

2020 Regular Session

SENATE CONCURRENT RESOLUTION NO. 7

BY SENATORS HEWITT, BERNARD, CATHEY, CLOUD, CORTEZ, FESI, HENRY, HENSGENS, JOHNS, MCMATH, MILLIGAN, ROBERT MILLS, MIZELL, PEACOCK, REESE, TALBOT, WHITE AND WOMACK AND REPRESENTATIVES BEAULLIEU, BUTLER, DEVILLIER, EMERSON, HORTON, MCCORMICK AND MIGUEZ

COASTAL RESOURCES. To urge and request certain officials and local governments to dismiss coastal lawsuits.

A CONCURRENT RESOLUTION

To urge and request the local officials in Cameron Parish, Jefferson Parish, Plaquemines Parish, St. Bernard Parish, St. John the Baptist Parish, Vermilion Parish, and the city of New Orleans to dismiss the forty-three coastal lawsuits that have been filed against over two-hundred large and small oil and natural gas companies in Louisiana.

WHEREAS, since the Coastal Zone Management Act (CZMA) was enacted by the Louisiana Legislature in 1980, the state of Louisiana has issued more than thirty thousand coastal use permits to authorize and encourage the safe and responsible development of oil and natural gas resources throughout Louisiana's working coast; and

WHEREAS, from 1980 through 2013, local governing bodies collected millions of dollars in tax revenues generated by these production activities and never sought to assert enforcement authority over these operations, which are clearly defined in R.S. 49:214.25(A) as "uses of state concern" that fall exclusively under the jurisdiction of state government agencies; and

WHEREAS, since 2013, Cameron Parish, Jefferson Parish, Plaquemines Parish, St. Bernard Parish, St. John the Baptist Parish, Vermilion Parish, and the city of New Orleans have contracted with private legal counsel to improperly bring unprecedented enforcement actions against the oil and natural gas industry; and

1 WHEREAS, actions such as these, taken by private legal counsel on behalf of local
2 governments, violate the original intent of the Louisiana Legislature when the CZMA was
3 enacted; and

4 WHEREAS, the state alone is vested with the authority to issue and regulate coastal
5 use permits concerning uses of state concern, as defined by R.S. 49:214.25(A)(1), and the
6 state has the sole authority to bring enforcement over these permits under CZMA; and

7 WHEREAS, local governments are limited in their ability to bring enforcement
8 actions under CZMA as it relates to issues of local concern as defined by R.S.
9 49:214.25(A)(2); and

10 WHEREAS, since the inception of the CZMA, over forty years ago, local
11 government entities have never sought to assert such inappropriate widespread action over
12 state issued coastal use permits in a manner that violates the original intent of the CZMA;
13 and

14 WHEREAS, over six years of litigation has provided no benefit for Louisiana's
15 precious coastline; and

16 WHEREAS, these lawsuits consume limited judicial resources and put our state at
17 a competitive disadvantage when it comes to attracting jobs and investment; and

18 WHEREAS, for nearly a century, the safe, responsible production of oil and natural
19 gas in Louisiana has helped fuel our state's economy and our nation's energy independence;
20 and

21 WHEREAS, today, the development of Louisiana's vast oil and natural gas resources
22 supports over two-hundred sixty thousand high paying jobs and contributes more than two
23 billion dollars in annual state revenues; and

24 WHEREAS, Louisiana oil and natural gas companies also generated more than
25 two-hundred thirty million dollars in direct funding for coastal restoration and hurricane
26 protection projects over the last five years; and

27 WHEREAS, the production of oil and natural gas is essential to the economy and
28 well-being of Louisiana and the United States, and addressing the critical energy and
29 environmental needs of the state and the country requires cooperation instead of
30 unproductive lawsuits.

1 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
2 urge and request the local officials in Cameron Parish, Jefferson Parish, Plaquemines Parish,
3 St. Bernard Parish, St. John the Baptist Parish, Vermilion Parish, and the city of New
4 Orleans to dismiss the coastal zone lawsuits, pursuant to La. Code of Civil Procedure Art.
5 1671 concerning voluntary dismissal.

6 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
7 parish president, district attorney, and council or police jury of Cameron Parish, Jefferson
8 Parish, Plaquemines Parish, St. Bernard Parish, St. John the Baptist Parish, Vermilion Parish,
9 and to the mayor, district attorney, and city council of the city of New Orleans.

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

SCR 7 Original	DIGEST 2020 Regular Session	Hewitt
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Urges and requests the local officials in Cameron Parish, Jefferson Parish, Plaquemines Parish, St. Bernard Parish, St. John the Baptist Parish, Vermilion Parish, and the city of New Orleans to dismiss the coastal zone lawsuits, pursuant to La. Code of Civil Procedure Art. 1671 concerning voluntary dismissal.