

2021 Regular Session

SENATE BILL NO. 233

BY SENATOR WARD

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

FUNDS/FUNDING. Provides for the disposition of funds recovered in settlement of the state and parish coastal zone litigation. (gov sig)

AN ACT

To amend and reenact R.S. 49:214.6.1(B)(10) and to enact R.S. 36:4(DD) and R.S. 49:214.5.2(A)(12) and (13), 214.5.4(K), 214.6.1(B)(11) and Part II-A of Chapter 2 of Title 49 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 49:214.51 through 214.54, relative to the Louisiana Coastal Zone Management Program; to create the Louisiana Coastal Zone Recovery Authority within the office of the governor; to provide for membership of the board; to provide relative to terms, duties, definitions, procedures, conditions, and quorum and other requirements; to create the Louisiana Coastal Zone Recovery Fund; to provide for the uses of the fund and the rights, obligations, procedures, and requirements for such uses; to provide relative to the Coastal Protection and Restoration Authority; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 36:4(DD) is hereby enacted to read as follows:

§4. Structure of executive branch of government

\* \* \*

**DD. The Louisiana Coastal Zone Recovery Authority (R.S. 49:214.51 et**

1 seq.) is hereby placed within the office of the governor and shall perform its  
2 powers, duties, and functions as provided by law.

3 Section 2. R.S. 49:214.6.1(B)(10) is hereby amended and reenacted and R.S.  
4 49:214.5.2(A)(12) and (13), 214.5.4(K), 214.6.1(B)(11) and Part II-A of Chapter 2 of Title  
5 49 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 49:214.51 through  
6 214.54, are hereby enacted to read as follows:

7 §214.5.2. Functions and responsibilities; Coastal Protection and Restoration

8 Authority Board

9 A. The board shall:

10 \* \* \*

11 (12) Coordinate with the Coastal Zone Recovery Authority and the  
12 Coastal Zone Recovery Subcommittee regarding Coastal Zone Recovery Fund  
13 expenditures to be implemented by the board and the Coastal Protection and  
14 Restoration Authority in accordance with R.S. 49:214.51 et seq.

15 (13) Adopt guidelines, rules, and regulations in accordance with the  
16 Administrative Procedure Act to implement the settlement of the coastal zone  
17 lawsuits in accordance with R.S. 49:214.51 et seq.

18 \* \* \*

19 §214.5.4. Funding and resource allocation

20 \* \* \*

21 K. Subject to appropriations by the legislature, the Coastal Protection  
22 and Restoration Authority is authorized to receive monies from the Coastal  
23 Zone Recovery Fund to implement coastal master plan integrated coastal  
24 protection projects and restoration, protection, and remediation projects  
25 included in the annual plan in accordance with R.S. 49:214.51 et seq.

26 \* \* \*

27 §214.6.1. Coastal Protection and Restoration Authority

28 \* \* \*

29 B. Executive director and deputy director of the Coastal Protection and

1 Restoration Authority.

2 \* \* \*

3 (10) The executive director shall provide the necessary reports, staff,  
4 assistance, and support to the Coastal Zone Recovery Subcommittee of the  
5 Coastal Protection and Restoration Authority Board and the Coastal Zone  
6 Recovery Authority created in accordance with R.S. 49:214.51 et seq.

7 (11) There shall be a deputy executive director of the Coastal Protection and  
8 Restoration Authority. He shall perform all duties defined in this Section in the  
9 absence of the executive director or through authority delegated to him by the  
10 executive director or in conjunction with the duties of the executive director.

11 \* \* \*

12 PART II-A. STATE AND PARISH COASTAL ZONE RECOVERY

13 SETTLEMENT PROCEEDS

14 §214.51. Purpose; findings

15 A. The state of Louisiana recognizes the need to protect, develop, and  
16 where feasible, restore or enhance the resources of the state's coastal zone. The  
17 legislature also finds and declares that Article IX, Section 1 of the Constitution  
18 of Louisiana mandates that the natural resources and the environment of the  
19 state are to be protected, conserved, and replenished insofar as possible and  
20 consistent with the health, safety, and welfare of the people and further  
21 mandates that the legislature enact laws to implement this policy.

22 B. The legislature finds that it is critical to ensure that the proceeds of  
23 any settlement of actions instituted to enforce the State and Local Coastal  
24 Resources Management Act of 1978 are used in conformance with the public  
25 policy declaration outlined in that Act. Such purposes include supporting and  
26 encouraging multiple uses of coastal resources, remediating, and restoring  
27 coastal resources, enhancing opportunities for the use and enjoyment of the  
28 recreational values of the coastal zone, and encouraging and supporting  
29 sustainable development in the coastal zone.

1           **§214.52. Definitions.**

2                     As used in this Part, the following terms shall have the meaning ascribed  
3 to them below:

4                     **(1) "Coastal zone lawsuits" means any action filed pursuant to R.S.**  
5 **49:214.36(D) and (E) by the secretary, the attorney general, an appropriate**  
6 **district attorney, or a local government with an approved coastal program.**

7                     **(2) "Parish allocation agreement" means the agreement adopted as part**  
8 **of a settlement agreement of a coastal zone lawsuit where such agreement**  
9 **affects more than one settling parish and which allocates damages, payments,**  
10 **or other relief to such settling parishes based on the relative level of impacts**  
11 **within each parish.**

12                    **(3) "Settlement agreement" means any final settlement agreement**  
13 **executed by the parties to a coastal zone lawsuit.**

14                    **(4) "Settling parish" means any parish that filed a coastal zone lawsuit**  
15 **or entered into an agreement or compromise to settle the suit.**

16           **§214.53. State and Parish Coastal Zone Recovery Authority; creation and**  
17 **organization; duties and powers**

18                    **A. The Coastal Zone Recovery Authority is hereby created within the**  
19 **office of the governor and shall exercise the powers and duties hereinafter set**  
20 **forth.**

21                    **B. There is hereby created an executive board to exercise the powers and**  
22 **duties of the Coastal Zone Recovery Authority. The board shall consist of the**  
23 **following members:**

24                    **(1) A member from each settling parish appointed by the parish**  
25 **governing authority of that parish.**

26                    **(2) The chairman of the Coastal Protection and Restoration Authority**  
27 **Board or his designee.**

28                    **(3) The president of the Senate or his designee.**

29                    **(4) The speaker of the House of Representatives or his designee.**

1           C. Members shall serve terms contemporaneous with their office. The  
2           chairman shall be selected by majority consent of the settling parishes. The  
3           board shall meet as necessary at the call of the chairman, but not less than  
4           quarterly, and a majority of the members of the board shall constitute a  
5           quorum for the transaction of business. The board shall designate a time and  
6           select the place for holding regular sessions. Regular meetings shall be convened  
7           in a coastal zone parish on a rotating basis at a place to be determined by the  
8           board. Members of the board shall serve without compensation but may seek  
9           travel reimbursement from their respective agencies.

10           D. The board shall be subject to the provisions of the Code of  
11           Governmental Ethics, the Open Meetings Law, annual reports to the legislature,  
12           and to the jurisdiction of the legislative auditor and the office of the inspector  
13           general.

14           E. The board shall:

15           (1) Oversee the implementation of the settlement agreements providing  
16           for settlement of the coastal zone lawsuits in accordance with this Part.

17           (2) Oversee, manage, and approve all requests for projects submitted by  
18           settling parishes related to the use of funds in the Resilience Account of the  
19           Coastal Zone Recovery Fund in accordance with the settlement of the coastal  
20           zone lawsuits.

21           (3) Recommend annual appropriation by the legislature to settling  
22           parishes of monies in the Resilience Account of the Coastal Zone Recovery Fund  
23           in accordance with the settlement of the coastal zone lawsuits.

24           (4) Oversee, manage, and approve the use of funds in the Land Rights  
25           Account of the Coastal Zone Recovery Fund in accordance with the settlement  
26           of the coastal zone lawsuits.

27           (5) Oversee, manage, and administer any environmental bank program  
28           established in accordance with the settlement of the coastal zone lawsuits,  
29           including approval of the use of any revenues generated from the sale of

1 environmental credits generated pursuant to such program. The board shall,  
2 in coordination with Coastal Protection and Restoration Authority, promulgate  
3 guidelines, rules, and regulations in accordance with the Administrative  
4 Procedure Act to implement such program.

5 (6) Exercise powers and duties otherwise provided by law.

6 §214.54. Coastal Zone Recovery Fund

7 A. There shall be established in the state treasury as a special permanent  
8 trust fund the Coastal Zone Recovery Fund. All net proceeds from settlement  
9 of the Coastal Zone Lawsuits shall be paid to the state treasurer.  
10 Notwithstanding any provisions of this Chapter to the contrary, the treasurer  
11 shall deposit in and credit to the Coastal Zone Recovery Fund any such monies,  
12 and all interest income and all realized capital gains on investment of any such  
13 monies. Any unexpended money remaining in the fund at the end of the fiscal  
14 year shall be retained in the fund.

15 B. All monies in the Coastal Zone Recovery Fund are subject to  
16 appropriation by the legislature solely for the purposes of implementing any  
17 settlement of the coastal zone lawsuits. Except as otherwise provided in this  
18 Section, such monies shall be used only for those projects and programs that are  
19 consistent with the terms and conditions of any final settlement of the coastal  
20 zone lawsuits and the master plan for integrated coastal protection projects and  
21 programs developed pursuant to R.S. 49:214.5.2, and that support the long-term  
22 health of Louisiana's coastal communities through investments in integrated  
23 coastal protection projects, ecological restoration, remediation, hurricane  
24 protection, community protection, including infrastructure, business and  
25 residential resilience measures, and planning assistance and administrative  
26 costs associated with complying with this Section. The net proceeds of any  
27 settlement involving more than one parish shall be allocated to each settling  
28 parish in accordance with the terms of the parish allocation agreement. Not  
29 more than three percent of the amounts received by a state or local government

1 entity under this Section may be used for planning assistance and  
2 administrative costs.

3 C. There is hereby created within the Coastal Zone Recovery Fund the  
4 following accounts:

5 (1) Sixty percent of all monies in the Coastal Zone Recovery Fund shall  
6 be dedicated to an account to be known as the "Coastal Master Plan Integrated  
7 Coastal Protection Account". The monies in this account shall be used to  
8 implement integrated coastal protection projects and programs in the coastal  
9 master plan developed pursuant to R.S. 49:214.5.2.

10 (a) The Coastal Protection and Restoration Authority shall administer  
11 all appropriations it receives from the Coastal Zone Recovery Fund related to  
12 projects funded from this account.

13 (b) All monies in this account shall be used for integrated coastal  
14 protection projects listed in the coastal master plan and shall be allocated in  
15 accordance with the terms and conditions of the settlement agreement for the  
16 coastal zone lawsuits and the parish allocation agreement.

17 (c) Beginning the year after monies are deposited into the fund from a  
18 settlement affecting a settling parish and then every three years thereafter, each  
19 settling parish shall submit to the Coastal Zone Recovery Subcommittee a  
20 funding priority list of coastal master plan projects adopted by resolution of the  
21 parish's governing authority. The funding priority list shall include at least a  
22 three-year request for funding of integrated coastal protection projects listed  
23 in the coastal master plan. The Coastal Zone Recovery Subcommittee shall  
24 approve projects that comply with this Section and satisfy the terms and  
25 conditions of the settlement agreements. The subcommittee shall also coordinate  
26 with the Coastal Protection and Restoration Authority regarding the  
27 implementation of such projects. Approved funding priority lists shall be  
28 provided to the Coastal Protection and Restoration Authority Board for  
29 implementation.

1           (d) Project implementors shall be encouraged to utilize innovative  
2 contracting activities to expedite project completion.

3           (e) Notwithstanding the requirements of R.S. 49:214.5.4(F),  
4 environmental credits may be generated from restoration activities consistent  
5 with the settlement agreements, and any revenues or earnings derived from any  
6 integrated coastal protection program project or activities described in this  
7 Section shall be deposited in and credited to Coastal Zone Recovery Fund. Such  
8 revenues or earnings shall be administered by the Coastal Zone Recovery  
9 Authority as provided in the environmental bank program established in  
10 accordance with the settlement agreement.

11           (f) Unless otherwise expressly prohibited by law, preferences may be  
12 given to local contractors for project planning, permitting, and implementation.

13           (2) A percentage of the monies in the Coastal Zone Recovery Fund shall  
14 be dedicated to an account to be known as the "Restoration, Protection, and  
15 Remediation Account".

16           (a) The Coastal Protection and Restoration Authority shall administer  
17 all appropriations it receives from the Coastal Zone Recovery Fund related to  
18 projects funded from the Restoration, Protection, and Remediation Account.  
19 Administration of project-specific funds may be delegated by the Coastal  
20 Protection and Restoration Authority to settling parishes for local  
21 implementation of certain approved projects, subject to oversight by the  
22 Coastal Protection and Restoration Authority.

23           (b) The monies in this account shall be used for restoration, protection,  
24 and remediation projects and programs within the settling parishes that are  
25 consistent with the coastal master plan and shall be allocated in accordance with  
26 the terms and conditions of the settlement agreement for the coastal zone  
27 lawsuits and the parish allocation agreement.

28           (c) Settling parishes shall submit to the Coastal Zone Recovery Authority  
29 Board and to the Coastal Zone Recovery Subcommittee a three-year funding



1 priority list of restoration, protection, and remediation projects adopted by  
2 resolution of the parish's governing authority, consistent with Subparagraph  
3 C(1)(c) of this Section. The Coastal Zone Recovery Subcommittee shall approve  
4 projects that comply with this Section and coordinate with the Coastal  
5 Protection and Restoration Authority regarding the feasibility, planning, and  
6 funding of such projects. Approved funding priority lists shall be provided to  
7 the Coastal Protection and Restoration Authority Board for inclusion in the  
8 annual plan.

9 (d) The Coastal Protection and Restoration Authority shall adopt  
10 guidelines, rules, or regulations in accordance with the Administrative  
11 Procedure Act as necessary to effectuate the implementation, including  
12 contracting, for such projects.

13 (e) Project implementors shall be encouraged to utilize innovative  
14 contracting activities to expedite project completion.

15 (f) Notwithstanding the requirements of R.S. 49:214.5.4(F),  
16 environmental credits may be generated from restoration activities consistent  
17 with the settlement agreements, and any revenues or earnings derived from any  
18 integrated coastal protection program project or activities described in this  
19 Section shall be deposited in and credited to the Coastal Zone Recovery Fund  
20 as provided in the environmental bank program established in accordance with  
21 the settlement agreement.

22 (g) Unless otherwise expressly prohibited by law, preferences may be  
23 given to local contractors for project planning, permitting, and implementation.

24 (3) A percentage of the monies in the Coastal Zone Recovery Fund shall  
25 be dedicated to an account known as the "Resilience Account".

26 (a) The Coastal Zone Recovery Authority shall administer all funds in  
27 this account.

28 (b) The monies in this account shall be used for programs and projects  
29 dedicated to activities that increase the capacity of individuals, communities,

1 organizations, and systems to survive and adapt against the impacts of weather  
2 disasters and coastal land loss and shall be allocated in accordance with the  
3 terms and conditions of the settlement agreement for the coastal zone lawsuits  
4 and the parish allocation agreement. Resilience projects include but are not  
5 limited to:

6 (i) Roadways, including evacuation routes and industry access corridors.

7 (ii) Hardening and adaptive measures for key industry and community  
8 assets.

9 (iii) Establishment of pipeline corridors.

10 (iv) Emergency response investments, including investments in scientific  
11 instrumentation.

12 (v) Utility upgrades that include but are not limited to upgrades to  
13 stormwater, sewer, electrical, and telecommunications utilities.

14 (vi) Mitigation of damage to fish, wildlife, or natural resources.

15 (vii) Nonstructural risk reduction measures.

16 (c) Beginning the year after monies are deposited into the fund from a  
17 settlement affecting a settling parish and then every three years thereafter, each  
18 settling parish shall submit to the Coastal Zone Recovery Authority a funding  
19 priority list of resilience projects adopted by resolution of the parish's  
20 governing authority. The funding priority list shall include at least a three-year  
21 request for funding of such projects. The Coastal Zone Recovery Authority  
22 shall approve projects that comply with this Section and satisfy the terms and  
23 conditions of the settlement agreements. The authority may also coordinate with  
24 the Coastal Protection and Restoration Authority regarding such projects. The  
25 authority shall request an annual appropriation from the legislature to each  
26 settling parish in an amount equal to the expenditures for resilience projects  
27 approved in the funding priority list. Monies to fund such projects shall come  
28 from the Resilience Account of the Coastal Zone Recovery Trust Fund.

29 (4) A percentage of the monies in the Coastal Zone Recovery Fund shall

1 be dedicated to an account known as the "Land Rights Account" administered  
2 by the Coastal Zone Recovery Authority for the acquisition of access rights,  
3 rights of use, servitudes, easements, or payment for other rights or interests as  
4 necessary to fulfill the requirements of this Section and the settlement  
5 agreement.

6 D. Notwithstanding any provision of law to the contrary, the Coastal  
7 Protection and Restoration Authority is authorized to receive an annual  
8 payment from the Coastal Zone Recovery Fund equivalent to the annual  
9 Coastal Zone Recovery Fund expenditures provided in the annual plan in  
10 accordance with R.S. 49:214.5.3.

11 E. Notwithstanding any provision of law to the contrary, the treasurer  
12 shall remit from the Coastal Zone Recovery Fund Resilience Account to each  
13 settling parish, through the parish governing authority, an annual payment  
14 equivalent to the resilience funding amount requested by the Coastal Zone  
15 Recovery Authority, subject to appropriation by the legislature. Resilience  
16 funds allocated to settling parishes shall remain in a dedicated parish fund, and  
17 any unexpended money remaining in the fund at the end of the fiscal year shall  
18 be retained in the fund and expended only in accordance with a funding priority  
19 list approved by the authority.

20 §214.54. Coastal Zone Recovery Subcommittee

21 A. The Coastal Zone Recovery Subcommittee is hereby created and  
22 established as a subcommittee to the Coastal Protection and Restoration  
23 Authority Board, created pursuant to R.S. 49: 214.5.1. The subcommittee shall  
24 exercise the powers and duties provided by this Section, as authorized by the  
25 Coastal Protection and Restoration Authority Board, or otherwise provided by  
26 law.

27 B. The Coastal Zone Recovery Subcommittee shall consist of the  
28 following members:

29 (1) A member from each settling parish appointed by the governing

1 authority of that parish.

2 (2) The chairman of the Coastal Protection and Restoration Authority  
3 Board or his designee.

4 (3) The Governor's Advisory Commission on Coastal Protection,  
5 Restoration, and Conservation, represented by its designee.

6 (4) One member from the nonprofit corporation community, to be  
7 appointed by a majority consent of the settling parishes.

8 (5) One member from energy production and distribution sector, to be  
9 appointed by a majority consent of the settling parishes.

10 (6) One member appointed by the Association of Levee Boards of  
11 Louisiana from the members of levee boards having districts located in whole  
12 or in part within the Louisiana coastal zone.

13 C. Each appointment shall be for a term of four years.

14 D. The members representing the settling parishes shall elect a chairman  
15 and vice chairman by majority consent.

16 E. The Coastal Zone Recovery Subcommittee shall have the following  
17 roles and responsibilities:

18 (1) To advise the Coastal Protection and Restoration Authority Board  
19 concerning coastal master plan integrated coastal protection and restoration,  
20 protection, and remediation projects and programs implemented pursuant to  
21 this Part.

22 (2) To review and approve requests for projects submitted by settling  
23 parishes related to Coastal Zone Recovery Fund projects, as provided in this  
24 Section.

25 (3) To coordinate with the Coastal Protection and Restoration Authority  
26 and the Coastal Protection and Restoration Authority Board regarding  
27 feasibility, funding, and implementation of eligible projects through the Coastal  
28 Zone Recovery Fund.

29 (4) To advise the Coastal Protection and Restoration Authority and the

1           Coastal Protection and Restoration Authority Board on the development of the  
 2           comprehensive coastal master plan relative to Coastal Zone Recovery Fund  
 3           projects.

4                       (5) To receive reports from and advise the Coastal Protection and  
 5                       Restoration Authority Board relative to the progress, challenges, and  
 6                       recommendations concerning projects, programs, and policies implemented  
 7                       pursuant to this Part.

8                       (6) To provide a forum for and coordinate the exchange of information  
 9                       on Subcommittee activities.

10                      F. The Subcommittee shall meet as necessary at the call of the chairman  
 11                      or as requested by the chairman of the Coastal Protection and Restoration  
 12                      Authority Board.

13                      Section 3. This Act shall become effective upon signature by the governor or, if not  
 14                      signed by the governor, upon expiration of the time for bills to become law without signature  
 15                      by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
 16                      vetoed by the governor and subsequently approved by the legislature, this Act shall become  
 17                      effective on the day following such approval.

The original instrument and the following digest, which constitutes no part  
 of the legislative instrument, were prepared by Tyler S. McCloud.

SB 233 Original	DIGEST 2021 Regular Session	Ward
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Proposed law creates the State and Parish Coastal Zone Recovery Authority within the office of the governor and creates its executive board. The membership of the board is as follows:

- (1) A member from each settling parish appointed by the parish governing authority of that parish.
- (2) The chairman of the Coastal Protection and Restoration Authority Board (CPRA Board) or his designee.
- (3) The president of the Senate or his designee.
- (4) The speaker of the House of Representatives or his designee.

Proposed law provides for terms of office of the members, frequency, location, time, place, and the necessary quorum of meetings. Proposed law prohibits members from receiving compensation, but authorizes members to seek travel reimbursement from their respective agencies.

Proposed law provides the board and its staff shall be subject to the Code of Governmental Ethics, the Open Meetings Law, annual reports to the legislature, and to the jurisdiction of the legislative auditor and the office of the state inspector general.

Proposed law creates the Coastal Zone Recovery Subcommittee as a subcommittee to the Coastal Protection and Restoration Authority Board and consist of the following members:

- (1) A member from each settling parish appointed by the governing authority of that parish.
- (2) The chairman of the CPRA Board or his designee.
- (3) The Governor's Advisory Commission on Coastal Protection, Restoration, and Conservation, represented by its designee.
- (4) One member from the nonprofit corporation community to be appointed by a majority consent of the settling parishes.
- (5) One member from the energy production and distribution sector to be appointed by a majority consent of the settling parishes.
- (6) One member appointed by the Association of Levee Boards of Louisiana from the members of levee boards having districts located in whole or in part within the Louisiana coastal zone.

Proposed law provides that the term members of the subcommittee is four years and that the members representing the settling parishes elect a chairman and vice chairman by majority consent.

Proposed law provides the subcommittee exercises the powers and duties provided by proposed law, as authorized by the CPRA Board, or as otherwise provided by law.

Proposed law relative to Coastal Zone Recovery Fund projects, provides that the roles and responsibilities of the subcommittee are to advise the CPRA Board concerning coastal master plan integrated coastal protection and restoration, and remediation projects and programs implementation; review and approve requests for projects submitted by settling parishes; coordinate with the CPRA and the CPRA Board regarding feasibility, funding, and implementation of eligible projects; advise the CPRA and the CPRA Board on the development of the comprehensive coastal master plan; receive reports from and advise the CPRA Board relative to the progress, challenges, and recommendations concerning projects, programs, and policies implementation; and to provide a forum for and coordinate the exchange of information on subcommittee activities.

Proposed law requires the subcommittee to meet as necessary at the call of the chairman or as requested by the chairman of the CPRA Board.

Proposed law defines "coastal zone lawsuits" as any action filed pursuant to enforce coastal use permits requirements in present law by the secretary, the attorney general, an appropriate district attorney, or a local government with an approved coastal program.

Proposed law defines "parish allocation agreement" as the agreement adopted as part of a settlement agreement of a coastal zone lawsuit where such agreement affects more than one settling parish and which allocates damages, payments, or other relief to such settling parishes based on the relative level of impacts within each parish.

Proposed law defines "settlement agreement" as any final settlement agreement executed by the parties to a coastal zone lawsuit.

Proposed law defines "settling parish" as any parish that filed a coastal zone lawsuit or entered into an agreement or compromise to settle the suit.

Proposed law provides the powers and duties of the board are to oversee the implementation of the settlement agreements; oversee, manage, and approve all requests for projects submitted by settling parishes related to the use of funds in the resilience account; recommend annual appropriation by the legislature to settling parishes of monies in the resilience account; oversee, manage, and approve the use of funds in the land rights account; oversee, manage, and administer any environmental bank program and promulgate guidelines, rules, and regulations in accordance with the APA to implement such program; and exercise powers and duties otherwise provided by law.

Proposed law establishes the Coastal Zone Recovery Fund funded by monies from the settlement of the coastal zone lawsuits and all interest income and all realized capital gains on investment of any such monies. Also provides that any unexpended money remaining in the fund at the end of the fiscal year be retained in the fund.

Proposed law limits the use of the fund, subject to appropriation by the legislature, for the purposes of implementing of any settlement or final judgment in the coastal zone lawsuits.

Proposed law further limits the use of the funds to only those projects and programs consistent with the terms and conditions of any final settlement of the coastal zone lawsuits, consistent with the master plan for integrated coastal protection projects and program, and that support the long-term health of Louisiana's coastal communities through investments in integrated coastal protection projects, ecological restoration, remediation, hurricane protection, community protection, including infrastructure, business and residential resilience measures, and planning assistance and administrative costs. Proposed law creates accounts within the Coastal Zone Recovery Fund for use for those specific purposes.

Proposed law provides for the Coastal Master Plan Integrated Coastal Protection Account funded by 60% of the Coastal Zone Recovery Fund, to be used to implement integrated coastal protection projects and programs in the coastal master plan.

Proposed law provides settling parishes submit a funding priority list of projects from the coastal master plan to the Coastal Zone Recovery Subcommittee every three years. The Coastal Zone Recovery Subcommittee approves projects on the list that comply with proposed law and satisfy the terms and conditions of the settlement agreements. Proposed law requires the subcommittee to coordinate with the CPRA Board regarding the implementation of such projects. Further, approved funding priority lists are provided to the CPRA Board for implementation.

Proposed law encourages innovative contracting activities to expedite project completion and, unless expressly prohibited by law, preferences may be given to local contractors for project planning, permitting, and implementation.

Proposed law provides that environmental credits generated from restoration activities consistent with the settlement agreements, and any revenues or earnings from any integrated coastal protection program project or activities, are deposited in and credited to Coastal Zone Recovery Fund. Such revenues will be administered by the Coastal Zone Recovery Authority as provided in the environmental bank program.

Proposed law provides for the "Restoration, Protection, and Remediation Account "funded by a percentage of the monies in the Coastal Zone Recovery Fund, to be used for restoration, protection, and remediation projects and programs within the settling parishes consistent with the coastal master plan, the settlement agreement, and the parish allocation agreement.

Proposed law provides that the CPRA Board administers all appropriations received from the Coastal Zone Recovery Fund related to projects funded from this account. However,

proposed law authorizes the delegation for project-specific funds to settling parishes for local implementation of certain approved projects, subject to oversight by the CPRA Board.

Proposed law provides settling parishes submit a three-year funding priority list of restoration, protection, and remediation projects to the Coastal Zone Recovery Subcommittee. The Coastal Zone Recovery Subcommittee approves projects on the list that comply with proposed law and coordinate with the CPRA Board on the feasibility, planning, and funding of such projects. The approved lists shall be provided to the CPRA Board for inclusion in the annual plan.

Proposed law requires the CPRA Board to adopt guidelines, rules, or regulations in accordance with the APA as necessary to effectuate the implementation, including contracting, for such projects.

Proposed law encourages innovative contracting activities to expedite project completion and, unless expressly prohibited by law, provides that preferences may be given to local contractors for project planning, permitting, and implementation.

Proposed law provides that environmental credits generated from restoration activities consistent with the settlement agreements, and any revenues or earnings from any integrated coastal protection program project or activities, are deposited in and credited to Coastal Zone Recovery Fund. Such revenues will be administered by the Coastal Zone Recovery Authority as provided in the environmental bank program.

Proposed law provides for the "Resilience Account" funded by a percentage of the monies in the Coastal Zone Recovery Fund to be used for programs and projects dedicated to activities that increase the capacity of individuals, communities, organizations, and systems to survive and adapt against the impacts of weather disasters and coastal land loss and allocated in accordance with the terms and conditions of the settlement agreement for the coastal zone lawsuits and the parish allocation agreement. Proposed law provides the funds in this account are administered by the Coastal Zone Recovery Authority.

Proposed law provides that resilience projects include but are not limited to the following:

- (1) Roadways, including evacuation routes and industry access corridors.
- (2) Hardening and adaptive measures for key industry and community assets.
- (3) Establishment of pipeline corridors.
- (4) Emergency response investments, including investments in scientific instrumentation.
- (5) Utility upgrades that include but are not limited to upgrades to stormwater, sewer, electrical, and telecommunications utilities.
- (6) Mitigation of damage to fish, wildlife, or natural resources.
- (7) Nonstructural risk reduction measures.

Proposed law provides that beginning the year after monies are deposited into the fund and then every three years thereafter, each settling parish shall submit to the Coastal Zone Recovery Authority a funding priority list of resilience projects that include at least a three-year request for funding. Proposed law requires the Coastal Zone Recovery Authority to approve projects that comply with proposed law and satisfy the settlement agreements.

Proposed law authorizes the authority to coordinate with the CPRA Board on such projects and requires the authority request an annual appropriation from the Resilience account by



the legislature to each settling parish in an amount equal to the expenditures for approved resilience projects.

Proposed law provides for the "Land Rights Account" funded by a percentage of the monies in the Coastal Zone Recovery Fund to be administered by the Coastal Zone Recovery Authority for the acquisition of access rights, rights of use, servitudes, easements, or payment for other rights or interests as necessary to fulfill the requirements of proposed law and the settlement agreement.

Proposed law authorizes the CPRA Board to receive an annual payment from the Coastal Zone Recovery Fund equivalent to the annual Coastal Zone Recovery Fund expenditures provided in the annual plan.

Proposed law requires the treasurer to remit from the Coastal Zone Recovery Fund's Resilience Account to each settling parish, through the parish governing authority, an annual payment equivalent to the resilience funding amount requested by the Coastal Zone Recovery Authority, subject to appropriation by the legislature.

Proposed law requires Resilience Account funds allocated to settling parishes remain in a dedicated parish fund, and any unexpended money remaining in the fund at the end of the fiscal year be retained in the fund and expended only in accordance with a funding priority list approved by the authority.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 49:214.6.1(B)(10); adds R.S. 36:4(DD) and R.S. 49:214.5.2(A)(12) and (13), 214.5.4(K), 214.6.1(B)(11) and 214.51-214.54)