

Regular Session, 2012

HOUSE BILL NO. 812

BY REPRESENTATIVES CHAMPAGNE, BARRAS, BERTHELOT, GAROFALO, GISCLAIR, GREENE, GUINN, HENSGENS, HUNTER, HUVAL, GIROD JACKSON, JONES, NANCY LANDRY, LEGER, MILLER, ORTEGO, PIERRE, SCHEXNAYDER, ST. GERMAIN, THIERRY, WHITNEY, AND WILLMOTT

FUNDS/FUNDING: (Constitutional Amendment) Requires that monies received by the state from violations of certain federal and state laws associated with the Deepwater Horizon oil spill shall be deposited into the Coastal Protection and Restoration Fund

A JOINT RESOLUTION

Proposing to add Article VII, Section 10.2(G) of the Constitution of Louisiana, to provide for the deposit of any monies received by the state from violations of federal and state environmental and water quality laws associated with the Deepwater Horizon oil spill into the Coastal Protection and Restoration Fund; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members elected to each house concurring, that there shall be submitted to the electors of the state of Louisiana, for their approval or rejection in the manner provided by law, a proposal to add Article VII, Section 10.2(G) of the Constitution of Louisiana, to read as follows:

§10.2. Coastal Protection and Restoration Fund

Section 10.2(A)

* * *

(G)(1) Notwithstanding the provisions of Article VII, Section 10, Article VII, Section 10.3, Article VII, Section 10.8, or any other provision of this constitution to the contrary, any monies received by the state for violations pursuant to section 311 of the Federal Water Pollution Control Act, 33 U.S.C. 1321; R.S. 30:2025(E)(1) and (2); and R.S. 30:2001 et seq., including R.S. 30:2071 et seq., associated with the Deepwater Horizon oil spill that began on April 20, 2010, shall

1 be deposited and credited by the treasurer to the Coastal Protection and Restoration
2 Fund for integrated coastal protection efforts, including coastal restoration, hurricane
3 protection, and improving the resiliency of the Louisiana Coastal Area affected by
4 the Deepwater Horizon oil spill.

5 (2) Nothing in this Paragraph shall be construed as to affect funds associated
6 with the Natural Resources Damage Assessment process.

7 (3) The fund balance limitations provided for in Paragraph (B) of this
8 Section relative to the mineral revenues deposited to this fund shall not apply to
9 monies deposited pursuant to the provisions of this Paragraph.

10 Section 2. Be it further resolved that this proposed amendment shall be submitted
11 to the electors of the state of Louisiana at the statewide election to be held on November 6,
12 2012.

13 Section 3. Be it further resolved that on the official ballot to be used at the election,
14 there shall be printed a proposition, upon which the electors of the state shall be permitted
15 to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as
16 follows:

17 Do you support an amendment to require any state monies received from
18 violations of federal and state environmental and water quality laws
19 associated with the Deepwater Horizon oil spill that began on April 20, 2010,
20 be deposited into the Coastal Protection and Restoration Fund for integrated
21 coastal protection efforts? (Adds Article VII, Section 10.2(G))

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Champagne

HB No. 812

Abstract: Dedicates state revenues received from violations of federal and state environmental and water quality laws associated with the Deepwater Horizon oil spill of 2010 to the Coastal Protection and Restoration Fund.

Present constitution establishes the Coastal Protection and Restoration Fund to provide a dedicated, recurring source of revenues for the development and implementation of a program to protect and restore La.'s coastal area.

Present constitution provides for allocations of mineral revenues into the fund, provided that balance in the fund which consists of mineral revenues from severance taxes, royalty payments, bonus payments, or rentals shall not exceed an amount provided by law.

Proposed constitutional amendment requires that any monies received for violations pursuant to section 311 of the Federal Water Pollution Control Act, 33 U.S.C. 1321; R.S. 30:2025(E)(1) and (2); and R.S. 30:2001 et seq., including R.S. 30:2071 et seq., associated with the Deepwater Horizon oil spill that began on April 20, 2010, shall be deposited and credited by the treasurer to the Coastal Protection and Restoration Fund for integrated coastal protection efforts, including coastal restoration, hurricane protection, and improving the resiliency of the La. Coastal Area affected by the oil spill. Further specifies that proposed constitutional amendment shall not be construed to affect funds associated with the Natural Resources Damage Assessment Process. Further specifies that fund balance limitations under the present constitution relative to mineral revenues deposited into the fund shall not apply to deposits made under proposed constitutional amendment.

Provides for submission of the proposed amendment to the voters at the statewide election to be held Nov. 6, 2012.

(Adds Const. Art VII, §10.2(G))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Appropriations to the original bill.

1. Deleted reference to lawsuits filed in response to the oil spill and instead provided that deposits be made for violations of specified state and federal laws.
2. Specified that deposits be used for integrated coastal protection efforts, including coastal restoration, hurricane protection, and improving the resiliency of the La. Coastal Area affected by the Deepwater Horizon oil spill.
3. Specified that proposed constitutional amendment shall not affect funds associated with the Natural Resources Damage Assessment process.