

SENATE COMMITTEE AMENDMENTS

2020 Regular Session

Amendments proposed by Senate Committee on Natural Resources to Original Senate Bill No. 440 by Senator Fesi

1 AMENDMENT NO. 1

2 On page 1, line 2, after "49:214.36(E)" delete the remainder of the line and at the beginning
3 of line 3, delete "and (J)(1), and (2)" and insert "and (J)"

4 AMENDMENT NO. 2

5 On page 1, line 5, after "collected;" insert "to provide for the use of funds;"

6 AMENDMENT NO. 3

7 On page 1, line 8, after "49:214.36(E)" delete the remainder of the line and at the beginning
8 of line 9, delete "(J)(1), and (2)" and insert "and (J)"

9 AMENDMENT NO. 4

10 On page 2, delete lines 5 through 24 in their entirety and insert the following:

11 "J. The monies ~~collected by the state~~ received under the provisions of this
12 Section shall be deposited as follows:

13 (1) The monies collected by the secretary ~~or the attorney general~~ or the attorney general for
14 violations relating to use of state concern shall be used for the following purposes
15 only in the proportions stated:

16 (a) Fifty percent of the monies collected shall be used to reimburse the
17 Department of Natural Resources for the cost of enforcing the provisions of this
18 Subpart, and shall be deposited in the Coastal Resources Trust Fund, as provided in
19 R.S. 49:214.40.

20 (b) Twenty-five percent of the monies collected shall be placed in ~~local~~
21 ~~government mitigation banks established in accordance with R.S. 49:214.41 and the~~
22 ~~rules and regulations adopted thereunder~~ a restricted fund administered by the
23 parish governing authority of the parish or parishes in which the adverse
24 impact related to the use is located. Such funds shall only be used for projects
25 consistent with Paragraph (O)(2) of this Section within or for the benefit of
26 areas within the geographic borders of that parish.

27 (c) Twenty-five percent of the monies collected shall be placed in the
28 ~~Wetlands Conservation and Restoration Fund established in Article VII, Section 10.2~~
29 ~~of the Constitution of Louisiana~~ Coastal Protection and Restoration Fund
30 established in Article VII, Section 10.2 of the Constitution of Louisiana and used
31 consistent with Paragraph (O)(2) of this Section.

32 (2) The monies collected by the secretary, the attorney general, an
33 appropriate district attorney, or a local government with an approved program
34 for violations relating to a use of local concern shall be placed in ~~local government~~
35 ~~mitigation banks established in accordance with R.S. 49:214.41 and the rules and~~
36 ~~regulations adopted thereunder. Each local government's mitigation bank shall be~~
37 ~~credited one hundred percent of the monies collected for violations relating to a use~~
38 ~~of local concern occurring within its geographic borders, except that for violations~~
39 ~~occurring within the geographic borders of two or more local governments the~~
40 ~~monies shall be divided on a pro rata basis and deposited accordingly in the local~~
41 ~~government's mitigation banks. In the event there is no local government mitigation~~
42 ~~bank in the parish in which the adverse impact is located, the monies shall be~~
43 ~~deposited in the Wetlands Conservation and Restoration Fund established in Article~~
44 ~~VII, Section 10.2 of the Constitution of Louisiana, and can~~ a restricted fund
45 administered by the parish governing authority of the parish or parishes in
46 which the adverse impact related to the use is located. Such funds shall only be

1 used for mitigation projects consistent with Paragraph (O)(2) of this Section
2 within or for the benefit of areas within the geographic borders of that local
3 government.

4 (3) Notwithstanding any provision of this Section to the contrary, any
5 monies received under Subsection E of this Section in settlement or by final
6 judgment for assessed damages, restoration costs, actual restoration of areas
7 disturbed, or reasonable and proper sanctions or any monies received under
8 Subsection D of this Section in settlement or by final judgment shall be
9 distributed based on the type of use of the coastal zone involved in the action as
10 follows:

11 (a) For uses of state concern the monies shall be used consistent with
12 Paragraph (O)(2) of this Section and shall be deposited as follows:

13 (i) Fifty percent of the monies collected shall be placed into the Coastal
14 Protection and Restoration Fund.

15 (ii) Twenty-five percent of the monies collected shall be placed into a
16 restricted fund administered by the parish governing authority of the parish or
17 parishes in which the adverse impact related to the use is located. Such funds
18 shall only be used for projects selected by the local governing authority. Unless
19 otherwise prohibited by law, preferences may be given to local contractors for
20 project planning, permitting, and implementation for such selected projects.

21 (iii) The remaining twenty-five percent of the monies collected shall be
22 placed into the Coastal Protection and Restoration Fund to be used to match
23 funding for projects selected by local governing authorities pursuant to
24 Subparagraph (ii) of this Paragraph and that are approved in coastal master
25 plan developed in accordance with R.S. 49:214.5.3. The match funding
26 provided for in this Subparagraph shall be at a minimum dollar for dollar
27 match. The Coastal Protection and Restoration Authority shall promulgate
28 rules and regulations in accordance with the Administrative Procedure Act in
29 order to provide for submission and approval of plans, projects, policies or
30 programs for funding under this Item.

31 (b) For uses of local concern, all of the monies collected shall be
32 deposited into a restricted fund administered by the parish governing authority
33 of the parish or parishes in which the adverse impact related to the use is
34 located. Such funds shall only be used for projects selected by the local
35 governing authority that are consistent with Paragraph (O)(2) of this Section."