
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Tyler S. McCloud.

DIGEST

SB 122 Engrossed

2021 Regular Session

Allain

Present law establishes a coastal zone management program within the Dept. of Natural Resources and administered by the secretary of the department. The program includes regulation of the application and issuance of a coastal use permit prior to commencing a use of state or local concern in the coastal zone.

Present law authorizes a court to impose civil liability and assess damages, order the payment of the restoration costs, require actual restoration of areas disturbed, or otherwise impose reasonable and proper sanctions for uses in the coastal zone that were either without a coastal use permit or not in accordance with the terms and conditions of a coastal use permit.

Present law requires that any monies received by any state or local governmental entity arising from or related to a state or federal permit issued pursuant to the State and Local Coastal Resource Management Act of 1978, a violation thereof, or enforcement thereof, or for damages or other relief arising from or related to any of the foregoing, or for damages or other relief arising from or related to any use as defined by present law, be used for integrated coastal protection, including coastal restoration, hurricane protection, and improving the resiliency of the coastal area. Proposed law retains present law.

Proposed law requires any monies collected for the payment of restoration costs be expended consistent with present law.

Present law authorizes the court to award costs and reasonable attorney fees to the prevailing party. Proposed law retains present law.

Present law provides for the distribution of monies collected from enforcement actions for uses of state concerns as follows:

- (1) 50% deposited into the Coastal Resources Trust Fund for reimbursement to the department for the cost of enforcing the coastal zone management program.
- (2) 25% deposited in the local government's mitigation banks.
- (3) 25% deposited in the Wetlands Conservation and Restoration Fund.

Proposed law changes the deposit from 50% to the Coastal Resources Trust Fund to 75% to the Coastal Protection and Restoration Fund for projects consistent with present law after deducting the cost to reimburse the department for enforcing the coastal zone management program.

Proposed law retains present law by requiring 25% be deposited in local government mitigation banks. Proposed law further provides that when no local government mitigation bank exists, the funds are deposited into a restricted fund administered by the parish governing authority of the parish or parishes in which the adverse impact related to the use is located. Proposed law requires the funds be used for projects consistent with present law and within or for the benefit of areas within the geographic borders of that parish.

Proposed law removes the 25% deposit to the Wetlands Conservation and Restoration Fund.

Present law provides that 100% of monies collected by the secretary from enforcement actions for uses of local concerns be deposited in local government mitigation banks. Present law provides for a pro rata division in cases involving two or more local governments. Present law provides for the monies deposited in the Wetlands Conservation and Restoration Fund to be used only for mitigation projects within the geographic borders of that local government in the event there is no local government mitigation bank.

Proposed law expands monies subject to present law from monies collected by the secretary to monies collected by the secretary, the attorney general, an appropriate district attorney, or a local government with an approved program.

Proposed law changes the deposit in the event no local government mitigation bank exists, from the Wetlands Conservation and Restoration Fund to a restricted fund administered by the parish governing authority of the parish or parishes in which the adverse impact related to the use is located. Proposed law requires the funds be used for projects consistent with present law and within or for the benefit of areas within the geographic borders of that parish.

Effective August 1, 2021.

(Amends R.S. 49:214.36(E), (J), and (O)(2))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Natural Resources to the original bill

1. Increases the portion of the monies collected deposited into the Coastal Resources Trust Fund from 50% to 75%.
2. Removes the 25% deposit to the Wetlands Conservation and Restoration Fund.