

**CONFERENCE COMMITTEE REPORT**  
**Senate Bill No. 145 By Senator Claitor**

June 23, 2011

To the Honorable President and Members of the Senate and to the Honorable Speaker and Members of the House of Representatives.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning Senate Bill No. 145 by Senator Claitor, recommend the following concerning the Reengrossed bill:

1. That the House Floor Amendment No. 1 proposed by Representative Foil and adopted by the House of Representatives on June 13, 2011, be rejected.
2. That the following amendment to the reengrossed bill be adopted.

AMENDMENT NO. 1

On page 3, after line 25, insert:

**"D. Notwithstanding any provision of law to the contrary, the jurisdiction of the state of Louisiana or any political subdivision thereof shall not extend to the boundaries recognized herein until the U.S. Congress acknowledges the boundary described herein by an Act of Congress or any litigation resulting from the passage of the Act which originated as Senate Bill No. 145 of the 2011 Regular Session of the Legislature of Louisiana with respect to the legal boundary of the state is resolved and a final non-appealable judgment is rendered."**

Respectfully submitted,

Senators:

Representatives:

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Senator Dan Claitor

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Representative Franklin J. Foil

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Senator Norby Chabert

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Representative Gordon Dove

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Senator John R. Smith

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Representative James Morris

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The legislative instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Jerry Jones.

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## CONFERENCE COMMITTEE REPORT DIGEST

Senate Bill No. 145 by Senator Claitor

### **Keyword and summary of the bill as proposed by the Conference Committee**

COASTAL RESOURCES: Provides relative to the gulfward boundary and coastline of Louisiana. (8/15/11)

### **Report adopts House amendments to:**

None

### **Report rejects House amendments which would have:**

1. Provided an effective date of January 1, 2012.

### **Report amends the bill to:**

1. Provide that jurisdiction of state or political subdivision shall not extend to boundaries described herein until Congress acknowledges the boundary by an act of congress or any litigation resulting from passage of this act with respect to the legal boundary of the state is resolved and a final non-appealable judgment is rendered.

### **Digest of the bill as proposed by the Conference Committee**

Present law, enacted in 1954, relative to gulfward boundary and coastline of Louisiana provides that the historic gulfward boundary of the state of Louisiana extends a distance into the Gulf of Mexico 3 marine leagues from the coast.

Proposed law provides that the historic gulfward boundary of the state of Louisiana extends a distance into the Gulf of Mexico 3 marine leagues from the coastline. Proposed law specifies that "3 marine leagues" is equal to 9 geographic miles or 10.357 statute miles.

Present law provides that the coast or coast line of the state of Louisiana is accepted and approved as designated and defined in accordance with applicable Acts of Congress, as follows: From Ship Island Lighthouse to Chandeleuer Lighthouse; thence in a curved line following the general trend of the seaward, high-water shore lines of the Chandeleuer Islands to the Southwestern most extremity of Errol Shoal; thence to Pass-a-Louvre lighted whistle buoy 4 to South Pass Lighted whistle buoy 2; thence to Southwest Pass entrance midchannel lighted whistle buoy; thence to Ship Shoal lighthouse; thence to Calcasieu Pass lighted whistle buoy 1; thence to Sabine Pass lighted whistle buoy 1, as designated and defined under authority of the Act of Congress of February 19, 1895, 28 Stat. 672, 33 U.S.C. 151 as amended, and as is shown on the attached chart showing the coast line of the state marked thus \_\_\_\_\_ and showing the State gulfward boundary by a solid line 3 marine leagues from coast, which chart shall be paraphed by the Speaker of the House of Representatives, the President of the Senate and by the Governor to be identified herewith.

Proposed law provides that the coastline of Louisiana shall be the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters, and shall be not less than the baseline defined by the coordinates set forth in *United States v. Louisiana*, 422 U.S. 13 (1975), Exhibit "A".

Proposed law further provides that no provision of the proposed law shall be construed to relinquish any dominion, sovereignty, territory, property, or rights of the state of Louisiana or its political subdivisions otherwise provided by law.

Present law provides that subject to the right of the government of the United States to regulate foreign and interstate commerce under Section 8 of Article 1 of the Constitution of the United States, and to the power of the government of the United States over cases of admiralty and maritime jurisdiction under Section 2 of Article 3 of the Constitution of the United States, and the powers of the US Coast Guard as provided by law to patrol and protect the navigable waters of the United States in the Gulf of Mexico, the State of Louisiana has full sovereignty over all of the waters of the Gulf of Mexico and of the arms of the Gulf of Mexico within the boundaries of Louisiana, and over the beds and shores of the Gulf and all arms of the Gulf within the boundaries of Louisiana.

Proposed law retains present law and adds that the state of Louisiana shall be entitled to all the lands, minerals and other natural resources underlying the Gulf of Mexico, extending seaward from its coastline for a distance of three marine leagues.

Proposed law further provides that:

(a) The gulfward boundary of the state of Louisiana historically consists of three marine leagues, and it is the intent of the Legislature of Louisiana that this historic gulfward boundary be recognized and enforced as law.

(b) The unequal gulfward boundaries of Gulf Coast states set forth by the United States Supreme Court in *United States of America v. States of Louisiana, Texas, Mississippi, Alabama, and Florida*, 363 U.S. 1 (1960), have resulted in (1) economic disparity and hardship for Louisiana citizens and entities; (2) economic loss to the state of Louisiana and its political subdivisions; and (3) the inability of the state of Louisiana and its political subdivisions to fully exercise their powers and duties under the federal and state constitutions and state laws and ordinances, including but not limited to protection and restoration of coastal lands, waters, and natural resources, and regulation of activities affecting them.

(c) It is the further intent of the Legislature of Louisiana that, in light of the continuing effects of coastal erosion, subsidence, and land loss, the coastline of Louisiana should be recognized as consisting of at least and not less than that coastline defined by the coordinates set forth in *United States v. Louisiana*, 422 U.S. 13 (1975), Exhibit "A".

Proposed law further provides that, notwithstanding any provision of law to the contrary, the jurisdiction of the state of Louisiana or any political subdivision thereof shall not extend to the boundaries recognized herein until the U.S. Congress acknowledges the boundary described herein by an Act of Congress or any litigation resulting from the passage of the act which originated as Senate Bill No. 145 of the 2011 Regular Session of the Legislature of Louisiana with respect to the legal boundary of the state is resolved and a final non-appealable judgment is rendered.

Effective August 15, 2011.

(Amends R.S. 49:1 and 2; adds R.S. 49: 3.1)