

2023 Regular Session

SENATE BILL NO. 13

BY SENATOR FESI

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

ENERGY DEVELOPMENT. Provides for actions arising from coastal use permits. (8/1/23)

1 AN ACT

2 To amend and reenact R.S. 49:214.36(G), relative to the Louisiana Coastal Zone

3 Management Program; to provide for the authority to bring enforcement actions; to

4 provide for a peremptive time period on enforcement actions; and to provide for

5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 49:214.36(G) is hereby amended and reenacted to read as follows:

8 §214.36. Enforcement; injunction; penalties and fines

9 * * *

10 G.(1) Any action pursuant to this Section, whether criminal or civil, ~~must~~

11 **shall** be brought in any parish in which the use or activity is situated. If the use or

12 activity is situated in one or more parishes, then any action may be brought in either

13 of the parishes in which the use or activity is situated.

14 **(2) Any action pursuant to this Section shall be brought within a**

15 **peremptive period of ten years from the first occurrence of the use or activity**

16 **giving rise to the action. This Paragraph shall not affect the rights of a**

17 **landowner to bring actions arising from contractual or delictual claims.**

1 * * *

2 Section 2. The provisions of this Act shall be applicable to all claims existing or
3 actions pending on this Act's effective date and all claims arising or actions filed on or after
4 that date.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Jacob K. Wilson.

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Present law establishes a coastal zone management program within the Dept. of Natural Resources administered by the secretary of the department. An aspect of the program is the application and issuance of required coastal use permits prior to commencing a use of state or local concern in the coastal zone.

Present law requires the venue for civil or criminal actions to enforce the program be in the parish where the use or activity is situated or, if situated in one or more parishes, in either parish the use or activity is situated.

Proposed law retains present law.

Proposed law requires any enforcement action be brought within a peremptive period of ten years from the first occurrence of the use or activity giving rise to the action.

Proposed law provides proposed law does not affect the rights of a landowner to bring actions arising from contractual or delictual claims.

Effective August 1, 2023.

(Amends R.S. 49:214.36(G))