

**HOUSE COMMITTEE AMENDMENTS**

Amendments proposed by House Committee on Civil Law and Procedure to Original House Bill No. 862 by Representative Robideaux

AMENDMENT NO. 1

On page 1, line 2, after "reenact" and before "(J)" change "R.S. 49:214.36(D)," to "R.S. 49:214.36"

AMENDMENT NO. 2

On page 1, line 4, after "initiation" and before "of" delete "or continuation"

AMENDMENT NO. 3

On page 1, delete line 6 in its entirety and insert "for initiation of such actions;"

AMENDMENT NO. 4

On page 1, at the beginning of line 7, delete "collected by such actions;"

AMENDMENT NO. 5

On page 1, line 9, after "Section 1." and before "(J)" change "R.S. 49:214.36(D)," to "R.S. 49:214.36"

AMENDMENT NO. 6

On page 1, delete lines 13 through 19 in their entirety and insert the following:

"J.(1) When a local government body has reason to believe that a violation of any provision of this Subpart, or any rule, regulation, or permit relating to a use of state concern, issued pursuant to the provisions of this Subpart may have occurred, or may be occurring, the local government body may file a complaint with the office of coastal management. The complaint shall state all of the following:

- (a) A description of the alleged violation.
- (b) The general location of where the alleged violation has occurred.
- (c) The name and address of all known owners of the property where the alleged violation has occurred.
- (d) The permit number of any coastal use permits that have allegedly been violated.
- (e) The identity of the persons who allegedly violated any provision of this Subpart or any rules, regulations or permits issued thereto.
- (f) The contact person for the local government body, including the contact person's phone number and email address.

(2) Upon receipt of a complaint as provided for in Paragraph J(1) of this Section, the office of coastal management shall notify any persons identified in the complaint who are alleged to be in violation of any provision of this Subpart or any rule, regulation, or permit issued pursuant to the provisions of this Subpart and shall conduct a preliminary investigation of the alleged violation. Upon completion of the preliminary investigation, and no later than ninety days after receipt of the complaint being investigated, the office of coastal management shall prepare a preliminary inspection report containing all of the following:

- (a) A listing of the permits at issue.

(b) The identity of any person alleged to be in violation of any provision of this Subpart or any rule, regulation, or permit issued pursuant thereto.

(c) The geographical coordinates of the area at issue.

(d) The preliminary findings resulting from the investigation.

(3) Upon completion of the preliminary inspection report, the office of coastal management shall notify the local government body filing the complaint and any person who is alleged to be in violation of any provision of this Subpart or any rule, regulation, or permit issued pursuant thereto of the complaint and the preliminary inspection report. The person alleged to be in violation and the local government body filing the complaint shall have ninety days from receipt of the preliminary inspection report to submit a response to the office of coastal management.

(4)(a) The secretary shall conduct a final investigation of each alleged violation in the complaint and shall consider any response to the preliminary report submitted by any person. Following the conclusion of the investigation, the secretary shall make a determination of whether the violation alleged has occurred or is occurring and shall notify all persons of the final decision. If the secretary determines that a violation of any provision of this Subpart, or any rule, regulation, or permit relating to a use of state concern, issued pursuant to the provisions of this Subpart has occurred or is occurring, the secretary shall initiate and diligently prosecute any enforcement action determined to be consistent with this Subpart, including the coastal management program authorized by this Part, the state's master plan for integrated coastal protection, and any other enforcement action authorized by this Section.

(b) Proceedings for judicial review of the secretary's final decision made in accordance with Subparagraph (a) of this Paragraph may be instituted by filing a petition in the district court of the parish in which the secretary is located within thirty days after the transmittal of notice of the final decision, or if a rehearing is requested, within thirty days after the decision on the rehearing in accordance with the Administrative Procedure Act.

(5) The Department of Natural Resources shall promulgate rules, regulations, and standards to implement the provisions of this Subsection in accordance with the Administrative Procedure Act."

AMENDMENT NO. 7

On page 2, delete lines 1 through 29 in their entirety

AMENDMENT NO. 8

On page 3, line 1, after "state" delete the remainder of the line

AMENDMENT NO. 9

On page 3, delete lines 15 through 28 in their entirety and insert the following:

"(2) The monies collected by the secretary for violations relating to a use of local concern shall be placed in local government mitigation banks established in accordance with R.S. 49:214.41 and the rules and regulations adopted thereunder. Each local government's mitigation bank shall be credited one hundred percent of the monies collected for violations relating to a use of local concern occurring within its geographic borders, except that for violations occurring within the geographic borders of two or more local governments the monies shall be divided on a pro rata basis and deposited accordingly in the local government's mitigation banks. In the event there is no local government mitigation bank in the parish in which the adverse

1 impact is located, the monies shall be deposited in the Wetlands  
2 Conservation and Restoration Fund established in Article 7, Section 10.2 of  
3 the Louisiana Constitution, and can only be used for mitigation projects  
4 within the geographic borders of that local government."