources.

Proposed law provides that the funds in the "resilience account" are be distributed through a grant program administered by the board. Proposed law provides for both settling parishes and settling defendants are eligible to receive funding for projects.

Proposed law provides for the "land rights account" which shall be used for the acquisition of access rights, rights of use, servitudes, easements, or payment for other rights or interests as necessary to fulfill the requirements of proposed law and the settlement agreement.

Proposed law provides the proceeds of any settlement involving more than one parish shall be allocated to each settling parish in accordance with the terms of such settlement.

Proposed law creates the Coastal Zone Recovery Subcommittee.

Proposed law provides for the membership of the subcommittee as follows:

- (1) Each settling parish appointed by the governing authority of that parish.

- (2) The chairman of the Coastal Protection and Restoration Authority Board or his designee.
- (3) The Governor's Advisory Commission on Coastal Protection, Restoration, and Conservation, represented by its designee.
- (4) One member from the nonprofit corporation community to be appointed by a majority consent of the settling parishes.
- (5) One member from energy production and distribution sector to be appointed by a majority consent of the settling parishes.
- (6) One member appointed by the Association of Levee Boards of Louisiana from the members of levee boards having districts located in whole or in part within the Louisiana coastal area.

Proposed law provides for terms of office for the members, election of a chairman and vice-chairman, and for its roles and responsibilities to include reviewing and approving requests for projects submitted by settling parishes related to Coastal Zone Recovery Fund projects; coordinating with and advising the Coastal Protection and Restoration Authority Board regarding feasibility, funding, and implementation of eligible projects; assisting in the development of the comprehensive coastal master plan relative to Coastal Zone Recovery Fund projects; and receiving reports from the board relative to the progress, challenges, and recommendations concerning projects, programs, and policies.

(Amends R.S. 49:214.6.1(B)(10); Adds R.S. 36:4(J), R.S. 49:214.5.2(A)(12) and (13), 214.5.4(K), 214.6.1(B)(11), and R.S. 49:214.51 - 214.55)