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HOUSE FLOOR AMENDMENTS

Conforming Amendments proposed by Representative Alario to Reengrossed Senate Bill No. 71 by Senator Dupre (Duplicate of House Bill No. 141)

1 AMENDMENT NO. 1

2 On page 1, line 2, after "R.S. 49:213.1" delete the comma "," and delete the remainder of the
3 line and insert "through 213.8, 214.3(1), 214.11,"

4 AMENDMENT NO. 2

5 On page 1, line 3, after "214.12(A)(1)" insert a comma "," and after "R.S. 49:213.11," insert
6 "and to repeal Act No. 300 of the 2005 Regular Session of the Louisiana Legislature,"

7 AMENDMENT NO. 3

8 On page 1, line 11, after "duties" insert a comma "," and after "members;" insert "to change
9 the name of the Wetlands Conservation and Restoration Fund to the Coastal Protection and
10 Restoration Fund and to provide relative to deposits and expenditures of the fund;"

11 AMENDMENT NO. 4

12 On page 1, line 16, after "R.S. 49:213.1" delete the comma "," and delete the remainder of
13 the line and insert "through 213.8, 214.3(1), 214.11,"

14 AMENDMENT NO. 5

15 On page 1, line 17, after "214.12(A)(1)" insert a comma ","

16 AMENDMENT NO. 6

17 On page 2, line 14, after "energy" insert a comma ","

18 AMENDMENT NO. 7

19 On page 2, at the end of line 18, delete "the" and insert "a single agency with"

20 AMENDMENT NO. 8

21 On page 2, line 11, change "hurricanes" to "Hurricanes"

22 AMENDMENT NO. 9

23 On page 3, line 1, delete "recognizing" and insert "that recognizes"

24 AMENDMENT NO. 10

25 On page 3, at the beginning of line 3, after "plan" delete the comma ","

1 AMENDMENT NO. 11

2 On page 3, at the end of line 4, delete "Comprehensive" and insert "Further, comprehensive"

3 AMENDMENT NO. 12

4 On page 3, line 5, change "recognizing" to "that recognizes"

5 AMENDMENT NO. 13

6 On page 3, line 6, after "duties of" delete "levee districts and" and after "subdivisions" insert
7 "including levee districts"

8 AMENDMENT NO. 14

9 On page 3, line 28, after "plan" delete "in" and insert "with"

10 AMENDMENT NO. 15

11 On page 4, line 4, after "placed" delete "in" and insert "with"

12 AMENDMENT NO. 16

13 On page 4, line 6, after "maximize" insert "the effectiveness of" and after "protection" and
14 before the comma "," insert "efforts"

15 AMENDMENT NO. 17

16 On page 4, line 7, after "Development" delete the comma ","

17 AMENDMENT NO. 18

18 On page 4, line 8, after "activities" delete the comma ","

19 AMENDMENT NO. 19

20 On page 4, at the end of line 9, after "agencies" delete the comma "," and delete "levee" and
21 at the beginning of line 10, delete "districts,"

22 AMENDMENT NO. 20

23 On page 4, line 10, after "subdivisions" delete the period "." and insert a comma "," and
24 "including levee districts."

25 AMENDMENT NO. 21

26 On page 4, line 14, after "plan" and before "annually" insert "submitted"

27 AMENDMENT NO. 22

28 On page 4, at the beginning of line 15, delete "submitted" and after "Part" delete "and" and
29 insert "including"

30 AMENDMENT NO. 23

31 On page 4, line 21, insert a comma "," after "policies"

1 AMENDMENT NO. 24

2 On page 4, line 22, after "protection or coastal" delete the comma "," and delete "or coastal
3 wetland."

4 AMENDMENT NO. 25

5 On page 5, line 15, delete the comma "," after "wetlands" and after "reefs" delete "and" and
6 insert a comma "," and "including"

7 AMENDMENT NO. 26

8 On page 5, line 16, delete the comma "," after "include" and delete the comma "," after
9 "limited to"

10 AMENDMENT NO. 27

11 On page 5, line 19, insert a comma "," after "operations"

12 AMENDMENT NO. 28

13 On page 6, line 2, delete "law." and insert "R.S. 49:213.5."

14 AMENDMENT NO. 29

15 On page 6, line 11, delete the comma "," after "law"

16 AMENDMENT NO. 30

17 On page 6, line 16, after "policy" insert "implementation"

18 AMENDMENT NO. 31

19 On page 6, line 17, insert a comma "," after "conservation" and after "area" insert "of the
20 state" and after "through" delete "the"

21 AMENDMENT NO. 32

22 On page 6, line 18, after "programs and" insert "by"

23 AMENDMENT NO. 33

24 On page 6, at the beginning of line 19, delete "those" and change "requiring" to "which
25 require"

26 AMENDMENT NO. 34

27 On page 6, line 19, after "which" and before "significantly" insert "could" and at the end of
28 the line delete "such" and insert "protection, conservation, and restoration"

29 AMENDMENT NO. 35

30 On page 6, line 22, delete "report" and insert "make reports on." and after "oversight" change
31 "of" to "for"

32 AMENDMENT NO. 36

33 On page 6, line 24, after "agencies." delete "levee districts." and after "subdivisions." insert
34 "including levee districts."

1 AMENDMENT NO. 37

2 On page 6, line 25, after "The" delete "coastal protection"

3 AMENDMENT NO. 38

4 On page 6, line 26, insert a comma "," after "conservation"

5 AMENDMENT NO. 39

6 On page 6, line 28, after "projects" and before the comma "," insert "and programs"

7 AMENDMENT NO. 40

8 On page 7, line 1, after "developed" delete "and" and insert "as the annual implementation
9 of the comprehensive master plan and shall be"

10 AMENDMENT NO. 41

11 On page 7, line 2, delete "this Part." and insert "R.S. 49:213.6."

12 AMENDMENT NO. 42

13 On page 7, line 14, after "to the" delete the remainder of the line and delete line 15 in its
14 entirety and insert "House Committee on Natural Resources and the Senate Committee on
15 Natural Resources the"

16 AMENDMENT NO. 43

17 On page 7, line 16, change "plan" to "plans"

18 AMENDMENT NO. 44

19 On page 7, line 20, delete "annual" and change "plan" to "plans" and at the end of the line,
20 delete "on"

21 AMENDMENT NO. 45

22 On page 7, delete line 21 in its entirety and insert "and prior to"

23 AMENDMENT NO. 46

24 On page 7, line 22, after "of the" delete "annual" and change "plan," to "plans," and at the
25 end of the line, delete "annual" and change "plan," to "plans,"

26 AMENDMENT NO. 47

27 On page 8, line 1 delete "(a)"

28 AMENDMENT NO. 48

29 On page 8, line 2, delete the comma "," after "management"

30 AMENDMENT NO. 49

31 On page 8, line 3, after "fund" insert "for coastal wetlands conservation and restoration"

1 AMENDMENT NO. 50

2 On page 8, line 4, after "any" insert "such" and after "project" delete the remainder of the
3 line

4 AMENDMENT NO. 51

5 On page 8, line 5, delete "and restoration; and (b)" and insert "and"

6 AMENDMENT NO. 52

7 On page 8, line 6, after "Development" insert a comma "," and "in conjunction with political
8 subdivisions."

9 AMENDMENT NO. 53

10 On page 8, line 7, after "fund" delete the remainder of the line and on line 8, delete "or
11 project pertaining to" and insert "for"

12 AMENDMENT NO. 54

13 On page 8, line 8, after "protection" delete the comma "," and delete the remainder of the
14 line and delete line 9 in its entirety and insert "and shall implement any such program or
15 project."

16 AMENDMENT NO. 55

17 On page 8, between lines 9 and 10, insert the following:

18 ~~"(4)~~ (5) Be authorized to delegate any of its powers, duties, and
19 functions to the executive assistant."

20 AMENDMENT NO. 56

21 On page 8, line 10, delete "(5) Authorize the development of" and insert "(6) Develop"

22 AMENDMENT NO. 57

23 On page 8, line 11, delete "the taking of" and insert "take"

24 AMENDMENT NO. 58

25 On page 8, delete line 12 in its entirety and insert "including political subdivisions, to
26 enforce compliance with"

27 AMENDMENT NO. 59

28 On page 8, at the end of line 13, after "actions" insert "may"

29 AMENDMENT NO. 60

30 On page 8, line 14, delete the comma "," after "include" and delete the comma "," after
31 "limited to"

32 AMENDMENT NO. 61

33 On page 8, at the end of line 16, insert a comma "," after "relief" and delete lines 18 and 19
34 in their entirety.

1 AMENDMENT NO. 62

2 On page 9, line 27, change "the" to "this"

3 AMENDMENT NO. 63

4 On page 11, line 6, delete "seek to" and insert "would"

5 AMENDMENT NO. 64

6 On page 11, line 8, delete "such" and delete "insofar as they are"

7 AMENDMENT NO. 65

8 On page 11, lines 24, 25, 26, 27, and 28, change "their designee." to "his designee."

9 AMENDMENT NO. 66

10 On page 12, lines 1, 2, 4, and 5, change "their designee." to "his designee."

11 AMENDMENT NO. 67

12 On page 12, delete lines 6 through 8 in their entirety, and on line 9, delete "in three zones"
 13 and insert the following:

14 "(10) Three members selected from among and by the presidents of
 15 the twelve levee districts in the Louisiana coastal zone grouped in three
 16 regions"

17 AMENDMENT NO. 68

18 On page 12, line 11, after "Levee District," insert "North Lafourche Conservation, Levee and
 19 Drainage District,"

20 AMENDMENT NO. 69

21 On page 12, line 14, after "and" insert "the"

22 AMENDMENT NO. 70

23 On page 12, delete lines 15 and 16 in their entirety and insert "The member from each region
 24 shall"

25 AMENDMENT NO. 71

26 On page 12, line 18, after "by the" insert "executive board of directors of the"

27 AMENDMENT NO. 72

28 On page 12, line 19, after "from" at the beginning of the line delete the remainder of the line
 29 and insert "the governing authorities of parishes located in the coastal zone in which there
 30 are no levee districts. One member shall be from a parish"

31 AMENDMENT NO. 73

32 On page 12, line 20, after "one member" insert "shall be"

1 AMENDMENT NO. 74

2 On page 12, line 21, delete "Both" and insert "The two"

3 AMENDMENT NO. 75

4 On page 12, lines 23, 25, 26, 27, 28, and 29, change "their designee." to "his designee."

5 AMENDMENT NO. 76

6 On page 13, lines 2, 3, and 4, change "their designee." to "his designee."

7 AMENDMENT NO. 77

8 On page 13, between lines 8 and 9, insert the following:

9 "B. Any member of the authority who represents a political
 10 subdivision shall recuse himself from deliberations and from voting on any
 11 matter concerning the taking of action against that political subdivision for
 12 lack of compliance with the plan."

13 AMENDMENT NO. 78

14 On page 13, line 10, delete "A member of the" and delete lines 11 through 13 in their
 15 entirety

16 AMENDMENT NO. 79

17 On page 13, at the end of line 14, change "plan;" to "plans;"

18 AMENDMENT NO. 80

19 On page 13, line 17, after "develop" insert "a comprehensive master plan for coastal
 20 protection and"

21 AMENDMENT NO. 81

22 On page 13, line 18, insert a comma "," after "conserving"

23 AMENDMENT NO. 82

24 On page 13, line 25, change "R.S. 49:213.6(D)." to "Paragraph (2) of this Subsection and
 25 Subsection D of this Section." and after "The" insert "comprehensive master plan and the"

26 AMENDMENT NO. 83

27 On page 13, line 26, after "include" delete "funding" and after "for" insert "funding of"

28 AMENDMENT NO. 84

29 On page 13, line 28, delete "annually" and delete "such plan" and insert "the plans"

30 AMENDMENT NO. 85

31 On page 14, line 5, change "plan" to "plans"

32 AMENDMENT NO. 86

33 On page 14, line 7, insert a comma "," after "districts"

1 AMENDMENT NO. 87

2 On page 14, line 21, change "plan" to "plans"

3 AMENDMENT NO. 88

4 On page 14, line 22, delete "annual" and insert "comprehensive"

5 AMENDMENT NO. 89

6 On page 14, line 23, delete "short" and insert "short-term"

7 AMENDMENT NO. 90

8 On page 14, line 24, insert a comma "," after "management"

9 AMENDMENT NO. 91

10 On page 15, line 4, after "the" and before "plan" insert "comprehensive master"

11 AMENDMENT NO. 92

12 On page 15, line 5, insert a comma "," after "engineering"

13 AMENDMENT NO. 93

14 On page 15, line 11, change "annual" to "comprehensive"

15 AMENDMENT NO. 94

16 On page 15, line 24, after "(1)" delete "The" and insert "After adoption by the authority, the
 17 comprehensive master plan shall be submitted to the House Committee on Natural Resources
 18 and the Senate Committee on Natural Resources for approval. In addition, the"

19 AMENDMENT NO. 95

20 On page 15, at the end of line 24, delete "natural" and delete line 25 in its entirety and insert
 21 "House Committee on Natural Resources and the Senate Committee on Natural Resources"

22 AMENDMENT NO. 96

23 On page 15, line 26, delete "legislature" and at the end of the line insert a period "." and
 24 delete lines 27 through 29 in their entirety

25 AMENDMENT NO. 97

26 On page 16, delete line 1 in its entirety and on line 2, change "works" to "The" and delete
 27 "approve or disapprove of the" and insert "take action on the annual"

28 AMENDMENT NO. 98

29 On page 16, line 4, change "(b)" to "(2)" and after "disapproves" change "the" to "a"

30 AMENDMENT NO. 99

31 On page 16, line 7, after "the plan." delete the remainder of the line and delete lines 8
 32 through 17 in their entirety

1 AMENDMENT NO. 100

2 On page 16, line 18, after "(3)" delete "(a)" and after "disapprove" delete "of"

3 AMENDMENT NO. 101

4 On page 16, at the end of line 19 delete "provided" and delete lines 20 through 24 in their
5 entirety and insert a period "."

6 AMENDMENT NO. 102

7 On page 16, line 25, delete "(c)" and after "disapproves" delete "of"

8 AMENDMENT NO. 103

9 On page 16, line 29, afte "(4)" insert "If the legislature approves the comprehensive master
10 plan, or if the legislature fails to approve the comprehensive master plan within sixty days
11 after the plan is submitted, the authority shall implement the plan as submitted."

12 AMENDMENT NO. 104

13 On page 17, line 1, after "disapprove the" insert "annual" and change "June" to "July" and
14 at the end of the line after "plan" and before the period "." insert "as submitted"

15 AMENDMENT NO. 105

16 On page 17, line 4, change "and/or" to "or" and at the end of the line delete "the" and insert
17 "a"

18 AMENDMENT NO. 106

19 On page 17, line 8, after "Any" insert "such"

20 AMENDMENT NO. 107

21 On page 17, line 9, after "specified in" delete the remainder of the line and insert
22 "Subsections B and C of this Section."

23 AMENDMENT NO. 108

24 On page 17, delete line 13 in its entirety and insert "protect and restore Louisiana's coastal
25 area, there ~~shall be~~ is hereby established in"

26 AMENDMENT NO. 109

27 On page 17, line 14, delete "on the effective date of this Subpart"

28 AMENDMENT NO. 110

29 On page 17, line 19, after "excluding" insert "federal revenues received as provided in
30 Subsection C of this Section and"

31 AMENDMENT NO. 111

32 On page 18, at the end of line 7, change "Subsections" to "Subsection" and on line 8, delete
33 "B(1)" and insert "Paragraph (B)(1)"

1 AMENDMENT NO. 112

2 On page 18, line 9, change "Fund" to "fund"

3 AMENDMENT NO. 113

4 On page 18, line 11, delete "Subsections A and B(1)" and insert "Subsection A and
5 Paragraph (B)(1)"

6 AMENDMENT NO. 114

7 On page 18, line 20, after "C." delete the remainder of the line and delete line 21 in its
8 entirety and insert the following:

9 "(1) Subject to Article VII, Sections 9(B) and 10.1 of the state constitution,
10 in each fiscal year, the federal revenues that are received by the state
11 generated from Outer Continental Shelf oil and gas activity and eligible, as
12 provided by federal law, to be used for the purposes provided in this
13 Subsection shall be deposited and credited by the treasurer to the Coastal
14 Protection and Restoration Fund.

15 (2) Such federal revenues shall be used only for the purposes of
16 coastal wetlands conservation, coastal restoration, hurricane protection, and
17 infrastructure directly impacted by coastal wetlands losses."

18 AMENDMENT NO. 115

19 On page 18, line 26, after "which" insert a comma "," and "exclusive of federal revenues
20 received as provided for in Subsection C of this Section,"

21 AMENDMENT NO. 116

22 On page 19, line 10, delete "vegetated"

23 AMENDMENT NO. 117

24 On page 19, between lines 19 and 20, insert the following:

25 "(7) For coastal wetlands conservation, coastal restoration, hurricane
26 protection, and infrastructure directly impacted by coastal wetlands losses."

27 AMENDMENT NO. 118

28 On page 19, between lines 23 and 24, insert the following:

29 "§213.8. Private property and public rights

30 Recognizing that a substantial majority of the coastal wetlands in
31 Louisiana are privately owned, it is anticipated that a significant portion of
32 the projects funded through the ~~Wetlands Conservation~~ Coastal Protection
33 and Restoration Fund either will occur on or in some manner affect private
34 property. No rights whatsoever shall be created in the public, whether such
35 rights be in the nature of ownership, servitude, or use, with respect to any
36 private lands or waters utilized, enhanced, created, or otherwise affected by
37 activities of any governmental agency, local, state, or federal, or any person
38 contracting with same for the performance of any activities, funded in whole
39 or in part, by expenditures from the ~~Wetlands Conservation~~ Coastal
40 Protection and Restoration Fund or expenditures of federal funds. In the
41 event legal proceedings are instituted by any person seeking recognition of

1 a right of ownership, servitude, or use in or over private property solely on
2 the basis of the expenditure of funds from the ~~Wetlands Conservation~~ Coastal
3 Protection and Restoration Fund, the state shall indemnify and hold harmless
4 the owner of such property for any cost, expense, or loss related to such
5 proceeding, including court costs and attorney fees."

6 AMENDMENT NO. 119

7 On page 19, after line 29, insert the following:

8 "§214.3. Definitions

9 As used in this Subpart, the following terms shall have the meaning
10 ascribed to them below:

11 (1) "Plan" means the ~~coastal vegetated wetlands conservation and~~
12 ~~restoration~~ annual coastal protection plan provided for in R.S. 49:213.6.

13 * * *

14 AMENDMENT NO. 120

15 On page 20, line 7, after "restoration" insert "efforts"

16 AMENDMENT NO. 121

17 On page 22, line 18, after "by the" delete the remainder of the line and on line 19, after
18 "Louisiana" insert "Levee Board Association"

19 AMENDMENT NO. 122

20 On page 22, line 20, change "Coastal Zone." to "coastal zone." and delete the remainder of
21 the line and delete lines 21 through 24 in their entirety

22 AMENDMENT NO. 123

23 On page 22, delete lines 27 through 29 in their entirety and on page 23, delete line 1 in its
24 entirety

25 AMENDMENT NO. 124

26 On page 23, between lines 28 and 29, insert the following:

27 "Section 2. Act No. 300 of the 2005 Regular Session of the Louisiana
28 Legislature is hereby repealed in its entirety."

29 AMENDMENT NO. 125

30 On page 23, at the beginning of line 29, change "Section 2." to "Section 3."

31 AMENDMENT NO. 126

32 On page 24, at the end of line 1, insert the following:

33 "However, in the event that neither Senate Bill No. 27 nor House Bill No.
34 139 of the 2005 First Extraordinary Session passes the legislature or the
35 proposed amendment to the Louisiana Constitution contained in the
36 provisions of said Senate Bill No. 27 or House Bill No. 139 fails to receive
37 the favorable vote of the electors, the name of the Coastal Protection and

1 Restoration Authority provided for in this Act shall revert to the Wetlands
 2 Conservation and Restoration Authority; and the name of the Governor's
 3 Advisory Commission on Coastal Protection, Restoration, and Conservation
 4 provided for in this Act shall revert to the Governor's Advisory Commission
 5 on Coastal Restoration and Conservation; and the Coastal Protection and
 6 Restoration Fund provided for in this Act shall revert to the Wetlands
 7 Conservation and Restoration Fund; and the annual coastal protection plan
 8 provided for in this Act shall revert to the Wetlands Conservation and
 9 Restoration Plan, and the Law Institute is hereby directed to make the
 10 necessary technical changes to statutory law to reflect the appropriate names
 11 as provided herein."

12 AMENDMENT NO. 127

13 On page 24, at the beginning of line 2, change "Section 3." to "Section 4."