2022 Regular Session SENATE BILL NO. 3

BY SENATOR ALLAIN

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

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1	(b) Twenty-five percent of the monies collected shall be placed in local
2	government mitigation banks established in accordance with R.S. 49:214.41 and the
3	rules and regulations adopted thereunder. If there is no local government
4	mitigation bank for the area in which the adverse impact is located, the monies
5	shall be deposited into a restricted fund administered by the parish governing
6	authority of the parish or parishes in which the adverse impact related to the
7	use is located. These funds shall be used only for projects consistent with
8	Paragraph (O)(2) of this Section within or for the benefit of areas within the
9	geographic borders of that parish.
10	(c) Twenty-five percent of the monies collected shall be placed in the
11	Wetlands Conservation and Restoration Fund established in Article VII, Section 10.2
12	of the Constitution of Louisiana.
13	(2) The monies collected by the secretary for violations relating to a use of
14	local concern shall be placed in local government mitigation banks established in
15	accordance with R.S. 49:214.41 and the rules and regulations adopted thereunder.
16	Each local government's mitigation bank shall be credited one hundred percent of the
17	monies collected for violations relating to a use of local concern occurring within its
18	geographic borders, except that for violations occurring within the geographic
19	borders of two or more local governments the monies shall be divided on a pro rata
20	basis and deposited accordingly in the local government's mitigation banks. In the
21	event there is no local government mitigation bank in the parish in which the adverse
22	impact is located, the monies shall be deposited in the Wetlands Conservation and
23	Restoration Fund established in Article VII, Section 10.2 of the Constitution of
24	Louisiana, into a restricted fund administered by the parish governing authority
25	of the parish or parishes where the adverse impact related to the use is located
26	and can only shall be used only for mitigation projects within the geographic borders
27	of that local government that are consistent with Paragraph (O)(2) of this
28	Section.
29	* * *
30	O. * * *

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1	(2) Any monies received by any state or local governmental entity arising
2	from or related to a state or federal permit issued pursuant to R.S. 49:214.21 et seq.,
3	33 U.S.C. §1344, or 33 U.S.C. §408, a violation thereof, or enforcement thereof, or
4	for damages or other relief arising from or related to any of the foregoing, or for
5	damages or other relief arising from or related to any use as defined by R.S.
6	49:214.23(13) shall be used for integrated coastal protection, including coastal
7	restoration, hurricane protection, and improving the resiliency of the coastal area.
8	* * *

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____