HLS 19RS-335 REENGROSSED

2019 Regular Session

HOUSE BILL NO. 125

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BY REPRESENTATIVE LYONS

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

ENVIRONMENT/ENFORCEMENT: Provides for the enforcement of environmental violations through the expedited enforcement program

AN ACT

2 To amend and reenact R.S. 30:2025(D)(1), relative to the expedited enforcement program; 3 to provide for enforcement of environmental violations by the Department of 4 Environmental Quality; to increase the assessment amounts that may be resolved 5 through the expedited enforcement program; and to provide for related matters. 6 Be it enacted by the Legislature of Louisiana: 7 Section 1. R.S. 30:2025(D)(1) is hereby amended and reenacted to read as follows: 8 §2025. Enforcement 9 10 D. Expedited enforcement program. 11 (1) The secretary may adopt rules and regulations establishing a program for 12 expedited enforcement for minor or moderate violations of this Subtitle and 13 regulations adopted pursuant to this Subtitle. Such rules and regulations may 14 provide for citations that may include the assessment of civil penalties and orders 15 requiring compliance within a specified time period. The secretary may delegate the 16 authority to operate such program to the appropriate personnel. Enforcement actions 17 under this program will shall not be subject to the requirement for legal review under R.S. 30:2050.1(C). Citations issued pursuant to this Section are limited The 18 19 provisions of this Subsection shall apply only to minor or moderate violations that

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CODING: Words in struck through type are deletions from existing law; words underscored are additions.

result in an assessment not to exceed fifteen hundred three thousand dollars per

2 violation or an aggregate total of three <u>five</u> thousand dollars per violator.

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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)]

HB 125 Reengrossed

2019 Regular Session

Lyons

Abstract: Increases the assessment amounts of environmental violations that can be resolved through an expedited enforcement action.

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

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

<u>Present law</u> 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.

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

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

Summary of Amendments Adopted by House

The Committee Amendments Proposed by <u>House Committee on Natural Resources and</u> Environment to the original bill:

1. Make technical changes