HLS 20RS-446 ORIGINAL

2020 Regular Session

HOUSE BILL NO. 520

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BY REPRESENTATIVES DEVILLIER, AMEDEE, BACALA, BEAULLIEU, BISHOP, BUTLER, CARRIER, COUSSAN, CREWS, ECHOLS, EDMONDS, EMERSON, GOUDEAU, HARRIS, HORTON, HUVAL, MACK, MCCORMICK, MCFARLAND, MIGUEZ, ROMERO, AND WRIGHT

COASTAL RESOURCES: Provides relative to the authority to bring enforcement actions under the Louisiana Coastal Zone Management Program

AN ACT

2	To amend and reenact R.S. 49:214.36(D) and (E), relative to the Louisiana Coastal Zone
3	Management Program; to provide for the authority to bring enforcement actions; and
4	to provide for related matters.
5	Be it enacted by the Legislature of Louisiana:
6	Section 1. R.S. 49:214.36(D) and (E) are hereby amended and reenacted to read as
7	follows:
8	§214.36. Enforcement; injunction; penalties and fines
9	* * *
10	D. The authority to bring an action to impose civil liability or assess
11	damages shall be as follows:
12	(1) Uses of state concern. The secretary, or the attorney general, an
13	appropriate district attorney, or a local government with an approved program may
14	bring such injunctive, declaratory, or other actions as are necessary to ensure that no
15	uses of state concern as defined by R.S. 49:214.25(A)(1) are made of the coastal
16	zone for which a coastal use permit has not been issued when required or which are
17	not in accordance with the terms and conditions of a coastal use permit.

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(2) Uses of local concern. The secretary, the attorney general, an appropriate district attorney, or a local government with an approved program, may bring injunctive declaratory, or other actions as are necessary to ensure that no uses of local concern as defined by R.S. 49:214.25(A)(2) are made of the coastal zone 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. The authority of an appropriate district attorney or a local government with an approved program to bring an action to impose civil liability or assess damages shall be limited to uses of local concern within their jurisdiction. E. A In accordance with Subsection D of this Section, a court may impose civil liability and assess damages; order, where feasible and practical, the payment of the restoration costs; require, where feasible and practical, actual restoration of areas disturbed; or otherwise impose reasonable and proper sanctions for uses conducted within the coastal zone without a coastal use permit where a coastal use permit is required or which are not in accordance with the terms and conditions of a coastal use permit. The court in its discretion may award costs and reasonable attorney's fees to the prevailing party.

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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 520 Original

2020 Regular Session

DeVillier

Abstract: Specifies the entities that have the authority to bring enforcement actions under La. Coastal Zone Management Program.

<u>Present law</u> provides that the secretary of the Dept. of Natural Resources, the attorney general, an appropriate district attorney, or a local government with an approved coastal program may bring actions to ensure compliance with the permitting program under the La. Coastal Zone Management Program.

<u>Proposed law</u> divides the authority between "uses of state concern" and "uses of local concern". For "uses of state concern," <u>proposed law</u> authorizes only the secretary of the Dept. of Natural Resources and the attorney general to bring actions to ensure compliance with the permitting program under the La. Coastal Zone Management Program. For "uses of local concern," <u>proposed law</u> authorizes the secretary of the Dept. of Natural Resources,

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

the attorney general, an appropriate district attorney, or a local government with an approved coastal program to bring actions to ensure compliance with the permitting program under the La. Coastal Zone Management Program. Limits the district attorney and local government to "uses of local concern" only within their own jurisdiction.

(Amends R.S. 49:214.36(D) and (E))