

SENATE BILL NO. 469

BY SENATORS ALLAIN AND ADLEY

1 AN ACT

2 To enact R.S. 49:214.36(O), relative to the coastal zone management program; to provide
3 relative to the initiation or continuation of enforcement actions under the coastal
4 zone management program; to prohibit certain state or local governmental entities
5 from initiating certain causes of action; to provide for the uses of certain monies
6 received by any state or local governmental entity; to allow any person or state or
7 local governmental entity to enforce certain rights or administrative remedies; to
8 provide terms, conditions, and requirements; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 49:214.36(O) is hereby enacted to read as follows:

11 §214.36. Enforcement; injunction; penalties and fines

12 * * *

13 **O.(1) Except as provided in this Subpart, no state or local governmental**
14 **entity shall have, nor may pursue, any right or cause of action arising from any**
15 **activity subject to permitting under R.S. 49:214.21 et seq., 33 U.S.C. 1344 or 33**
16 **U.S.C. 408 in the coastal area as defined by R.S. 49:214.2, or arising from or**
17 **related to any use as defined by R.S. 49:214.23(13), regardless of the date such**
18 **use or activity occurred.**

19 **(2) Any monies received by any state or local governmental entity arising**
20 **from or related to a state or federal permit issued pursuant to R.S. 49:214.21 et**
21 **seq., 33 U.S.C. 1344 or 33 U.S.C. 408, a violation thereof, or enforcement**
22 **thereof, or for damages or other relief arising from or related to any of the**
23 **foregoing, or for damages or other relief arising from or related to any use as**
24 **defined by R.S. 49:214.23(13) shall be used for integrated coastal protection,**
25 **including coastal restoration, hurricane protection, and improving the resiliency**
26 **of the coastal area.**

27 **(3) Nothing in this Section shall constitute a waiver of sovereign**

1 immunity under the Eleventh Amendment of the United States Constitution.

2 (4) Nothing in this Section shall prevent or preclude any person or any
3 state or local governmental entity from enforcing contractual rights or from
4 pursuing any administrative remedy otherwise authorized by law arising from
5 or related to a state or federal permit issued in the coastal area pursuant to R.S.
6 49:214.21 et seq., 33 U.S.C. 1344 or 33 U.S.C. 408.

7 (5) Nothing in this Section shall alter the rights of any governmental
8 entity, except a local or regional flood protection authority, for claims related
9 to sixteenth section school lands or claims for damage to property owned or
10 leased by such governmental entity.

11 Section 2. The provisions of this Act shall be applicable to all claims existing or
12 actions pending on the Act's effective date and all claims arising or actions filed on or after
13 that date.

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

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____