

2020 Regular Session

SENATE BILL NO. 275

BY SENATOR HEWITT

COASTAL RESOURCES. Provides relative to the coastal management program, designees of the secretary, and prohibition of certain contracts. (8/1/20)

1 AN ACT

2 To enact R.S. 49:214.26(E) and (F), relative to the coastal management program; to provide

3 relative to administration; to provide relative to designees of the secretary; to provide

4 relative to certain contracts; to provide certain prohibitions, requirements, and

5 effects; to provide terms and conditions; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 49:214.26(E) and (F) are hereby enacted to read as follows:

8 §214.26. Coastal management program; administration

9 * * *

10 **E.(1) The provisions of this Section shall not authorize nor be construed**

11 **to allow the secretary or his designee to execute or enter into an employment**

12 **contract with a private entity for legal services. This includes but is not limited**

13 **to a contingency fee contract or other form of contract whereby payment of**

14 **attorney fees under the contract are shifted to another person or entity through**

15 **court award or other means.**

16 **(2) A contract in violation of this Subsection shall be contrary to public**

17 **policy and null. Additionally, the provisions of this Subsection shall be**

- 1 **applicable to such a contract in existence on the effective date of this Subsection.**
- 2 **F. A person who acts as a designee of the secretary pursuant to this**
- 3 **Section shall be subject in the same manner as the secretary to laws,**
- 4 **requirements, and prohibitions pertaining to ethics, financial disclosure, and**
- 5 **employment of outside legal counsel.**

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Jerry G. Jones.

DIGEST

SB 275 Original

2020 Regular Session

Hewitt

Present law establishes a coastal management program within the Dept. of Natural Resources. Provides that the secretary or his designee shall administer the coastal management program.

Present law also authorizes the secretary is authorized to employ such additional staffing as may be necessary to carry out the coastal management program. Also provides that the secretary can perform or may authorize his designee to administer the program and/or:

- (1) Receive, evaluate, and make recommendations to the secretary concerning applications for coastal use permits.
- (2) Conduct or cause to be conducted investigations, studies, planning, and research.
- (3) Systematically monitor and conduct surveillance of permitted uses to ensure that conditions of coastal use permits are satisfied.
- (4) Coordinate closely with the secretary and local, state, regional, and federal agencies with respect to coastal management.
- (5) Make recommendations to the secretary relative to appropriate enforcement measures for violations and measures to obtain civil relief.
- (6) Provide advice and technical assistance to the secretary and local governments.
- (7) Conduct such activities or make such decisions as may be delegated or authorized by the secretary.

Present law further provides that the secretary shall make decisions on applications for coastal use permits and may establish conditions on the granting of coastal use permits.

Proposed law retains present law and adds that the provisions of present law shall not authorize nor be construed to allow the secretary or his designee to execute or enter into an employment contract with a private entity for legal services. This includes but is not limited to a contingency fee contract or other form of contract whereby payment of attorney fees under the contract are shifted to another person or entity through court award or other means.

Proposed law further provides that a contract in violation of the proposed law shall be contrary to public policy and null. This includes such a contract in existence on the effective date of the proposed law.

Proposed law also provides that a person who acts as a designee of the secretary pursuant

to present law shall be subject in the same manner as the secretary to laws, requirements, and prohibitions pertaining to ethics, financial disclosure, and employment of outside legal counsel.

Effective August 1, 2020.

(Adds R.S. 49:214.26(E) and (F))