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

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DIGEST

SB 440 Original

2020 Regular Session

Fesi

Present law establishes a coastal zone management program within the Dept. of Natural Resources and administered by the secretary of the department. An aspect of the program is the application and issuance of 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.

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 by the secretary through enforcement actions for uses of state concern and uses of local concern. Proposed law, in cases involving uses of state concern, provides for the distribution of monies collected by the secretary or the attorney general. Proposed law, in cases involving uses of local concern, provides for the distribution of monies collected by the secretary, the attorney general, an appropriate district attorney, or a local government with an approved program.

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 retains present law.

Present law provides that 100% of monies collected 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

deposit in the Wetlands Conservation and Restoration Fund, but can only be used for mitigation projects within the geographic borders of that local government in the event there is no local government mitigation bank.

Effective August 1, 2020.

(Amends R.S. 49:214.36(E), (J)(intro para) and (J)(1) and (2))