SLS 21RS-198 ORIGINAL

2021 Regular Session

SENATE BILL NO. 141

BY SENATOR FESI

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

ENERGY DEVELOPMENT. Provide for actions arising from coastal use permits. (8/1/21)

AN ACT

2	To amend and reenact R.S. 49:214.36(D) and to enact R.S. 49:214.36(O)(6), relative to the
3	Louisiana Coastal Zone Management Program; to provide for enforcement actions;
4	to provide for civil actions; to provide for requirements to bring civil actions; to
5	provide for exhaustion of administrative remedies; and to provide for related matters.
6	Be it enacted by the Legislature of Louisiana:
7	Section 1. R.S. 49:214.36(D) is hereby amended and reenacted and R.S.
8	49:214.36(O)(6) is hereby enacted to read as follows:
9	§214.36. Enforcement; injunction; penalties and fines
10	* * *
11	D. The secretary, the attorney general, an appropriate district attorney, or a
12	local government with an approved program may bring such injunctive, declaratory,
13	or other actions as are necessary to ensure that no uses are made of the coastal zone
14	for which a coastal use permit has not been issued when required or which are not

in accordance with the terms and conditions of a coastal use permit. However, a civil

action to assess damages shall not be instituted prior to a final and definitive

administrative adjudication that a violation of the provisions of this Subpart has

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1 occurred.
2 * * * *
3 O.
4 * * * *
5 (6) Nothing in this Subpart or the rules, regulations, and guidelines
6 adopted pursuant to this Subpart shall create a private standard of care or
7 private right or cause of action for any use in the coastal zone.

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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<u>Present law</u> establishes a coastal zone management program within the Dept. of Natural Resources administered by the secretary of the department. The program includes the regulation of the application and issuance of required coastal use permits prior to commencing a use of state or local concern in the coastal zone.

<u>Present law</u> authorizes the secretary, the attorney general, an appropriate district attorney, or a local government with an approved program, to bring injunctive, declaratory, or other actions necessary to ensure no use of the coastal zone is made without the necessary permit or that is not in accordance with the terms and conditions of a coastal use permit.

<u>Proposed law</u> retains <u>present law</u>, except to require a final and definitive administrative adjudication that a violation of <u>present law</u> occurred prior to instituting a civil action for damages.

<u>Proposed law</u> provides that nothing in the <u>present law</u> concerning the Louisiana Coastal Zone Management Program, nor the rules and regulations and guidelines adopted pursuant to the <u>present law</u>, create a private standard of care or private right or cause of action for any use in the coastal zone.

Effective August 1, 2021.

SB 141 Original

(Amends R.S. 49:214.36(D); adds R.S. 49:214.36(O)(6))