
SENATE FLOOR AMENDMENTS

2016 Regular Session

Amendments proposed by Senator LaFleur to Reengrossed House Bill No. 409 by Representative Henry

1 AMENDMENT NO. 1

2 In Senate Committee Amendment No. 1 proposed by the Senate Committee on Finance and
3 adopted by the Senate on May 31, 2016, on page 1, delete line 3, and insert the following:

4 "47:302.2(C)(1)(b), and R.S. 49:259, and"

5 AMENDMENT NO. 2

6 Delete Senate Committee Amendment Nos. 2 and 3 proposed by the Senate Committee on
7 Finance and adopted by the Senate on May 31, 2016

8 AMENDMENT NO. 3

9 In Senate Committee Amendment No. 4 proposed by the Senate Committee on Finance and
10 adopted by the Senate on May 31, 2016, on page 1, delete line 15, on page 1, line 16, delete
11 "legal counsel;", and insert the following:

12 "provide relative to the transfer by the Department of Revenue of monies in escrow;
13 to direct the treasurer to transfer certain funds in the state treasury; to direct the
14 attorney general to remit certain funds;"

15 AMENDMENT NO. 4

16 In Senate Committee Amendment No. 4 proposed by the Senate Committee on Finance and
17 adopted by the Senate on May 31, 2016, on page 1, line 17, change "incident" to "litigation"

18 AMENDMENT NO. 5

19 In Senate Committee Amendment No. 4 proposed by the Senate Committee on Finance and
20 adopted by the Senate on May 31, 2016, on page 1, line 20, delete "to repeal R.S.
21 49:259(C)(3);

22 AMENDMENT NO. 6

23 In Senate Committee Amendment No. 6 proposed by the Senate Committee on Finance and
24 adopted by the Senate on May 31, 2016, on page 2, on line 22, after "Section 4." delete the
25 remainder of the line and insert the following:

26 "R.S. 49:259 is hereby amended and reenacted to read"

27 AMENDMENT NO. 7

28 In Senate Committee Amendment No. 6 proposed by the Senate Committee on Finance and
29 adopted by the Senate on May 31, 2016, on page 2, delete lines 25 through 39

30 AMENDMENT NO. 8

31 In Senate Committee Amendment No. 6 proposed by the Senate Committee on Finance and
32 adopted by the Senate on May 31, 2016, on page 2, line 47, change "recommended" to
33 "received"

1 AMENDMENT NO. 9

2 In Senate Committee Amendment No. 6 proposed by the Senate Committee on Finance and
3 adopted by the Senate on May 31, 2016, on page 2, delete lines 49 through 51, and insert the
4 following:

5 "to any office of risk management litigation, ~~or~~ litigation involving the Department
6 of Natural Resources ~~and~~ or the Department of Environmental Quality, ~~or to the~~
7 settlement funds, judgments, or final disposition of the claims asserted in State of
8 Louisiana v. BP Exploration & Production, et al., consolidated with In Re: Oil Spill
9 by the Oil Rig "Deepwater Horizon" in the Gulf of Mexico, on April 20, 2010, MDL
10 No. 2179 (E.D. La.) (hereinafter "DWH litigation"), as provided in Subsection D of
11 this Section.

12 AMENDMENT NO. 10

13 In Senate Committee Amendment No. 6 proposed by the Senate Committee on Finance and
14 adopted by the Senate on May 31, 2016, on page 2, delete lines 56 and 57, on page 3, delete
15 lines 1 through 3, and insert the following:

16 "together with the balance in the fund as of each July first is sufficient to bring the
17 balance in the fund to ten million dollars annually. Annual deposits into the fund
18 shall not exceed a total of ten million dollars ~~The~~ and the balance of the fund shall
19 not exceed ten million dollars. Any proceeds ~~remaining~~ received as provided in
20 Subsection A of this Section, after making the total annual deposit into the fund of
21 ten million dollars shall be deposited into the state general fund."

22 AMENDMENT NO. 11

23 In Senate Committee Amendment No. 6 proposed by the Senate Committee on Finance and
24 adopted by the Senate on May 31, 2016, on page 3, line 19, after "fees" delete the remainder
25 of the line, delete line 20, and insert the following:

26 "resulting from the Court Order [Regarding Payment of the Gulf States' Attorneys'
27 Fees and Costs] (Rec. Doc. 15441) issued in the DWH litigation on October 5, 2015,
28 shall be paid by the Department of Justice, until funding is"

29 AMENDMENT NO. 12

30 In Senate Committee Amendment No. 6 proposed by the Senate Committee on Finance and
31 adopted by the Senate on May 31, 2016, on page 3, delete lines 22 and 23, and insert the
32 following:

33 "(3) Each fiscal year, monies shall be deposited into the fund in an amount
34 sufficient to bring the unencumbered balance in the fund to ten million dollars."

35 AMENDMENT NO. 13

36 In Senate Committee Amendment No. 6 proposed by the Senate Committee on Finance and
37 adopted by the Senate on May 31, 2016, on page 3, delete lines 35 and 36, and insert the
38 following:

39 "arising from the DWH litigation, including but not limited to litigation expenses,
40 assessment costs, court costs or attorney fees."

41 AMENDMENT NO. 14

42 In Senate Committee Amendment No. 9 proposed by the Senate Committee on Finance and
43 adopted by the Senate on May 31, 2016, on page 3, delete lines 48 through 54, on page 4,
44 delete lines 1 through 8, and insert the following:

1 "Section 8. Notwithstanding any law to the contrary, upon receipt of any
 2 monies received on behalf of the state as a result of the settlement, judgment, or final
 3 disposition of the state's claims asserted in State of Louisiana v. BP Exploration &
 4 Production, et al. (E.D.La.), consolidated with In Re: Oil Spill by the Oil Rig
 5 "Deepwater Horizon" in the Gulf of Mexico, on April 20, 2010, MDL 2179 (E.D.
 6 La.), including (1) Twenty Million Dollars paid pursuant to the Court Order
 7 [Regarding Payment of the Gulf States' Attorneys' Fees and Costs (Rec. Doc.
 8 15441)] issued on October 5, 2015 (hereinafter "attorneys' fees and costs"), (2) the
 9 recovery of the unreimbursed Natural Resource Damage assessment (NRDA) costs
 10 incurred by the Trustees and the natural resource damage (NRD) payments due
 11 pursuant to the Consent Decree Among Defendant BP Exploration & Production Inc.
 12 (BPXP), the United States of America, and the States of Alabama, Florida,
 13 Louisiana, Mississippi, and Texas (Consent Decree), and (3) the economic damages
 14 owed under the Settlement Agreement Between the Gulf State and the BP Entities
 15 With Respect to Economic and Other Claims Arising From the Deepwater Horizon
 16 Incident (Economic Damages Settlement Agreement), the attorney general shall
 17 notify the state treasurer, the Joint Legislative Committee on the Budget, and the
 18 commissioner of administration. The state treasurer shall immediately transfer the
 19 Twenty Million Dollar payment for attorneys' fees and costs pursuant to the Court
 20 Order to the Oil Spill Contingency Fund. The state treasurer is further authorized
 21 and directed to transfer, immediately upon receipt of the first installment of the
 22 NRDA costs paid in accordance with the Consent Decree, Nineteen Million One
 23 Hundred Twenty-five Thousand Dollars to the Natural Resources Restoration Trust
 24 Fund. The second installment of Nineteen Million One Hundred Twenty-five
 25 Thousand Dollars for NRDA costs and all future NRD payments made pursuant to
 26 the Consent Decree shall also be transferred to the Natural Resources Restoration
 27 Trust Fund, in accordance with La. R.S. 30:2480.2. The state treasurer shall
 28 immediately upon receipt of the initial payment of economic damages in the amount
 29 of Two Hundred Million Dollars, transfer these funds in accordance with R.S. 39:91.
 30 All future payments of economic damages, as set forth in the Economic Damages
 31 Settlement Agreement, shall also be transferred in accordance with R.S. 39:91. In
 32 order to comply with this section, immediately upon signature of the governor of this
 33 Act, the attorney general is hereby directed to remit from the Attorney General's
 34 Consumer Support Escrow Account the amount of seven million dollars which was
 35 transferred to the Attorney General's Consumer Support Escrow Account on May 17,
 36 2016, to the state treasurer and costs made pursuant to the October 5, 2015 Court
 37 Order or the NRDA payments made pursuant to the Consent Decree."

38 AMENDMENT NO. 15

39 In Senate Committee Amendment No. 9 proposed by the Senate Committee on Finance and
 40 adopted by the Senate on May 31, 2016, on page 4, delete line 9, change "any suit" to "the
 41 suit"

42 In Senate Committee Amendment No. 9 proposed by the Senate Committee on Finance and
 43 adopted by the Senate on May 31, 2016, on page 4, delete line 10, and insert the following:

44 "petition associated with the legislative instrument which originated as House
 45 Concurrent Resolution No. 8 of the 2015 Regular Session of the Louisiana
 46 Legislature, the amount paid under protest and held in escrow in"

47 AMENDMENT NO. 16

48 In Senate Committee Amendment No. 9 proposed by the Senate Committee on Finance and
 49 adopted by the Senate on May 31, 2016, on page 4, delete line 13, and insert the following:

50 "Section 10. The attorney general is hereby directed to remit from the
 51 Attorney General's Consumer Support Escrow Account the amount of \$7,028,196
 52 to the state treasurer. Notwithstanding any law to the contrary, the treasurer shall
 53 transfer the \$7,028,196 to the state general fund.