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HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Jay Morris to Reengrossed Senate Bill No. 469 by Senator Allain

1 AMENDMENT NO. 1

2 On page 1, line 2, after "R.S. 49:214.36(O)" and before the comma "," insert "and (P)"

3 AMENDMENT NO. 2

4 On page 1, line 6, after "action;" insert "to authorize certain state or local governmental
5 entities to initiate certain causes of action if certain conditions are met; to provide for
6 sanctions;"

7 AMENDMENT NO. 3

8 On page 1, at the beginning of line 12, change "49:214.36(O) is" to "49:214.36(O) and (P)
9 are"

10 AMENDMENT NO. 4

11 On page 2, line 6, after "**Subpart**" and before the comma "," insert "**or as provided for in**
12 **Subsection (P) of this Section**"

13 AMENDMENT NO. 5

14 On page 3, between lines 1 and 2, and insert the following:

15 **"P.(1) A state or local governmental entity may pursue any right**
16 **or cause of action arising from any activity subject to permitting under**
17 **R.S. 49:214.21 et seq., 33 U.S.C. 1344 or 33 U.S.C. 408 in the coastal area**
18 **as defined by R.S. 49:214.2, or arising from or related to any use as**
19 **defined by R.S. 49:214.23(13), when all of the following conditions are**
20 **met:**

21 **(a) The plaintiff in such an action shall have the burden of proof**
22 **by clear and convincing evidence that a defendant has violated a**
23 **provision of law or a legal obligation.**

24 **(b) No attorney or law firm representing a plaintiff in such an**
25 **action shall receive as compensation or fees an amount greater than ten**
26 **percent of the monetary judgement or the settlement amount, whether**
27 **payable out of the proceeds of the settlement or directly from the**
28 **defendant.**

29 **(c) Any funds received by any plaintiff in such a suit as a**
30 **monetary judgment or settlement, less attorneys fees and costs, shall be**
31 **deposited in and credited to the Coastal Protection and Restoration**
32 **Fund to be used for the purposes provided for in the master plan for**
33 **integrated coastal protection.**

34 **(d) In the event a judgment dismissing a defendant from the**
35 **action is rendered for any reason, whether upon application by any**
36 **party or after trial, the defendant shall be entitled to recover from the**

1 plaintiff all costs associated with defending such action including,
2 without limitation, reasonable attorney fees.
3 (2) Each allegation or other factual assertion in any such suit
4 shall have evidentiary support. A failure to have evidentiary support for
5 each allegation or other factual assertion shall subject the party and its
6 attorney to sanctions.
7 (3) It is the intent of the Legislature of Louisiana to authorize
8 those entities that have a cause of action pursuant to the provisions of
9 law enumerated in Paragraph (P)(1) of this Section to pursue those
10 causes of action provided the restrictions provided for in Paragraph
11 (P)(1) are met, and shall not create a new cause of action or right of
12 action for any party."