

Prior law created a coastal zone management program in the Dept. of Natural Resources. Provided generally for the development of a state program aimed at protecting, developing, and managing the coastal zone of the state. The program defined the coastal zone and delineates the types of uses approved for the coastal zone. Further provided for the development of state and local coastal management plans.

Prior law provided that coastal use permits issued by the Dept. of Natural Resources are used to control the development and activities in the coastal zone. Prior law provided for enforcement of the coastal use permits (CUP) and the activities permitted under the CUPs.

Prior law specified that the secretary, the attorney general, an appropriate district attorney, or a local government may bring injunctive, declaratory, or other actions to ensure that only permitted activities may be conducted in the coastal zone. New law retains prior law.

New law provides that except as provided in prior law, no state or local governmental entity may have, nor may pursue, any right or cause of action arising from any activity subject to permitting under prior law or certain federal statutes in the coastal area, or arising from or related to any use as defined by prior law, regardless of the date such use or activity occurred.

New law requires any monies received by any state or local governmental entity arising from or related to a certain state or federal permit, a violation thereof, or enforcement thereof, or for damages or other relief arising from or related to any of the foregoing, or for damages or other relief arising from or related to any use as defined by prior law be used for integrated coastal protection, including coastal restoration, hurricane protection and improving the resiliency of the coastal area.

New law provides that nothing in the prior law and new law will constitute a waiver of sovereign immunity under the 11th Amendment of the U.S. Constitution.

New law provides that nothing in the prior law and new law will prevent or preclude any person or any state or local governmental entity from enforcing contractual rights or from pursuing any administrative remedy otherwise authorized by law arising from or related to certain state or federal permit issued in the coastal area.

New law provides that nothing in new law will alter the rights of any governmental entity, except a local or regional flood protection authority, for claims related to 16th section school lands or claims for damage to property owned or leased by such governmental entity.

New law provides that new law is applicable to all claims existing or actions pending on new law's effective date and all claims arising or actions filed on or after that date.

Effective upon signature by governor (June 6, 2014).

(Adds R.S. 49:214.36(O))