

2020 Regular Session

SENATE BILL NO. 200

BY SENATOR FESI

MINERALS. Provides for awards in actions enforcing provisions of the Coastal Zone Management Program. (8/1/20)

1 AN ACT

2 To amend and reenact R.S. 49:214.36(E), relative to the Coastal Zone Management

3 Program; to provide for enforcement actions; to provide for the award of costs and

4 attorney fees in such action; to provide for the award of damages; and to provide for

5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 49:214.36(E) is hereby amended and reenacted to read as follows:

8 §214.36. Enforcement; injunction; penalties and fines

9 \* \* \*

10 E. A court may impose civil liability and assess damages; order, where

11 feasible and practical, the payment of the restoration costs; require, where feasible

12 and practical, actual restoration of areas disturbed; or otherwise impose reasonable

13 and proper sanctions for uses conducted within the coastal zone without a coastal use

14 permit where a coastal use permit is required or which are not in accordance with the

15 terms and conditions of a coastal use permit. **Any monies ordered for the payment**

16 **of restoration costs shall be expended only for the actual restoration of the areas**

17 **disturbed.** The court in its discretion may award costs ~~and reasonable attorney's fees~~

1 to the prevailing party. **Attorney fees shall not be included as costs.**

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

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SB 200 Original DIGEST 2020 Regular Session Fesi

Present law establishes a coastal zone management program within the Dept. of Natural Resources and administered by the secretary of the department. An aspect of the program is the application and issuance of an coastal use permit requirement prior to commencing a use of state or local concern in the coastal zone.

Present law authorizes a court to impose civil liability and assess damages, order the payment of the restoration costs, require actual restoration of areas disturbed, or otherwise impose reasonable and proper sanctions for uses in the coastal zone that were either without a coastal use permit or not in accordance with the terms and conditions of a coastal use permit.

Proposed law requires any monies ordered for the payment of restoration costs shall be expended only for the actual restoration of the areas disturbed.

Present law authorizes the court to award costs and reasonable attorney fees to the prevailing party.

Proposed law removes the authority to award reasonable attorney fees and prohibits including attorney fees as costs.

Effective August 1, 2020.

(R.S. 49:214.36(E))