
SENATE COMMITTEE AMENDMENTS

2024 Regular Session

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 459
by Senator Seabaugh

1 AMENDMENT NO. 1

2 On page 3, line 17, delete "**taken to the Court of Appeal for the First Circuit**"

3 AMENDMENT NO. 2

4 On page 3, line 18, delete "and shall be"

5 AMENDMENT NO. 3

6 On page 4, line 6, after "**appeal bonds.**" insert the following: "**If a responsible party**
7 **directly pays the cost of implementing the most feasible plan, then the responsible party**
8 **shall provide to the district court a summary of costs paid each quarter until the most**
9 **feasible plan is fully implemented or the district court orders that no further**
10 **summaries are required.**"

11 AMENDMENT NO. 4

12 On page 4, line 27, after "**testing.**" delete the remainder of the line and insert he following:
13 "**A defendant shall be entitled to recover from the plaintiff reasonable attorney fees and**
14 **all costs including expert witness fees, environmental evaluation, monitoring,**
15 **investigation, and testing, if that defendant is found at trial not to have caused or is**
16 **otherwise not legally responsible for the alleged environmental damage.**"

17 AMENDMENT NO. 5

18 On page 4, delete lines 28 and 29 in their entirety

19 AMENDMENT NO. 6

20 On page 5, delete lines 1 and 2 in their entirety

21 AMENDMENT NO. 7

22 On page 6, line 6, after "(c)", insert the following:

23 "**Economic loss damages may be recovered if proven by clear and convincing**
24 **evidence. All other nonremediation damages shall be limited to the market value of the**
25 **property impacted by environmental damage. The fair market value of the property**
26 **at issue is based on the value of the property as if it has no environmental damage.**"

27 AMENDMENT NO. 8

28 On page 6, delete lines 12 and 13 in their entirety

29 AMENDMENT NO. 9

30 On page 6, after line 25, insert the following: "Section 3. The provisions of this Act shall
31 apply to any case in which the court on or before December 31, 2024, has not approved a
32 plan as the most feasible plan or a party has not made a limited admission."