SLS 22RS-4

ORIGINAL

2022 Regular Session

SENATE BILL NO. 3

BY SENATOR ALLAIN

COASTAL RESOURCES. Provides for distribution of monies collected from enforcement actions of coastal use permits. (8/1/22)

1	AN ACT
2	To amend and reenact R.S. 49:214.36(J) and (O)(2), relative to the Coastal Zone
3	Management Program; to provide for the reimbursement of costs; to provide for
4	distribution of monies collected; to provide for the use of funds; and to provide for
5	related matters.
6	Be it enacted by the Legislature of Louisiana:
7	Section 1. R.S. 49:214.36(J) and (O)(2) are hereby amended and reenacted to read
8	as follows:
9	§214.36. Enforcement; injunction; penalties and fines
10	* * *
11	J. The monies collected by the state under the provisions of this Section shall
12	be deposited as follows:
13	(1) The monies collected by the secretary for violations relating to use of
14	state concern shall be used for the following purposes only in the proportions stated:
15	(a) Fifty After deducting the costs to reimburse the Department of
16	Natural Resources for the expenses incurred enforcing the provisions of this
17	Subpart, seventy-five percent of the monies collected shall be used to reimburse the

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l	Department of Natural Resources for the cost of enforcing the provisions of this
2	Subpart, and shall be deposited in the Coastal Resources Trust Fund, as provided in
3	R.S. 49:214.40 placed in the Coastal Protection and Restoration Fund
1	established in Article VII, Section 10.2 of the Constitution of Louisiana and used
5	for projects that are consistent with Paragraph (O)(2) of this Section.

(b) Twenty-five percent of the monies collected shall be placed in local 6 7 government mitigation banks established in accordance with R.S. 49:214.41 and the 8 rules and regulations adopted thereunder. If there is no local government 9 mitigation bank for the area in which the adverse impact is located, the monies 10 shall be deposited into a restricted fund administered by the parish governing 11 authority of the parish or parishes in which the adverse impact related to the use is located. These funds shall be used only for projects consistent with 12 13 Paragraph (O)(2) of this Section within or for the benefit of areas within the 14 geographic borders of that parish.

(c) Twenty-five percent of the monies collected shall be placed in the
Wetlands Conservation and Restoration Fund established in Article VII, Section 10.2
of the Constitution of Louisiana.

(2) The monies collected by the secretary for violations relating to a use of 18 19 local concern shall be placed in local government mitigation banks established in accordance with R.S. 49:214.41 and the rules and regulations adopted thereunder. 20 21 Each local government's mitigation bank shall be credited one hundred percent of the 22 monies collected for violations relating to a use of local concern occurring within its geographic borders, except that for violations occurring within the geographic 23 24 borders of two or more local governments the monies shall be divided on a pro rata basis and deposited accordingly in the local government's mitigation banks. In the 25 event there is no local government mitigation bank in the parish in which the adverse 26 27 impact is located, the monies shall be deposited in the Wetlands Conservation and 28 Restoration Fund established in Article VII, Section 10.2 of the Constitution of 29 Louisiana, into a restricted fund administered by the parish governing authority

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1	of the parish or parishes whe	ere the	advers	se impact	related to th	ne use is locat	ted
2	and can only shall be used only	<u>for mi</u>	tigation	n projects	within the ge	ographic bord	ers
3	of that local government that	at are	consis	tent with	Paragraph	n (O)(2) of t	<u>his</u>
4	Section.						
5	*	¢	*	*			
6	O. *	¢	*	*			
7	(2) Any monies receiv	ed by	any sta	te or loca	l governmen	tal entity arisi	ing
8	from or related to a state or fed	leral pe	ermit iss	sued pursu	ant to R.S. 4	9:214.21 et se	eq.,
9	33 U.S.C. §1344, or 33 U.S.C.	§408,	a viola	tion there	of, or enforce	ement thereof,	, or
10	for damages or other relief ar	ising fi	rom or	related to	any of the f	foregoing, or	for
11	damages or other relief arisin	ng fro	m or r	elated to	any use as	defined by R	S.
12	49:214.23(13) shall be used a	for int	egrated	l coastal j	protection, in	ncluding coas	stal
13	restoration, hurricane protection	on, and	impro	ving the re	esiliency of t	he coastal are	a.
14	*	:	*	*			

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

DIGEST 2022 Regular Session

Allain

<u>Present law</u> 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. <u>Proposed law</u> retains <u>present law</u>.

<u>Present law</u> 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 <u>present law</u>, be used for integrated coastal protection, including coastal restoration, hurricane protection, and improving the resiliency of the coastal area. <u>Proposed law</u> retains <u>present law</u>.

<u>Present law</u> 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.

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<u>Proposed law</u> 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.

<u>Proposed law</u> retains <u>present law</u> by requiring 25% be deposited in local government mitigation banks. <u>Proposed law</u> 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. <u>Proposed law</u> requires the funds be used for projects consistent with <u>present law</u> 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.

<u>Present law</u> provides that 100% of monies collected by the secretary from enforcement actions for uses of local concerns be deposited in local government mitigation banks. <u>Present law</u> provides for a pro rata division in cases involving two or more local governments. <u>Present law</u> 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.

<u>Proposed law</u> changes the deposit in the event no local government mitigation bank exists, <u>from</u> 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. <u>Proposed law</u> requires the funds be used for projects consistent with <u>present law</u> and within or for the benefit of areas within the geographic borders of that parish.

Effective August 1, 2022.

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