

2019 Regular Session

HOUSE BILL NO. 125

BY REPRESENTATIVE LYONS

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

ENVIRONMENT/ENFORCEMENT: Provides for the maximum civil penalty for citations issued through the expedited enforcement program

1 AN ACT

2 To amend and reenact R.S. 30:2025(D)(1), relative to the expedited enforcement program;  
3 to increase the civil penalty for certain environmental violations; and to provide for  
4 related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 30:2025(D)(1) is hereby amended and reenacted to read as follows:

7 §2025. Enforcement

8 \* \* \*

9 D. Expedited enforcement program.

10 (1) The secretary may adopt rules and regulations establishing a program for  
11 expedited enforcement for minor or moderate violations of this Subtitle and  
12 regulations adopted pursuant to this Subtitle. Such rules and regulations may  
13 provide for citations that may include the assessment of civil penalties and orders  
14 requiring compliance within a specified time period. The secretary may delegate the  
15 authority to operate such program to the appropriate personnel. Enforcement actions  
16 under this program will not be subject to the requirement for legal review under R.S.  
17 30:2050.1(C). ~~Citations issued pursuant to this Section are limited~~ The provisions  
18 of this Subsection shall only apply to minor or moderate violations that result in an  
19 assessment not to exceed ~~fifteen hundred~~ three thousand dollars per violation or an  
20 aggregate total of ~~three~~ five thousand dollars per violator.

21 \* \* \*

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 125 Original

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Lyons

**Abstract:** Increases the maximum civil penalty assessed through an expedited enforcement action.

Present law authorizes the secretary of the Dept. of Environmental Quality to use general enforcement powers with respect to environmental violations. Present law authorizes the secretary to adopt rules and regulations establishing the expedited enforcement program. Proposed law retains present law.

Present law authorizes that the citations include the assessment of civil penalties and orders requiring compliance within a specified time period. Present law authorizes the secretary to delegate the operation of the expedited enforcement program to the appropriate personnel. Present law provides that expedited enforcement actions are not subject to legal review by the department's chief legal officer. Proposed law retains present law.

Present law authorizes the secretary to issue expedited actions for minor and moderate violations and issue a fine not to exceed \$1,500 per violation or \$3,000 per violator.

Proposed law increases the maximum penalty from \$1,500 per violation to \$3,000 per violation or from \$3,000 per violator to \$5,000 per violator.

(Amends R.S. 30:2025(D)(1))