
 DIGEST

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Allain

SB No. 469

Present law creates a coastal zone management program in the Dept. of Natural Resources. Provides generally for the development of a state program aimed at protecting, developing, and managing the coastal zone of the state. The program defines the coastal zone and delineates the types of uses approved for the coastal zone. Further provides for the development of state and local coastal management plans.

Present law provides that coastal use permits issued by the Dept. of Natural Resources are used to control the development and activities in the coastal zone. Present law provides for enforcement of the coastal use permits (CUP) and the activities permitted under the CUPs.

Present law specifies that the secretary, the attorney general, an appropriate district attorney, or a local government may bring injunctive, declaratory, or other actions to ensure that only permitted activities may be conducted in the coastal zone. Proposed law retains present law.

Proposed law provides that except as provided in present law, no state or local governmental entity may have, nor may pursue, any right or cause of action arising from any activity subject to permitting under present law or certain federal statutes in the coastal area, or arising from or related to any use as defined by present law, regardless of the date such use or activity occurred.

Proposed law requires any monies received by any state or local governmental entity arising from or related to a certain state or federal permit, a violation thereof, or enforcement thereof, or for damages or other relief arising from or related to any of the foregoing, or for damages or other relief arising from or related to any use as defined by present law be used for integrated coastal protection, including coastal restoration, hurricane protection and improving the resiliency of the coastal area.

Proposed law provides that nothing in the present law and proposed law will constitute a waiver of sovereign immunity under the 11th Amendment of the United States Constitution.

Proposed law provides that nothing in the present law and proposed law will prevent or preclude any person or any state or local governmental entity from enforcing contractual rights or from pursuing any administrative remedy otherwise authorized by law arising from or related to certain state or federal permit issued in the coastal area.

Proposed law provides that nothing in proposed law will alter the rights of any governmental entity, except a local or regional flood protection authority, for claims related to 16th section school lands or claims for damage to property owned or leased by such governmental entity.

Proposed law provides that proposed law is applicable to all claims existing or actions pending on proposed law's effective date and all claims arising or actions filed on or after that date.

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

(Adds R.S. 49:214.36(O))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Natural Resources to the original bill

1. Changes "an appropriate district attorney" to "a district attorney for a local government without an approved program".
2. Removes certain provisions of proposed law.
3. Prohibits certain state or local governmental entities from initiating certain causes of action arising from certain activities subject to permitting.
4. Provides for the uses of certain monies.
5. Provides that sovereign immunity is not waived.
6. Retains certain rights or remedies of persons or state or local governmental entities.
7. Retains rights related to 16th section school lands.

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Makes technical changes.
2. Retains rights of any governmental entity, except a local or regional flood protection authority, for claims related to 16th section school lands or claims for damage to property owned or leased by such governmental entity.

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Natural Resources and Environment to the reengrossed bill.

1. Removes provisions that would have altered present law delineating who could bring actions under the coastal zone management act.
2. Adds that proposed law is applicable to all claims existing or action pending on proposed law's effective date and all claims arising or actions filed on or after that date.