

1 Section 2. R.S. 49:214.6.1(B)(10) is hereby amended and reenacted and R.S.
2 49:214.5.2(A)(12) and (13), 214.5.4(K), 214.6.1(B)(11) and Part II-A of Chapter 2 of Title
3 49 of the Louisiana Revised Statutes of 1950, comprised of R.S. 49:214.51 through 214.55,
4 are hereby enacted to read as follows:

5 §214.5.2. Functions and responsibilities; Coastal Protection and Restoration
6 Authority Board

7 A. The board shall:

8 * * *

9 (12) Coordinate with the Coastal Zone Recovery Authority and the Coastal
10 Zone Recovery Subcommittee regarding Coastal Zone Recovery Fund expenditures
11 to be implemented by the board and the Coastal Protection and Restoration Authority
12 in accordance with R.S. 49:214.51 et seq.

13 (13) Adopt guidelines, rules, and regulations in accordance with the
14 Administrative Procedure Act to implement the settlement of the coastal zone
15 lawsuits in accordance with R.S. 49:214.51 et seq.

16 * * *

17 §214.5.4. Funding and resource allocation

18 * * *

19 K. Subject to appropriations by the legislature, the Coastal Protection and
20 Restoration Authority is authorized to receive monies from the Coastal Zone
21 Recovery Fund to implement coastal master plan integrated coastal protection
22 projects and restoration, protection, and remediation projects included in the annual
23 plan in accordance with R.S. 49:214.51 et seq.

24 * * *

25 §214.6.1. Coastal Protection and Restoration Authority.

26 * * *

27 B. Executive director and deputy director of the Coastal Protection and
28 Restoration Authority.

29 * * *

1 ~~(10) There shall be a deputy executive director of the Coastal Protection and~~
2 ~~Restoration Authority. He shall perform all duties defined in this Section in the~~
3 ~~absence of the executive director or through the authority delegated to him by the~~
4 ~~executive director or in conjunction with the duties of the executive director. The~~
5 ~~executive director shall provide the necessary reports, staff, assistance, and support~~
6 ~~to the Coastal Zone Recovery Subcommittee of the Coastal Protection and~~
7 ~~Restoration Authority Board and the Coastal Zone Recovery Authority created in~~
8 ~~accordance with 49:214.51 et seq. The executive director shall provide the necessary~~
9 ~~reports, staff, assistance, and support to the Coastal Zone Recovery Subcommittee~~
10 ~~of the Coastal Protection and Restoration Authority Board and the Coastal Zone~~
11 ~~Recovery Authority created in accordance with R.S. 49:214.51 et seq.~~

12 (11) There shall be a deputy executive director of the Coastal Protection and
13 Restoration Authority. He shall perform all duties defined in this Section in the
14 absence of the executive director or through the authority delegated to him by the
15 executive director or in conjunction with the duties of the executive director.

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PART II-A. STATE AND PARISH COASTAL ZONE

RECOVERY SETTLEMENT PROCEEDS

§214.51. Purpose; findings

20 A. The state of Louisiana recognizes the need to protect, develop, and where
21 feasible, restore or enhance the resources of the state's coastal zone. The legislature
22 also finds and declares that Article IX, Section 1 of the Constitution of Louisiana
23 mandates that the natural resources and the environment of the state are to be
24 protected, conserved, and replenished insofar as possible and consistent with the
25 health, safety, and welfare of the people and further mandates that the legislature
26 enact laws to implement this policy.

27 B. The legislature finds that it is critical to ensure that the proceeds of any
28 settlement of actions instituted to enforce the State and Local Coastal Resources
29 Management Act of 1978 are used in conformance with the public policy declaration

1 provided for in this Part. This includes supporting and encouraging multiple uses of
2 coastal resources, remediating, and restoring our coastal resources, enhancing
3 opportunities for the use and enjoyment of the recreational values of the coastal zone
4 and encouraging and supporting sustainable development in the coastal zone.

5 §214.52. Definitions

6 As used in this Part, the following terms shall have the meaning ascribed to
7 them below:

8 (1) "Coastal zone lawsuits" means any action filed pursuant to R.S.
9 49:214.36(D) by the secretary, the attorney general, an appropriate district attorney,
10 or a local government with an approved coastal program.

11 (2) "Parish allocation agreement" means the agreement adopted as part of a
12 settlement agreement of a coastal zone lawsuit where such agreement affects more
13 than one settling parish and which allocates damages, payments or other relief to
14 settling parishes based on the relative level of impacts within each parish.

15 (3) "Settlement agreement" means any final settlement agreement executed
16 by the parties to a coastal zone lawsuit.

17 (4) "Settling parish" means any parish that filed a coastal zone lawsuit or
18 entered into an agreement or compromise to settle the suit.

19 §214.53. State and Parish Coastal Zone Recovery Authority; creation and
20 organization; duties and powers

21 A. The Coastal Zone Recovery Authority is hereby created within the office
22 of the governor and shall exercise the powers and duties set forth in this Part.

23 B. There is hereby created an executive board to exercise the powers and
24 duties of the Coastal Zone Recovery Authority. The board shall consist of the
25 following members:

26 (1) One member from each settling parish appointed by the parish governing
27 authority of that parish.

28 (2) The chairman of the Coastal Protection and Restoration Authority Board
29 or his designee.

1 (3) The president of the Senate or his designee.

2 (4) The speaker of the House of Representatives or his designee.

3 C. Members shall serve terms contemporaneous with their office. The
4 chairman shall be selected by majority consent of the settling parishes. The board
5 shall meet as necessary at the call of the chairman, but no less than quarterly, and a
6 majority of the members of the board shall constitute a quorum for the transaction
7 of business. The board shall designate a time and select the place for holding regular
8 meetings. Regular meetings shall be convened in a coastal zone parish on a rotating
9 basis at a place to be determined by the board. Members of the board shall serve
10 without compensation but may seek travel reimbursement from their respective
11 agencies.

12 D. The board shall be subject to the provisions of the Code of Governmental
13 Ethics, the Open Meetings Law, and to the jurisdiction of the legislative auditor and
14 the office of the inspector general. The board shall make anual reports to the
15 legislature on the activities of the Coastal Zone Recovery Authority.

16 E. The board shall:

17 (1) Oversee the implementation of the settlement agreements providing for
18 settlement of the coastal zone lawsuits in accordance with R.S. 49:214.51 et seq.

19 (2) Oversee, manage, and approve all requests for projects submitted by
20 settling parishes related to the use of funds in the resilience account of the Coastal
21 Zone Recovery Fund in accordance with the settlement of the coastal zone lawsuits.

22 (3) Recommend annual appropriation, by the legislature, to settling parishes
23 of monies in the resilience account of the Coastal Zone Recovery Fund in accordance
24 with the settlement of the coastal zone lawsuits.

25 (4) Oversee, manage, and approve the use of funds in the land rights account
26 of the Coastal Zone Recovery Fund in accordance with the settlement of the coastal
27 zone lawsuits.

28 (5) Oversee, manage, and administer any environmental bank program
29 established in accordance with the settlement of the coastal zone lawsuits, including

1 approval of the use of any revenues generated from the sale of environmental credits
2 generated pursuant to the program. The board shall, in coordination with Coastal
3 Protection and Restoration Authority, promulgate guidelines, rules, and regulations
4 in accordance with the Administrative Procedure Act to implement the program.

5 (6) Exercise powers and duties otherwise provided by law.

6 §214.54. Coastal Zone Recovery Fund

7 A. There shall be established in the state treasury as a special permanent trust
8 fund the Coastal Zone Recovery Fund. All net proceeds from settlement of the
9 coastal zone lawsuits shall be paid to the state treasurer. Notwithstanding any
10 provisions of this Chapter to the contrary, the treasurer shall deposit in and credit to
11 the Coastal Zone Recovery Fund any such monies, and all interest income and all
12 realized capital gains on investment of any such monies. Any unexpended money
13 remaining in the fund at the end of the fiscal year shall be retained in the fund.

14 B. All monies in the Coastal Zone Recovery Fund are subject to
15 appropriations by the legislature solely for the purposes of implementing any
16 settlement of the coastal zone lawsuits. Except as otherwise provided in this Section,
17 such funds shall be used only for those projects and programs that are consistent with
18 the terms and conditions of any final settlement of the coastal zone lawsuits and the
19 master plan for integrated coastal protection projects and programs developed
20 pursuant to R.S. 49:214.5.2, and that support the long-term health of Louisiana's
21 coastal communities through investments in integrated coastal protection projects,
22 ecological restoration, remediation, hurricane protection, community protection,
23 including infrastructure, business and residential resilience measures, and planning
24 assistance and administrative costs associated with complying with this Section. The
25 net proceeds of any settlement involving more than one parish shall be allocated to
26 each settling parish in accordance with the terms of the parish allocation agreement.
27 Not more than three percent of the amounts received by a state or local government
28 entity under this Section may be used for planning assistance and administrative
29 costs.

1 C. There is hereby created within the Coastal Zone Recovery Fund the
2 following accounts:

3 (1) Sixty percent of all monies in the Coastal Zone Recovery Funds shall be
4 dedicated to a "coastal master plan integrated coastal protection account". The funds
5 in this account shall be used to implement integrated coastal protection projects and
6 programs in the coastal master plan developed pursuant to R.S. 49:214.5.2.

7 (a) Administration. The Coastal Protection and Restoration Authority shall
8 administer all appropriations it receives from the Coastal Zone Recovery Fund
9 related to projects funded from this account.

10 (b) Uses. All funds in this account shall be used for integrated coastal
11 protection projects listed in the coastal master plan and shall be allocated in
12 accordance with the terms and conditions of the settlement agreement for the coastal
13 zone lawsuits and the parish allocation agreement.

14 (c) Procedure. Beginning the year after monies are deposited into the fund
15 from a settlement affecting a settling parish and then every three years thereafter,
16 each settling parish shall submit to the Coastal Zone Recovery Subcommittee a
17 funding priority list of coastal master plan projects adopted by resolution of the
18 parish's governing authority. The funding priority list shall include at least a
19 three-year request for funding of integrated coastal protection projects listed in the
20 coastal master plan. The Coastal Zone Recovery Subcommittee shall approve
21 projects that comply with this Section and satisfy the terms and conditions of the
22 settlement agreements. The subcommittee shall also coordinate with the Coastal
23 Protection and Restoration Authority regarding the implementation of such projects.
24 Approved funding priority lists shall be provided to the Coastal Protection and
25 Restoration Authority Board for implementation.

26 (d) Project implementers shall be encouraged to utilize innovative
27 contracting activities to expedite project completion.

28 (e) Notwithstanding the requirements of R.S. 49:214.5.4(F), environmental
29 credits may be generated from restoration activities consistent with the settlement

1 agreements, and any revenues or earnings derived from any integrated coastal
2 protection program project or activities described in this Section shall be deposited
3 in and credited to Coastal Zone Recovery Fund. Such revenues or earnings shall be
4 administered by the Coastal Zone Recovery Authority as provided in the
5 environmental bank program established in accordance with the settlement
6 agreement.

7 (f) Unless otherwise expressly prohibited by law, preferences may be given
8 to local contractors for project planning, permitting, and implementation.

9 (2) A percentage of the monies in the Coastal Zone Recovery Fund shall be
10 dedicated to a "restoration, protection, and remediation account".

11 (a) Administration. The Coastal Protection and Restoration Authority shall
12 administer all appropriations it receives from the Coastal Zone Recovery Fund
13 related to projects funded from the restoration, protection, and remediation account.
14 Administration of project-specific funds may be delegated by the Coastal Protection
15 and Restoration Authority to settling parishes for local implementation of certain
16 approved projects, subject to Coastal Protection and Restoration Authority oversight.

17 (b) Uses. The funds in this account shall be used for restoration, protection,
18 and remediation projects and programs within the settling parishes that are consistent
19 with the coastal master plan and shall be allocated in accordance with the terms and
20 conditions of the settlement agreement for the coastal zone lawsuits and the parish
21 allocation agreement.

22 (c) Procedure. Settling parishes shall submit to the Coastal Zone Recovery
23 Authority Board and to the Coastal Zone Recovery Subcommittee a three-year
24 funding priority list of restoration, protection, and remediation projects adopted by
25 resolution of the parish's governing authority, consistent with Subparagraph (C)(1)(c)
26 of this Section. The Coastal Zone Recovery Subcommittee shall approve projects
27 that comply with this Section and coordinate with the Coastal Protection and
28 Restoration Authority regarding the feasibility, planning, and funding of such

1 projects. Approved funding priority lists shall be provided to the Coastal Protection
2 and Restoration Authority Board for inclusion in the annual plan.

3 (d) The Coastal Protection and Restoration Authority shall adopt guidelines,
4 rules, or regulations in accordance with the Administrative Procedure Act as
5 necessary to effectuate the implementation, including contracting, for such projects.

6 (e) Project implementers shall be encouraged to utilize innovative
7 contracting activities to expedite project completion.

8 (f) Notwithstanding the requirements of R.S. 49:214.5.4(F), environmental
9 credits may be generated from restoration activities consistent with the settlement
10 agreements, and any revenues or earnings derived from any integrated coastal
11 protection program project or activities described in this Section shall be deposited
12 in and credited to the Coastal Zone Recovery Fund as provided in the environmental
13 bank program established in accordance with the settlement agreement.

14 (g) Unless otherwise expressly prohibited by law, preferences may be given
15 to local contractors for project planning, permitting, and implementation.

16 (3) A percentage of the monies in the Coastal Zone Recovery Fund shall be
17 dedicated to a "resilience account".

18 (a) Administration. The Coastal Zone Recovery Authority shall administer
19 all funds in this account.

20 (b) Uses. The funds in this account shall be used for programs and projects
21 dedicated to activities that increase the capacity of individuals, communities,
22 organizations, and systems to survive and adapt against the impacts of weather
23 disasters and coastal land loss and shall be allocated in accordance with the terms
24 and conditions of the settlement agreement for the coastal zone lawsuits and the
25 parish allocation agreement. Resilience projects include but are not limited to:

26 (i) Roadways, including evacuation routes and industry access corridors.

27 (ii) Hardening and adaptive measures for key industry and community assets.

28 (iii) Establishment of pipeline corridors.

1 (iv) Emergency response investments, including investments in scientific
2 instrumentation.

3 (v) Utility upgrades that include, but are not limited to, upgrades to storm
4 water, sewer, electrical, and telecommunications utilities.

5 (vi) Mitigation of damage to fish, wildlife, or natural resources.

6 (vii) Non-structural risk reduction measures.

7 (c) Procedure. Beginning the year after monies are deposited into the fund
8 from a settlement affecting a settling parish and then every three years thereafter,
9 each settling parish shall submit to the Coastal Zone Recovery Authority a funding
10 priority list of resilience projects adopted by resolution of the parish's governing
11 authority. The funding priority list shall include at least a three-year request for
12 funding of such projects. The Coastal Zone Recovery Authority shall approve
13 projects that comply with this Section and satisfy the terms and conditions of the
14 settlement agreements. The authority may also coordinate with the Coastal
15 Protection and Restoration Authority regarding such projects. The authority shall
16 request an annual appropriation from the legislature to each settling parish in an
17 amount equal to the expenditures for resilience projects approved in the funding
18 priority list. Monies to fund such projects shall come from the resilience account of
19 the Coastal Zone Recovery Trust Fund.

20 (4) A percentage of the monies in the Coastal Zone Recovery Fund shall be
21 dedicated to a "land rights account" administered by the Coastal Zone Recovery
22 Authority for the acquisition of access rights, rights of use, servitudes, easements,
23 or payment for other rights or interests as necessary to fulfill the requirements of this
24 Section and the settlement agreement.

25 D. Notwithstanding any provision of law to the contrary, the Coastal
26 Protection and Restoration Authority is authorized to receive an annual payment
27 from the Coastal Zone Recovery Fund equivalent to the annual Coastal Zone
28 Recovery Fund expenditures provided in the annual plan in accordance with R.S.
29 49:214.5.3.

1 E. Notwithstanding any provision of law to the contrary, the treasurer shall
2 remit from the Coastal Zone Recovery Fund resilience account to each settling
3 parish, through the parish governing authority, an annual payment equivalent to the
4 resilience funding amount requested by the Coastal Zone Recovery Authority,
5 subject to appropriation by the legislature. Resilience funds allocated to settling
6 parishes shall remain in a dedicated parish fund, and any unexpended money
7 remaining in the fund at the end of the fiscal year shall be retained in the fund and
8 expended only in accordance with a funding priority list approved by the authority.
9 §214.55. Coastal Zone Recovery Subcommittee

10 A. The Coastal Zone Recovery Subcommittee is hereby created as a
11 subcommittee to the Coastal Protection and Restoration Authority Board, R.S. 49:
12 214.5.1. The subcommittee is hereby established and shall exercise the powers and
13 duties set forth in this Section or authorized by the Coastal Protection and
14 Restoration Authority Board or otherwise provided by law.

15 B. The Coastal Zone Recovery Subcommittee shall consist of the following
16 members:

17 (1) One member from each settling parish appointed by the governing
18 authority of that parish.

19 (2) The chairman of the Coastal Protection and Restoration Authority Board
20 or his designee.

21 (3) The Governor's Advisory Commission on Coastal Protection,
22 Restoration, and Conservation, represented by its designee.

23 (4) One member from the nonprofit corporation community to be appointed
24 by a majority consent of the settling parishes.

25 (5) One member from energy production and distribution sector to be
26 appointed by a majority consent of the settling parishes.

27 (6) One member appointed by the Association of Levee Boards of Louisiana
28 from the members of levee boards having districts located in whole or in part within
29 the Louisiana coastal area.

1 C. Each appointment shall be for a term of four years.

2 D. The settling parishes shall elect a chairman and vice chairman by majority
3 consent.

4 E. The Coastal Zone Recovery Subcommittee shall have the following roles
5 and responsibilities:

6 (1) To advise the Coastal Protection and Restoration Authority Board
7 concerning coastal master plan integrated coastal protection and restoration,
8 protection, and remediation projects and programs implemented pursuant to R.S.
9 49:214.51 et seq.

10 (2) To review and approve requests for projects submitted by settling
11 parishes related to Coastal Zone Recovery Fund projects,

12 (3) To coordinate with the Coastal Protection and Restoration Authority
13 Board regarding feasibility, funding, and implementation of eligible projects through
14 the Coastal Zone Recovery Fund.

15 (4) To advise the Coastal Protection and Restoration Authority Board on the
16 development of the comprehensive coastal master plan relative to Coastal Zone
17 Recovery Fund projects.

18 (5) To receive reports from and advise the Coastal Protection and
19 Restoration Authority Board relative to the progress, challenges, and
20 recommendations concerning projects, programs, and policies implemented pursuant
21 to R.S. 49:214.51 et seq.

22 (6) To provide a forum for and coordinate the exchange of information on
23 activities of the Coastal Zone Recovery Subcommittee.

24 F. The Coastal Zone Recovery Subcommittee shall meet as necessary at the
25 call of the chairman or the as requested by the chairman of the Coastal Protection
26 and Restoration Authority Board.

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 569 Original

2021 Regular Session

Kerner

Abstract: Creates the Louisiana Coastal Zone Recovery Authority within the office of the governor and provides for the disposition of funds recovered in settlement of the state and parish coastal zone litigation.

Proposed law creates the State and Parish Coastal Zone Recovery Authority and its board of directors that is charged with implementing any settlement of the coastal zone lawsuits and approving the use of funds deposited from such settlement.

Proposed law provides for the membership of the board as follows:

- (1) A member from each settling parish appointed by the parish governing authority of that parish.
- (2) The chairman of the Coastal Protection and Restoration Authority Board or his designee.
- (3) The president of the Senate or his designee.
- (4) The speaker of the House of Representatives or his designee.

Proposed law provides for terms of office of the members, frequency, location, time, place, and the necessary quorum of meetings. Proposed law prohibits members from receiving compensation, but authorizes members to seek travel reimbursement from their respective agencies.

Proposed law provides the board and its staff are subject to the Code of Governmental Ethics, the Open Meetings Law, and to the jurisdiction of the legislative auditor and the office of the state inspector general. Requires the board make annual reports to the legislature on the activities of the Coastal Zone Recovery Authority.

Proposed law defines "coastal zone lawsuits" as any action to enforce coastal use permits requirements in present law by the secretary, the attorney general, an appropriate district attorney, or a local government with an approved coastal program.

Proposed law defines "settling parish" as any parish where either the appropriate district attorney or the local government with an approved coastal program filed a coastal zone lawsuit and entered into an agreement or compromise to settle the suit.

Proposed law establishes the Coastal Zone Recovery Fund funded by monies paid from settlement or by final judgement for assessed damages, restoration costs, actual restoration of areas disturbed, or reasonable and proper sanctions and all interest income and all realized capital gains on investment of any such monies. Proposed law provides for the retention in the fund of any unexpended money remaining in the fund at the end of the fiscal year.

Proposed law limits the use of the fund, subject to appropriation by the legislature, for the purposes of the implementing of any settlement or final judgment in the of the coastal zone lawsuits.

Proposed law further limits the use of the funds to only those projects and programs consistent with the terms and conditions of any final settlement of the coastal zone lawsuits, consistent with the master plan for integrated coastal protection projects and program, and that support the long-term health of Louisiana's coastal communities through investments in ecological restoration and remediation, community protection, including infrastructure, business and residential resilience, economic development, and administrative costs. Proposed law creates accounts within the Coastal Zone Recovery Fund for use for those specific purposes.

Proposed law provides for the "coastal master plan integrated coastal protection account" which shall be used to implement integrated coastal protection projects and programs in the coastal master plan. Further provides that 60 percent of all monies in the Coastal Zone Recovery Fund shall be dedicated to this account.

Proposed law provides for the "restoration, protection, and remediation account" that settling parishes submit to the board every three years a funding priority list from which the board approves projects that comply with proposed law and the terms and conditions of the settlement agreements. Proposed law requires the board to coordinate with Coastal Protection and Restoration Authority to determine if proposed projects qualify for funding from other sources.

Proposed law provides that the funds in the "resilience account" are be distributed through a grant program administered by the board. Proposed law provides for both settling parishes and settling defendants are eligible to receive funding for projects.

Proposed law provides for the "land rights account" which shall be used for the acquisition of access rights, rights of use, servitudes, easements, or payment for other rights or interests as necessary to fulfill the requirements of proposed law and the settlement agreement.

Proposed law provides the proceeds of any settlement involving more than one parish shall be allocated to each settling parish in accordance with the terms of such settlement.

Proposed law creates the Coastal Zone Recovery Subcommittee.

Proposed law provides for the membership of the subcommittee as follows:

- (1) Each settling parish appointed by the governing authority of that parish.
- (2) The chairman of the Coastal Protection and Restoration Authority Board or his designee.
- (3) The Governor's Advisory Commission on Coastal Protection, Restoration, and Conservation, represented by its designee.
- (4) One member from the nonprofit corporation community to be appointed by a majority consent of the settling parishes.
- (5) One member from energy production and distribution sector to be appointed by a majority consent of the settling parishes.
- (6) One member appointed by the Association of Levee Boards of Louisiana from the members of levee boards having districts located in whole or in part within the Louisiana coastal area.

Proposed law provides for terms of office for the members, election of a chairman and vice-chairman, and for its roles and responsibilities to include reviewing and approving requests for projects submitted by settling parishes related to Coastal Zone Recovery Fund projects; coordinating with and advising the Coastal Protection and Restoration Authority Board

regarding feasibility, funding, and implementation of eligible projects; assisting in the development of the comprehensive coastal master plan relative to Coastal Zone Recovery Fund projects; and receiving reports from the board relative to the progress, challenges, and recommendations concerning projects, programs, and policies.

(Amends R.S. 49:214.6.1(B)(10); Adds R.S. 36:4(J), R.S. 49:214.5.2(A)(12) and (13), 214.5.4(K), 214.6.1(B)(11), and R.S. 49:214.51 - 214.55)