

SENATE BILL NO. 244 (Substitute of Senate Bill No. 193 by Senator Hensgens)

BY SENATOR HENSGENS

AN ACT

To amend and reenact R.S. 30:1(section heading), (A), (B), and (C), the introductory paragraph of 3, 3(3), (6), (7), (9), and (18), 4(A), (B), introductory paragraph of (C), (C)(1)(a)(v) and (b), (14), (16)(b), (17)(b), introductory paragraph of (D), (D)(1), (2), (3), and (5), (E), (F), (G), (H), introductory paragraph of (I), (I)(1), (3), (4), (5), (9), and (11), (K), introductory paragraph of (L)(1), introductory paragraph of (M), (M)(3), (6)(b), (O)(1) and (2), (P), (Q), introductory paragraph of (R), and (T), introductory paragraph of 4.1(B), (C), (D), (E), (F)(1), (I), and (K), 4.2, 4.3, 5(A), (B), (C)(1), introductory paragraph of (2), (2)(d), (4), and (6), and (D)(1) and the introductory paragraph of (2), 5.1(A)(1), (2), introductory paragraph of (3), (3)(e), (5), (6), (7), (8), and (9), (B)(1), (2), and introductory paragraph of (3), (5), (7), (9), (10), (12), and (13), 5.2(A), (B), the introductory paragraph of (C), (E), (F), (G), and (H), 6, 6.1(A), (B), (C), (D)(1), and (F), 8(A)(1), (2), (3), and (4), and (B), introductory paragraph of 9(A), (B), (C), and (D), the introductory paragraph of 10(A), the introductory paragraph of (A)(1), the introductory paragraph of (A)(2), the introductory paragraph of (A)(2)(a)(i), (b)(ii)(ii), introductory paragraph of (vi), (vi)(bb), (c), (d), and (f), and (3), (B), and (C)(7), 10.1(B)(1), (3), (4), and (5), 11.1, 12(A), (B)(1), (2), (3), (4), introductory paragraph of (5), and (5)(f), and (C), 13, 14, 15, 18(A)(1), (2), (3), (4), (5), (6)(a)(i) and (ii), (b), (c)(i)(ff), (ii), (iii), (d), and (e), and (B), 20(A) and (D), 21(A) and (B)(1)(a), (b), (c), the introductory paragraph of

(d) and (e), and (2)(a) and (b), the introductory paragraphs of 22(B) and (C), (D), and (E), introductory paragraph of 23(B), (C), and (D), 23.1(A), 25(A)(2), (3), (5), (6), and (7), (D), (E), and (F), 26(A), the introductory paragraph of 27(A), (D), and (F), 28(A), (C), introductory paragraph of (D), (D)(2), (3), (5), (6), and (7), (F), (G), (H), introductory paragraph of (I)(1), (1)(a), (d), and (g), and (J), 29(A), (B)(1), (C)(1), (3)(a), (5), and (6)(b) and (c), (D)(1) through (3), (E)(1), (F), (H)(1), (I)(2) and (4), the introductory paragraph of (M)(1), and (M)(1)(c), 41, 42, 44, 45, 48, introductory paragraph of 61, 73(1), 74(A) and (B), 79(A), (B), and (C), 82(1), (6), (7), (11), and (14), 83(A)(5) and (7), 83.1(B)(3), 85(A)(3) and (C), 86(A)(2), (D)(8), (9), and (10), (E)(2) as enacted by Section 1 of Act 16 of the 2024 Third Extraordinary Session of the Legislature of Louisiana, (6), and (7), (G), and (H), 87(A), introductory paragraph of (F)(1)(a), and introductory paragraph of (b) as enacted by Section 1 of Act 16 of the 2024 Third Extraordinary Session of the Legislature of Louisiana, 88(B), (C), (D), (E), (F), (I), and introductory paragraph of (J), 88.1(A)(3) and (4), (C), (D), (E), (G), and (H), 88.2(C), introductory paragraph of (E), (E)(1), and (F), 89(A), (B), introductory paragraph of (C), (C)(2) and (3), and (D), 90(C), introductory paragraph of (D), (D)(1) and (4), and (E)(4), introductory paragraph of R.S. 30:91(A), 91(A)(1), (B)(1), (2)(a) and (c), (3), and (4), and (D), 92(A) and (C), introductory paragraph of R.S. 30:93(A), 94(A), introductory paragraph of (B)(1), (2)(b), and (3), and (C), 95(B), (C), and (D), 101.2(A), 101.3(2), 101.4, 101.5(A)(2), introductory paragraph of 101.6(A) and (B), 101.7(A), 101.8, introductory paragraph of 101.9(D), (D)(1) and (2), 101.10(A) and introductory paragraph of (B), 101.13(A) and (B)(2), and (C)(4), 101.14(A) and (B), introductory paragraph of R.S. 30:103.1(A), 121(A), (C), and (D), 125, 127.1(C)(10) and (11), and (D), 129(B)(1)(a), 135, 136.3(B)(1), (C) and (D), 143(D)(2) and (3), 148.8, 148.9(A)(1) and (2), 153, 172, the introductory paragraph of 209(4)(e), 209.1(A) and (B)(1), 413(A) and (B), 414(A), 502(D), 503(1), (2), (4), (6), and (8), 504, the introductory paragraph of 521(A) and 521(C), 524, 525, introductory paragraph of R.S. 30:541 and 541(2), 544(A) and (B), introductory paragraph of 546(A), (A)(5), (B), and (C), introductory paragraph of R.S. 30:548, 551, 557(A), (B), (C), (D), the introductory

paragraph of (E), (E)(1), (F), and (G), 558(A), (B), (D), (F), (G), and (H), 559(A) and
 (C), 560(B), (C), and (D), 561(A), (B), and (C), 571, introductory paragraph of
 572(1), (1)(f), (h), and (i), 603(A), (B), (C), (D), (E), and (G), 604, 681.1(5), (8), and
 (9), 681.2(2) and (3), 702(1), (2)(b), and (5), 703, 704(B), (C), (D), and (E), 705(A)
 and (B), 706, 707, 722, 723(A), (F), and (H), 731(1), 732, 802, 904(2), (4), (7), (9),
 (12), (20), 905(A), introductory paragraph of (B), (B)(2), (8), and (9), and (C),
 905.1(A) and (B)(2), introductory paragraph of 905.3(A)(1), (B), (C), (E)(1), and (F),
 906.1, 907(A) and introductory paragraph of (B), (B)(9), (11), (12), (13)(b), (15),
 (17), and (18), (C)(1), (D), (F), and (G), 908(A)(12) and (B), 915(B)(7), (9), (10)(f),
 (12), introductory paragraph of (15), (15)(e), (20), (22)(e), (25), introductory
 paragraph of (C)(2), (2)(d), introductory paragraph of (3), and (4), (D)(3) and (4),
 (E)(1), (4), and (5), 917(A)(1), introductory paragraph of (2), (2)(d), (3), (B), (D),
 (E), (F), and (G), 921, 1102, 1103(3), (14), and (15), introductory paragraph of
 1104(A), 1104(A)(3), (9), (10), (B), introductory paragraph of (C), (D), (E), the
 introductory paragraph of 1107(A)(1), (A)(2), (B), (C), and the introductory
 paragraph of (D), 1108(A)(1), (B), and (D), introductory paragraph of 1109(A)(1),
 1109(C), (D), (E), (F), and (G), 1110(A), (B)(1), introductory paragraph of (C),
 introductory paragraph of (C)(1), (1)(b), (f), (g), and (h), (2), and (3), introductory
 paragraph of (G), (H), and (I), 1115, 2200, 2455, and introductory paragraph of
 2456(A), R.S. 31:115(C)(1)(b), R.S. 36:351, 352, 353, 354(A)(7), (10), (13), and
 (15), (B)(1)(b), (2), (4), (6), (8), (10), and (12), 355, 356, 357, 358, the introductory
 paragraphs of 359(A) and (B), (B)(1) and (2), and (C), R.S. 38:3072, 3073(8),
 introductory paragraph of 3076(A), (A)(3), (4), (7), (8), (9), (14)(b), and (24), (C),
 (D), (E), introductory paragraph of (F)(1), (F)(1)(b), and (2), 3077, 3078, 3079,
 3081, 3083, 3087.136(4), 3087.138, 3092(2) and (4), 3093, the introductory
 paragraph of 3094(A), (A)(1) through (4), the introductory paragraph of 3094(B),
 (B)(7), the introductory paragraph of 3094(C), and (C)(1), 3097.1(C), 3097.2(1), (4),
 (7), and (9), 3097.3(A) and (B), the introductory paragraphs of 3097.3(C) and
 (C)(4)(a), (C)(4)(a)(v) and (b), and (8), (D), (E), (F)(1), the introductory paragraph
 of (2), the introductory paragraph of (d), and the introductory paragraph of (f), and

(G), 3097.6(A), the introductory paragraphs of 3097.6(B) and (B)(3), 3097.8(A) and (C), the introductory paragraph of 3098(A), 3098(B) and (E), and 3098.1(4), R.S. 44:4.1(B)(19), R.S. 45:251(3), 252, and 255, R.S. 49:214.29(B) and 992(D)(7), R.S. 56:432.1(C)(2), 700.13(B), and 700.14(B), to enact R.S. 30:3(21)and (22), 4(C)(21) and (D)(6), 21.1, 29(C)(6)(d), 86(I) and (J), 93(C), Part VIII of Chapter 1 of Subtitle I of Title 30 of the Louisiana Revised Statutes of 1950, to be comprised of 98.1 through 98.13, 124.1, 136.3(B)(6) and (7), 209(6), and 2454(33), R.S. 36:351.1, 354(B)(13) and (14), 354.1, 356.1(B)(6) and (7) and (D), and 359(D) and 600, R.S. 38:3098(G), R.S. 39:1367(E)(2)(b)(xi), and R.S. 45:251(4), and to repeal R.S. 17:200 through 220, R.S. 30:4(N), 85(D)(11), 86(F), 136.3(E), Part III of Chapter 2 of Subtitle I of Title 30 of the Revised Statutes of Louisiana, comprised of R.S. 30:186 through 188, 1103(10), 1104(F), 2458, 2469, and 2470 through 2474, and R.S. 38:3073(2), 3074, 3075, 3080, 3097.4, 3097.7, and 3098.6(A)(1), relative to the Department of Energy and Natural Resources; to rename the Department of Energy and Natural Resources as the Department of Conservation and Energy; to provide for the structure and organization of the department; to provide for definitions; to provide for bonding authority; to provide for the creation of offices; to provide for the secretary; to provide for the deputy secretary; to provide for the undersecretary; to provide for directors; to provide for the authority to promulgate rules and regulations; to provide for expedited permits; to provide for the Natural Resources Financial Security Fund; to provide for enforcement; to provide for the Natural Resources Commission; to provide for the Louisiana Natural Resources Trust Authority; to provide for water resource management; to provide for net state supported debt; to provide for orphan oil wells; to provide for the State Mineral and Energy Board; to provide for the transfer of entities; to provide for the Oyster Lease Acquisition and Compensation Program; to provide for conditions, terms, and procedures; to provide for the issuance of certificates of public convenience and necessity; to provide for carbon dioxide sequestration policy; to provide for notice; to provide for remediation; to provide for an administrative process for resolution of disputes within the department's jurisdiction; to provide for oilfield site restoration;

and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 30:1(section heading), (A), (B), and (C), introductory paragraph of 3, 3(3), (6), (7), (9), and (18), 4(A), (B), introductory paragraph of (C), (C)(1)(a)(v) and (b), (14), (16)(b), (17)(b), introductory paragraph of (D), (D)(1), (2), (3), and (5), (E), (F), (G), (H), introductory paragraph of (I), (I)(1), (3), (4), (5), (9), and (11), (K), introductory paragraph of (L)(1), introductory paragraph of (M), (M)(3), (6)(b), (O)(1) and (2), (P), (Q), introductory paragraph of (R), and (T), introductory paragraph of 4.1(B), (C), (D), (E), (F)(1), (I), and (K), 4.2, 4.3, 5(A), (B), (C)(1), introductory paragraph of (2), (2)(d), (4), and (6), and (D)(1) and introductory paragraph of (2), 5.1(A)(1), (2), introductory paragraph of (3), (3)(e), (5), (6), (7), (8), and (9), (B)(1), (2), and introductory paragraph of (3), (5), (7), (9), (10), (12), and (13), 5.2(A), (B), introductory paragraph of (C), (E), (F), (G), and (H), 6, 6.1(A), (B), (C), (D)(1), and (F), 8(A)(1), (2), (3), and (4), and (B), introductory paragraph of 9(A), (B), (C), and (D), the introductory paragraph of 10(A), the introductory paragraph of (A)(1), the introductory paragraph of (A)(2), the introductory paragraph of (A)(2)(a)(i), (b)(ii)(ii), introductory paragraph of (vi), (vi)(bb), (c), (d), and (f), and (3), (B), and (C)(7), 10.1(B)(1), (3), (4), and (5), 11.1, 12(A), (B)(1), (2), (3), (4), introductory paragraph of (5), and (5)(f), and (C), 13, 14, 15, 18(A)(1), (2), (3), (4), (5), (6)(a)(i) and (ii), (b), (c)(i)(ff), (ii), (iii), (d), and (e), and (B), 20(A) and (D), 21(A) and (B)(1)(a), (b), (c), introductory paragraph of (d) and (e), and (2)(a) and (b), introductory paragraph of 22(B) and (C), (D), and (E), introductory paragraph of 23(B), (C), and (D), 23.1(A), 25(A)(2), (3), (5), (6), and (7), (D), (E), and (F), 26(A), the introductory paragraph of 27(A), (D), and (F), 28(A), (C), introductory paragraph of (D), (D)(2), (3), (5), (6), and (7), (F), (G), (H), introductory paragraph of (I)(1), (1)(a), (d), and (g), and (J), 41, 42, 44, 45, 48, introductory paragraph of 61, 73(1), 74(A) and (B), 79(A), (B), and (C), 82(1), (6), (7), (11), and (14), 83(A)(5) and (7), 83.1(B)(3), 85(A)(3), and (C), 86(A)(2), (D)(8), (9), and (10), (E)(2) as enacted by Section 1 of Act 16 of the 2024 Third Extraordinary Session of the Legislature of Louisiana, (6), and (7), (G), and (H), 88(B), (C), (D), (E), (F), (I), and introductory paragraph of (J), 88.1(A)(3) and (4), (C), (D), (E), (G), and (H), 88.2(C), introductory paragraph of (E), (E)(1), and (F), 89(A), (B), introductory paragraph of (C), (C)(2) and (3), and (D), 90(C),

1 introductory paragraph of (D), (D)(1) and (4), and (E)(4), introductory paragraph of R.S.
 2 30:91(A), 91(A)(1), (B)(1), (2)(a) and (c), (3), and (4), and (D), 92(A) and (C), introductory
 3 paragraph of R.S. 30:93(A), 94(A), introductory paragraph of (B)(1), (2)(b), and (3), and (C),
 4 95(B), (C), and (D), 101.2(A), 101.3(2), 101.4, 101.5(A)(2), introductory paragraph of
 5 101.6(A) and (B), 101.7(A), 101.8, introductory paragraph of 101.9(D), (D)(1) and (4),
 6 101.10(A) and introductory paragraph of (B), 101.13(A) and (B)(2), and (C)(4), 101.14(A)
 7 and (B), introductory paragraph of R.S. 30:103.1(A), 121(A), (C), and (D), 125,
 8 127.1(C)(10) and (11), and (D), 129(B)(1)(a), 135, 136.3(B)(1), (C) and (D), 143(D)(2) and
 9 (3), 148.8, 148.9(A)(1) and (2), 153, 172, the introductory paragraph of 209(4)(e), 209.1(A)
 10 and (B)(1), 413(A) and (B), 414(A), 502(D), 503(1), (2), (4), (6), and (8), 504, the
 11 introductory paragraph of 521(A) and 521(C), 524, 525, introductory paragraph of R.S.
 12 30:541 and 541(2), 544(A) and (B), introductory paragraph of 546(A), (A)(5), (B), and (C),
 13 introductory paragraph of R.S. 30:548, 551, 557(A), (B), (C), (D), introductory paragraph
 14 of (E), (E)(1), (F), and (G), 558(A), (B), (D), (F), (G), and (H), 559(A) and (C), 560(B), (C),
 15 and (D), 561(A), (B), and (C), 571, introductory paragraph of 572(1), (1)(f), (h), and (i),
 16 603(A), (B), (C), (D), (E), and (G), 604, 681.1(5), (8), and (9), 681.2(2) and (3), 702(1),
 17 (2)(b), and (5), 703, 704(B), (C), (D), and (E), 705(A) and (B), 706, 707, 722, 723(A), (F),
 18 and (H), 731(1), 732, 802, 904(2), (4), (7), (9), (12), (20), 905(A), introductory paragraph
 19 of (B), (B)(2), (8), and (9), and (C), 905.1(A) and (B)(2), introductory paragraph of
 20 905.3(A)(1), (B), (C), (E)(1), and (F), 906.1, 907(A) and introductory paragraph of (B),
 21 (B)(9), (11), (12), (13)(b), (15), (17), and (18), (C)(1), (D), (F), and (G), 908(A)(12) and (B),
 22 915(B)(7), (9), (10)(f), (12), introductory paragraph of (15), (15)(e), (20), (22)(e), (25),
 23 introductory paragraph of (C)(2), (2)(d), introductory paragraph of (3), and (4), (D)(3) and
 24 (4), (E)(1), (4), and (5), 917(A)(1), introductory paragraph of (2), (2)(d), (3), (B), (D), (E),
 25 (F), and (G), 921, 1102, 1103(3), and (14), and (15), introductory paragraph of 1104(A),
 26 1104(A)(3), (9), (10), (B), introductory paragraph of (C), (D), (E), and (F), 1107,
 27 1108(A)(1), (B), and (D), introductory paragraph of 1109(A)(1), 1109(C), (D), (E), (F), and
 28 (G), 1110(A), (B)(1), introductory paragraph of (C), introductory paragraph of (C)(1), (1)(b),
 29 (f), (g), and (h), (2), and (3), introductory paragraph of (G), (H), and (I), 1115, 2200, 2455,
 30 introductory paragraph of R.S. 30:2456(A) are hereby amended and reenacted and R.S.

30:3(21) and (22), 4(C)(21), (D)(6), 21.1, 86(I) and (J), 93(C), Part VIII of Chapter 1 of Subtitle I of Title 30 of the Louisiana Revised Statutes of 1950, comprised of 98.1 through 98.13, 124.1, 136.3(B)(6) and (7), 209(6), 2454(33) are hereby enacted to read as follows:

CHAPTER 1. ~~COMMISSIONER OF CONSERVATION~~ **AND ENERGY**

PART I. DEPARTMENT OF CONSERVATION **AND ENERGY**

§1. Department established; appointment of ~~commissioners; term; vacancies;~~
secretary; jurisdiction; salary

A. There is established the state Department of Conservation **and Energy**, hereinafter referred to in this Subtitle as the department. The department shall be directed and controlled by a ~~commissioner of conservation~~ **secretary**, who shall be appointed by the governor, with the consent of the Senate, ~~for a term of four years.~~
~~In case of vacancy for any cause the governor shall, with consent of the Senate, fill the office by appointment for the unexpired term.~~

B. ~~Notwithstanding the provisions of any other law to the contrary, the salary of the commissioner of conservation shall be fixed by the governor~~ **All natural resources of the state not within the jurisdiction of other state departments or agencies are within the jurisdiction of the department.**

C. ~~All natural resources of the state not within the jurisdiction of other state departments or agencies are within the jurisdiction of the department.~~ **The department shall manage all natural resources within its jurisdiction through the following offices:**

(1) The office of permitting and compliance shall oversee all portions of state law within the jurisdiction of the department which relate to the issuance of permits and compliance with legal and regulatory requirements as further detailed by order of the secretary in accordance with R.S. 36:354.1.

(2) The office of enforcement shall oversee all portions of state law within the jurisdiction of the department which relate to penalties and enforcement of violations as further detailed by order of the secretary in accordance with R.S. 36:354.1.

(3) The office of state resources shall oversee all portions of state law

1 within the jurisdiction of the department which relate to management of the
2 state's natural resources, including but not limited to mineral and energy
3 leasing, management of groundwater resources, and energy-related
4 management of state lands and water bottoms as further detailed by order of
5 the secretary in accordance with R.S. 36:354.1.

6 * * *

7 §3. Definitions

8 Unless the context otherwise requires, the words defined in this Section have
9 the following meaning when found in this ~~Chapter~~ Subtitle:

10 * * *

11 (3) ~~"Commissioner" means the Commissioner of Conservation of the State~~
12 ~~of Louisiana~~ "Department" means the Department of Conservation and Energy,
13 or any successor agency.

14 * * *

15 (6) "Illegal gas" means gas which has been produced within the state from
16 any well in excess of the amount allowed by any rule, regulation, or order of the
17 ~~commissioner~~ department, as distinguished from gas produced within the state not
18 in excess of the amount so allowed by any rule, regulation, or order, which is "legal
19 gas."

20 (7) "Illegal oil" means oil which has been produced within the state from any
21 well in excess of the amount allowed by any rule, regulation, or order of the
22 ~~commissioner~~ department, as distinguished from oil produced within the state not
23 in excess of the amount so allowed by any rule, regulation, or order, which is "legal
24 oil."

25 * * *

26 (9) "Multiple mineral development area" means an area designated by the
27 ~~commissioner~~ department for the management and development of various
28 concurrent surface and sub-surface mineral or resource production or extraction
29 operations, including exploratory activities, for the purpose of efficient and effective
30 development of minerals or resources in the area without unreasonable interference.

* * *

(18) "Tender" means a permit or certificate of clearance for the transportation of oil, gas, or products, approved and issued or registered under the authority of the ~~commissioner~~ **department**.

* * *

(21) "Expedited processing" shall mean the processing or review of permits, permit modifications, licenses, registrations, plans, proposals, exceptions, or variances whereby the Department of Conservation and Energy completes its administrative and technical review within a timeline agreed to in writing.

(22) "Employee" includes any personnel, classified and unclassified, retained by the department to assist in the performance of duties related to expedited processing.

§4. Jurisdiction, duties, and powers of the ~~assistant~~ secretary; rules and regulations

A. The ~~commissioner~~ **secretary** has jurisdiction and authority over all persons and property necessary to enforce effectively the provisions of this Chapter and all other laws relating to the conservation of oil or gas.

B. The ~~commissioner~~ **secretary** shall make such inquiries as he thinks proper to determine whether or not waste, over which he has jurisdiction, exists or is imminent. In the exercise of this power the ~~commissioner~~ **secretary** has the authority to collect data; to make investigations and inspections; to examine properties, leases, papers, books, and records; to examine, survey, check, test, and gauge oil and gas wells, tanks, refineries, and modes of transportation; to hold hearings; to provide for the keeping of records and the making of reports; to require the submission of an emergency phone number by which the operator may be contacted in case of an emergency; and to take any action as reasonably appears to him to be necessary to enforce this Chapter.

C. The ~~commissioner~~ **secretary** has authority to make, after notice and hearings as provided in this Chapter, any reasonable rules, regulations, and orders that are necessary from time to time in the proper administration and enforcement

of this Chapter, including rules, regulations, or orders for the following purposes:

(1)(a)(i) * * *

* * *

(v) To allow for transferrable plugging credits in lieu of the bond with security required by Subsection R of this Section in order to promote the plugging of orphaned oilfield sites and oilfield sites that have been inactive for at least five years. A plugging credit shall be issued for the plugging of orphaned oilfield sites and oilfield sites that have been inactive for at least five years, with the specific requirements and procedures for issuance, transfer, and acceptance of such credits to be developed by the ~~commissioner~~ secretary. The regulations shall, at a minimum, provide criteria under which plugging credits may be earned, and require approval by the ~~commissioner~~ secretary for the earning, using, banking, or selling of the plugging credits.

(b) Only an owner as defined in R.S. 30:3(8) shall be held or deemed responsible for the performance of any actions required by the ~~commissioner~~ secretary.

* * *

(14) To require interested persons to place uniform meters of a type approved by the ~~commissioner~~ secretary wherever the ~~commissioner~~ secretary designates on all pipelines, gathering systems, barge terminals, loading racks, refineries, or other places necessary or proper to prevent waste and the transportation of illegally produced oil or gas. These meters shall be under the supervision and control of the department of conservation. It shall be a violation of this Chapter, subject to the penalties provided in R.S. 30:18, for any person to refuse to attach or install a meter when ordered to do so by the ~~commissioner~~ secretary, or in any way to tamper with the meters so as to produce a false or inaccurate reading, or to have any device through which the oil or gas can be passed around the meter, unless expressly authorized by written permit of the ~~commissioner~~ secretary.

* * *

(16)(a) * * *

(b) Provided that before a permit to operate a new commercial operations' waste disposal well may be granted, a public hearing shall be held on the application for a permit, and shall fix the date, time, and place therefor. The operator or owner, prior to such public hearing, shall give public notice on three separate days within a period of thirty days prior to the public hearing, with at least five days between each publication of the notice, both in the official state journal and in the official journal of the parish in which the well is to be located, that application for a permit for a new commercial operations' waste disposal well has been made and that a public hearing on the matter will be held on the date and at the time and place which shall be stated in the public notice. The ~~assistant~~ secretary shall prescribe the form of the advertisement. In addition, the applicant for a permit shall place an advertisement in the same newspapers but not in the classified advertisement or public notice section of the newspapers, in a form which shall be not less than one-half page in size and printed in bold face type; which shall inform the public that application for a permit has been made for a new commercial operations' waste disposal well and that a public hearing, at which all interested persons are charged to be present and to present their views and which shall state the date, time, and place at which the meeting will be held. The content of both the public notice and the one-half page announcement or advertisement also shall include the name of the owner or operator; location of the proposed well, materials to be disposed in the well, a statement that comments may be sent to the ~~assistant commissioner of the Office of Conservation~~ **secretary** prior to the public meeting, ~~and the mailing address of the assistant secretary.~~

"Commercial operations" as defined in this Section pertains to those who dispose of waste materials off the site where produced by others. "Waste materials" is defined as any material, excluding drilling muds, produced waters and crude oil residues, for which no use or reuse is intended and which is to be discarded.

* * *

(17)(a)

* * *

(b) No person shall exercise the right of expropriation under the laws of this

1 state in connection with the construction or operation of such a carbon dioxide
2 pipeline until the enhanced recovery project has been approved by the ~~commissioner~~
3 secretary and a certificate of public convenience and necessity for the pipeline has
4 been issued. If the enhanced recovery project is located in another state or
5 jurisdiction, the ~~commissioner's~~ secretary's approval shall consist of confirmation
6 that the applicable regulatory authority of that state or jurisdiction has approved or
7 authorized the injection of carbon dioxide in association with such project.

8 * * *

9 (21) To require reporting of the production of oil, gas, and condensate
10 on an individual well-basis.

11 D. The ~~assistant~~ secretary ~~shall~~ may make, after notice and public hearing as
12 provided in this Chapter, any reasonable rules, regulations, and orders that are
13 necessary:

14 (1) To require that all pipelines, ~~excluding field transmission, flow, and~~
15 ~~gathering lines~~, all wells, and all associated structures, including any fittings,
16 tie-overs, appliances, and equipment, which are constructed on state water bottoms
17 pursuant to the grant of a right-of-way by the secretary of the Department of
18 Conservation and Energy and Natural Resources or the issuance of a lease by the
19 State Mineral and Energy Board shall conform to the following provisions:

20 (a) The owner or operator of a pipeline constructed on a right-of-way granted
21 on state water bottoms shall be responsible for burying the line to a depth consistent
22 with regulations promulgated by the office of conservation and for maintaining it at
23 said depth to the extent feasible and practical, as determined by the ~~assistant~~
24 secretary, taking into account the changes wrought by natural forces.

25 (b) Upon abandonment of a pipeline, well, or associated structure, the owner
26 or operator thereof shall be responsible for removing any related object above the
27 mudline which may unduly interfere with other uses of state waters or water bottoms,
28 including navigation or fishing, or shall adequately mark it any such objects above
29 the mudline for the duration of the obstruction according to regulations of the
30 United States Coast Guard and regulations promulgated by the ~~assistant~~ secretary.

1 If necessary for environmental reasons or to prevent undue interference with other
2 uses of state waters or water bottoms, the owner of an abandoned buried pipeline,
3 well, or associated structure; an abandoned pipeline, well, or associated structure; or
4 portions thereof shall cause removal of that which constitutes an obstruction or
5 hazard to navigation or fishing, as determined necessary by the ~~assistant~~ secretary
6 after a public hearing.

7 (c) If an inspection by the ~~office of conservation~~ **department** discloses an
8 exposed pipeline, the owner thereof shall be required to rebury the line at its original
9 depth, to the extent feasible and practical, to remove the pipeline, or to install and
10 maintain for the duration of the line adequate marking in accordance with rules and
11 regulations of the United States Coast Guard, United States Corps of Engineers, and
12 the ~~office of conservation~~ **Department of Conservation and Energy**. The
13 appropriate course for such remedial action shall be made by the ~~commissioner~~
14 **secretary** after a public hearing taking into account environmental issues and other
15 issues.

16 (d) If determined by the governor and the secretary of the Department of
17 **Conservation and Energy and Natural Resources** to be in the best interests of the
18 state, the owner or operator of a pipeline, well, or associated structure shall not be
19 required to have it removed but shall be required to adequately mark it **any object**
20 **above the mudline** for the duration of the obstruction according to regulations of the
21 Coast Guard and of the ~~assistant~~ secretary.

22 (e) At regular intervals subsequent to the abandonment of any pipeline, well,
23 or associated structure constructed on a right-of-way or lease established on state
24 waterbottoms, the owner or operator of such facility ~~shall~~ **may** cause and be
25 responsible for inspection of that property if the ~~assistant~~ secretary requires it to
26 ensure compliance with applicable rules and regulations of state and federal
27 agencies. The ~~assistant~~ secretary ~~shall~~ **may** require an inspection if he determines
28 that the public interest requires that an inspection is necessary.

29 (f) A person shall not construct any pipeline, well, or associated structure on
30 a right-of-way or lease established on state waterbottoms unless he has obtained a

1 permit from the ~~assistant~~ secretary prior to the initiation of construction.

2 (g) An owner or operator of any pipeline, well, or associated structure
3 constructed on state water bottoms pursuant to a right-of-way or lease shall report
4 to the ~~assistant~~ secretary any activities, incidents, developments, or accidents
5 creating an obstruction to navigation or fishing, and any permanent abandonments.

6 (2) To require that all field transmissions, flow, and gathering lines
7 constructed on state water bottoms pursuant to the grant of a right-of-way by the
8 secretary of the Department of **Conservation and** Energy ~~and Natural Resources~~ or
9 the issuance of a lease by the State Mineral and Energy Board shall meet all
10 requirements of the United States Army Corps of Engineers for burial and shall be
11 located, installed, marked, and maintained in a proper manner, to be approved by the
12 ~~assistant~~ secretary, so as to minimize undue interference with persons making other
13 uses of state waters or water bottoms, including mariners and fishermen.

14 (3) To require that all equipment, machinery, and materials associated with
15 the construction, operation, maintenance, or abandonment of all pipelines, including
16 field transmission, flow, and gathering lines; all wells; and all associated structures,
17 which are constructed on state water bottoms pursuant to the grant of a right-of-way
18 by the secretary of the Department of **Conservation and** Energy ~~and Natural~~
19 ~~Resources~~ or the issuance of a lease by the State Mineral and Energy Board shall
20 conform to the following provisions:

21 (a)(i) The owner or operator of a pipeline, well, or associated structure
22 constructed on a right-of-way or lease upon state waterbottoms shall cause and be
23 responsible for inspection of that property if the ~~assistant~~ secretary requires it to
24 determine whether any equipment, machinery, or material associated with activity
25 on the lease or right-of-way, including sunken boats and barges, has been discarded
26 or abandoned above the mudline. The ~~assistant~~ secretary shall require an inspection
27 if he determines that the public interest requires that an inspection is necessary.

28 (ii) If the inspection reveals any equipment, machinery, or material above the
29 mudline, the owner shall be responsible for its removal to avoid its constituting an
30 obstruction which may unduly interfere with other uses, including navigation or

1 fishing. However, the ~~assistant~~ secretary may by rule grant exceptions or variances
2 from this requirement if the location of the equipment, machinery, or material would
3 cause removal to be extraordinarily onerous or impractical. Moreover, removal shall
4 not be required if ~~the governor and~~ the secretary of the Department of Conservation
5 and Energy ~~and Natural Resources~~ determine that in the best interests of the state
6 removal shall not be required. However, the owner shall be required to mark it the
7 equipment, machinery, or material above the mudline for the duration of the
8 obstruction according to regulations of the Coast Guard and the ~~assistant~~ secretary.

9 (b) The owner or operator of any pipeline, well, or associated structure shall
10 promptly notify and report to the ~~assistant~~ secretary concerning any discarded or
11 abandoned equipment, machinery, or materials, including sunken barges and boats,
12 known to be remaining on state waterbottoms as a result of activities conducted
13 pursuant to a state right-of-way or lease. He shall also report to the ~~assistant~~ secretary
14 the removal of any such equipment, machinery, or materials.

15 * * *

16 (5) To provide that the office of conservation shall conduct such inspections
17 as the ~~assistant~~ secretary may deem necessary or appropriate in carrying out the
18 provisions of this Subsection.

19 (6) To provide appropriate procedure, including public notice, comment,
20 and hearing requirements, for implementation of this Subsection.

21 E. The ~~commissioner~~ secretary shall make, after notice and public hearing
22 as provided in this Chapter, any reasonable rules, regulations, and orders that are
23 necessary to require that all other pipelines not covered by Subsection D of this
24 Section, together with any fittings, tie-overs, appliances, and equipment, which are
25 constructed in this state shall be buried, maintained, or removed from the
26 right-of-way or lease according to the following provisions:

27 (1) Pipelines in active use and those not in active use but whose owner
28 anticipates reuse shall be buried to a depth consistent with regulations promulgated
29 by the ~~office of conservation~~ department and shall be maintained during the course
30 of the useful and active life of the lines at a depth determined by the ~~commissioner~~

1 secretary to be substantially equivalent to the original depth of burial. The
2 ~~commissioner~~ secretary may by rule grant such exceptions or variances from this
3 provision as may be necessary for pipelines buried under navigable streams or water
4 bottoms as provided for in Subsection D of this Section.

5 (2) When a pipeline is abandoned, the ~~commissioner~~ secretary shall make
6 a preliminary investigation to determine if the line, or any portion thereof, constitutes
7 an obstruction which may unduly interfere with other uses of state waters or water
8 bottoms, or if allowed to remain in its present state will constitute such an
9 obstruction. If the initial determination of the ~~commissioner~~ secretary is that
10 corrective action or removal of the pipeline, or any portion thereof, is necessary to
11 eliminate or prevent the obstruction and if the owner of the pipeline does not agree
12 with the ~~commissioner's~~ secretary's determination and to abide by it, the
13 ~~commissioner~~ secretary shall call a public hearing for the purpose of determining
14 finally what action, if any, he will require the owner of the pipeline to take.

15 (3) Field transmission, flow and gathering lines shall be installed, located,
16 marked, maintained, and removed ~~after abandonment~~ in a proper manner, to be
17 approved by the ~~commissioner~~ secretary, so as to minimize undue interference with
18 persons, including mariners and fishermen, making other uses of state waters or
19 water bottoms.

20 F. For the purposes of Subsection E, the word "pipeline" shall mean all
21 intrastate pipelines used in the transportation of oil and gas, including by-products
22 and waste therefrom, but shall not include field transmission, flow, and gathering
23 lines, except as provided in Subsection (E)(3). The ~~commissioner~~ secretary shall
24 may require each pipeline operator to ~~employ in his periodic inspection of the line,~~
25 ~~which shall be not less than once each year, a procedure to determine the depth of~~
26 ~~cover over the line and to report such information to the commissioner~~ inspect the
27 line; however, the ~~commissioner~~ secretary may by rule grant such exceptions or
28 variances from this requirement as may be necessary for pipelines buried or installed
29 in locations where such a requirement would be extraordinarily onerous or
30 impractical. ~~The commissioner shall further require the owners of all pipelines in the~~

1 state to notify the office of conservation of the abandonment of said pipeline or
2 non-use of said pipeline for a period of six months or more.

3 G. The ~~office of conservation of the~~ Department of **Conservation and**
4 Energy ~~and Natural Resources~~, through the ~~commissioner~~ **secretary**, shall
5 implement the provisions of Subsections D, E, and F of this Section as to interstate
6 pipelines insofar as those requirements may be consistent with the regulations for
7 interstate pipelines adopted by the United States Department of Transportation. In
8 such event, the office shall further implement the provisions of Subsections D, E, and
9 F of this Section insofar as those requirements may be consistent with the regulations
10 for interstate pipelines adopted by the United States Department of Energy.

11 H. Any pipeline owner required to construct a levee, dam, or weir in
12 connection with a pipeline, shall maintain that levee, dam, or weir in a condition as
13 near as practicable to its original condition, however, the ~~commissioner~~ **secretary**
14 may grant such exceptions or variances from this requirement if he determines that
15 maintenance of the dam, levee, or weir no longer serves the purposes intended and
16 will not serve to protect the environment of the area. The ~~commissioner~~ **secretary**
17 may require the owner to inspect the levee, dam, or weir on a periodic basis and to
18 file reports of such inspections. The ~~commissioner~~ **secretary** may order the removal
19 or alteration of any such dam, levee, or weir when he determines that such action is
20 necessary to avoid undue interference with persons making other uses of state waters
21 or water bottoms.

22 I. The ~~commissioner~~ **secretary** shall make, after notice and public hearing
23 as provided in this Chapter, any reasonable rules, regulations, and orders that are
24 necessary to control the offsite disposal at commercial facilities of drilling mud,
25 saltwater and other related nonhazardous wastes generated by the drilling and
26 production of oil and gas wells. Such regulations shall contain provisions identifying
27 the waste materials to be regulated. Such regulations shall at a minimum require:

28 (1) Every person who intends to open and operate a new offsite commercial
29 facility for the disposal of nonhazardous wastes produced in oil and gas drilling
30 operations, shall file an application, with the ~~office of conservation~~ **department** for

1 a permit to conduct such operation.

2 * * *

3 (3) Upon notice to the applicant by the ~~office of conservation~~ **department**
4 that the application is complete, the applicant shall file with the local governing
5 authority of the parish in which the proposed facility is to be located, six copies of
6 the complete application.

7 (4) Upon acceptance of the application as complete, the ~~office of~~
8 ~~conservation~~ **department** shall publish in the next available issue of the Louisiana
9 Register, a notice of the filing and the location, date and time of a public hearing to
10 be held in the affected parish, which hearing shall not be less than thirty days from
11 the date of notice in the Register. The applicant shall publish a substantially similar
12 notice in the official journal of the parish affected on three separate days at least
13 fifteen days prior to the date set by the ~~office of conservation~~ **department** for such
14 public hearing. Such notice shall be not less than one quarter page in size in boldface
15 type.

16 (5) The public hearing shall be fact-finding in nature and shall not be subject
17 to the procedural requirements of the Louisiana Administrative Procedure Act
18 relative to rule making or adjudication, provided that the ~~office of conservation~~
19 **department** shall allow any interested person to present testimony, facts or evidence
20 related to the application, and shall make a record of the hearing.

21 * * *

22 (9) The closure of all commercial offsite disposal facilities in a manner
23 approved by the ~~commissioner~~ **secretary** to insure protection of the public and the
24 environment.

25 * * *

26 (11) Evidence of financial responsibility acceptable to the ~~commissioner~~
27 **secretary** for any liability for damages which may be caused by the escape or
28 discharge of waste materials from a commercial offsite disposal facility.

29 * * *

30 K. The ~~commissioner~~ **secretary** shall not authorize or issue any permit which

1 allows the use or withdrawal of three million gallons or more of ground water per
2 day from the Chicot aquifer that shall be injected into the subsurface in a parish
3 whose population is more than seventy thousand and less than seventy-five thousand.

4 L.(1) The ~~commissioner~~ secretary shall make, after notice and hearings as
5 provided in this Chapter, any reasonable rules, regulations, and orders that are
6 necessary to require the operator of a well, which utilizes the application of fluids
7 with force or pressure in order to create artificial fractures in the formation for the
8 purpose of improving the capacity to produce hydrocarbons, to report no later than
9 twenty days following the completion of hydraulic fracturing stimulation operations
10 and in a manner determined by the ~~commissioner~~ secretary the following:

11 * * *

12 M. The ~~commissioner~~ secretary shall make, after notice and hearing as
13 provided in this Chapter, any reasonable rules, regulations, and orders that are
14 necessary to control the drilling, operating, and plugging of solution mining injection
15 wells, the permitting of such wells, and the resulting solution mined cavern. Such
16 rules and regulations shall be adopted pursuant to the Administrative Procedure Act
17 and shall provide for, but not be limited to the following:

18 * * *

19 (3) Notification by the operator to the ~~office of conservation~~ department of
20 a solution mining injection well inactivity or conclusion of mining operations.

21 * * *

22 (6) Permit requirements that include the following:

23 * * *

24 (b) Reimbursement to the state or any political subdivision of the state for
25 reasonable and extraordinary costs incurred in responding to or mitigating a disaster
26 or emergency due to a violation of this Subsection or any rule, regulation, or order
27 promulgated or issued pursuant to this Subsection. The costs shall be subject to
28 approval by the director of the Governor's Office of Homeland Security and
29 Emergency Preparedness prior to being submitted to the ~~permittee~~ permittee for
30 reimbursement. The payments shall not be construed as an admission of

1 responsibility or liability for the emergency or disaster. The Department of
2 **Conservation and** Energy and Natural Resources, ~~office of conservation~~, is hereby
3 authorized to adopt rules and regulations in accordance with the Administrative
4 Procedure Act to collect reimbursement under this Section.

5 * * *

6 O.(1) No permit to drill or operate a new solution-mined cavern, or expand
7 or convert an existing solution-mined cavern in Iberia Parish may be issued until
8 after a public hearing is held no earlier than August 15, 2015, on the application for
9 the permit. The ~~commissioner~~ **secretary** shall promulgate rules and regulations to
10 provide for such public hearings and shall fix the date, time, and place therefor. The
11 operator or owner, prior to such a public hearing, shall give public notice on three
12 separate days within a period of thirty days prior to the public hearing, with at least
13 five days between each publication notice, both in the official state journal and in the
14 official journal of the parish in which the well is to be located.

15 (2) At least thirty days prior to such public hearing on a permit to expand or
16 convert an existing solution-mined cavern or to drill and operate a new
17 solution-mined cavern in Iberia Parish, the permit applicant shall submit a report to
18 the ~~commissioner of conservation~~ **secretary**, to Save Lake Peigneur, Inc., and to the
19 governing authority of Iberia Parish. The report shall provide a baseline analysis of
20 groundwater levels and salt content in the nearby groundwater wells that can be
21 accessed for such analysis; a plan to monitor groundwater levels and salt water
22 content for the duration of the activity for the creation of cavern storage should a
23 permit be granted; a geologic analysis by a qualified third party geologist that
24 examines the integrity of the salt dome; and the results of an analysis of testing that
25 attempts to determine the source and composition of intermittent foaming or
26 bubbling appearing in Lake Peigneur.

27 * * *

28 P. The ~~commissioner of conservation~~ **secretary** has the authority to
29 promulgate rules and regulations under the Administrative Procedure Act to regulate
30 the location, construction, operation, and maintenance of a liquefied natural gas

1 facility within the state.

2 Q.~~(1)~~**(a)** The ~~commissioner~~ **secretary** is authorized to develop and implement
3 a program to ~~expedite the~~ **of expedited** processing or review of permits,
4 modifications, licenses, registrations, plans, proposals, exceptions, or variances and
5 related correspondence for applicants who may request such services. ~~In addition to~~
6 ~~any applicable fees charged pursuant to this Subtitle, a~~

7 **(b)** A fee for an expedited review shall be charged to each applicant equal to
8 the cost of every overtime hour, or portion thereof, an employee or contractor works
9 processing the expedited review and an amount not exceeding twenty percent for
10 administrative costs. However, the administrative fee shall not be less than five
11 hundred dollars. The overtime rate shall not exceed the maximum per hour overtime
12 salary, calculated at one and one-half times the hourly wage and including associated
13 related benefits, of a civil service employee of the ~~office of conservation~~
14 **department.**

15 **(2)** The ~~commissioner~~ **secretary** shall adopt rules and regulations in
16 accordance with the Administrative Procedure Act to implement the provisions of
17 this Subsection. The rules shall ~~require the applicant to provide public notice when~~
18 ~~an expedited review is granted.,~~ **at a minimum, specify:**

19 **(a) The procedure for requesting expedited processing.**

20 **(b) The procedure for the department to approve or deny a request for**
21 **expedited processing.**

22 **(c) A timeline for the administrative and technical review portion of the**
23 **expedited processing.**

24 **(d) The method of providing public notice of Subparagraphs (a) through**
25 **(c) of this Paragraph through posting on the department's website.**

26 **(e) All documentation required to implement this Subsection, including**
27 **but not limited to necessary forms, costs statements, and schedules.**

28 **(f) A process for the applicant to claim portions of the records submitted**
29 **to the department pursuant to this Subsection as confidential, proprietary, or**
30 **trade secret or otherwise exempt from public disclosure in accordance with the**

1 Public Records Law. At least three days prior to their release, the department
2 shall notify the applicant of any public records request for records submitted
3 to the department pursuant to this Subsection and claimed by the applicant as
4 confidential, proprietary, trade secret, or otherwise exempt from public
5 disclosure in accordance with the Public Records Law.

6 (3) An applicant for the issuance, review, or approval of any permit,
7 modification, license, registration, plan proposal, exception, or variance under
8 the jurisdiction of the department may request expedited processing.

9 (4) The secretary may decline, or revoke when previously approved, any
10 request for expedited processing with written reasons subject to reconsideration
11 for up to ten calendar days.

12 (5) The expedited processing timeline commences on the date the
13 secretary grants the request for expedited processing. Expedited processing
14 shall be deemed complete when the final decision is transmitted in writing or
15 when the department notifies the applicant that a decision is ready.

16 (6) The First Circuit Court of Appeals shall have jurisdiction over a
17 request for judicial review of a decision by the department pursuant to this
18 Subsection. Judicial review pursuant to this Paragraph shall be subject to the
19 provisions of R.S. 30:12.

20 R. The ~~commissioner~~ secretary shall make, after notice and public hearings
21 as provided in this Chapter, any rules, regulations, and orders that are necessary to
22 require reasonable bond with security for the performance of the duty to plug each
23 dry and abandoned well and the closure and to perform the site cleanup required by
24 Item (C)(1)(a)(iv) of this Section. The rules, regulations, and orders may classify
25 based on location of the well and shall provide for the following exceptions from the
26 reasonable bond and security requirement:

27 * * *

28 T. In addition to the requirements set forth in Subsection R of this Section,
29 an organization seeking to enter into a cooperative endeavor agreement with the
30 ~~assistant~~ secretary to assist with plugging orphaned wells, in order to alleviate the

burden on operators in meeting financial security requirements, shall include in the cooperative endeavor agreement a provision that allows full access to their operations and financial records for the purpose of any audit conducted by the legislative auditor.

§4.1. Underground injection control

* * *

B. ~~The assistant secretary of the office of conservation of the Department of Energy and Natural Resources, hereafter referred to as the "assistant secretary", shall have authority to make, after notice and hearings as provided in this Chapter, any reasonable rules, regulations, and orders that are necessary from time to time in the proper administration and enforcement of this Section, including but not limited to rules, regulations, or orders for the following purposes:~~

(1) To regulate, by rules, the drilling, casing, cementing, disposal interval, monitoring, plugging, and permitting of disposal wells which are used to inject hazardous waste products in the subsurface, and to regulate all surface and storage waste facilities incidental to oil and gas exploration and production, in such a manner as to prevent the escape of such hazardous waste product into a fresh groundwater aquifer or into oil or gas strata; may require the plugging of each abandoned well or each well which is of no further use and the closure of associated pits, the removal of equipment, structures, and trash, and the general site cleanup of such abandoned or unused well sites; and may require reasonable bond with security for the performance of the duty to plug each abandoned well or each well which is of no further use and to perform the site cleanup required by this Section. Only an owner as defined in R.S. 30:3(8) shall be held or deemed responsible for the performance of any actions required by the ~~commissioner~~ **secretary**.

(2) To require by rule that before a permit to operate a new commercial operations' hazardous waste disposal well may be granted, a public hearing shall be held on the application for a permit, and shall fix the date, time, and place therefor. The operator or owner, prior to such public hearing, shall give public notice on three separate days within a period of thirty days prior to the public hearing, with at least

1 five days between each publication of the notice, both in the official state journal and
2 in the official journal of the parish in which the well is to be located, that application
3 for a permit for a new commercial operations' hazardous waste disposal well has
4 been made and that a public hearing on the matter will be held on the date and at the
5 time and place which shall be stated in the public notice. The ~~assistant~~ secretary shall
6 prescribe the form of the advertisement. In addition, the applicant for a permit shall
7 place an advertisement in the same newspapers, but not in the classified
8 advertisement or public notice section of the newspapers, in a form which shall be
9 not less than one-half page in size and printed in bold face type; which shall inform
10 the public that application for a permit has been made for a new commercial
11 operations' hazardous waste disposal well and that a public hearing, at which all
12 interested persons are charged to be present and to present their views and which
13 shall state the date, time, and place at which the meeting will be held. The content
14 of both the public notice and the one-half page announcement or advertisement also
15 shall include the name of the owner or operator, location of the proposed well,
16 materials to be disposed in the well, a statement that comments may be sent to the
17 ~~assistant commissioner of the Office of Conservation~~ **secretary** prior to the public
18 meeting, ~~and the mailing address of the assistant secretary.~~

19 * * *

20 C.(1) No person shall inject, pump, dispose, or in any manner allow the
21 escape of any hazardous waste into any well or underground strata by way of an
22 injection well without obtaining a permit from the ~~assistant~~ secretary or in violation
23 of any permit issued by the ~~assistant~~ secretary; or violate any rule, regulation, or
24 order of the ~~assistant~~ secretary issued under the authority of this Section.

25 (2) The ~~assistant~~ secretary shall not issue any new permit for a previously
26 unpermitted Class I well for the disposal of hazardous waste as defined in the
27 comprehensive state hazardous waste control program, provided for in R.S. 30:2175,
28 which previously produced or was drilled for the purpose of producing oil or gas,
29 whether oil or gas was actually produced therein. Where a new permit has been
30 issued for such a Class I well for disposal of hazardous waste, the ~~assistant~~ secretary

1 shall immediately proceed to revoke such permit, giving notice and upon request, an
2 opportunity for the parties to be heard, and set a schedule for the abandonment and
3 closure of the well, in accordance with rules and regulations of the office of
4 conservation. No later than November 15, 1985, the ~~assistant~~ secretary shall order
5 the cessation of injection and issue an order for closure which shall be completed
6 within one hundred twenty days of the order.

7 D. Whenever the ~~assistant~~ secretary or an authorized representative of the
8 ~~assistant~~ secretary determines that a violation of any requirement of this Section has
9 occurred or is about to occur, the ~~assistant~~ secretary or the authorized representative
10 of the ~~assistant~~ secretary shall either issue an order requiring compliance within a
11 specified time period or shall commence a civil action for appropriate relief,
12 including a temporary or permanent injunction.

13 E. Requirements of compliance orders. Any order issued under this Section
14 shall state with reasonable specificity the nature of the violation and specify a time
15 for compliance and, in the event of noncompliance, assess a civil penalty, if any,
16 which the ~~assistant~~ secretary determines is reasonable, taking into account the
17 seriousness of the violation and any good faith efforts to comply with the applicable
18 requirements.

19 F. Penalties. (1) Except as otherwise provided by law, any person to whom
20 a compliance order or a cease and desist order is issued and who fails to take
21 corrective action within the time specified and said order or any person found by the
22 ~~assistant~~ secretary to be in violation of any requirement of this Section, may be liable
23 for a civil penalty, to be assessed by the ~~assistant~~ secretary or court, of not more than
24 twenty-five thousand dollars for each day of the continued noncompliance or
25 violation. The ~~assistant~~ secretary in order to enforce the provisions of this Section
26 may suspend or revoke any permit, compliance order, license, or variance which has
27 been issued to said person.

28 * * *

29 I. Settlement of suits. Except as otherwise provided herein, the ~~assistant~~
30 secretary, with the concurrence of the attorney general, may settle or resolve as he

1 may deem advantageous to the state any suits, disputes, or claims for any penalty
2 under any provisions of this Section or the regulations or permit license terms and
3 conditions applicable thereto.

4 * * *

5 K. The ~~commissioner~~ secretary shall not authorize or issue any permit which
6 allows the use or withdrawal of three million gallons or more of ground water per
7 day from the Chicot aquifer that shall be injected into the subsurface in a parish
8 whose population is more than seventy thousand and less than seventy-five thousand.

9 §4.2. Effective enforcement of wildlife and fisheries laws

10 The ~~assistant~~ secretary shall make, after notice and public hearing as provided
11 in this Chapter, any reasonable rules, regulations, and orders which are necessary to
12 prohibit the operators of oil and gas wells from performing any acts on lands subject
13 to a drilling permit which may preclude agents of the Department of Wildlife and
14 Fisheries from effectively enforcing any of the provisions of Title 56 of the
15 Louisiana Revised Statutes of 1950. The ~~assistant~~ secretary shall revoke any permit
16 granted to an operator and deny any application for a permit to drill any well by an
17 operator found to be in violation of the rules provided for in this Section.

18 §4.3. Financial security

19 A. As required by R.S. 30:4, an applicant for a permit to drill or to amend a
20 permit to drill for change of operator shall provide financial security as provided in
21 this Section in a form acceptable to the ~~commissioner~~ secretary. For an application
22 for a permit to drill, the security shall be provided within thirty days of the
23 completion date or from the date the operator is notified that financial security is
24 required. For an application to amend a permit to drill for a change of operator, the
25 security shall be provided as required by this Section or by establishing a site-
26 specific trust account in accordance with R.S. 30:88 prior to the operator change.

27 B.(1) Except as provided in Paragraph (2) of this Subsection, the amount of
28 the financial security shall be provided for in rules and regulations promulgated by
29 the ~~commissioner~~ secretary in accordance with the Administrative Procedure Act.
30 The amounts may be on an individual-well or multiple-well basis and may be

1 categorized based on the well's location.

2 (2) For an individual well located on land of a depth equal to or less than
3 three thousand feet, the financial security required shall be two dollars per foot.
4 However, the ~~commissioner~~ secretary may increase the financial security by rules
5 and regulations promulgated after September 1, 2017, in accordance with the
6 Administrative Procedure Act.

7 C. Financial security shall not be required for the following wells:

8 (1) Any well declared to be orphaned by the ~~commissioner~~ secretary and
9 subsequently transferred to another operator.

10 (2) Any well to be drilled by an operator who has an agreement with the
11 ~~office of conservation~~ department to plug a well that has been declared to be
12 orphaned by the ~~commissioner~~ secretary and that orphaned well is similar to the
13 proposed well in terms of depth and location.

14 §5. Permission to convert gas into carbon black; recycling gas; unit operations

15 A. In order to prevent waste of natural gas, the ~~commissioner~~ secretary may
16 grant to bona fide applicants permits for the building and operation of plants and to
17 burn natural gas into carbon black for the period of time fixed by the ~~commissioner~~
18 secretary in the permit, not to exceed twenty-five years and subject to the provisions
19 of the laws of the state and the rules and regulations of the department. It shall be a
20 violation of this Chapter for any person to build or operate a new plant, for these
21 purposes without the permit required by this Section.

22 B. In order to prevent waste and to avoid the drilling of unnecessary wells,
23 the ~~commissioner~~ secretary shall, after notice and upon hearing, and his
24 determination of feasibility, require the re-cycling of gas in any pool or portion of
25 a pool productive of gas from which condensate or distillate may be separated or
26 natural gasoline extracted, and promulgate rules to unitize separate ownership and
27 to regulate production of the gas and reintroduction of the gas into productive
28 formations after separation of condensate or distillate, or extraction of natural
29 gasoline, from the gas.

30 C.(1) Without any way modifying the authority granted to the ~~assistant~~

1 secretary ~~of the office of conservation~~ in R.S. 30:9(B) to establish a drilling unit or
2 units for a pool and in addition to the authority conferred in Subsection B of this
3 Section:

4 (a) The ~~assistant~~ secretary of the office of conservation upon the application
5 of any interested party, also is authorized and empowered to enter an order requiring
6 the unit operation of any pool or a combination of two pools in the same field,
7 productive of oil or gas, or both, in connection with the institution and operation of
8 systems of pressure maintenance by the injection of gas, water, or any other
9 extraneous substance, or in connection with any program of secondary or tertiary
10 recovery; and

11 (b) The ~~assistant~~ secretary of the office of conservation is further authorized
12 and empowered to require the unit operation of a single pool in any situation where
13 the ultimate recovery can be increased and waste and the drilling of unnecessary
14 wells can be prevented by such a unit operation.

15 (2) In connection with such an order of unit operation, the ~~assistant~~ secretary
16 of the office of conservation shall have the right to unitize, pool, and consolidate all
17 separately owned tracts and other property ownerships. Any order for such a unit
18 operation shall be issued only after notice and hearing and shall be based on all of
19 the following findings:

20 * * *

21 (d) At least three-fourths of the owners and three-fourths of the royalty
22 owners, as to a particular interest, as hereinafter defined, such three-fourths to be in
23 interest as determined under Subparagraph (c) of this Paragraph, shall have approved
24 the plan and terms of unit operation, such approval to be evidenced by a written
25 contract or contracts covering the terms and operation of the unitization signed and
26 executed by the three-fourths in interest of the owners and three-fourths in interest
27 of the royalty owners and filed with the ~~assistant~~ secretary of the office of
28 conservation on or before the day set for the hearing. Notwithstanding any other
29 provision of this Subparagraph to the contrary, with respect to an order for unit
30 operation for the production of brine, such approval shall only be required from at

1 least three-fourths of the owners as to the particular interest, such approval to be
2 evidenced by a written contract or contracts covering the terms and operation of the
3 unitization signed and executed by the three-fourths in interest of the owners and
4 filed with the ~~assistant~~ secretary of the office of conservation on or before the day
5 set for the hearing.

6 * * *

7 (4) Upon application and after notice and a public hearing and consideration
8 of all available geological and engineering evidence, the ~~Assistant Secretary of the~~
9 ~~Office of Conservation~~ secretary, to the extent required by such evidence, may
10 revise any reservoirwide unit or units heretofore created by the ~~Assistant Secretary~~
11 ~~of the Office of Conservation~~ secretary.

12 * * *

13 (6) No order of the ~~commissioner~~ secretary entered pursuant hereto shall
14 have the effect of enlarging, displacing, varying, altering, or in anywise whatsoever
15 modifying or changing contracts in existence on the effective date of this Act
16 concerning the unitization of any pool (reservoir) or pools (reservoirs) or field (as
17 defined in the contract) for the production of oil, gas, brine, or any combination
18 thereof.

19 D.(1) In order to prevent waste and increase the ultimate recovery of oil or
20 gas, or both, the ~~assistant~~ secretary of the office of conservation, upon the application
21 of any interested owner, and only after notice and a public hearing, is authorized to
22 approve a cyclic injection project for the operation of a well by the method of
23 enhanced recovery known as cyclic injection, without the formation of a unit under
24 Subsection C of this Section or under any other provisions of this Chapter. No
25 operator shall utilize cyclic injection without first securing the ~~assistant~~ secretary's
26 approval pursuant to this Subsection. For the purposes of this Subsection, "cyclic
27 injection" is hereby defined as a single-well process in which a production well is
28 injected with a substance for the purpose of enhanced recovery. After a shut-in
29 period, the well is returned to production. This procedure may be performed
30 repeatedly on one or more wells in a reservoir.

(2) Prior to approving any cyclic injection project the ~~assistant~~ secretary must find that the project will not drain any area of the reservoir different from that being drained by the project well prior to initiation of the project, and that the project will not otherwise adversely affect other owners having rights in the same reservoir in which the applicant proposed to conduct cyclic injection. If the ~~assistant~~ secretary does not make these findings required in the preceding sentence, he shall not approve the cyclic injection project, and it shall not be conducted, unless:

* * *

§5.1. Deep pool order; ultra deep structure units; application; procedure; allocation of costs; rules and regulations

A. The following shall be applicable to deep pool units:

(1) In order to prevent waste and to avoid the drilling of unnecessary wells, and to encourage the development of deep oil and gas pools in Louisiana, the ~~commissioner~~ secretary of conservation is authorized, as provided in this Subsection, to establish a single unit to be served by one or more wells for a deep pool and to adopt a development plan for such deep unit.

(2) Without in any way modifying the authority granted to the ~~commissioner~~ secretary in R.S. 30:9(B) to establish a drilling unit or units for a pool and in addition to the authority conferred in R.S. 30:5, the ~~commissioner~~ secretary upon the application of any interested party may enter an order requiring the unit operation of any deep pool when such unit operation will promote the development of such deep pools, prevent waste, and avoid the drilling of unnecessary wells.

(3) In connection with such order, the ~~commissioner~~ secretary shall have the right to establish a unit for a deep pool and to unitize, force pool, and consolidate all separately owned tracts and other property ownerships within such unit. Any order creating a unit for a deep pool shall be issued only after notice and public hearing and shall be based on findings that:

* * *

(e) The plan of development for the unit is reasonable. The plan shall be revised only if approved by the ~~commissioner~~ secretary after notice and public

1 hearing.

2 * * *

3 (5) No order shall be issued by the ~~commissioner~~ **secretary** unless interested
4 parties have been provided a reasonable opportunity to review and evaluate all data
5 submitted by the applicant to the ~~commissioner~~ **secretary** to establish the limits of
6 the deep pool, including seismic data.

7 (6) The order creating the unit shall designate a unit operator and shall also
8 make provision for the proportionate allocation to the owners (lessees or owners of
9 unleased interests) of the costs and expenses of the unit operation, which allocation
10 shall be in the same proportion that the separately owned tracts share in unit
11 production. The cost of capital investment in wells and physical equipment and
12 intangible drilling costs, in the absence of voluntary agreement among the owners
13 to the contrary, shall be shared in like proportion. However, no such owner who has
14 not consented to the unitization shall be required to contribute to the costs or
15 expenses of the unit operation or to the cost of capital investment in wells and
16 physical equipment and intangible drilling costs except out of the proceeds of
17 production accruing to the interest of such owner out of production from such unit
18 operation. In the event of a dispute relative to the calculation of unit well costs or
19 depreciated unit well costs, the ~~commissioner~~ **secretary** shall determine the proper
20 costs after notice to all interested owners and public hearing thereon.

21 (7) Upon application and after notice and public hearing and consideration
22 of all available geological and engineering evidence, the ~~commissioner~~ **secretary**,
23 to the extent required by such evidence, may create, revise, or dissolve any unit
24 provided for under this Subsection or modify any provision of any order issued
25 hereunder. Any such order shall provide for the allocation of unit production on a
26 just and equitable basis to each separately owned tract within the unit.

27 (8) The ~~commissioner~~ **secretary** shall prescribe, issue, amend, and rescind
28 such orders, rules, and regulations as he may find necessary or appropriate to carry
29 out the provisions of this Subsection.

30 (9) While this Subsection authorizes the initial creation of a single unit to be

1 served by one or more wells, nothing herein shall be construed as limiting the
2 authority of the ~~commissioner~~ secretary to approve the drilling of alternate unit
3 wells on drilling units established pursuant to R.S. 30:9(B).

4 B. The following shall be applicable to ultra deep structure units:

5 (1) In order to prevent waste and to avoid the drilling of unnecessary wells,
6 and to encourage the development of ultra deep oil and gas structures in Louisiana,
7 the ~~commissioner~~ secretary of conservation is authorized, as provided in this
8 Subsection, to establish a single unit to be served by one or more wells for an ultra
9 deep structure and to adopt a plan of development for such ultra deep structure unit.
10 For purposes of this statute, a "structure" is defined as a unique geologic feature that
11 potentially traps hydrocarbons in one or more pools or zones.

12 (2) Without in any way modifying the authority granted to the ~~commissioner~~
13 secretary by R.S. 30:9(B) to establish a drilling unit or units for a pool and in
14 addition to the authority conferred by R.S. 30:5 and 5.2, the ~~commissioner~~ secretary,
15 upon the application of any interested party, may enter an order requiring the unit
16 operation of any ultra deep structure when such unit operation will promote the
17 development of such ultra deep structure, prevent waste, and avoid the drilling of
18 unnecessary wells.

19 (3) In connection with such order, the ~~commissioner~~ secretary shall have the
20 right to establish a unit no greater than nine thousand acres for an ultra deep structure
21 and to unitize, force pool, and consolidate all separately owned tracts and other
22 property ownerships within such unit. Any order creating a unit for an ultra deep
23 structure shall be issued only after notice and public hearing and shall be based on
24 findings that:

25 * * *

26 (5) Upon application of any landowner or other interested party, or at the
27 ~~commissioner's~~ secretary's discretion, the plan of development may be revised by
28 the ~~commissioner~~ secretary after notice and public hearing for good cause.

29 * * *

30 (7) No order creating a unit for an ultra deep structure shall be issued by the

commissioner secretary unless interested parties have been provided a reasonable opportunity to review and evaluate all data, including seismic data, submitted by the applicant to the commissioner secretary to establish the limits of the deep structure.

* * *

(9) The initial well and each subsequent well proposed or drilled pursuant to the plan of development shall be deemed a unit well. The provisions of R.S. 30:10(A)(2) shall be applicable to ultra deep structure units, including the applicable risk charge. In the event of a dispute relative to the calculation of unit well costs or depreciated unit well costs, the ~~commissioner~~ secretary shall determine the proper costs after notice to all interested owners and public hearing thereon.

(10) Upon application by any landowner or other interested party, or at the ~~commissioner's~~ secretary's discretion, and after notice and public hearing and consideration of available geological, engineering, and other relevant evidence, the ~~commissioner~~ secretary, to the extent required by such evidence, may by order create, revise, confirm, or dissolve any unit provided for under this Subsection or modify any provision of any order issued hereunder. Any such order shall provide for the allocation of unit production on a just and equitable basis to each separately owned tract within the unit. The applicant shall, in all cases, have the burden of proof that the existing unit or order should be revised, confirmed, dissolved, or amended in the manner proposed in the application. If the ~~commissioner~~ secretary determines that the unit operator has not substantially complied with the plan of development, the unit operator shall be required to show cause why the unit should not be reduced in size.

* * *

(12) The ~~commissioner~~ secretary shall prescribe, issue, amend, and rescind such orders, rules, and regulations as he may find necessary or appropriate to carry out the provisions of this Subsection.

(13) While the provisions of this Subsection authorize the initial creation of a single unit to be served by one or more wells, nothing herein shall be construed as limiting the authority of the ~~commissioner~~ **secretary** to approve the drilling of

1 alternate unit wells on drilling units established pursuant to R.S. 30:9(B).

2 §5.2. Coal seam natural gas producing areas order; application; procedure;
3 allocation of costs; rules and regulations

4 A. In order to prevent waste and to avoid the drilling of unnecessary wells
5 and to encourage the development of coal seam natural gas producing areas in
6 Louisiana, the ~~commissioner of conservation~~ **secretary** is authorized, as provided in
7 this Section, to establish a single unit to be served by one or more wells for a coal
8 seam natural gas producing area.

9 B. Without in any way modifying the authority granted to the ~~commissioner~~
10 **secretary** in R.S. 30:9(B) to establish a drilling unit or units for a pool and in
11 addition to the authority conferred in R.S. 30:5, the ~~commissioner~~ **secretary**, upon
12 the application of any interested party, may enter an order requiring the unit
13 operation of any coal seam natural gas producing area when such unit operation will
14 promote the development of such coal seam natural gas producing area, prevent
15 waste, and avoid the drilling of unnecessary wells.

16 C. In connection with such order, the ~~commissioner~~ **secretary** shall have the
17 right to establish a unit for a coal seam natural gas producing area and to unitize,
18 force pool, and consolidate all separately owned tracts and other property ownerships
19 within such unit. Any order creating a unit for a coal seam natural gas producing area
20 shall be issued only after notice and a public hearing and shall be based on findings
21 that:

22 * * *

23 E. No order shall be issued by the ~~commissioner~~ **secretary** unless interested
24 parties have been provided a reasonable opportunity to review and evaluate all data
25 submitted by the applicant to the ~~commissioner~~ **secretary** to establish the limits of
26 the coal seam natural gas producing area.

27 F. The order creating the unit shall designate a unit operator and shall also
28 make provision for the proportionate allocation to the owners (lessees or owners of
29 unleased interests) of the costs and expenses of the unit operation, which allocation
30 shall be in the same proportion that the separately owned tracts share in unit

1 production. The cost of capital investment in wells and physical equipment and
2 intangible drilling costs, in the absence of voluntary agreement among the owners
3 to the contrary, shall be shared in like proportion. However, no such owner who has
4 not consented to the unitization shall be required to contribute to the costs or
5 expenses of the unit operation or to the cost of capital investment in wells and
6 physical equipment and intangible drilling costs except out of the proceeds of
7 production accruing to the interest of such owner out of production from such unit
8 operation. In the event of a dispute relative to the calculation of unit well costs or
9 depreciated unit well costs, the ~~commissioner~~ secretary shall determine the proper
10 costs after notice to all interested owners and a public hearing thereon.

11 G. Upon application and after notice and a public hearing and consideration
12 of all new available geological and engineering evidence, the ~~commissioner~~
13 secretary, to the extent required by such evidence, may create, revise, or dissolve
14 any unit provided for under this Section or modify any provision of any order issued
15 pursuant to this Section. Any such order shall provide for the allocation of unit
16 production on a just and equitable basis to each separately owned tract within the
17 unit.

18 H. The ~~commissioner~~ secretary shall prescribe, issue, amend, and rescind
19 such orders, rules, and regulations as he may find necessary or appropriate to carry
20 out the provisions of the Section.

21 §6. Hearings; notice; rules of procedure; emergency; service of process; public
22 records; request for hearings; orders and compliance orders

23 A. The ~~commissioner~~ secretary shall prescribe the rules of order or
24 procedure in hearings or other proceedings before him under this Chapter.

25 B. No rule, regulation, order, or change, renewal, or extension thereof, shall,
26 in the absence of an emergency, be made by the ~~commissioner~~ secretary under the
27 provisions of this Chapter except after a public hearing upon at least ten days' notice
28 given in the manner and form prescribed by him. This hearing shall be held at a time
29 and place and in the manner prescribed by the ~~commissioner~~ secretary. The
30 ~~commissioner~~ secretary, in his discretion, may designate a member of his staff to

1 conduct public hearings on his behalf. Any person having an interest in the subject
2 matter of the hearing shall be entitled to be heard. Whenever any application shall
3 be made to the ~~commissioner of conservation~~ **secretary** for creation, revision, or
4 modification of any unit or units for production of oil or gas, or for adoption of any
5 plan for spacing of wells or for cycling of gas, pressure maintenance or restoration,
6 or other plan of secondary recovery, the applicant shall be required to file with the
7 application two copies of a map of such unit or units or well spacing pattern or two
8 explanations of such plan of cycling, pressure maintenance or restoration, or other
9 secondary recovery program and at least thirty days' notice shall be given of the
10 hearings to be held thereon, in the manner prescribed by the ~~commissioner of~~
11 ~~conservation~~ **secretary** and a copy of such plat or explanation of program shall
12 remain on file in the ~~office of conservation~~ **department** in Baton Rouge and in the
13 office of the district manager of the conservation district in which the property is
14 located, and be open for public inspection, at least thirty days prior to such hearing.

15 C. If the ~~commissioner~~ **secretary** finds an existing emergency which in his
16 judgment requires the making, changing, renewal, or extension of a rule, regulation,
17 or order without first having a hearing, the emergency rule, regulation, or order shall
18 have the same validity as if a hearing had been held after due notice. The emergency
19 rule, regulation, or order shall remain in force no longer than fifteen days from its
20 effective date. In any event, it shall expire when the rule, regulation, or order made
21 after notice and hearing with respect to the same subject matter becomes effective.

22 D. Should the ~~commissioner~~ **secretary** elect to give notice by personal
23 service, it may be made by any officer authorized to serve process or any agent of
24 the ~~commissioner~~ **secretary** in the same manner as is provided by law for the service
25 of citation in civil actions in the district courts. Proof of the service by an agent shall
26 be by the affidavit of the person making it.

27 E. All rules, regulations, and orders made by the ~~commissioner~~ **secretary**
28 shall be in writing and shall be entered in full by him in a book kept for that purpose.
29 This book shall be a public record and shall be open for inspection at all times during
30 reasonable office hours. A copy of a rule, regulation, or order, certified by the

1 ~~commissioner~~ secretary, shall be received in evidence in all courts of this state with
2 the same effect as the original.

3 F. Any interested person has the right to have the ~~commissioner~~ secretary
4 call a hearing for the purpose of taking action in respect to a matter within the
5 jurisdiction of the ~~commissioner~~ secretary by making a request therefor in writing.
6 Upon receiving the request the ~~commissioner~~ secretary shall promptly call a
7 hearing. After the hearing, and with all convenient speed and in any event within
8 thirty days after the conclusion of the hearing the ~~commissioner~~ secretary shall take
9 whatever action he deems appropriate with regard to the subject matter. In the event
10 of failure or refusal of the ~~commissioner~~ secretary to issue an order within the
11 period of thirty days, he may be compelled to do so by mandamus at the suit of any
12 interested person.

13 G. Notwithstanding the provisions of Subsections B and C to the contrary,
14 the ~~commissioner~~ secretary, upon determining that a violation of this Chapter or the
15 regulations adopted hereunder has occurred, may impose a civil penalty as provided
16 in this Chapter. Additionally, upon determining that a violation of this Chapter or the
17 regulations adopted hereunder has occurred, the ~~commissioner~~ secretary may issue
18 an order requiring compliance. Any such order issued shall state, with reasonable
19 specificity, the nature of the violation, any cessation of activities or affirmative
20 operations required to achieve compliance, and a time limit within which compliance
21 with the order must be achieved. Noncompliance with any such order to comply shall
22 constitute a violation of this Chapter, and the ~~commissioner~~ secretary may impose
23 a civil penalty for such violation. Any person subjected to a civil penalty shall have
24 the right to a public hearing if requested in writing, which written request shall
25 suspend the imposition of the penalty until final action is taken by the ~~commissioner~~
26 secretary after hearing.

27 H. When an application for any permit to construct or drill a Class V or Class
28 VI well related to the geologic sequestration of carbon dioxide becomes complete,
29 the ~~commissioner~~ secretary shall notify the governing authority of any parish
30 included in the permit application. The notice to the governing authority of the parish

1 shall be made no later than the date on which public notice is issued in accordance
2 with applicable law or regulations. Notice may be made by electronic mail to the
3 parish president, police jury president, or mayor-president, depending on the form
4 of parish government.

5 §6.1. Declaration of emergency

6 A. Notwithstanding any other provision of this Title, upon receipt of evidence
7 that there is an incident occurring or threatening to occur imminently at an oilfield
8 site or other facility, structure, or pipeline under the ~~commissioner's~~ **department's**
9 jurisdiction pursuant to R.S. 30:1 et seq., which is of such magnitude as to require
10 immediate action to prevent substantial or irreparable damage to the environment or
11 a serious threat to life or safety based on recognized criteria, standards or industry
12 practices, the ~~commissioner~~ **department** may declare in writing that an emergency
13 exists.

14 B. Upon declaration of an emergency, the ~~commissioner~~ **department** shall
15 notify the operator of record. Notification shall be made by telephone at the
16 emergency number on file in the ~~commissioner~~ **department**, telegraph, facsimile,
17 or personal appearance. If the operator cannot be contacted for notification within
18 twenty-four hours or if the operator of record fails to begin abatement procedures
19 within twenty-four hours after notice by the ~~commissioner~~ **department**, the
20 ~~commissioner~~ **department** shall begin the emergency procedures provided for in this
21 Section. Refusal on the part of the operator to begin abatement procedures after
22 notification by the ~~commissioner~~ **department** shall constitute a failure or refusal to
23 comply with the provisions of this Title and rules, regulations, and orders issued
24 thereunder.

25 C. When an emergency situation is declared, the ~~commissioner~~ **department**
26 is authorized to undertake the containment and abatement of the pollution source and
27 pollutants and may retain personnel or contract for these purposes with persons who
28 shall operate under his direction. All contracts let by the ~~commissioner~~ **department**
29 to respond to a declared emergency shall be exempt from the provisions of Chapter
30 10 of Title 38 of the Louisiana Revised Statutes of 1950 and the Louisiana

1 Procurement Code. However, the ~~commissioner~~ **department** may employ an
2 informal bidding procedure by which bids are solicited from at least three bidders:
3 He **and** may order the operator of record or owner to undertake the containment,
4 abatement, or cleanup of such pollution source and pollutants. Failure to comply with
5 his order shall be a violation of this Title and shall be punishable as provided in this
6 Title. The ~~commissioner~~ **department** shall submit an annual report to the House
7 Committee on Natural Resources and Environment and Senate Committee on
8 Natural Resources listing the number and type of emergencies declared within the
9 previous year.

10 D.(1) The ~~commissioner~~ **department** may issue permits, variances, or other
11 orders as necessary to respond to the emergency, which shall be effective
12 immediately upon issuance, and any request for hearing, appeal, or request for
13 review shall not suspend the implementation of the action ordered. The term of any
14 such emergency action shall be limited to the time necessary to address the
15 emergency conditions.

16 * * *

17 F. In responding to an emergency, the ~~commissioner~~ **department** may utilize
18 any funds allowable under federal law or state law or any funds which have been
19 appropriated for such purposes, including but not limited to the Oilfield Site
20 Restoration Fund pursuant to R.S. 30:80 et seq. Recovery of costs expended shall be
21 in accordance with the statutes, rules, and regulations applicable to the source of
22 funds.

23 * * *

24 §8. Subpoenas, and production of records; service; excuses for disobedience;
25 enforcement of subpoenas

26 A. The ~~commissioner~~ **secretary** may subpoena witnesses and require their
27 attendance and the giving of testimony before him. He may require the production
28 of any books, papers, or records material to the questions lawfully before him.

29 (1) Subpoenas shall be served by any agent of the department ~~of~~
30 ~~conservation~~, by the sheriff, or by any other officer authorized by law to serve

1 process in this state.

2 (2) No person shall be excused from attending and testifying or producing
3 books, papers, or records, or from obeying the subpoena of the ~~commissioner~~
4 secretary or of a court of record on the ground that the testimony or evidence
5 required of him may tend to incriminate him or subject him to penalty or forfeiture.

6 (3) Nothing contained in this Subsection shall be construed as requiring any
7 person to produce books, papers, or records, or to testify in response to any inquiry
8 not pertinent to some question lawfully before the ~~commissioner~~ secretary or court
9 for determination.

10 (4) No natural person shall be subjected to criminal prosecution or to any
11 penalty or forfeiture on account of anything concerning which he may be required
12 to testify or produce evidence before the ~~commissioner~~ secretary or a court.

13 * * *

14 B. In the case of failure or refusal of a person to comply with a subpoena
15 issued by the ~~commissioner~~ secretary, or in the case of the refusal of a witness to
16 testify or answer as to a matter regarding which he may be lawfully interrogated, any
17 district court on the application of the ~~commissioner~~ secretary may, in term time or
18 in vacation, issue an attachment for the person to compel him to comply with the
19 subpoena and to attend before the ~~commissioner~~ secretary with the desired
20 documents and to give his testimony upon whatever matters are lawfully required.

21 The court may punish for contempt those disobeying its orders as in the case
22 of disobedience of a subpoena issued by the court or refusal to testify therein.

23 §9. Production from pool; drilling units; equitable share; rules and regulations

24 A. Whether or not the total production from a pool be limited or prorated, no
25 rule, regulation, or order of the ~~commissioner~~ secretary shall in terms or effect:

26 * * *

27 B. For the prevention of waste and to avoid the drilling of unnecessary wells,
28 the ~~commissioner~~ secretary shall establish a drilling unit or units for each pool,
29 except for those pools which, prior to July 31, 1940, had been developed to an extent
30 and where conditions exist making it impracticable or unreasonable to use a drilling

1 unit at the present stage of development. A drilling unit, as contemplated herein,
2 means the maximum area which may be efficiently and economically drained by the
3 well or wells designated to serve the drilling unit as the unit well, substitute unit
4 well, or alternate unit well. This unit shall constitute a developed area as long as a
5 well is located thereon which is capable of producing oil, gas, or brine in paying
6 quantities.

7 C. Each well permitted to be drilled upon a drilling unit hereafter established
8 shall be drilled at the location designated by the ~~commissioner of conservation~~
9 secretary, after public hearing, in the order creating the unit. The ~~commissioner of~~
10 ~~conservation~~ secretary shall consider all available geological and engineering
11 evidence and shall provide for the unit well to be located at the optimum position in
12 the drilling unit for the most efficient and economic drainage of such unit with such
13 exceptions as may be reasonably necessary where topographical conditions exist that
14 would make such a location of the unit well unduly burdensome or where the
15 designated unit well was drilled or commenced prior to the creation of the drilling
16 unit; provided, however, the ~~commissioner of conservation~~ secretary shall fix the
17 well location for each drilling unit so that the producer thereof shall be allowed to
18 produce no more than his just and equitable share of the oil and gas in the pool, as
19 this share is set forth in this Section.

20 D. Subject to the reasonable necessities for the prevention of waste, and to
21 reasonable adjustment because of structural position, a producer's just and equitable
22 share of the oil, gas, or brine in the pool, also referred to as a tract's just and equitable
23 share, is that part of the authorized production of the pool, whether it be the total
24 which could be produced without any restriction on the amount of production or
25 whether it be an amount less than that which the pool could produce if no restriction
26 on amount were imposed, which is substantially in the proportion that the quantity
27 of recoverable oil, gas, or brine in the developed area of his tract or tracts in the pool
28 bears to the recoverable oil, gas, or brine in the total developed area of the pool,
29 insofar as these amounts can be practically ascertained. To that end, the rules,
30 regulations, and orders of the ~~commissioner~~ secretary shall be such as will prevent

1 or minimize reasonably avoidable net drainage from each developed area, that is,
2 drainage not equalized by counter drainage, and will give to each producer the
3 opportunity to use his just and equitable share of the production. In determining each
4 producer's just and equitable share of the production authorized for the pool, the
5 ~~commissioner~~ **secretary** is authorized to give due consideration to the productivity
6 of the well or wells located thereon, as determined by flow tests, bottom hole
7 pressure tests, or any other practical method of testing wells and producing
8 structures, and to consider other factors and geological and engineering tests and data
9 as may be determined by the ~~commissioner~~ **secretary** to be pertinent or relevant to
10 ascertaining each producer's just and equitable share of the production of the field
11 or pool.

12 * * *

13 §10. Agreements for drilling units; pooling interests; terms and conditions; expenses

14 A. When two or more separately owned tracts of land are embraced within
15 a drilling unit which has been established by the ~~commissioner~~ **secretary** as provided
16 in R.S. 30:9(B), the owners may validly agree by separate contract to pool, drill, and
17 produce their interests and to develop their lands as a drilling unit.

18 (1) Where the owners have not agreed by separate contract to pool, drill, and
19 produce their interests, the ~~commissioner~~ **secretary** shall require them to do so and
20 to develop their lands as a drilling unit, if he finds it to be necessary to prevent waste
21 or to avoid drilling unnecessary wells.

22 * * *

23 (2) In the event a drilling unit is formed by a pooling order by the
24 ~~commissioner~~ **secretary** and absent any agreement or contract between owners as
25 provided in this Section, then the cost of development and operation of the pooled
26 unit chargeable to the owners therein shall be determined and recovered as provided
27 herein.

28 (a)(i) Any owner drilling, intending to drill, or who has drilled a unit well, a
29 substitute unit well, an alternate unit well, or a cross-unit well on any drilling unit
30 heretofore or hereafter created by the ~~commissioner~~ **secretary**, may, by registered

mail, return receipt requested, or other form of guaranteed delivery and notification method, not including electronic communication or mail, notify all other owners in the unit of the drilling or the intent to drill and give each owner an opportunity to elect to participate in the risk and expense of such well. Such notice shall be called a "risk charge notice" and shall contain:

* * *

(b)(i) * * *

(ii)(aa) * * *

(ii) No change or division of the ownership of a nonparticipating owner who is receiving a portion of the proceeds from the sale or other disposition of production from the drilling owner shall be binding upon the drilling owner for the purpose of paying to the nonparticipating owner for the benefit of its lessor royalty owner or overriding royalty owner, under Subitems (aa) and (bb) of this Item, until such new nonparticipating owner acquiring any interest has furnished the drilling owner, at the drilling owner's address as reflected in the records maintained by the ~~office of conservation~~ **department**, with a certified copy of the instrument or instruments, constituting the chain of title from the original nonparticipating owner.

* * *

(vi) The notice to be provided by the drilling owner to the other owners in the unit pursuant to Item (iv) of this Subparagraph shall contain:

* * *

(bb) A copy of the order of the ~~commissioner~~ **secretary** creating the drilling unit to which the subsequent unit operation relates.

* * *

(c) Should a drilling unit be created by order of the ~~commissioner~~ **secretary** around a well already drilled or drilling and including one or more tracts as to which the owner or owners thereof had not participated in the risk and expense of drilling such well, then the provisions of this Subsection for notice, election, and participation shall be applicable as if a well were being proposed by the owner who drilled or was drilling such well; however, the cost of drilling, testing, completing,

1 equipping, and operating the well allocable to each tract included in the unit shall be
2 reduced in the same proportion as the recoverable reserves in the unitized pool have
3 been recovered by prior production, if any, in which said tract or tracts did not
4 participate prior to determining the share of cost allocable to such tract or tracts.

5 (d)(i) Should a drilling unit be revised by order of the ~~commissioner~~
6 secretary so as to include an additional tract or tracts, then the provisions of this
7 Subsection for notice, election, and participation shall be applicable to such added
8 tract or tracts and the owner thereof as if a well were being proposed by the owner
9 who had drilled the well; however, the cost of drilling, testing, completing,
10 equipping, and operating the unit well shall be reduced in the same proportion as the
11 recoverable reserves in the unitized pool have been recovered by prior production,
12 if any, in which said tract or tracts did not participate prior to determining the share
13 of cost allocable to the subsequently included tract or tracts.

14 (ii) Should a drilling unit be revised by order of the ~~commissioner~~ secretary
15 as to exclude a tract or tracts, the cost of drilling, testing, completing, equipping, and
16 operating the unit well shall be reduced in the same proportion as the recoverable
17 reserves in the unitized pool have been recovered by prior production to determine
18 the share of cost allocable to the subsequently excluded tract or tracts.

19 * * *

20 (f) In the event of a dispute relative to the calculation of unit well costs or
21 depreciated unit well costs, the ~~commissioner~~ secretary shall determine the proper
22 costs after notice to all interested owners and a public hearing thereon.

23 * * *

24 (3) If there is included in any unit created by the ~~commissioner~~ of
25 ~~conservation~~ secretary one or more unleased interests for which the party or parties
26 entitled to market production therefrom have not made arrangements to separately
27 sell or otherwise dispose of the share of such production attributable to such tract,
28 and the unit operator sells or otherwise disposes of such unit production, then the
29 unit operator shall pay to such party or parties such tract's pro rata share of the
30 proceeds of the sale or other disposition of production within one hundred eighty

1 days of such sale or other disposition.

2 B. Should the owners of separate tracts embraced within a drilling unit fail
3 to agree upon the pooling of the tracts and the drilling of a well on the unit, and
4 should it be established by final and unappealable judgment of court that the
5 ~~commissioner~~ **secretary** is without authority to require pooling as provided for in
6 Subsection A of this Section, then, subject to all other applicable provisions of this
7 Chapter, the owner of each tract embraced within the drilling unit may drill thereon.
8 The allowable production therefrom shall be such proportion of the allowable for the
9 full unit as the area of the separately owned tract bears to the full drilling unit.

10 C. For purposes of this Section, the following definitions shall apply:

11 * * *

12 (7) "Unitized interval" means the subsurface interval defined in the ~~office of~~
13 ~~conservation~~ **department** order creating the unit or units that the existing wellbore
14 is serving as a unit well, alternate unit well, substitute unit well, or cross-unit well.

15 §10.1. Authority of governor with advice of the ~~commissioner of conservation~~
16 **secretary** to enter unitization agreements affecting the production
17 from state and federal waterbottoms

18 * * *

19 B. Unit Agreement. (1) In accordance with the terms of such Offshore
20 Production Agreement or any act of the United States Congress providing with
21 respect thereto, the governor or his designee is authorized to enter into agreements
22 for the unit operations of all or any portion or portions of any common potentially
23 hydrocarbon bearing area underlying the federal and state boundary offshore if
24 reasonably necessary to prevent waste, protect correlative rights, or avoid the drilling
25 of unnecessary wells.

26 * * *

27 (3) Upon a determination by the governor that a common potentially
28 hydrocarbon bearing area may underlie the federal and state boundary offshore, all
29 or any portion or portions of which the governor has reason to believe may be
30 appropriate for unit operations, the governor shall direct the ~~commissioner of~~

1 ~~conservation~~ **secretary** to call a hearing for the purpose of receiving evidence from
2 affected state or federal lessees or from any other interested persons. The
3 ~~commissioner~~ **secretary** shall, after a review of all testimony and evidence, transmit
4 to the governor an advisory opinion containing such information and
5 recommendations as may be requested by the governor. The advisory opinion shall
6 be deemed confidential and shall be exempt from the provisions of R.S. 44:1 et seq.,
7 in accordance with the provisions of R.S. 44:4(8) and 4.1(B).

8 (4) After a final unit agreement by the state of Louisiana and the United
9 States or by final decision of an arbitrator or court of competent jurisdiction, or
10 otherwise, the ~~commissioner~~ **secretary** shall, if directed by the governor, issue an
11 order ratifying the terms of the agreement or final decision. In the event that a
12 reservoir-wide unit is created, the ~~commissioner~~ **secretary** is exempt from the
13 requirements of R.S. 30:5(B) and (C) in issuing such order. Neither the agreement
14 nor any order issued pursuant to it shall be subject to the provisions of R.S. 30:12.

15 (5) The ~~commissioner~~ **secretary** shall have full authority to enforce the unit
16 agreement and order in the same manner as any other order issued under the
17 provisions of this Chapter, and to issue such additional rules, regulations, or orders
18 as may be necessary to accomplish the purposes of this Section.

19 §11.1. Filing and recording of orders creating drilling or production units

20 Within thirty days after the issuance thereof, the ~~commissioner~~ of
21 ~~conservation~~ **secretary** of the state of Louisiana shall cause to be filed and recorded
22 in the conveyance records of the parish or parishes in which the immovable property
23 affected thereby is situated certified copies of all orders and amendments thereof
24 creating drilling or production units.

25 §12. Court review and injunction; venue; procedure; burden of proof

26 A.(1) A person who is aggrieved by any law of this state with respect to
27 conservation of oil or gas, or both, or by a provision of this Chapter, or by a rule,
28 regulation, or order made by the ~~assistant secretary of the office of conservation~~
29 hereunder, or by an act done or threatened hereunder, and who has exhausted his
30 administrative remedy, may obtain court review by a suit for injunction or judicial

1 review against the ~~assistant~~ secretary as defendant.

2 (2) Suit for review shall be instituted in the district court of the parish in
3 which the principal office of the ~~assistant~~ secretary is located and must be brought
4 within sixty days of the administrative action that is the subject of the suit. In cases
5 of judicial review of adjudication proceedings, the sixty days shall begin to run after
6 mailing of notice of the final decision or order, or if a rehearing is requested within
7 sixty days after the decision thereon.

8 B.(1) Judicial review of adjudication proceedings before the ~~assistant~~
9 secretary may be obtained whether or not the plaintiff has applied for a rehearing. A
10 preliminary, procedural, or intermediate action or ruling by the ~~assistant~~ secretary is
11 immediately reviewable if review of the final decision of the ~~assistant~~ secretary
12 would not provide an adequate remedy and would inflict irreparable injury.

13 (2) Within thirty days after service of the petition or within further time
14 allowed by the court, the ~~assistant~~ secretary shall transmit to the reviewing court the
15 original or a certified copy of the entire record of the proceeding under review. By
16 stipulation of all parties to the review proceedings, the record may be shortened. A
17 party unreasonably refusing to stipulate to limit the record may be taxed by the court
18 for the additional costs. The court may require or permit subsequent corrections or
19 additions to the record.

20 (3) If, before the date set for hearing, application is made to the court for
21 leave to present additional evidence, and it is shown to the satisfaction of the court
22 that the additional evidence is material and that there were good reasons for failure
23 to present it in the proceeding before the ~~assistant~~ secretary, the court may order that
24 the additional evidence be taken before the ~~assistant~~ secretary upon conditions
25 determined by the court. The ~~assistant~~ secretary may modify his findings and
26 decision by reason of the additional evidence and shall file that evidence and any
27 modifications, new findings, or decisions with the reviewing court.

28 (4) The review shall be conducted by the court without a jury and shall be
29 confined to the record. In cases of alleged irregularities in procedure before the
30 ~~assistant~~ secretary not shown in the record, proof thereon may be taken in the court.

1 The court, upon request, shall hear oral argument and receive written briefs.

2 (5) The court may affirm the decision of the ~~assistant~~ secretary or remand the
3 case for further proceedings. The court may reverse or modify the decision if
4 substantial rights of the appellant have been prejudiced because the administrative
5 findings, inferences, conclusions, or decisions are:

6 * * *

7 (f) Manifestly erroneous in view of the reliable, probative, and, substantial
8 evidence on the whole record. In the application of the rule, where the ~~assistant~~
9 secretary has the opportunity to judge the credibility of witnesses by first-hand
10 observation of demeanor on the witness stand and the reviewing court does not, due
11 regard shall be given to the ~~assistant~~ secretary's determination on credibility issues.

12 C.(1) Any suit for an injunction brought under this Section shall be tried
13 summarily, and the attorney representing the ~~assistant~~ secretary may have the case
14 set for trial after ten days' notice to the plaintiff or his attorney of record.

15 (2) The burden of proof shall be upon the plaintiff, and all pertinent evidence
16 with respect to the validity or reasonableness of the order of the ~~assistant~~ secretary
17 complained of shall be admissible. The law, the provision of this Chapter, or the rule,
18 regulation, or order complained of shall be taken as prima facie valid. This
19 presumption shall not be overcome in connection with any application for injunctive
20 relief, including a temporary restraining order, by verified petition or affidavit of or
21 in behalf of the applicant.

22 * * *

23 §13. Temporary restraining order or injunction; notice and hearing; bond

24 A. No temporary restraining order or injunction shall be granted against the
25 ~~commissioner of conservation~~ secretary, the attorney general, or any agent,
26 employee, or representative of the ~~commissioner~~ secretary restraining the
27 ~~commissioner~~ secretary, or any of his agents, employees, or representatives, or the
28 attorney general, from enforcing a statute of this state relating to conservation of oil
29 and gas, or any of the provisions of this Chapter, or any rule, regulation, or order
30 made hereunder, except after due notice to the ~~commissioner~~ secretary, and to all

1 other defendants, and after a hearing. It shall be clearly shown to the court that the
2 act done or threatened is without sanction of law, or that the provisions of this
3 Chapter, or the rule, regulation, or order complained of, is invalid, and that, if
4 enforced against the complaining party, will cause an irreparable injury. The nature
5 and extent of the probable invalidity of the law, or provision of this Chapter, or of
6 any rule, regulation, or order thereunder involved in the suit, shall be recited in the
7 order or decree granting the temporary relief, as well as a clear statement of the
8 probable damage relied upon by the court as justifying temporary injunctive relief.

9 B. No temporary injunction against the ~~commissioner~~ secretary, or the
10 department of ~~conservation~~, or its agents, employees, or representatives, or the
11 attorney general, shall become effective until the plaintiff shall execute a bond in an
12 amount and upon such conditions as the court directs.

13 §14. Suit by ~~commissioner~~ secretary for violation of law; venue; relief obtainable

14 A. Whenever it appears that a person is violating or is threatening to violate
15 a law of this state with respect to the conservation of oil or gas, or both, or a
16 provision of this Chapter, or a rule, regulation, or order made thereunder, the
17 ~~commissioner~~ secretary shall bring suit to restrain that person from continuing the
18 violation or from carrying out the threat.

19 B. Venue shall be in the district court in the parish of the residence of any one
20 of the defendants or in the parish where the violation is alleged to have occurred or
21 is threatened.

22 C. In this suit, the ~~commissioner~~ secretary may obtain injunctions,
23 prohibitory and mandatory, including temporary restraining orders and preliminary
24 injunctions, as the facts warrant, including, when appropriate, injunctions restraining
25 a person from moving or disposing of illegal oil, illegal gas, or an illegal product.
26 Any or all of these illegal commodities may, in the court's discretion, be ordered
27 impounded or placed under the control of an agent appointed by the court.

28 §15. Appeal

29 In proceedings brought under authority of, or for the purpose of contesting
30 the validity of, a provision of this Chapter, or of an oil or gas conservation law of this

1 state, or of a rule, regulation, or order issued thereunder, appeals may be taken in
2 accordance with the general laws relating to appeals. In appeals from judgments or
3 decrees in suits to contest the validity of a provision of this Chapter, or a rule or
4 regulation of the ~~commissioner~~ secretary hereunder, the appeals when docketed in
5 the proper appellate court shall be placed on the preference docket of the court and
6 may be advanced as the court directs.

7 * * *

8 §18. Penalties for violation of ~~Chapter~~; venue

9 A.(1) Whoever violates a provision of this ~~Chapter~~ Title, or a rule, regulation,
10 or order of the ~~commissioner~~ department made hereunder, shall be subject to a civil
11 penalty of not more than five thousand dollars a day for each day of violation and for
12 each act of violation.

13 (2) Whoever knowingly and willfully violates a provision of this ~~Chapter~~
14 Subtitle, or a rule, regulation, or order of the ~~commissioner~~ department made
15 hereunder pursuant to this Subtitle, shall be deemed guilty of a misdemeanor and,
16 upon conviction by a court of competent jurisdiction, shall be fined not more than
17 five thousand dollars for each day of violation and for each act of violation, if a
18 penalty for the violation is not otherwise provided in this ~~Chapter~~ Subtitle.

19 (3) Notwithstanding any provisions of this Section to the contrary, whoever
20 violates the provisions of R.S. 30:4(C)(16) or the rules, regulations or orders of the
21 ~~commissioner~~ department made thereunder, and who is disposing or has disposed
22 of hazardous wastes identified and designated as such by the department under the
23 provisions of R.S. 30:2173 may be liable for a civil penalty of not more than twenty-
24 five thousand dollars for each day of violation and for each act of violation.

25 (4) Whoever willfully and knowingly violates the provisions of R.S.
26 30:4(C)(16) or the rules, regulations and orders of the ~~commissioner~~ department
27 made thereunder in the disposal of hazardous wastes identified and designated as
28 such by the department under the provisions of R.S. 30:2173 shall be fined not more
29 than twenty-five thousand dollars per day of violation and costs of prosecution or
30 imprisoned for not more than one year, or both, and in such instances the prosecution

1 may be instituted by the district attorney having criminal jurisdiction.

2 (5) Any purchaser of oil and gas from any owner who violates a provision of
3 this ~~Chapter~~ Subtitle, or a rule, regulation, or order of the ~~commissioner~~
4 department, may be ordered by the ~~commissioner~~ department to hold in escrow
5 any monies allocated to such owners. Monies allocated to royalty owners and
6 overriding royalty owners shall not be affected by this Paragraph.

7 (6)(a)(i) Notwithstanding any provision of this Section to the contrary, any
8 person found to be in violation of any provision of this ~~Chapter~~ Subtitle related to
9 the drilling or use of underground caverns for hydrocarbon storage or solution
10 mining, or any requirement, rule, regulation, or order related thereto, may be liable
11 for a civil penalty, to be assessed by the ~~commissioner~~ department or the court, of
12 not more than the cost to the state of any response action made necessary by such
13 violation that is not voluntarily paid by the violator, and a penalty of not more than
14 thirty-two thousand five hundred dollars for each day of violation. However, such
15 person may be liable for an additional penalty of not more than one million dollars
16 when any such violation is done intentionally, willfully, or knowingly and either
17 results in a discharge or disposal that causes irreparable or severe damage to the
18 environment or involves the discharge of a substance which endangers human life
19 or health.

20 (ii) If the penalty assessed by the ~~commissioner~~ department is upheld in full
21 or in part, the ~~commissioner~~ department shall be entitled to legal interest as
22 provided in R.S. 9:3500 from the date of imposition of the penalty until paid.

23 * * *

24 (b) Any person to whom a compliance order or a cease and desist order is
25 issued pursuant to this ~~Chapter~~ Subtitle who fails to take corrective action within the
26 time specified in said order shall be liable for a civil penalty to be assessed by the
27 ~~commissioner~~ department or the court of not more than fifty thousand dollars for
28 each day of continued violation or noncompliance.

29 (c)(i) In determining whether or not a civil penalty is to be assessed and in
30 determining the amount of the penalty or the amount agreed upon in compromise,

1 the following factors shall be considered:

2 * * *

3 (ff) Whether the noncompliance or violation and the surrounding
4 circumstances were immediately reported to the ~~commissioner~~ **department** and
5 whether the violation or noncompliance was concealed or if there was an attempt to
6 conceal by the person charged.

7 * * *

8 (ii) The ~~commissioner~~ **department** may supplement such criteria by rule. In
9 the event that the order with which the person failed to comply was an emergency
10 cease and desist order, no penalty shall be assessed if it appears upon later hearing
11 that said order was issued without reasonable cause.

12 (iii) The ~~commissioner~~ **department** by rule may establish classifications or
13 levels of violations and the appropriate enforcement response.

14 (d) After submission for a penalty determination at a hearing, the
15 ~~commissioner~~ **department** shall provide an opportunity for relevant and material
16 public comment relative to any penalty that may be imposed.

17 (e) If the penalty assessed by the ~~commissioner~~ **department** is upheld in full
18 or in part, the ~~commissioner~~ **department** shall be entitled to legal interest as
19 provided in R.S. 9:3500 from the date of imposition of the penalty until paid. If any
20 penalty assessed by the ~~commissioner~~ **department** under the provisions of this
21 Paragraph is vacated or reduced as the result of an appeal of the assessment, the court
22 shall award to the respondent legal interest as provided in R.S. 9:3500 on the amount
23 required to be refunded by the ~~commissioner~~ **department**.

24 B. Whoever knowingly and willfully aids or abets a person in the violation
25 of a law of this state relating to the conservation of oil or gas, or the violation of a
26 provision of this ~~Chapter~~ **Subtitle**, or any rule, regulation, or order made thereunder,
27 shall be subject to the same penalties provided ~~herein~~ **in this Section** for the
28 principal violator.

29 §20. Illegal gas, etc., contraband; seizure and sale; procedure; disposition of
30 proceeds

1 A. In addition to other remedies and penalties, all illegal oil, illegal gas, or
2 illegal products, shall, except under the circumstances stated herein, be contraband
3 and shall be seized and sold, and the proceeds applied as herein provided. The sale
4 shall not take place unless the court shall find, in the proceeding provided for in this
5 Subsection, that the commodity is contraband. Whenever the ~~commissioner~~
6 secretary believes that illegal oil, illegal gas, or illegal product is subject to seizure
7 and sale, he shall, through the attorney general, bring a civil action in rem in the
8 district court of the parish where the commodity is found. Or the action may be
9 maintained in connection with any suit or reconventional demand for injunction or
10 for penalty relating to any prohibited transaction involving the illegal oil, illegal gas,
11 or illegal product. Any person in interest who shows himself to be adversely affected
12 by the seizure and sale shall have the right to intervene in the suit to protect his
13 rights.

14 * * *

15 D. The court may direct the sheriff to deliver the custody of any contraband
16 seized by him to a sequestrator who shall act as the agent of the court and shall give
17 bond with surety as the court directs conditioned that he will faithfully conserve the
18 contraband which comes into his custody and possession in accordance with the
19 orders of the court. The court may appoint an agent of the ~~commissioner~~ secretary
20 as sequestrator.

21 * * *

22 §21. Fees and charges of the ~~commissioner of conservation~~ secretary; revisions;
23 exceptions; collections; Oil and Gas Regulatory Dedicated Fund
24 Account; creation; amounts; requirements

25 A. The ~~commissioner of conservation of the office of conservation~~ secretary
26 shall periodically review the fees collected by ~~his office~~ the department, and, in
27 addition to other statutory authorization, may revise such fees pursuant to the
28 rulemaking provisions of the Administrative Procedure Act.

29 B.(1)(a) There shall be an annual fee payable to the ~~office of conservation~~
30 department, in a form and schedule prescribed by the ~~office of conservation~~

1 **department**, by oil and gas operators on capable oil wells and capable gas wells
2 based on a tiered system to establish parity on a dollar amount between the wells.
3 The tiered system shall be established annually by rule on capable oil and capable
4 gas production, including nonexempt wells reporting zero production during the
5 annual base period, such that the amount generated does not exceed three million six
6 hundred seventy-five thousand dollars for each fiscal year beginning with Fiscal
7 Year 2015-2016. Incapable oil, stripper oil, incapable gas well gas, and incapable oil
8 well gas shall be exempt from the fee. For the purposes of this Subsection, "capable
9 oil" means crude oil and condensate not classified as incapable oil or stripper oil by
10 the Department of Revenue. "Capable gas" means natural and casing head gas not
11 classified as incapable gas well gas or incapable oil well gas by the Department of
12 Revenue.

13 (b) There shall be an annual fee payable to the ~~office of conservation~~
14 **department**, in a form and schedule prescribed by the ~~office of conservation~~
15 **department**, on Class I wells in an amount not to exceed one million dollars for
16 Fiscal Year 2015-2016 and thereafter.

17 (c) There shall be an annual regulatory fee payable to the ~~office of~~
18 ~~conservation~~ **department**, in a form and schedule prescribed by the ~~office of~~
19 ~~conservation~~ **department**, on Class II wells, Class III wells, storage wells, Type A
20 facilities, and Type B facilities in an amount not to exceed two million one hundred
21 eighty-seven thousand five hundred dollars for Fiscal Year 2015-2016 and thereafter.
22 No fee shall be imposed on a Class II well of an operator who is also an operator of
23 a stripper crude oil well or incapable gas well certified pursuant to R.S. 47:633 by
24 the severance tax division of the Department of Revenue and located in the same
25 field as such Class II well.

26 (d) There shall be an application fee payable to the ~~office of conservation~~
27 **department**, in a form and schedule prescribed by the ~~office of conservation~~
28 **department**, by industries under the jurisdiction of the ~~office of conservation~~
29 **department**. In addition to any other fee that is on the schedule on July 1, 2015, the
30 ~~commissioner~~ **secretary** may collect the following fees:

* * *

(e) For the purposes of this Paragraph, exploration and production waste shall not include produced brine, produced water, or salvageable hydrocarbons bound for permitted salvage oil operators. There shall be a monthly fee payable to the ~~office of conservation~~ **department** of two cents per barrel of exploration and production waste delivered, as reported on a form prescribed by the department to collect commercial facilities monthly report of waste receipts, from the original generator of the waste to the following facilities:

(i) ~~office of conservation~~ **Department**-permitted off-site commercial facilities.

(ii) Transfer stations permitted by the ~~office of conservation~~ **department** for waste transfer to out-of-state treatment or disposal facilities.

(iii) Any other legally permitted Louisiana off-site waste storage, treatment, or disposal facilities also approved by the ~~office of conservation~~ **department** for the receipt of exploration and production waste.

(2)(a) There is hereby established a special statutorily dedicated fund account in the state treasury to be known as the Oil and Gas Regulatory Dedicated Fund Account, hereafter referred to as the "account". After deposit in the Bond Security and Redemption Fund and after a sufficient amount is allocated from that fund to pay all the obligations secured by the full faith and credit of the state that become due and payable within each fiscal year, the treasurer shall pay into the account an amount equal to the monies generated from collection of the fees provided for in this Title, R.S. 40:1749.11 et seq., or Title 47 of the Louisiana Revised Statutes of 1950, the rules and regulations promulgated thereunder, any fines and civil penalties or any other provision of law relative to fees, fines, or civil penalties attributable to the ~~office of conservation~~ **department**, and fifty percent of any annual assessment paid by an operator who chooses not to plug a well classified as inactive with the remainder being deposited into the Oilfield Site Restoration Fund.

(b) Monies deposited into the account shall be categorized as fees and self-generated revenue for the sole purpose of reporting related to the executive

1 budget, supporting documents, and general appropriation bills. The monies credited
2 to the account shall be appropriated by the legislature and dedicated solely to the use
3 of the ~~office of conservation~~ **department** for the regulation of the oil and gas
4 industry and other industries under the jurisdiction of the ~~office of conservation~~
5 **department** and shall be used solely for the purposes of that program. Any monies
6 remaining in the account at the end of any fiscal year shall remain with the account
7 and shall not revert to the state general fund. All interest or earnings of the account
8 shall be credited to the account. All fees and self-generated revenue remaining on
9 deposit for the ~~office of conservation~~ **department** at the end of any fiscal year shall
10 be deposited into the account. The amount appropriated from the account to the
11 ~~office of conservation~~ **department** shall be subject to appropriation by the
12 legislature.

13 * * *

14 **§21.1. Natural Resources Financial Security Fund**

15 **A.(1) There is hereby created, in the state treasury, a special fund to be**
16 **known as the Natural Resources Financial Security Fund, hereinafter referred**
17 **to as the "fund". The fund shall be used exclusively to support the Department**
18 **of Conservation and Energy in administering, managing, and responding to**
19 **financial security obligations related to oil and gas, injection and mining,**
20 **surface mining, solar, wind, or any other natural resource or energy-related**
21 **regulatory program for which financial security or financial assurance are**
22 **required by law or regulation.**

23 **(2) Out of the funds remaining in the Bond Security and Redemption**
24 **Fund, after a sufficient amount is allocated from that fund to pay all the**
25 **obligations secured by the full faith and credit of the state that become due and**
26 **payable within each fiscal year, the treasurer shall pay into Natural Resources**
27 **Financial Security Fund an amount equal to the revenues generated from**
28 **collection of the payments provided for in Subsection C of the Section.**

29 **(3) The funds received shall be placed in the Natural Resources Financial**
30 **Security Fund in the custody of the state treasurer to be used only in accordance**

1 with this Part and shall not be placed in the general fund. The funds provided
2 to the trust authority pursuant to this Section shall at all times be and remain
3 the property of the trust authority. The monies in this fund shall be used solely
4 as provided in this Section and only in the amount appropriated by the
5 legislature. All unexpended and unencumbered monies remaining in this fund
6 at the end of the fiscal year shall remain in the fund. Except for the pledge of the
7 revenues provided in R.S. 30:83.1, it is the intent of the legislature that this fund
8 and its increments shall remain intact and inviolate. Monies in the fund shall be
9 invested by the state treasurer in the same manner as monies in the state
10 general fund. At the request of the Natural Resources Trust Authority, the state
11 treasurer may invest monies in the fund, or any portion thereof, in accordance
12 with the provisions of R.S. 33:2955, including the use of the Louisiana Asset
13 Management Pool, and any interest earned on such investments shall be
14 credited to the fund.

15 B. The fund shall be administered by the Natural Resources Trust
16 Authority in consultation with the Mineral and Energy Board.

17 C. The fund shall consist of:

18 (1) Annual payments, premiums, or fees collected from operators
19 participating in financial security programs administered by the Natural
20 Resources Trust Authority.

21 (2) Appropriations, donations, grants, or other public or private sources
22 received for the purposes of the fund.

23 (3) Investment earnings on monies in the fund.

24 (4) Any other funds lawfully designated for deposit into the fund.

25 D. Monies in the fund shall be used solely for the following purposes:

26 (1) To restore regulated sites for which financial security payments have
27 been collected under programs administered by the department.

28 (2) To provide a financial backstop for unfunded or underfunded
29 regulatory obligations related to covered operators.

30 (3) To cover custodial services, investment, and disbursement costs

1 directly attributable to the investment of the fund and administrative and
2 program costs associated with managing financial security instruments,
3 including but not limited to risk assessment, compliance monitoring,
4 rulemaking, legal services, actuarial evaluations, and reporting.

5 (4) Upon certification by the Natural Resources Trust Authority that
6 plugging or remediation has occurred for a site covered for which the
7 department has collected financial security, the state treasurer is authorized
8 and directed to transfer from the Natural Resources Financial Security Fund
9 to the Oilfield Site Restoration Fund the amount necessary to reimburse related
10 expenditures.

11 (5) Upon request by the Natural Resources Trust Authority and with the
12 approval of the Mineral and Energy Board, the state treasurer is hereby
13 authorized and directed to transfer from the Natural Resources Financial
14 Security Fund to the Mineral and Energy Operations Fund such amounts as are
15 approved by the board and deemed necessary to implement any purpose for
16 which monies in the Mineral and Operations Fund may be used, subject to the
17 availability of funds and in accordance with applicable law.

18 E. By July 1, 2026, excluding the proceeds from the oilfield site
19 restoration fees collected pursuant to R.S. 30:87 and any interest thereon, all
20 cash deposits held or managed under the Oilfield Site Restoration Fund
21 pursuant to R.S. 30:86 or any related provision, shall be transferred to and
22 administered under the Natural Resources Financial Security Fund. The
23 Natural Resources Trust Authority, in consultation with the state treasurer,
24 shall implement the transfer, including the transfer of associated records, in a
25 manner that preserves financial integrity and ensures continuity of obligations.

26 * * *

27 §22. Underground storage of natural gas, liquid hydrocarbons, and carbon dioxide

28 * * *

29 B. Prior to the use of any underground reservoir for the storage of natural gas
30 and prior to the exercise of eminent domain by any person, firm, or corporation

1 having such right under laws of the state of Louisiana, and as a condition precedent
2 to such use or to the exercise of such rights of eminent domain, the ~~commissioner~~
3 secretary, after public hearing pursuant to the provisions of R.S. 30:6, shall have
4 found all of the following:

5 * * *

6 C. Prior to the use of any underground reservoir for the storage of liquid
7 hydrocarbons or carbon dioxide, the ~~commissioner~~ secretary, after public hearing
8 pursuant to the provisions of R.S. 30:6, shall have found all of the following:

9 * * *

10 D. The ~~commissioner~~ secretary shall determine with respect to any such
11 underground reservoir proposed to be used as a storage reservoir, whether or not
12 such reservoir is fully depleted of the original commercially recoverable natural gas,
13 condensate, or liquid hydrocarbon content therein. If the ~~commissioner~~ secretary
14 finds that such reservoir has not been fully depleted, the ~~commissioner~~ secretary
15 shall determine the amount of the remaining commercially recoverable natural gas,
16 condensate, or liquid hydrocarbon content of such reservoir.

17 E. The ~~commissioner~~ secretary may issue any necessary order providing that
18 all natural gas, liquid hydrocarbons, or carbon dioxide which has previously been
19 reduced to possession and which is subsequently injected into an underground
20 storage reservoir shall at all times be deemed the property of the injector, his
21 successors and assigns; and in no event shall such gas, liquid hydrocarbons, or
22 carbon dioxide be subject to the right of the owner of the surface of the lands or of
23 any mineral interest therein under which such underground storage reservoir shall
24 lie or be adjacent to or of any person other than the injector, his successors, and
25 assigns to produce, take, reduce to possession, waste, or otherwise interfere with or
26 exercise any control thereover, provided that the injector, his successors, and assigns
27 shall have no right to gas or liquid hydrocarbons in any stratum or portion thereof not
28 determined by the ~~commissioner~~ secretary to constitute an approved underground
29 storage reservoir. The ~~commissioner~~ secretary shall issue such orders, rules, and
30 regulations as may be necessary for the purpose of protecting any such underground

1 storage reservoir, strata, or formations against pollution or against the escape of
2 natural gas, liquid hydrocarbons, or carbon dioxide therefrom, including such
3 necessary rules and regulations as may pertain to the drilling into or through such
4 underground storage reservoir.

5 §23. Underground storage of liquid or gaseous hydrocarbons or both, carbon
6 dioxide, hydrogen, nitrogen, ammonia, compressed air, or noble
7 gases not otherwise prohibited by law

8 * * *

9 B. Except as to liquid or gas hydrocarbon, carbon dioxide, hydrogen,
10 nitrogen, ammonia, compressed air, or noble gas storage projects begun before the
11 effective date of this Section, and prior to authorizing the use of any salt dome cavity
12 for the storage of liquid or gaseous hydrocarbons or carbon dioxide, the ~~assistant~~
13 secretary, after public hearing pursuant to the provisions of R.S. 30:6, shall have
14 found all of the following:

15 * * *

16 C. After having made the findings required in Subsection B of this Section,
17 the ~~commissioner~~ secretary shall transmit a copy of the application, together with
18 his findings, to the natural resources committees of the Senate and House of
19 Representatives. These committees, meeting jointly, shall consider the facts
20 surrounding the application and the findings of the ~~commissioner~~ secretary and may
21 hold public hearings thereon. Based upon its deliberations, the committees, acting
22 jointly, may submit a report and recommendations to the ~~commissioner~~ secretary
23 within fifteen days after receipt of the application. After consideration of any
24 recommendations so made, the ~~commissioner~~ secretary may issue all necessary
25 orders providing that liquid or gaseous hydrocarbons, carbon dioxide, hydrogen,
26 nitrogen, ammonia, compressed air, or noble gases not otherwise prohibited by law,
27 previously reduced to possession and which are subsequently injected and stored in
28 a salt dome cavity, shall at all times be deemed the property of the injector, his
29 successors, or assigns, subject to the provisions of any contract between the owner
30 or owners of the solid mineral or land overlying the area affected as determined by

1 the ~~commissioner of conservation~~ secretary; and providing further that in no event
2 shall the owner of the surface of the lands or water bottoms or of any mineral interest
3 under or adjacent to which such salt dome cavity may lie, or any other person, be
4 entitled to any right or claim in or to such liquid or gaseous hydrocarbons, carbon
5 dioxide, hydrogen, nitrogen, ammonia, compressed air, or noble gases not otherwise
6 prohibited by law stored therein, including the right to produce, take, reduce to
7 possession, waste, or otherwise interfere with or exercise any control thereover. The
8 ~~commissioner~~ secretary shall issue necessary orders, rules, and regulations for the
9 protection from pollution of any salt dome cavity used for storage of liquid or
10 gaseous hydrocarbons, carbon dioxide, hydrogen, nitrogen, ammonia, compressed
11 air, or noble gases not otherwise prohibited by law, or any adjacent strata or
12 formation; and such rules and regulations as may be necessary pertaining to surface
13 storage facilities for the protection of the environment, drilling into any salt dome
14 for the creation of cavities, and equipping of same for the injection, storage, and
15 withdrawal of liquid or gaseous hydrocarbons, carbon dioxide, hydrogen, nitrogen,
16 ammonia, compressed air, or noble gases not otherwise prohibited by law. Subject
17 to the exception provided in Subsection B of this Section, the ~~commissioner~~
18 secretary shall not allow the use of any salt dome in the state of Louisiana for the
19 purposes mentioned herein until such time as he has prepared and promulgated the
20 regulations required herein according to the Administrative Procedure Act, R.S.
21 49:950 et seq. In addition, the ~~commissioner~~ secretary shall issue necessary orders,
22 rules, and regulations for the protection of the rights of owners of parts of the salt
23 dome which are adjacent to any part thereof sought to be used for the storage of
24 liquid or gaseous hydrocarbons, carbon dioxide, hydrogen, nitrogen, ammonia,
25 compressed air, or noble gases not otherwise prohibited by law.

26 D.(1) In furtherance of the development of comprehensive energy policy for
27 the state, the secretary of the Department of Conservation and Energy ~~and Natural~~
28 ~~Resources~~ shall determine the feasibility of initiating projects, by the state or by
29 contract on behalf of the state, for the storage of emergency supplies of state-owned
30 oil and gas, carbon dioxide, hydrogen, nitrogen, ammonia, compressed air, or noble

1 gas not otherwise prohibited by law. The determination shall include consideration
2 of the techniques, costs, quantities of oil and gas, carbon dioxide, hydrogen, nitrogen,
3 ammonia, compressed air, or noble gas not otherwise prohibited by law available for
4 such purpose and priorities for allocation in time of emergency.

5 (2) Upon presentation of the findings and determination by the secretary to
6 the committees on natural resources of the Senate and House of Representatives and
7 approval by said committees of any such projects, the secretary shall authorize the
8 ~~commissioner of conservation~~ secretary to initiate such procedures as the
9 ~~commissioner~~ secretary deems necessary within the scope of his authority under
10 Chapter 7 of this Title and the constraints of this Section to accomplish the purposes
11 hereof.

12 §23.1. Recordation of notice of solution mined cavern

13 A. The owner or operator of a solution mined cavern shall record the survey
14 plat of the well location for the solution mining injection well in the mortgage and
15 conveyance records of the parish in which the property is located. Such notice shall
16 be made in a form approved by the ~~commissioner~~ secretary and within the time
17 specified by the ~~commissioner~~ secretary. If an owner or operator fails or refuses to
18 record such notice, the ~~commissioner~~ secretary may, if he determines that the public
19 interest requires, and after due notice and an opportunity for a hearing has been given
20 to the owner and operator, cause such notice to be recorded. The clerk of court shall
21 forward to the ~~office of conservation~~ department a copy of each notice recorded by
22 an owner or operator in accordance with this Subsection.

23 * * *

24 §25. Closure of production pits in the wetlands

25 A.(1) * * *

26 (2) Each production pit located within the inland tidal waters, lakes bounded
27 by the Gulf of Mexico, and saltwater marshes shall be closed by January 1, 1993.
28 The Department of Conservation and Energy ~~and Natural Resources through the~~
29 ~~office of conservation~~ shall adopt rules to enforce the provisions of this Section and
30 may issue compliance orders, cease and desist orders, and other orders as are

1 necessary to enforce the requirements of this Section and the rules of the department.

2 (3) The exemptions and exceptions for production pits located within the
3 inland tidal waters, lakes bounded by the Gulf of Mexico, and saltwater marshes
4 provided for by the rules of the Department of **Conservation and** Energy and
5 ~~Natural Resources, office of conservation~~ in Statewide Order No. 29-B, Section XV,
6 Paragraph 2.2(K) and (M) are hereby declared null, void, and without effect. After
7 June 30, 1989, no new production pits shall be constructed within the inland tidal
8 waters, lakes bounded by the Gulf of Mexico, and saltwater marshes.

9 * * *

10 (5) The ~~commissioner of conservation~~ **secretary** may grant an extension of
11 time within which to close production pits, not to exceed two years from January 1,
12 1993, provided that there is a clear showing that the production pit for which the
13 extension is sought is being operated in such a manner so as to assure the protection
14 of soil, surface water, wildlife, aquatic life, and vegetation. The department ~~through~~
15 ~~the office of conservation~~ in consultation with the Department of Environmental
16 Quality shall adopt rules and regulations regarding the operating standards which
17 must be followed in order to qualify for such extension of time to close said
18 production pit in accordance with the provisions of this Section no later than April
19 1, 1990.

20 (6) The ~~commissioner~~ **secretary** may grant an exemption from the closure
21 requirements of this Section for any onshore terminal pit in existence on June 30,
22 1989, provided that there is a clear showing that such pit is being operated in such
23 a manner so as to assure the protection of soil, surface water, wildlife, aquatic life,
24 and vegetation. The ~~commissioner~~ **secretary** in consultation with the Department of
25 Environmental Quality shall adopt rules and regulations regarding the operating
26 standards of such onshore terminal pits which must be followed in order to qualify
27 for such exemption no later than April 1, 1990.

28 (7) No permit or approval from any agency, department, or authority other
29 than the Department of **Conservation and** Energy and ~~Natural Resources, office of~~
30 ~~conservation~~ shall be required or sought in connection with any activity mandated

1 by, arising out of, or resulting from the requirements of this Section.

2 * * *

3 D. Civil penalties may be imposed only by a ruling of the ~~commissioner~~
4 secretary pursuant to an adjudicatory hearing held in accordance with the
5 Administrative Procedure Act, R.S. 49:950 et seq. In determining the amount of the
6 fine to be imposed upon a violator, the ~~commissioner~~ secretary may consider the
7 nature of the violation, the economic benefit of the violation to the violator, previous
8 violations, any damage or harm caused by the violation, the degree of compliance,
9 and whether the violator has acted in good faith.

10 E. The ~~commissioner~~ secretary may institute civil proceedings in the
11 Nineteenth Judicial District Court to enforce its rulings. In the event judgment is
12 rendered in said court affirming the civil penalties assessed, the court shall also
13 award to the department reasonable attorney fees and judicial interest on said civil
14 penalties from the date of its assessment by the department until paid and all costs.

15 F. The ~~commissioner~~ secretary may institute civil proceedings in the
16 Nineteenth Judicial District Court seeking injunctive relief to restrain and prevent
17 violations of the provisions of this Part or of the rules and regulations adopted under
18 the provisions of this Part. If the court grants the injunctive relief sought by the
19 department it shall also award reasonable attorney fees and costs to the department.

20 * * *

21 §26. Applications and notification of completeness

22 A. Notwithstanding any other law to the contrary, the secretary of the
23 Department of Conservation and Energy ~~and Natural Resources and the~~
24 ~~commissioner of conservation~~ shall, after notification by the department to the
25 applicant that the application is complete, grant or deny all applications for all
26 permits, licenses, registrations, or compliance in this or any other Title within sixty
27 days. The notification of completeness shall be issued within fourteen days,
28 exclusive of holidays, by the department. If the application is not complete the
29 department shall notify the applicant in writing of the deficiencies which cause the
30 application not to be complete. If the secretary or the ~~commissioner~~ secretary does

1 not grant the application, the secretary or the ~~commissioner~~ secretary shall provide
2 written reasons for his decision to deny, and copies of the decision shall be provided
3 to all parties. The secretary and the ~~commissioner~~ secretary may delegate the power
4 to grant permits, licenses, registrations, variances, or compliance schedules to an
5 assistant.

6 * * *

7 §27. Authorization to enter lands of another

8 A. When the consent of a property owner has not been otherwise obtained,
9 the issuance of a work order or compliance order by the ~~commissioner of~~
10 ~~conservation~~ secretary or his agents shall constitute sufficient authorization for the
11 operator, agents of the operator, or persons acting on behalf of the operator to enter
12 the lands of another person, whether or not such operator or persons hold a valid
13 lease regarding such property, for the purposes of conducting site assessments, site
14 restoration, pit closure, plugging and abandonment operations, or any other matter
15 covered by said work order or compliance order issued under the provisions of Title
16 30 of the Louisiana Revised Statutes of 1950, or regulations adopted thereunder. The
17 entering of the lands of another under the provisions of this Section shall be subject
18 to the following:

19 * * *

20 D. Failure of the holder of the work order or compliance order to seek relief
21 before a court of competent jurisdiction shall not affect that parties' duties and
22 obligations under said Title 30 or the rules, regulations, and orders of the ~~office of~~
23 ~~conservation~~ department, nor shall it constitute a defense to any civil penalty issued
24 due to noncompliance with the orders of the ~~commissioner of conservation~~
25 secretary.

26 * * *

27 F. No party to whom a work order or compliance order is issued shall be
28 deemed to be a public employee or an agent of the ~~office of conservation~~
29 department.

30 * * *

§28. Drilling permits; issuance; fees; location plat; notice and hearing; funds from drilling permit fees

A. No well or test well may be drilled in search of minerals without first obtaining a permit from the ~~commissioner of conservation~~ secretary, and the ~~commissioner~~ secretary shall collect for each such well or test well a drilling permit fee. The ~~commissioner~~ secretary shall periodically review the fees collected by his office for drilling permits and may revise such fees pursuant to the rulemaking provisions of the Administrative Procedure Act.

* * *

C. For each drilling permit that must be altered, amended, or changed after its initial issuance, the ~~commissioner~~ secretary shall collect an amendment fee which shall be set pursuant to the Administrative Procedure Act, except for unit well nomenclature. An assignment or contract of sale that reflects an assumption of liability for oil and gas wells requires an amended permit. Any person who assumes such liability shall apply for an amended permit within thirty days of the assumption of liability.

D. The ~~commissioner of conservation~~ secretary shall not issue a permit to drill a well or a test well pursuant to Subsection A, B, or C of this Section until the provisions of this Subsection have been satisfied:

* * *

(2) The ~~commissioner of conservation~~ secretary shall review the location plat and make a determination as to whether any residential or commercial structure or area of review for a carbon dioxide storage facility not owned by the applicant, his lessor, or other predecessor in interest is situated within a five-hundred-foot radius of the proposed drilling site. For purposes of this Section, "carbon dioxide storage facility" shall include any current or proposed project for which a Class VI permit has been applied or issued, and "area of review" shall have the same meaning as that term is defined in administrative rules regarding Class VI injection wells.

(3) Upon a determination by the ~~commissioner~~ secretary that a residential or commercial structure or area of review for a carbon dioxide storage facility is

1 located within five hundred feet of the proposed drilling site, the ~~commissioner~~
2 secretary shall convey that information, together with written notice of a public
3 hearing thereon, by means of an official notice delivered by first class mail to any
4 person owning a residential or commercial structure within a five-hundred-foot
5 radius of the proposed site, to the operator of a carbon dioxide storage facility whose
6 area of review is within a five-hundred-foot radius of the proposed site, and to the
7 local governing authority in whose jurisdiction the property is located.

8 * * *

9 (5) The ~~commissioner~~ secretary shall hold a public hearing, if one is
10 requested, on the issues concerning the proposed drilling, affording residential and
11 commercial property owners and local government representatives the opportunity
12 to be heard in regard thereto.

13 (6) No permit for drilling a well or test well shall be issued by the
14 ~~commissioner~~ secretary until after the conclusion of the public hearing and after
15 consideration by the ~~commissioner~~ secretary of the comments and information
16 presented at that hearing.

17 (7) If the ~~commissioner~~ secretary, in his review of the location plat required
18 by Paragraph (2) of this Subsection, determines that no residential or commercial
19 structure or area of review for a carbon dioxide storage facility not owned by the
20 applicant, his lessor, or other predecessor in interest falls within five hundred feet of
21 the proposed well site, the ~~commissioner~~ secretary shall issue the permit required
22 for such drilling in accordance with the provisions of Subsections A, B, C, and F of
23 this Section and any rules and regulations issued thereunder.

24 * * *

25 F. The issuance of the permit by the ~~commissioner of conservation~~ secretary
26 shall be sufficient authorization to the holder of the permit to enter upon the property
27 covered by the permit and to drill in search of minerals thereon. No other agency or
28 political subdivision of the state shall have the authority, and they are hereby
29 expressly forbidden, to prohibit or in any way interfere with the drilling of a well or
30 test well in search of minerals by the holder of such a permit.

G. The ~~commissioner~~ secretary shall promulgate rules, regulations, and orders necessary to require certification of water quality by the operator for surface water used in conjunction with oil and gas drilling operations before drilling begins which ensure ground water aquifer safety.

H. Subject to the provisions contained in Article VII, Section 9 of the Constitution of Louisiana, all funds collected under the provisions of this Section shall be paid by the ~~office of conservation~~ **department** into the state treasury and shall be credited to the Bond Security and Redemption Fund.

I.(1) The ~~commissioner~~ **secretary**, in accordance with the Administrative Procedure Act, shall promulgate rules, regulations, and orders necessary to require an operator, agent, or assigns, to provide a single notice to the surface owner of lands on which drilling operations are to be conducted. For the purposes of this Subsection, such notice shall be referred to as the "pre-entry notice". The rules, regulations, and orders to be promulgated pursuant to this Subsection shall include the following:

(a) The pre-entry notice shall be sent to the surface owner no less than thirty days prior to construction operations of a drilling location on the property by the operator for the purpose of commencing drilling operations on the well described in the pre-entry notice. Such notice shall be provided in the form required by the ~~commissioner~~ secretary. No subsequent notice to the surface owner shall be required.

* * *

(d) Upon application, the ~~commissioner~~ secretary may, without notice or hearing, waive the pre-entry notice or reduce the thirty-day requirement for such notice in the event the thirty-day delay would result in the loss or termination of a mineral lease, or in the event of such other emergency circumstances as the ~~commissioner~~ secretary may deem appropriate for such waiver.

* * *

(g) Such other matters as the ~~commissioner~~ **secretary** may deem necessary or appropriate to implement the one time pre-entry notice required by this Subsection.

* * *

J. No later than thirty days after the issuance of an amended permit to transfer a well to another operator, the ~~commissioner~~ **secretary** shall require that the operator identify on a form approved by the ~~commissioner~~ **secretary** the surface owner of lands on which the well site is located. "Surface owner" shall mean the person shown in the assessor's rolls of the parish as the current owner of the surface rights for the land on which the well site is located.

* * *

§41. Production of gas in excess of market demands, proportionate production

In order to conserve the natural gas in the state, whenever the full production from any common source of supply of natural gas is in excess of the market demand, then any person having the right to produce gas from the common source of supply, may take therefrom only such proportion of the natural gas that may be marketed without waste, as the natural flow of the well or wells owned or controlled by the person bears to the total natural flow of the common source of supply having due regard to the acreage drained by each well, so as to prevent the person from securing an unfair proportion of the gas therefrom. The ~~commissioner of conservation of Louisiana~~ **secretary of the Department of Conservation and Energy** may by proper order, permit the taking of a greater amount whenever he deems it reasonable or equitable.

§42. Right to purchase gas

Every person, engaged in the business of purchasing and selling natural gas in this state, shall be a common purchaser thereof, and shall purchase all of the natural gas which may be offered for sale which may be brought in pipes and connecting lines by the owner or proposed seller to its trunk lines, at the sellers' expense, or to its gathering lines, without discrimination in favor of one producer as against another, or in favor of any one source of supply as against another save as authorized by the ~~commissioner of conservation~~ **secretary** after due notice and hearing. If a person is unable to purchase all the gas offered, then he shall purchase natural gas from each producer ratably, and each common purchaser of gas shall

1 have the same right to purchase the production of a gas well that is not being utilized
2 under the conditions of this Section. In the event the owner of the well refuses to sell,
3 the common purchaser shall have the same rights of action against the owner as the
4 seller has against the common purchaser who refuses to buy, and the seller refusing
5 to sell shall be subject to the same penalties as are provided against the common
6 purchaser who refuses to buy. This Section shall not affect in any way a municipal
7 corporation engaged in buying and selling natural gas.

8 * * *

9 §44. Gas to be measured by meter

10 All gas produced from the deposits of this state when sold shall be measured
11 by meter and the ~~commissioner of conservation~~ **secretary** shall, upon notice and
12 hearing, relieve any common purchaser from purchasing gas of an inferior quality
13 or grade, and the ~~commissioner~~ **secretary** shall from time to time make such
14 regulations for delivery, metering and equitable purchase and taking as conditions
15 may necessitate.

16 §45. ~~Commissioner of conservation~~ **Secretary** to enforce Part

17 The ~~commissioner of conservation~~ **secretary** shall see that the provisions of
18 this Part are fully and properly complied with and the district attorney in whose
19 district a violation takes place shall, on application, bring suit if necessary to enforce
20 the provisions of this Part. Any injunction which may be necessary shall be furnished
21 without bond.

22 * * *

23 §48. Average specific gravity; average flowing temperature; field rules

24 A. The ~~commissioner of conservation~~ **secretary** is hereby authorized and
25 empowered, in the absence of the availability of satisfactory actual data based upon
26 observed or recorded specific gravity and flowing temperature determinations, to
27 determine the average specific gravity, and average flowing temperature of the gas
28 at the point of measurement, as produced in each oil or gas field or pool in Louisiana,
29 which after being so determined shall be used to calculate the standard cubic foot.

30 B. If for any reason the ~~commissioner of conservation~~ **secretary** has not so

1 determined such average specific gravity and average flowing temperature of the gas
2 produced in any oil or gas field or pool in Louisiana, the average specific gravity
3 shall be assumed to be six-tenths and the average flowing temperature shall be
4 assumed to be sixty degrees Fahrenheit.

5 C. In the event that the ~~commissioner of conservation~~ **secretary** finds the
6 necessity therefor upon the request of any interested party, the ~~commissioner of~~
7 ~~conservation~~ **secretary** shall give notice and hold a public hearing before making
8 such determinations. Promptly upon such determination the ~~commissioner of~~
9 ~~conservation~~ **secretary** shall make and publish such finding and promulgate such
10 reasonable field rules as may be necessary to effectuate the provisions of this Part.

11 D. Any person, association of persons, or corporation shall be permitted to
12 use the findings and field rules of the ~~commissioner of conservation~~ **secretary** for
13 all purposes under this Part, but if such findings or field rules are not so used in
14 determining volumes under this Part, the volumes so otherwise determined shall be
15 corrected to the basis of the "standard cubic foot of gas" as defined in R.S. 30:47.
16 Nothing herein shall ever prevent the use of actual recorded values and actual test
17 data where available, for all purposes under this Part, and the ~~commissioner of~~
18 ~~conservation~~ **secretary** has been informed in writing of the intent so to use actual
19 recorded values and actual test date.

20 * * *

21 §61. Exploitation of natural resources by ~~commissioner~~ **secretary** or employees
22 prohibited

23 Neither the ~~commissioner of conservation~~ **secretary** nor any salaried officer
24 or employee of the department shall be or become:

25 * * *

26 §73. Definitions

27 As used in this Part, the following terms shall have the meaning ascribed to
28 them in this Section, unless the context or use clearly indicates otherwise:

29 (1) "commissioner" means the ~~commissioner of the office of conservation~~
30 ~~within~~ **secretary of** the Department of **Conservation and** Energy and Natural

Resources or his authorized representatives from the injection and mining division of that office.

* * *

§74. Abandoned oilfield waste sites; notification; clean up

A.(1) Whenever any responsible person, owner, or operator of any abandoned waste site obtains information that indicates that oilfield waste is spilling, discharging, or otherwise escaping into, or on any land or water without appropriate authorization or permit, or is being treated, stored, handled, or disposed of in a manner contrary to applicable regulations of the ~~commissioner~~ **secretary**, such person shall notify the ~~office of conservation~~ **department** in accordance with regulations to be adopted.

(2) Upon receipt of the information required to be provided in Paragraph (1) of this Subsection, the ~~commissioner~~ **secretary** may order any responsible owner, operator, or person to take samples, monitor, or take action at the abandoned waste site to ascertain the nature and extent of any waste or discharge, or hazard. The ~~commissioner~~ **secretary**, upon failure or refusal by the responsible person, operator, or owner to comply with the orders, may undertake such activities and investigate the abandoned waste site, take samples to be analyzed, and may expend monies available for these purposes.

(3)(a) Prior to any sheriff's sale or public auction of any property related to the operation of oil and gas wells, the person seeking such sale shall notify the ~~commissioner~~ secretary of such sale not less than thirty days prior to such sale. Such sale shall not occur unless the ~~commissioner~~ secretary consents thereto in writing, and the sale shall include the wellbore unless specifically excluded from the sale. In the event the wellbore is not specifically excluded from the sale as provided herein, the sheriff or person seeking such a sale shall cause to be included in the notice of the sale and in the sale instrument a statement or notice that the purchaser shall be required to file the appropriate documents with the ~~office of conservation~~ department to become operator of record of the subject well pursuant to the provisions of R.S. 30:204.

1 (b) The ~~commissioner~~ secretary may, if he deems it appropriate to insure the
2 proper plugging and abandonment of the wells and closure of the associated oilfield
3 pits, retain a first lien and privilege on such property, which lien and privilege shall
4 follow such property into the hands of third persons whether such persons are in
5 good or bad faith. The ~~commissioner~~ secretary shall record a notice of such lien
6 with the clerk of court in the parish in which the property is located and in which the
7 sale is to occur. The lien and privilege may be enforced against any person in
8 possession of the property in the same manner as a lien provided under the Louisiana
9 Oil Well Lien Act.

10 (4) Failure to notify the ~~commissioner~~ secretary as provided in Paragraph (3)
11 of this Subsection shall render the person seeking such a sale and the purchaser
12 liable, in solido, to the ~~office of conservation~~ department for the fair market value
13 of the property at the time of such seizure and sale.

14 B. Any failure or refusal by an owner or operator or responsible person to
15 undertake such action as ordered by the ~~commissioner~~ secretary to take samples,
16 monitor, contain, or clean up an abandoned oilfield waste site shall be a violation of
17 this Chapter, and the commission, in order to prevent damage to public health, the
18 environment, or an oil or gas strata, may immediately declare the site abandoned,
19 notwithstanding the provisions of R.S. 30:75, and commence appropriate
20 proceedings under this Chapter, including the recovery of penalties, revocation of
21 any permit, closure of the site, or any combination thereof.

22 * * *

23 §79. Recordation of notice of abandoned oilfield waste sites by landowner

24 A. In addition to the notice required under R.S. 30:74, any landowner who
25 has notified the ~~office of conservation~~ department that his property contains an
26 abandoned oilfield waste site or who owns property which has been identified by the
27 ~~commissioner~~ secretary as an abandoned oilfield waste site pursuant to R.S. 30:75
28 shall cause notice of the identification of the location of the abandoned oilfield waste
29 site to be recorded in the mortgage and conveyance records of the parish in which
30 the property is located. Such notice shall be made in a form approved by the

commissioner secretary and within the time specified by the commissioner secretary. If a landowner fails or refuses to record such notice, the commissioner secretary may, if he determines that the public interest requires, and after due notice and an opportunity for a hearing has been given to a landowner, cause such notice to be recorded.

B.(1) If any person wishes to remove such notice, he shall notify the ~~commissioner~~ secretary prior to requesting the removal from the clerk of court in the parish where the property is located. The request shall specify the facts supporting removal of the notice, including any evidence that the oilfield waste no longer poses a potential threat to health or the environment. Upon finding that the oilfield waste no longer poses a potential threat to health or the environment, the ~~commissioner~~ secretary shall approve removal of the notice.

(2) If approval is granted by the ~~commissioner~~ secretary, the request may be made by affidavit to the clerk of court for the removal of the notice and it shall be removed. Within ten days after removal, the clerk of court shall send a notice of the removal to the ~~commissioner~~ secretary. If the ~~commissioner~~ secretary objects to the removal of such notice, or fails to make a final determination upon the request within ninety days, the person desiring to have the notice removed may petition the court in the parish where the property is located for removal of the notice and after a contradictory hearing between the landowner, the clerk of court, and the ~~commissioner~~ secretary or his designee, the court may grant such relief upon adequate proof by the petitioner that the property no longer contains the oilfield waste which may pose a potential threat to health or to the environment.

C. This Section shall not apply to any commercial operation which is operating under a permit issued by the ~~commissioner~~ secretary until such time as such notice is required by an order of the ~~commissioner~~ secretary, by a permit, or by rule or regulation applicable to such operation.

* * *

§82. Definitions

As used in this Part, the following terms shall have the meanings ascribed to

1 them in this Section, unless the context or use clearly indicates otherwise:

2 (1) "~~Assistant secretary~~ **Secretary**" means the ~~assistant~~ secretary of the office
3 of ~~conservation~~ within the Department of **Conservation and** Energy and Natural
4 Resources or his authorized representatives.

5 * * *

6 (6) "Issuer" means a public trust and public corporation organized and
7 existing by, under, and pursuant to the provisions of R.S. 9:2341 through 2347,
8 whose beneficiary is the state of Louisiana, and who is authorized to issue revenue
9 bonds on behalf of the state of Louisiana **or the Louisiana Local Government**
10 **Environmental Facilities and Community Development Authority, pursuant to**
11 **the provisions of R.S. 33:4548.1, et seq.**

12 (7) "Nonproducing oilfield site" means an oilfield site which is not a
13 producing oilfield site and which has not been declared an orphaned oilfield site by
14 the ~~assistant~~ secretary.

15 * * *

16 (11) "Responsible party" means the operator of record according to the ~~office~~
17 of ~~conservation~~ **department** records, who last operated the property on which the
18 oilfield site is located at the time the site is about to be abandoned, ceases operation,
19 or becomes an unusable oilfield site, and that operator's partners and working interest
20 owners of that oilfield site. A working interest owner is the owner of a mineral right
21 who is under an obligation to share in the costs of drilling or producing a well on the
22 oilfield site.

23 * * *

24 (14) "Site restoration" means any and all oilfield site restoration activities
25 required of a responsible party of an oil or gas property by regulations adopted by
26 the ~~office of conservation~~ **department** pursuant to this Subtitle, including without
27 limitation plugging of oil and gas wells, pit closure, site remediation, and removal
28 of oilfield equipment.

29 * * *

30 §83. Oilfield site restoration; administration by the Department of **Conservation**

and Energy and Natural Resources

A. The Natural Resources Trust Authority, under the direction of the secretary and subject to oversight by the State Mineral and Energy Board pursuant to R.S. 36:356.1, is authorized to perform the following functions related to oilfield site restoration:

* * *

(5) Review administration of site restoration activities and review the adequacy of site restoration assessments and reopen the funding needs and arrangements for site-specific trust accounts every four years. However, unless the oilfield site is transferred from one party to another after the adoption of a standard for evaluation, site-specific trust accounts established prior to the adoption of a standard for evaluation by the Department of **Conservation and** Energy and Natural Resources, ~~office of conservation~~ shall not be reassessed if the operator of record provides to the office on an annual basis, utilizing the methodology in use at the time that the site-specific trust account was established, proof that the security is adequate to ensure proper closure of the wells upon completion of activity.

* * *

(7) Perform any function authorized by this Part or which is consistent with its purpose and not otherwise assigned by this Part to the secretary ~~or assistant secretary~~.

* * *

§83.1. Authorization of bonds

* * *

B.(1) * * *

(3) The secretary, the undersecretary, and the Natural Resources Trust Authority are hereby authorized to execute loan, reimbursement, investment, and bond purchase agreements, and all documents as may be necessary or desirable to carry out the provisions of this Section and are further authorized to take any and all further actions and execute and deliver all other documents as may be necessary in connection with the issuance of any bonds, notes, certificates, reimbursement

obligations, or other evidences of indebtedness referred to in this Section. The provisions of R.S. 9:2347(J) **and R.S. 39:112(G)** shall not apply to bonds or any contractual obligation, including the pledge of state funds, to be undertaken or incurred in connection therewith.

* * *

§85. Powers of the ~~assistant~~ secretary

A. The powers of the assistant secretary shall include without limitation the power to do the following, subject to the supervision of the secretary:

* * *

(3) The ~~assistant~~ secretary shall perform all regulatory functions imposed by this Part.

* * *

C. The aforementioned powers shall be in addition to and shall not limit the powers conferred on the ~~assistant~~ secretary in other provisions in this Title or any other pertinent provision of any state or federal law or regulation.

§86. Oilfield Site Restoration Fund

A.(1) * * *

* * *

(2) Out of the funds remaining in the Bond Security and Redemption Fund, after a sufficient amount is allocated from that fund to pay all the obligations secured by the full faith and credit of the state that become due and payable within each fiscal year, the treasurer shall pay into the Oilfield Site Restoration Fund an amount equal to the revenues generated from collection of the fees provided for in Subsection D of this Section. ~~The treasurer shall also transfer into the Oilfield Site Restoration Fund the amount of thirty million dollars in federal funding from the first federal funds received by the state for which oilfield site restoration or plugging orphan wells is an allowable use, as determined by the Joint Legislative Committee on the Budget.~~ Such funds shall constitute a special custodial trust fund which shall be administered by the Natural Resources Trust Authority, which shall make disbursements from the fund solely in accordance with the purposes and uses

1 authorized by this Part.

2 * * *

3 D. The following monies shall be placed into the Oilfield Site Restoration
4 Fund:

5 * * *

6 (8) Any sums collected from financial security instruments required by rules
7 and regulations adopted by the ~~assistant~~ secretary pursuant to R.S. 30:4(R) and 4.3.
8 However, the monies collected from each financial security instrument tied to a
9 specific well or wells shall not be used for any oilfield sites other than those for
10 which the financial security was provided.

11 (9) ~~The sum of thirty million dollars from the first federal funds received by~~
12 ~~the state for which oilfield site restoration or plugging orphan wells is an allowable~~
13 ~~use, as determined by the Joint Legislative Committee on the Budget~~ **Monies paid**
14 **to the department pursuant to a site restoration contribution agreement entered**
15 **into pursuant to R.S. 30:93(C).**

16 (10) ~~Monies from federal appropriations or any federal grant program~~
17 ~~established by the United States Congress for the purpose of restoring orphan oilfield~~
18 ~~sites.~~

19 ~~(11)~~ Any other source of funding for which restoring orphan oilfield sites is
20 an allowable use, as determined by the Joint Legislative Committee on the Budget.

21 E. Except as otherwise provided in this Section, the monies in the fund may
22 be disbursed and expended pursuant to the authority and direction of the secretary
23 or the Natural Resources Trust Authority for the following purposes and uses:

24 * * *

25 (2) Upon approval of the trust authority, the administration of this Part by the
26 department in an amount not to exceed ~~nine hundred fifty thousand dollars~~ **the**
27 **department's federal approved indirect cost rate or, if no such rate exists, the**
28 **de minimis rate of fifteen percent of all direct costs**, each fiscal year. Amounts
29 expended pursuant to Paragraph (4) of this Subsection shall not count towards the
30 administrative expenditure limitation.

* * *

(6) Upon approval of the trust authority, up to five hundred thousand dollars per fiscal year for the ~~office of conservation~~ **department** to act alone, or in conjunction with the voluntarily participating parties, for the assessment and restoration of commercial oilfield waste disposal facilities used for the storage, treatment, or disposal of non-hazardous oilfield waste for a fee or other consideration, which were abandoned, leaving no financially responsible owner, operator, or bonding company, in accordance with the plan of closure as required in the permit, or if the permit did not provide a plan of closure, a plan approved by the trust authority; however, a responsible person shall not be released from his duty or liability, if any, imposed by this Section.

~~(7) Except for the costs of administration of this Part by the Department of Energy and Natural Resources not exceeding the limitations set by the United States Congress or administering federal agency for the federal funds appropriated or granted, the monies deposited into the fund pursuant to Paragraphs (D)(9), (10), and (11) of this Section shall be used only for the purposes of assessing and restoring orphan oilfield sites. Notwithstanding any other requirements in this Part, the monies may be expended by the secretary through a contract entered into under any competitive process authorized by Title 38 or 39 of the Louisiana Revised Statutes of 1950. The contract may be awarded to any qualified party whether or not the party is on the approved list of contractors acceptable to conduct site assessment and restoration by the trust authority~~ **Upon approval of the trust authority, expenditures consistent with a site restoration contribution agreement entered into pursuant to R.S. 30:93(C).**

* * *

G. Upon declaration of an emergency as defined in R.S. 30:6.1, the ~~assistant~~ secretary shall notify the trust authority and the State Mineral and Energy Board of the declared emergency. Upon notification, the trust authority, in consultation with the State Mineral and Energy Board, may direct that no monies in the fund be disbursed or spent for response activity related to the emergency declaration.

1 H. At the direction of the secretary or the Natural Resources Trust Authority,
2 federal monies dedicated pursuant to Paragraph (D)(9) or (10) of this Section monies
3 from federal appropriations or any federal grant program established by the
4 United States Congress for the purpose of restoring orphan oilfield sites shall be
5 placed into the department's federal funds account instead of the Oilfield Site
6 Restoration Fund, but such money shall otherwise be subject to the same
7 requirements applicable to money identified in Paragraph (D)(9) or (10) of this
8 Section. Except for administrative costs not exceeding federal limits as set by
9 Congress or the administering federal agency, all such federal monies shall be
10 used exclusively for orphan oilfield site assessment and restoration, including
11 plugging of orphan wells.

12 I. Notwithstanding any other provision of this Part, such monies from the
13 Oilfield Site Restoration Fund may be expended by the secretary through
14 contracts entered into under any competitive process authorized by Title 38 or
15 39 of the Louisiana Revised Statutes of 1950.

16 J. Notwithstanding any provision of law to the contrary, for any oilfield
17 site restoration project funded in whole or in part with monies from the Oilfield
18 Site Restoration Fund, federal funds, or a combination of such funds, and
19 delivered using the construction management at risk method as authorized in
20 R.S. 38:2225.2.4, the contractor selected under the construction management
21 at risk process shall not be required to be included on any pre-approved list of
22 contractors acceptable to conduct site assessment and site restoration.

23 * * *

24 §88. Oilfield site trust accounts

25 * * *

26 B. In the event the parties to a transfer elect to establish a site-specific trust
27 account under this Section, the ~~assistant~~ secretary shall require an oilfield site
28 restoration assessment to be made to determine the site restoration requirements
29 existing at the time of the transfer, or at the time the site-specific trust account is
30 established. The oilfield site restoration assessment shall be conducted by approved

1 site assessment contractors appearing on a list approved by the trust authority or
2 acceptable to the trust authority. The oilfield site restoration assessment shall
3 specifically detail site restoration needs and shall provide an estimate of the site
4 restoration costs needed to restore the oilfield site based on the conditions existing
5 at the time of transfer, or at the time the site-specific trust account is established.

6 C. The party or parties to the transfer shall, based upon the site restoration
7 assessment, propose a funding schedule which will provide for the site-specific trust
8 account. The funding schedule shall consider the uniqueness of each transfer,
9 acquiring party, and oilfield site. Funding of the site-specific trust account shall
10 include some contribution to the account at the time of transfer and at least quarterly
11 payments to the account. Cash or bonds in a form and of a type acceptable to the
12 ~~assistant~~ secretary, or any combination thereof, may also be considered for funding.
13 The ~~assistant~~ secretary shall monitor each trust account to assure that it is being
14 properly funded. The funds in each trust account shall remain the property of the
15 trust authority.

16 D. The ~~assistant~~ secretary may approve the site-specific trust account for an
17 oilfield site upon review of the assessment and the site-specific trust account that has
18 been proposed for that oilfield site as provided in the regulations. Such approval shall
19 not be unreasonably withheld.

20 E. When transfers of oilfield sites occur subsequent to the formation of
21 site-specific trust accounts but prior to the end of their economic life, the ~~assistant~~
22 secretary and the acquiring party shall, in the manner provided for in this Section,
23 again redetermine cost and agree upon a funding schedule. The balance of any
24 site-specific trust account at the time of subsequent transfer shall remain with the
25 oilfield site and shall be a factor in the redetermination.

26 F. Once the ~~assistant~~ secretary has approved the site-specific trust account,
27 and the account is fully funded, the party transferring the oilfield site and all prior
28 owners, operators, and working interest owners shall not thereafter be held liable by
29 the state for any site restoration costs or actions associated with the transferred
30 oilfield site. The party acquiring the oilfield site shall thereafter be the responsible

1 party for the purposes of this Part.

2 * * *

3 I. Subject to agreement between the ~~assistant~~ secretary, the seller and the
4 purchaser of an oilfield site sold prior to August 15, 1993, a site-specific trust
5 account can be established or transferred to the state.

6 J. For unusable oilfield sites, after site restoration has been completed and
7 approved by the ~~assistant~~ secretary, funds from a site-specific trust account shall be
8 disbursed as follows:

9 * * *

10 §88.1. Oilfield site trust accounts for orphaned wells

11 A. Orphan wells. (1) * * *

12 (3) Upon full funding of the associated site-specific trust account in
13 accordance with a plan approved by the ~~assistant~~ secretary as provided in this
14 Section, all monies remaining in the account shall be credited in full to the state
15 treasury as provided by R.S. 47:645(B).

16 (4) When the conditions of this Subsection are met relative to the funding of
17 the site-specific trust account, the ~~assistant~~ secretary shall not require additional
18 financial security for the well associated with that site-specific trust account.

19 * * *

20 C. Site restoration assessment. When establishing a site-specific trust account
21 under this Section, the ~~assistant~~ secretary shall require an oilfield site restoration
22 assessment to be made to determine the site restoration requirements existing at the
23 time the site-specific trust account is established. The oilfield site restoration
24 assessment shall be conducted by approved site assessment contractors appearing on
25 a list approved by the trust authority or acceptable to the trust authority. The oilfield
26 site restoration assessment shall specifically detail the site's restoration needs and
27 shall provide an estimate of the restoration costs needed to restore the oilfield site
28 based on the conditions existing at the time the site-specific trust account is
29 established.

30 D. Trust account monitoring. The ~~assistant~~ secretary shall monitor each trust

1 account to assure that it is being properly funded. The funds in each trust account
 2 shall remain the property of the trust authority. In the event that the site-specific trust
 3 account is not funded through the payment of the severance tax due the state for a
 4 period of greater than six months from the date of first production following
 5 designation of the well as part of an orphaned oilfield site, the ~~assistant~~ secretary
 6 shall require financial security in accordance with the ~~office of conservation's~~
 7 **department's** rules and regulations.

8 E. Transfers of oilfield sites. When transfers of oilfield sites occur subsequent
 9 to the formation of site-specific trust accounts pursuant to this Section but prior to
 10 the end of the oilfield site's economic life, the ~~assistant~~ secretary and the acquiring
 11 party shall, in the manner provided in this Section, redetermine cost. The balance of
 12 any site-specific trust account at the time of transfer shall remain associated with the
 13 oilfield site and shall be a factor in the redetermination.

14 * * *

15 G. Unusable oilfield sites. For unusable oilfield sites, after site restoration has
 16 been completed and approved by the ~~assistant~~ secretary, funds from a site-specific
 17 trust account shall be disbursed as follows:

18 * * *

19 H. Rules, regulations, and orders. The ~~assistant~~ secretary shall make, after
 20 notice and public hearings as provided in this Chapter, any reasonable rules,
 21 regulations, and orders that are necessary to implement this Section.

22 §88.2. Orphan well rework program

23 * * *

24 C. Trust account monitoring. The ~~assistant~~ secretary shall monitor each trust
 25 account to assure that it is being properly funded. The funds in each trust account
 26 shall remain the property of the trust authority. If the site-specific trust account is not
 27 funded through the payment of amounts equal to the severance tax that would
 28 otherwise be due the state for a period of greater than six months from the date of
 29 first production following designation of the well as part of an orphaned oilfield site,
 30 the ~~assistant~~ secretary shall require financial security in accordance with this Subtitle

1 and the rules and regulations adopted pursuant to this Subtitle including the
2 exceptions provided in R.S. 30:4(R).

3 * * *

4 E. Unusable oilfield sites. For unusable oilfield sites, after site restoration has
5 been completed and approved by the ~~assistant~~ secretary, funds from a site-specific
6 trust account shall be disbursed as follows:

7 (1) If the site restoration has been completed by the operator of record on file
8 with the ~~assistant~~ secretary, the balance of the funds existing in the site-specific trust
9 account shall be remitted to that operator of record.

10 * * *

11 F. Rules, regulations, and orders. The ~~assistant~~ secretary shall promulgate,
12 after notice and public hearings as provided in this Chapter, any reasonable rules,
13 regulations, and orders that are necessary to implement this Section.

14 §89. Non-orphan site restoration

15 A. After due notice and hearing and upon certification from the ~~assistant~~
16 secretary that a responsible party has failed to undertake site restoration of an
17 unusable oilfield site, the secretary ~~or assistant secretary~~ is authorized to disburse
18 such funds as are necessary for site restoration from the site-specific trust account.

19 B. The ~~assistant~~ secretary, upon notice and hearing, pursuant to rules adopted
20 by the ~~assistant~~ secretary in accordance with the Administrative Procedure Act, may
21 declare an oilfield site to be an unusable oilfield site. Upon failure of a responsible
22 party to undertake site restoration as ordered by the ~~assistant~~ secretary, the secretary
23 ~~or assistant secretary~~ is authorized to disburse such funds as are necessary for site
24 restoration from the site-specific trust account.

25 C. For sites restored pursuant to Subsections A and B of this Section, after
26 site restoration has been completed and approved by the ~~assistant~~ secretary, funds
27 from the site-specific trust account will be disbursed as follows:

28 * * *

29 (2) If the funds in the site-specific trust account are depleted prior to the
30 payment of all site restoration costs, the department is authorized to collect the

1 remainder of site restoration costs from the responsible party or ensure that the
2 responsible party completes the site restoration to the satisfaction of the ~~assistant~~
3 secretary.

4 (3) If the funds in the site-specific trust account are depleted prior to the
5 payment of all site restoration costs, and if the ~~assistant~~ secretary subsequently
6 declares that oilfield site to be an orphaned oilfield site and upon approval of the
7 trust authority, the Oilfield Site Restoration Fund shall contribute the balance of the
8 restoration costs for that orphaned oilfield site.

9 D. If a responsible party fails or is unable to restore a site and there is no
10 site-specific trust account, the ~~assistant~~ secretary shall declare the site orphaned in
11 accordance with R.S. 30:91(B).

12 §90. Natural Resources Trust Authority annual report to the legislature

13 * * *

14 C. The ~~assistant~~ secretary shall furnish the trust authority with semiannual
15 reports that review the efforts of the ~~assistant~~ secretary to assure proper and timely
16 cleanup, closure, and restoration of oilfield sites.

17 D. The ~~assistant~~ secretary's semiannual reports shall include:

18 (1) The number of wells plugged by the ~~assistant~~ secretary.

19 * * *

20 (4) The status of enforcement proceedings for all sites in violation of the
21 ~~assistant~~ secretary's rules and the time period during which the sites have been in
22 violation, including the status of the ~~assistant~~ secretary's attempts to recover
23 reimbursement for restoration costs.

24 E. The trust authority's annual report to the legislature shall include:

25 * * *

26 (4) The status of enforcement proceedings for all sites in violation of the
27 ~~assistant~~ secretary's rules and the time period during which the sites have been in
28 violation, including the status of the ~~assistant~~ secretary's attempts to recover
29 reimbursement for restoration costs.

30 * * *

1 §91. Orphaned oilfield sites

2 A. A site may be declared to be an orphaned oilfield site by the ~~assistant~~
3 secretary upon a finding that:

4 (1) No responsible party can be located, or such party has failed or is
5 financially unable to undertake actions ordered by the ~~assistant~~ secretary; and

6 * * *

7 B.(1) Prior to declaring a site to be an orphaned oilfield site, the ~~assistant~~
8 secretary shall seek to notify the last operator of record, at his last known address
9 contained in the department records, of the site that is to be declared orphaned and
10 shall publish a notice in the Louisiana Register that the oilfield site is to be declared
11 orphaned. Additionally, the ~~assistant~~ secretary shall seek to notify the surface owner
12 of the site, at the address provided by the operator pursuant to R.S. 30:28(J), that the
13 site is to be declared orphaned. Failure of the ~~assistant~~ secretary to notify the surface
14 owner of the site shall not invalidate the decision to declare a site orphaned. If
15 resolution of a factual dispute is requested by any owner or operator, the ~~assistant~~
16 secretary shall hold a fact-finding hearing prior to declaring the site orphaned and the
17 ~~assistant~~ secretary shall make any fact determination necessary to resolve the
18 dispute.

19 (2)(a) In the event that a site is being declared orphaned, the ~~assistant~~
20 secretary shall retain a first lien and privilege upon such property superior to any
21 existing mortgages, privileges, or liens of any kind, type, or nature whatsoever. The
22 ~~assistant~~ secretary shall record a notice of such lien with the clerk of court in the
23 parish where the site is located. The ~~assistant~~ secretary shall notify all other
24 lienholders of record who have acquired a privilege, lien, or mortgage upon the
25 property contained within a well site, in writing by registered mail, return receipt
26 requested, that he is declaring the site orphaned. If the salvage value of property at
27 the site exceeds the cost of plugging and abandoning the well site in accordance with
28 this Part, any excess funds shall be paid to other lienholders by rank. Any other
29 excess funds from salvage shall be paid into the fund.

30 * * *

1 (c) In the event that a lienholder is not properly notified as provided in this
2 Paragraph, any claim by the holder or holders against the trust authority, Department
3 of Conservation and Energy and Natural Resources, office of conservation, or the
4 contractors for the value of the salvaged property shall be limited to the actual cash
5 value of the salvaged property at the time of salvage.

6 (3) Sale or removal of property from an oilfield site which has been declared
7 orphaned without the written consent of the ~~assistant~~ secretary is prohibited. The
8 secretary shall have a claim against the person or persons who have sold or removed
9 such property for the fair market value of the property sold or removed, and the lien
10 and privilege provided herein shall follow such property into the hands of third
11 persons whether such persons are in good or bad faith.

12 (4) Conducting operations on an oilfield site which has been declared
13 orphaned without the written consent of the ~~assistant~~ secretary is prohibited.

14 * * *

15 D. In the event that the ~~commissioner~~ secretary declares an emergency as
16 provided in R.S. 30:6.1, the provisions regarding notice to the operator as provided
17 therein shall be applicable to declaring the site orphaned.

18 §92. Orphan site restoration

19 A. The secretary is hereby authorized to expend sums from the fund and enter
20 into contracts for the purpose of site restoration on any site declared to be an
21 orphaned oilfield site. The ~~assistant~~ secretary may conduct site restoration, expend
22 sums from the fund, and enter into contracts for the purpose of site restoration to
23 respond to an emergency as provided in R.S. 30:6.1.

24 * * *

25 C. A contract for site assessment or site restoration shall require a formal bid
26 process. All contracts shall be exempt from the provisions of the Public Bid Law and
27 the Louisiana Procurement Code; however, before this exemption from the Public
28 Bid Law and the Louisiana Procurement Code can be effective, the ~~assistant~~
29 secretary shall promulgate rules in accordance with the Administrative Procedure
30 Act to set forth the procedures, which, to the extent practicable, shall be in

substantial compliance with the Public Bid Law and shall require a formal bid process. A project which the ~~assistant~~ secretary has declared in writing to be an emergency may employ a written and thoroughly documented informal bidding procedure in which bids are solicited from at least three bidders. All such contracts shall be reviewed prior to execution by the ~~assistant~~ secretary, and all informally bid contracts shall be reviewed by the secretary. Notwithstanding any other requirements in this Part, any monies deposited pursuant to R.S. 30:86(D)(9) or (10) may be expended by the secretary through a contract entered into under any competitive process authorized by Title 38 or 39 of the Louisiana Revised Statutes of 1950.

§93. Recovery of site restoration costs; emergency costs

A. If the ~~assistant secretary~~ **department** undertakes restoration of an orphaned oilfield site under this Part or responds to any emergency as provided in R.S. 30:6.1, the secretary shall seek to recover all costs incurred by the secretary, ~~assistant secretary~~, penalties, and other relief from any party who has operated or held a working interest in such site, or who is required by law, rules adopted by the department, or a valid order of the ~~assistant secretary~~ **department** to control, clean up, close, or restore the oilfield sites or other facilities, structures, or pipelines under the ~~commissioner's~~ **secretary's** jurisdiction pursuant to R.S. 30:1 et seq. in accordance with the following:

* * *

C. The secretary may enter into a site restoration contribution agreement prior to undertaking restoration of an orphaned oilfield site under this Part. In such agreement the secretary shall accept and agree to specific levels of monetary or other contribution towards the cost of restoring an orphaned oilfield site by a party or parties who have operated or held a working interest in such orphaned oilfield site. Upon entering into a site restoration contribution agreement and following final payment by a party to the department of the contribution amount agreed to therein, the party shall be deemed to have met their obligations under this Part and the secretary shall have no right to recover costs incurred by the secretary, penalties, or other

relief as contemplated in this Section. Any party who has operated or held a working interest in an orphaned oilfield site covered by a site restoration contribution agreement but has either failed to enter into such agreement or failed to pay the department the agreed upon amount shall be liable for cost recovery pursuant to this Section. The secretary shall have no right of action to seek recovery of the costs contributed to restoration of an orphaned oilfield site by another party pursuant to a site restoration contribution agreement. Site restoration contribution agreements may include provisions resolving regulatory compliance and compliance with obligations set forth in a state lease, operating agreement, right of way, servitude or other contract associated with the orphaned oilfield site at issue.

* * *

§94. Penalties

A. Failure of a responsible party to comply with its obligation under this Part may cause that responsible party to lose all rights of an operator under this Subtitle in the state of Louisiana. The ~~assistant~~ secretary may cancel forthwith any allowables and deny any permits until restitution is received by cashier's check for costs incurred by the ~~assistant~~ secretary under this Part. Costs shall include without limitation restoration costs, legal expenses, and interest. The fund shall be reimbursed for any expenditures made on behalf of the oilfield site.

B.(1) The ~~assistant~~ secretary may withhold any permit application under this Subtitle to the following:

* * *

(2) An individual or entity has committed a violation of Statewide Order 29-B if any one of the following has occurred:

* * *

(b) The ~~assistant~~ secretary and the individual or entity have entered into an agreed order relating to the alleged violation and the individual or entity is not in compliance or on a schedule for compliance with such order.

(3) The ~~assistant~~ secretary shall not deny the permit application if:

* * *

C. In addition to the foregoing, any person found by the ~~assistant~~ secretary to be in violation of any requirement of this Part, may be liable for a civil penalty, to be assessed by the ~~assistant~~ secretary or court, of not more than twenty-five thousand dollars for each day of the continued noncompliance.

* * *

§95. No inference of liability on the part of the state

* * *

B. The secretary, ~~assistant secretary~~, the trust authority, or their agents, on proper identification, may enter the land of another for purposes of site assessment or restoration.

C. The trust authority, the secretary, ~~and the assistant secretary~~, and their agents, are not liable for any damages arising from an act or omission if the act or omission is part of a good faith effort to carry out the purpose of this Part.

D. No party contracting with the Department of Conservation and Energy ~~and Natural Resources, office of conservation~~, or the trust authority under the provisions of this Part shall be deemed to be a public employee or an employee otherwise subject to the provisions of Parts I through IV of Chapter 15 of Title 42 of the Louisiana Revised Statutes of 1950.

* * *

Part VIII. WATER RESOURCE MANAGEMENT

§98.1. Legislative Declaration; Purpose

A. The legislature declares that the management, protection, and development of water resources in the state are essential for public welfare, economic prosperity, and environmental sustainability. To fulfill these objectives, it is necessary to provide a framework for comprehensive water resource management, balancing environmental needs with human and economic activities. Accordingly, the legislature grants broad authority to the Department of Conservation and Energy establish a comprehensive water resource management program taking into consideration the requirements,

1 needs, and obligations of all stakeholders of water in the state of Louisiana. The
2 program shall be based on good management practices, sound science, and
3 economics according to generally accepted principles in those disciplines. It
4 shall include as a goal the long-term sustainability of the state's water resources
5 and of the state's ecological welfare, while considering the economic value of the
6 state's role in interstate commerce and the economic welfare of its citizens.
7 Further, it shall provide for the efficient administration in the utilization and
8 management of water resources, including the gathering of data related to the
9 state's water resources. Thus, the state's water resources shall be protected,
10 conserved, managed, and replenished in an effective manner with due regard
11 for the foregoing considerations and the best interest of all the citizens of the
12 state.

13 B. The legislature hereby recognizes the need for uniformity in the
14 establishment of a comprehensive water resource management program.
15 Therefore, the state shall have exclusive jurisdiction over the management of
16 water resources and this Part shall supersede and preempt any rule, regulation,
17 code, statute, or ordinance of any political subdivision or other unit of local
18 government. However, nothing contained in this Part shall be construed to deny
19 such local government the authority over siting facilities pursuant to any
20 general land use planning or zoning ordinance or to deny soil and water
21 conservation districts powers granted pursuant to R.S. 3:1208.

22 C. In accordance with the legislative intent provided in this Section, the
23 statewide water resource management program and any rule, regulation, or
24 order of the secretary shall recognize historic use of water resources in the state
25 and may incorporate the use of appropriate incentives to encourage
26 conservation of water resources and the appropriate utilization of alternate
27 water supplies where appropriate. Consistent with the provisions of this
28 Chapter and in consultation with the secretary, the incentives and provisions of
29 alternate water resources may be provided by the state, or any local subdivision
30 thereof, by virtue of tax incentives, tax credits, and physical projects

1 transporting or providing alternate water resources to existing water users and
2 by any private person with an interest in conserving such water resources for
3 public use.

4 §98.2. Definitions

5 The department shall define through rules adopted in accordance with
6 the Administrative Procedure Act necessary terms relevant to the
7 comprehensive water resource management program.

8 §98.3. Powers of the Department of Conservation and Energy

9 A. Notwithstanding any other provision of law to the contrary, in
10 carrying out the provisions of this Part, the Department of Conservation and
11 Energy is exclusively empowered to do the following:

12 (1) Prepare required forms and establish other procedures to govern the
13 submission of applications, reports, and other information authorized to be sent
14 to the office as required by this Part.

15 (2) Upon presenting valid identification as an inspector for the
16 department, enter upon and be given access at reasonable times and under
17 reasonable conditions to any premises for the purposes of inspecting water wells
18 or surface water withdrawals under the jurisdiction of the department.

19 B. If the office finds that compliance with all the requirements of this
20 Part would result in undue hardship, an exemption from any one or more of
21 such requirements may be granted by the office to the extent necessary to
22 ameliorate such undue hardship and to the extent such exemption can be
23 granted without impairing the intent and purpose of this Part.

24 §98.4. Regional districts; water resource management

25 A. The secretary may in consultation with the Natural Resources
26 Commission promulgate rules and regulations for the appointment or
27 designation of regional water districts, which when so appointed may be
28 delegated the powers, authorities, and duties of the department for groundwater
29 or surface water resource management within the regional district.

30 B. In addition to its other powers and authorities established in law, the

1 department is authorized to:

2 (1) Receive and collect water resource data and water use data
3 throughout the state.

4 (2) Cooperate with and enter into contracts or cooperative agreements
5 with other governmental units and agencies of this state, with governments and
6 agencies of other states and of the United States, and with private agencies or
7 other water conservation districts as necessary to fulfill the provisions of this
8 Part.

9 (3) Conduct studies and investigations of all problems concerning water
10 resources in the state.

11 (4) Identify and protect water recharge areas.

12 (5) Monitor and evaluate water resources including current and
13 projected demands, inventory the state's water resources, identify technical
14 research and previously developed information on water, identify future
15 potential deficit areas, study alternatives to surface water use including
16 treatment, transmission systems, and reclamation, and investigate incentives for
17 conservation and the use of alternative technologies including public education
18 and conservation programs.

19 (6) Promote water conservation measures and best practices for water
20 resource sustainability.

21 §98.5. Comprehensive water resource plan

22 A. The department, utilizing the Natural Resources Commission, shall
23 develop, implement, and periodically update a comprehensive statewide water
24 resource management plan, addressing current and future water demands,
25 conservation strategies, infrastructure needs, environmental impacts, and
26 sustainable water management practices.

27 B. The comprehensive plan shall be developed through a transparent
28 public process, including stakeholder input, interagency collaboration, and
29 review by the Natural Resources Commission.

30 §98.6. Enforcement and compliance

1 A. The department shall have the exclusive authority to enforce the
2 provisions of this Part consistent with its authority under law.

3 B. The department shall have the authority to collaborate with federal,
4 state, and local agencies to ensure coordinated enforcement efforts.

5 §98.7. Administrative review and appeals

6 Any party adversely affected by a decision or action of the department
7 under this Part shall be entitled to an administrative hearing in accordance with
8 rules adopted pursuant to the Administrative Procedure Act. Judicial review
9 shall be available following the exhaustion of administrative remedies as
10 provided by law.

11 §98.8. Immunity from liability

12 The department and its officers, employees, agents, and designated
13 representatives acting in the discharge of their duties under this Chapter shall
14 be immune from civil liability for actions taken in good faith in compliance with
15 established rules and regulations.

16 §98.9. Cooperation with other agencies

17 The department is authorized to collaborate and enter into agreements
18 with local, state, federal, and private entities to facilitate efficient and effective
19 water resource management and conservation efforts.

20 §98.10. Funding and financial assistance

21 The department may seek, receive, and administer funding, grants, and
22 financial assistance from federal, state, local, and private sources to implement
23 the objectives of this Chapter.

24 §98.11. Agricultural use exemption

25 Notwithstanding any other provision of law to the contrary, nothing in
26 this Part shall be construed to impact, burden, or impose regulatory
27 requirements or fees upon agricultural water users. Agricultural water use,
28 including but not limited to irrigation, livestock watering, and other customary
29 agricultural and horticultural purposes, shall be explicitly exempt from any
30 regulatory or administrative oversight established pursuant to this Part.

Participation in programs or initiatives established in this Part by agricultural users shall be strictly voluntary and without a fee.

§98.12. Public water supply prioritization

Notwithstanding any other provision of law to the contrary, in carrying out its authorities established by this Part the department shall prioritize and protect the sustainability of public water supplies in its management and regulatory decisions, consistent with the policy established in R.S. 38:3097.6. In exercising its authority under this Part, the department shall ensure that no regulatory or permitting action undermines or adversely impacts the availability or quality of water necessary for public water supply systems.

§98.13. Severability

If any provision of this Chapter or its application is held invalid, the invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application, and to this end, the provisions of this Chapter are severable.

* * *

§101.2. Policy and purpose

A. The legislature finds and declares that it is in the public interest and within the police power of this state to establish a fishermen's gear compensation and underwater obstruction removal program and a fishermen's gear compensation and underwater obstruction removal dedicated fund account to provide for the proper and timely identification, inventory, and removal of underwater obstructions that are a hazard to navigation and commercial fishing in the state, and to compensate commercial fishermen for damage to their fishing gear from the underwater obstructions. The program and fund account shall be administered, for purposes of fishermen's gear compensation, by the ~~assistant~~ secretary of the office of coastal management and, for purposes of underwater obstruction, by the ~~assistant~~ secretary of the office of conservation, both with the Department of **Conservation and** Energy and Natural Resources.

* * *

1 §101.3. Definitions

2 As used in this Part, the following terms shall have the meanings ascribed to
3 them in this Section, unless the context or use clearly indicates otherwise:

4 * * *

5 (2) "~~assistant secretary~~ **Secretary**" means the ~~assistant~~ secretary of the office
6 ~~of conservation within the~~ Department of **Conservation and** Energy ~~and Natural~~
7 ~~Resources~~ or his authorized representatives.

8 * * *

9 §101.4. Fishermen's Gear Compensation and Underwater Obstruction Removal
10 Program

11 A. The Fishermen's Gear Compensation and Underwater Obstruction
12 Removal Program is hereby created within the office of the secretary of the
13 Department of **Conservation and** Energy ~~and Natural Resources~~ and shall be
14 administered, for purposes of fishermen's gear compensation, by the assistant
15 secretary of the office of coastal management and, for purposes of underwater
16 obstruction, by the ~~assistant secretary of the office of conservation~~.

17 B. The ~~assistant~~ secretary shall adopt rules and regulations, in accordance
18 with the Administrative Procedure Act, to implement the provisions of this Part and
19 to provide for procedures for the identification, inventory, and removal of
20 underwater obstructions to navigation and commercial fishing.

21 §101.5. Powers of the secretary

22 A. The powers of the secretary shall include without limitation the power to
23 do the following:

24 * * *

25 (2) Maintain all supervisory and fiscal responsibility imposed under the
26 provisions of this Part ~~which are not specifically conferred upon the assistant~~
27 ~~secretary~~.

28 * * *

29 §101.6. Powers of the ~~assistant~~ secretary

30 A. The powers of the ~~assistant~~ secretary shall include without limitation the

power to do the following:

* * *

B. The aforementioned powers shall be in addition to and shall not limit the powers conferred on the ~~assistant~~ secretary in other provisions in this Title or any other pertinent provision of any state or federal law or regulation.

§101.7. Contracts; parties

A. A contract for obstruction removal shall require a cash bond, performance bond, or other equivalent surety instrument approved by the ~~assistant~~ secretary, and shall require a formal bid process. A project which the ~~assistant~~ secretary has declared in writing to be an emergency may employ a written and thoroughly documented informal bidding procedure in which bids are received from at least three bidders. All such contracts shall be reviewed prior to execution by the secretary, and all informally bid contracts shall be reviewed by the ~~commissioner~~ secretary of the division of administration.

* * *

§101.8. Liability

The secretary ~~or the assistant secretary~~ shall not be liable for any damages arising from an act or omission if the act or omission is part of a good faith effort to carry out the purpose of this Part.

§101.9. Fishermen's Gear Compensation and Underwater Obstruction Removal

Dedicated Fund Account

* * *

D. The monies in the account may be disbursed and expended pursuant to the authority and direction of the ~~assistant~~ secretary for the following purposes and uses:

(1) Any underwater obstruction identification, inventory, or removal conducted by the ~~office of conservation~~ department pursuant to this Part.

(2) The administration of this Part by the ~~office of conservation~~ department in an amount not to exceed two hundred thousand dollars in any fiscal year.

* * *

§101.10. ~~assistant secretary's~~ Secretary annual report to the legislature

1 A. The ~~assistant~~ secretary shall submit to the Senate Committee on Natural
2 Resources and the House Committee on Natural Resources and Environment before
3 March first an annual report that reviews the extent to which the program has
4 enabled the ~~assistant~~ secretary to better protect the navigable waters and commercial
5 fishing of the state and enhance the income of the fund.

6 B. The ~~assistant~~ secretary's annual reports shall include:

7 * * *

8 §101.13. Disbursement of funds; eligibility; hearings

9 A. Payments may be disbursed by the ~~assistant~~ secretary from the dedicated
10 fund account to compensate commercial fishermen for actual property damage
11 suffered as a result of hitting or snagging an obstruction or hazard in the territorial
12 waters of the state within the boundaries established for the fund but shall not be
13 extended to speculative loss such as anticipated profit or income.

14 B. In order to be eligible to receive reimbursement from the account, a
15 commercial fisherman shall show that the commercial fisherman has a valid claim.
16 A valid claim shall be established by the hearing examiner, based on evidence that
17 the following conditions have been met:

18 * * *

19 (2) The fisherman made a report to the ~~assistant~~ secretary on the location of
20 the obstruction postmarked within ninety days of the loss. If good cause is shown,
21 the secretary, when there are extenuating circumstances, may waive the ninety-day
22 limit on the reporting period, such waiver period not to exceed forty-five days.

23 * * *

24 C. Notwithstanding the provisions of Subsections A and B of this Section, no
25 payment:

26 * * *

27 (4) Shall be made for any claim at a site that has been certified by the
28 ~~assistant~~ secretary of the office of conservation for the Department of **Conservation**
29 **and** Energy ~~and Natural Resources~~ as having been cleared under the provisions of
30 this Part. Once a site has been cleared under the Louisiana Fishermen's Gear

1 Compensation and Underwater Obstruction Removal Program, the ~~assistant~~ secretary
2 shall certify that the site of at least two hundred yards in diameter is free of
3 obstructions, and future claims at a site so certified shall be denied. Whenever four
4 or more claims are reported after a site has been certified as clear, the site shall be
5 revisited and the new or leftover obstruction shall be located and, if the department
6 determines it is feasible, removed.

7 * * *

8 §101.14. Facilities reports; survey of obstruction; labeling

9 A. The ~~assistant~~ secretary shall prepare a detailed file of all structures and
10 facilities located on state waterbottoms within the boundaries of the dedicated fund
11 account. In developing the file, the secretary may require the owners and operators
12 of state mineral leases and pipeline rights-of-way to furnish information relative to
13 the location, description, and nature of facilities, both active and abandoned, on and
14 beneath the state's waterbottoms.

15 B. The ~~assistant~~ secretary shall establish and classify all potential hazards to
16 commercial fishing caused by oil and gas exploration, development, and production
17 activities in Louisiana waters, including all obstructions on the bottom, throughout
18 the water column, and on the surface.

19 * * *

20 §103.1. Operators and producers to report to owners of unleased oil, gas or brine
21 interests

22 A. Whenever there is included within a drilling unit, as authorized by the
23 ~~commissioner of conservation~~ **secretary**, lands producing oil, gas, brine, or any
24 combination thereof upon which the operator or producer has no valid oil, gas, or
25 mineral lease, the operator or producer shall issue the following reports to the owners
26 of the interests by a sworn, detailed, itemized statement:

27 * * *

28 §121. State Mineral and Energy Board created; composition and powers

29 A. The State Mineral and Energy Board, as created by Act No. 93 of the 1936
30 Regular Session of the Legislature, is hereby continued. The board shall be

1 composed of the governor and the ~~secretary~~ **undersecretary** of the Department of
2 **Conservation and** Energy ~~and Natural Resources~~, ex officio, and nine members
3 appointed by the governor. Each appointment by the governor shall be submitted to
4 the Senate for confirmation. Six members shall constitute a quorum.

5 * * *

6 C. The governor shall be ex officio chairman or may designate the board to
7 elect its chairman to serve for two years. The board shall be a body corporate with
8 power to sue and be sued. The domicile of the board shall be in Baton Rouge and it
9 shall possess, in addition to the powers herein granted, all of the usual powers
10 incident to corporations. If the governor serves as ex officio chairman, in case of a
11 tie, the vote of the governor shall determine the issue. If the governor has designated
12 the board to elect its chairman, the chairman may vote only once on any motion. The
13 deputy secretary or the ~~undersecretary of the Department of Energy and Natural~~
14 ~~Resources~~ **director of the office of state resources** may serve as a proxy member
15 of the board in the absence of the ~~secretary~~ **undersecretary** with full authority to act
16 for the ~~secretary~~ **undersecretary** as a member of the board.

17 D. The board shall administer the state's proprietary interest in minerals **and**
18 **water resources** as herein provided. The governor may appoint to the board
19 members engaged in the industry and related business activity which members and
20 which board shall be subject to the provisions of R.S. 42:1101 through R.S. 42:1168.

21 * * *

22 **§124.1. Confidential information**

23 **A. Information submitted to the board, the office of mineral resources,**
24 **or the office of state resources as part of a bid or proposal for the right to**
25 **explore, develop, or utilize public property may be deemed confidential and**
26 **withheld from public disclosure by the board or office if disclosure of such**
27 **information would be reasonably likely to:**

28 **(1) Reveal technical, operational, or financial details to be used in the bid**
29 **or proposal; and**

30 **(2) Give any advantage to a competitor.**

B. Unless otherwise exempt from public release in accordance with the Public Records Law, or as otherwise provided by regulations adopted pursuant to Subsection C of this Section, information withheld pursuant to this provision shall be subject to disclosure upon conclusion of the competitive evaluation process and a final board determination regarding bid or proposal.

C. The board, the office of mineral resources, or the office of state resources may promulgate rules or regulations establishing procedures for the submission, designation, handling, and protection of information designated as confidential pursuant to this Section.

§125. Application for lease; fee

All proposals for mineral leases under this Subpart shall be submitted to and examined by the ~~assistant secretary of the office of mineral resources~~ who shall transmit them to the board for its action. All proposals shall be submitted by application as ~~provided herein in the form required by the office of mineral resources~~ **in the form required by the department**, giving the description of the land, including a map, and submission of six hundred dollars, payable to the office of mineral resources, to satisfy the cost of processing the application. The fee shall not be returned, even in the event of a bid.

* * *

§127.1. Tertiary recovery incentive

* * *

C. For purposes of this Section, a "qualified tertiary recovery project" is an enhanced crude oil recovery project utilizing one of the following methods:

* * *

(10) Specific variations of any of the above listed general techniques, as determined in any particular case by the ~~assistant secretary of the office of conservation~~.

(11) Any other method approved by the ~~assistant secretary of the office of conservation~~ as constituting tertiary recovery within the contemplation of that term in the profession of petroleum engineering.

D. This Section shall apply to tertiary recovery activities on any reservoir that is no longer capable of producing by methods other than tertiary. It shall also apply to reservoirs which are still capable of producing by primary and secondary methods after an amount of production has been recovered during a tertiary recovery project equal to that which would have been recovered by utilizing primary and secondary methods, which amount shall be determined by the ~~assistant~~ secretary ~~of the office of conservation~~ at the hearing required under Subsection B of this Section.

* * *

§129. Powers, duties, and authority of board; pooling agreements; operating units; fees

* * *

B.(1)(a) "Operating unit" as herein used means that number of surface acres of land which, under regular or special rules of the ~~commissioner of conservation~~ secretary or other authority having control in the premises, or by agreement of the lessors, lessees, and mineral and royalty owners, may be pooled and unitized for development and operation as a unit. An agreement creating an operating unit may provide for cycling, recycling, pressure maintenance, or repressuring in fields productive of oil, gas, and gas from which condensate, distillate, or other product may be separated or extracted.

* * *

§135. Secretary and other employees

The Department of Conservation and Energy ~~and Natural Resources~~, through the office of mineral resources, shall provide the necessary staff functions to assist the board in its leasing, supervisory, and other activities, and the ~~assistant~~ secretary, or his designee thereof shall serve as secretary to the board.

* * *

§136.3. Mineral and Energy Operation Fund

* * *

B. Out of the funds remaining in the Bond Security and Redemption Fund, after a sufficient amount is allocated from that fund to pay all obligations secured by

1 the full faith and credit of the state which become due and payable within any fiscal
2 year as required by Article VII, Section 9(B) of the Constitution of Louisiana, the
3 treasurer in each fiscal year shall pay into the fund revenues and amounts from the
4 following sources:

5 (1) ~~An The amount equal to one million six hundred thousand dollars~~
6 ~~received by the state through the office of mineral state resources from nonjudicial~~
7 ~~settlements, including but not limited to settlements of disputes of royalty audit~~
8 ~~findings, title disputes, and acreage conflicts, and court-awarded judgments and~~
9 ~~settlements. For Fiscal Years 2021-2022 through 2024-2025, an additional amount~~
10 ~~equal to nine hundred thousand dollars received by the state through the office of~~
11 ~~mineral resources from nonjudicial settlements, including but not limited to~~
12 ~~settlements of disputes of royalty audit findings, and court-awarded judgments and~~
13 ~~settlements.~~

14 * * *

15 (6) All revenue received from fees collected pursuant to activities and
16 authorities identified at R.S. 36:358(E)(3).

17 (7) All revenue, income, fees, or other collections collected by or on
18 behalf of the Capital Area Groundwater Conservation District (R.S. 38:3087 et
19 seq.). The department shall maintain separate accounting of such revenues for
20 auditing and reporting purposes.

21 C. Monies in the fund shall be invested by the state treasurer in the same
22 manner as monies in the state general fund. At the request of the Natural
23 Resources Trust Authority, the state treasurer may invest monies in the fund,
24 or any portion thereof, in accordance with the provisions of R.S. 33:2955,
25 including the use of the Louisiana Asset Management Pool. Interest earned on
26 investment of monies in the fund shall be credited to the ~~state general~~ fund.

27 D. The monies in the fund shall be appropriated by the legislature to the
28 Department of Conservation and Energy and Natural Resources to be used solely
29 for the administration and regulation of minerals, ground water, and related
30 conservation and energy activities. ~~Additionally, monies~~ Monies deposited into the

fund pursuant to Paragraph (B)(5) of this Section shall be used solely for the administration and regulation of solar power generation facilities. Monies deposited into the fund pursuant to Paragraph (B)(7) of this Section shall be used solely for the administration, regulation, enforcement, and oversight of groundwater resources and related activities within the geographical boundaries served by the Capital Area Groundwater Conservation District. These monies shall not be used for any purpose outside of that jurisdiction.

* * *

§143. Transfer of solid mineral leases; approval by board

* * *

D.(1)

* * *

(2) In advance of any the hearing, the secretary of the Department of Conservation and Energy and ~~Natural Resources~~ shall have the same powers as are conferred ~~upon the commissioner of conservation~~ by R.S. 30:909 to investigate, receive written statements, administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records or documents, and any party to the hearing shall have the right to take the testimony of any witness and to compel any witness to appear and depose and to produce books, papers, correspondence, memoranda, contracts and agreements, or other records or documents, on the same terms as are contained in R.S. 30:909.

(3) Except as otherwise provided herein, the hearing required hereby shall be conducted in accordance with and pursuant to the provisions of Chapter 13 of Title 49 of the Louisiana Revised Statutes of 1950 and such regulations as the secretary of the Department of ~~Resources~~ Conservation and Energy may issue hereunder.

* * *

§148.8. Oil, gas, and mineral rights not affected; exceptions

Nothing in this Subpart is intended to authorize the leasing of lands or bodies of lakes, bays or coves, sea, arms of the sea, or other navigable waters and beds thereof for the exploration and development of same for the production of oil, gas,

1 sulphur, or other minerals, provided, however, such absence of authorization shall
2 not be construed as prohibiting drilling for the purpose of injection, storage, or
3 withdrawal of any stored oil, natural gas, liquid hydrocarbons, or carbon dioxide into
4 or from any underground reservoirs or salt dome caverns, or the drilling of wells for
5 the purpose of making caverns in salt domes covered by any lease granted pursuant
6 to the provisions of this Subpart. Such absence of authorization shall not be
7 construed to prohibit the production of any oil, natural gas, or liquid hydrocarbons
8 which may remain in a partially depleted underground reservoir determined by the
9 ~~commissioner of conservation of the state of Louisiana~~ secretary of the
10 Department of Conservation and Energy to be suitable for use as an underground
11 storage reservoir in accordance with the provisions of this Title.

12 §148.9. Oil; natural gas; liquid hydrocarbons; carbon dioxide; lease for underground
13 storage

14 A. Any lease for the underground storage of oil, natural gas, liquid
15 hydrocarbons, or carbon dioxide granted pursuant to the provisions of this Subpart
16 shall be granted conditionally and shall not be final until the following conditions are
17 met:

18 (1) Lessee shall request a public hearing with the ~~commissioner of~~
19 ~~conservation~~ secretary within sixty days after the conditional award of such lease.

20 (2) After the public hearing is held, the lessee shall obtain an order from the
21 ~~commissioner of conservation~~ secretary finding that the proposed project is in the
22 public interest.

23 * * *

24 §153. Agencies may lease or administer through State Mineral and Energy Board

25 A. Any agency may by resolution direct the State Mineral and Energy Board
26 to lease or otherwise contract for the exploration, development, or use of its land
27 ~~in the manner provided in Subpart A of this Part.~~ The bonus money, if any, received
28 ~~for the lease~~ pursuant to any such contract shall be transmitted by the State
29 Mineral and Energy Board to the agency. After the execution of the original ~~lease~~
30 contract, all rights and authority in connection therewith shall be vested in the

agency to the same extent as if the agency had itself ~~leased the land~~ **administered**
and executed the contract.

B. Upon request, the State Mineral and Energy Board may administer and manage the leases **and other contracts** of any levee district, state university, state college, state penal or charitable institution, or agency, unit, or institution of the state. If the State Mineral and Energy Board agrees to administer and manage such ~~leases~~ **contracts**, the parties shall enter into a cooperative endeavor agreement to accomplish this purpose.

* * *

§172. Lessees may construct breakwaters, etc.

Any person holding or acquiring a lease from the state for the development and production of minerals from lands including water bottoms belonging to the state, shall be authorized, in the conduct of the operations under the lease, to build, install and exclusively control, upon the shores, banks or water bottoms covered by the lease, breakwaters, platforms, fills, islands, (through excavation, pumping process or otherwise) and other constructions and facilities that he may find necessary or convenient for the exploitation, production, storing, treating, processing, refining, conveying, transporting and marketing of minerals produced under such lease and under leases covering other lands in the vicinity. Should any island or fill be made within navigable waters, a permit shall first be secured from the Register of the State Land Office and approved by the ~~commissioner of conservation~~ **secretary.**

* * *

§209. State Mineral and Energy Board; authority

In order to carry out the provisions of R.S. 30:208, the State Mineral and Energy Board may:

* * *

(4)(a)

* * *

(e) Upon a two-thirds vote of the members of the State Mineral and Energy

Board and after notification to the governing authority of the affected parish, which may be made by electronic mail to the parish president, police jury president, or mayor-president, depending on the form of parish government, and a public hearing conducted by a hearing officer appointed by the ~~assistant~~ secretary for the office of mineral resources in each affected parish pursuant to R.S. 30:6, enter into operating agreements whereby the state receives a share of revenues from the storage of oil, natural gas, liquid or liquefied hydrocarbons, or carbon dioxide, in whole or in part, as may be agreed upon by the parties, and assumes all or a portion of the risk of the cost of the activity in those situations where the board determines it is in the best interest of the state either in equity or in the promotion of conservation to do so, such as but not limited to the following illustrations:

* * *

(6) Notwithstanding any other provision of law to the contrary, the State Mineral and Energy Board is hereby authorized to enter into operating agreements for the usus or fructus of state resources under the department's jurisdiction, or other arrangements to fulfill the purposes and functions of the office of state resources pursuant to R.S. 36:358(E), and to adopt, promulgate, amend, or repeal all rules and regulations necessary to implement, administer, and enforce any such agreements.

§209.1. Acquisition of ~~geological~~ information **and data**

A. The right of the State Mineral and Energy Board under R.S. 30:209 to ~~conduct or contract for geophysical and geological surveys and other operations on lands which the board might lease for the state in order to carry out the provisions of R.S. 30:208, relative to exploration and development of mineral resources shall include the right to acquire and receive, either as owner in its own right or licensee, from the company acquiring and processing the data under the geophysical or geological surveys, and geophysical, geological, and engineering information and data acquired or processed from the surveys or operations conducted on any lands, whether public or private, for evaluation, administration, and development of the mineral resources of state-owned properties~~ **the right to acquire and receive, either**

1 as owner in its own right or licensee, information and data acquired or
2 processed from geological and geophysical surveys or other operations
3 conducted on any lands, whether public or private, for evaluation,
4 administration, and development of the mineral resources of state-owned
5 properties.

6 B.(1) Information and data acquired as authorized by Subsection A of this
7 Section shall be confidential for all purposes consistent with the terms of acquisition
8 and shall be made available only to the State Mineral and Energy Board, and the
9 ~~commissioner of conservation~~ secretary at the sole discretion of the board, who shall
10 keep such information and data confidential and may use such information and data
11 only in the lawful, official administration and development of publicly owned lands.
12 Whoever knowingly and willfully violates the provisions of this Subsection shall be
13 punished by the penalties provided by R.S. 30:213(B).

14 * * *

15 §413. Certified emergencies; suspension of act

16 A. Whenever there is a compulsory reallocation or curtailment of natural gas
17 resulting in a failure to supply natural gas in Louisiana pursuant to a contract, the
18 ~~assistant~~ secretary, on call of the governor, shall hold a public hearing for the
19 purpose of determining whether, as a result of extreme shortages of natural gas an
20 emergency condition exists within a locality, municipality, parish or region of the
21 state or elsewhere within the United States.

22 B. In the event that such an emergency is determined to exist, the ~~assistant~~
23 secretary shall certify such fact to the governor, who shall immediately thereafter
24 issue an official order to that effect.

25 * * *

26 §414. Reallocation hearings; powers and duties of the ~~assistant~~ secretary; reports to
27 the governor

28 A. Whenever there has been a failure to supply natural gas as a result of
29 compulsory reallocation or curtailment procedures other than as provided for at R.S.
30 30:571 and R.S. 30:413, the ~~assistant~~ secretary shall call a public hearing pursuant

1 to the Louisiana Administrative Procedure Act for the purpose of determining the
2 reasons for the compulsory action, the sustained and impending harm to the health,
3 safety and welfare of the citizens of the state as a result of the compulsory action,
4 and the beneficiaries of the natural gas otherwise made available as a result of the
5 compulsory action.

6 * * *

7 §502. Declaration of energy emergency; purpose of Chapter

8 * * *

9 D. Notwithstanding anything herein to the contrary, this Chapter shall not
10 apply to natural gas, not to exceed twenty five million cubic feet per day, owned or
11 purchased by a person at or near the field where produced and transported by the
12 purchaser through his own pipeline solely for his own consumption or to gas
13 acquired, through an exchange of any portion of such gas, solely for his own
14 consumption; provided that such gas may be made subject to the provisions of Part
15 IV of this Chapter in cases where the ~~commissioner~~ **secretary** finds that an extreme
16 emergency exists impairing gas otherwise required for the priorities set forth in R.S.
17 30:572(1)(a), (b), (c), (d), and (e) which cannot be substantially otherwise provided
18 for.

19 * * *

20 §503. Definitions

21 As used in this Chapter, the following words and phrases have the meaning
22 ascribed to them in this Section except as otherwise provided in this Chapter or
23 unless a different meaning is plainly required by the context:

24 (1) "~~Assistant secretary~~ **Secretary**" means the ~~assistant secretary of the office~~
25 ~~of conservation~~ of the Department of **Conservation and** Energy ~~and Natural~~
26 ~~Resources~~.

27 (2) "Commissioner" means the ~~commissioner of conservation of the state of~~
28 Louisiana **secretary of the Department of Conservation and Energy**.

29 * * *

30 (4) "Excess capacity" of intrastate gas pipelines is defined as that part of the

1 capability of a pipeline system to transport intrastate natural gas from point to point
2 along its line in excess of the immediate needs of the pipeline company or its
3 subsidiaries or its parent or the subsidiary companies of its parent. In determining
4 excess capacity, the ~~commissioner~~ secretary may disregard existing contracts for the
5 transportation or sale of intrastate natural gas not then being performed or fulfilled.
6 Excess capacity of intrastate pipelines may also be created as a result of intrastate
7 natural gas delivery curtailment orders of the ~~commissioner~~ secretary in the
8 implementation of the allocation, rationing and conservation measures governing the
9 end-use of intrastate natural gas provided for in this Chapter.

10 * * *

11 (6) "Intrastate natural gas" is defined as that gas produced, transported, and
12 utilized wholly within the state of Louisiana, through the use of intrastate pipelines
13 or of interstate pipelines where such use of interstate pipelines is or may hereafter
14 be exempt from the control of the Federal ~~Power~~ Energy Regulatory Commission
15 under the Natural Gas Act and/or rules and regulations promulgated by the Federal
16 Power Commission thereunder; and gas, wherever produced, which is or may be
17 transported into this state and delivered to an intrastate pipeline in this state to be
18 used or consumed wholly within this state.

19 * * *

20 (8) "Intrastate pipeline" is defined as a pipeline which is located and operated
21 ~~wholly within~~ in the state of Louisiana and is or may hereafter be exempt from
22 the control of the Federal Energy Regulatory Commission ~~for the transportation~~
23 ~~of intrastate natural gas within the state of Louisiana, which does not extend beyond~~
24 ~~the boundaries of the state of Louisiana, and which is not merely a local branch of~~
25 ~~an interstate pipeline system.~~

26 * * *

27 §504. ~~Division of Natural Resources~~ Department of Conservation and Energy;
28 powers of the secretary

29 ~~A. The commissioner~~ secretary ~~shall establish in~~ of the State Department of
30 Conservation and Energy ~~a Division of Natural Resources and Energy through~~

1 ~~which he~~ shall administer, enforce and carry out the powers, duties and functions
2 transferred to him by Part II of this Chapter or otherwise vested in him by this
3 Chapter.

4 ~~B. All of the funds, property and other things, and persons and functions~~
5 ~~merged, consolidated and transferred by the provisions of Part II of this Chapter to~~
6 ~~the commissioner and/or the State Department of Conservation shall be in the~~
7 ~~Division of Natural Resources and Energy.~~

8 §521. Merger and consolidation of agencies or functions

9 A. In order to merge and consolidate into one agency, under authority of
10 Section 32 of Article III of the Constitution of 1921, certain executive and
11 administrative offices, boards, commissions and agencies of the state of Louisiana
12 whose duties and functions are of a similar nature or character, the following named
13 offices, boards, commissions and agencies are merged and consolidated into the
14 State Department of Conservation **and Energy**:

15 * * *

16 C. Except as otherwise provided herein, on and after April 1, 1974, the
17 ~~commissioner~~ **secretary** shall exercise those functions of the state, authorized by the
18 state, or now or hereafter authorized by the constitution and laws to be exercised
19 which relate to the administration, management and operation of the functions,
20 programs and facilities of the offices, boards, commissions, and agencies hereby
21 merged and consolidated, as well as the functions, powers, and duties transferred to
22 the ~~commissioner~~ **secretary** by Subsection B of this Section.

23 * * *

24 §524. ~~Commissioner~~ **Secretary** or merged agencies as agency of state for accepting
25 and expending federal funds and carrying out purposes of federal
26 laws

27 The ~~commissioner~~ **secretary** is designated as the sole agency of the state for
28 accepting, administering and expending any and all federal funds awarded or
29 allocated to the state of Louisiana for any purpose covered by any provision of this
30 Chapter and for carrying out the purposes of any federal law concerning any matter

covered by the provisions of this Chapter; however, each of said agencies shall remain in existence as agencies within the ~~Division of Natural Resources and Energy~~ of the Department of Conservation **and Energy** and to the full extent required by any federal law or regulation shall serve as the agency of the state to accept federal funds and administer them in connection with their programs and functions as provided by law prior to this merger and consolidation.

§525. Transfer of employees

All employees heretofore engaged in the performance of duties in any agency in the exercise of functions transferred by this Part to the ~~commissioner~~ **secretary** shall be transferred with such functions to ~~State~~ Department of Conservation **and Energy** to the full extent necessary to carry out the purposes of this Chapter and shall, so far as practicable and necessary, continue to perform the duties heretofore performed, subject to the state civil service laws and regulations and the laws and regulations governing the state employees retirement system.

§541. General power; ~~assistant~~ secretary, requirements

To accomplish the purposes of this Chapter, the ~~assistant~~ secretary is authorized to:

* * *

(2) Contract, upon such terms as he may agree upon, for legal, financial, engineering, and other professional services necessary or expedient in the conduct of the affairs of the ~~office of conservation~~ **department** under the provisions of this Chapter; however, counsel retained by the ~~assistant~~ secretary to represent the interests of the state before the congress and the federal energy agencies and to advise the ~~assistant~~ secretary regarding the same shall not be deemed to be a public employee within the meaning of Chapter 15 of Title 42 of the Louisiana Revised Statutes of 1950.

* * *

§544. Violation; penalties, civil and criminal

A.(1) Any person who shall be determined by the ~~assistant~~ secretary, after notice and an opportunity for a hearing, to have violated any provision of this

Chapter or any rule, regulation, or order promulgated or issued under this Chapter shall be liable to the ~~office of conservation~~ **department** for a civil penalty not to exceed two hundred thousand dollars for each violation for each day that the violation persists, except that the maximum civil penalty shall not exceed two million dollars for any related series of violations.

(2) The amount of the penalty shall be assessed by the ~~assistant~~ secretary by written notice.

(3) In determining the amount of the penalty, the ~~assistant~~ secretary shall consider the nature, circumstances, and gravity of the violation and, with respect to the person found to have committed the violation, the degree of culpability, any history of prior violations, the effect on ability to continue to do business, any good faith in attempting to achieve compliance, ability to pay the penalty, and such other matters as justice may require.

B. The legal counsel employed or retained by the ~~assistant~~ secretary may recover the assessed civil penalty by bringing action against the person so assessed in the court having jurisdiction. The ~~assistant~~ secretary may compromise the civil penalty.

* * *

§546. General powers to control natural resources and energy

A. The ~~assistant secretary of the office of conservation~~ of the Department of **Conservation and** Energy and Natural Resources shall have the powers and duties of:

* * *

(5) Adopting and promulgating rules and regulations requiring the users or end users of hydrocarbons or hydrocarbon products to register with the ~~assistant~~ secretary and report on the use or end use of hydrocarbons or hydrocarbon products in the processing, production, or manufacture of commodities, goods, or services.

* * *

B. The ~~commissioner~~ **secretary** shall have and exercise all necessary power and authority to supervise, govern, regulate and control the production,

1 transportation, distribution, storage, sale, use and end-use of intrastate natural gas,
2 including the power and authority to supervise, govern, regulate and control
3 intrastate natural gas transporters and all aspects of sales of intrastate natural gas
4 including direct sales to industrial users for fuel or for other uses; provided, however,
5 the ~~commissioner~~ secretary shall have no authority to regulate the sale prices of
6 intrastate natural gas except as authorized by the provisions of this Chapter with
7 respect to prices on reallocated gas and prices under contracts executed after the
8 effective date of this Chapter.

9 C. The ~~commissioner~~ secretary is empowered to take such actions, and
10 promulgate such rules, regulations, and orders, as necessary to provide for the
11 enforcement of the laws of the United States and regulations of appropriate federal
12 agencies to the extent such enforcement, power, authority and responsibility is
13 delegated to the state, for the mandatory allocation or rationing of natural gas, crude
14 oil, residual fuel oil, refined petroleum products and other fuels.

15 * * *

16 §548. Exercise of powers

17 The ~~assistant~~ secretary of conservation shall exercise his powers so as to
18 provide, under the priorities hereinafter set forth, to the maximum extent practicable,
19 for:

20 * * *

21 §551. Regulatory designation

22 A. Pursuant to Section 2(A) of Article IX of the Louisiana Constitution of
23 1974, the ~~assistant~~ secretary shall be the authority to regulate natural gas and natural
24 gas transporters and distribution companies as provided in this Chapter; provided,
25 however, that the Louisiana Public Service Commission shall remain the authority
26 to regulate the sale of natural gas moving by pipeline to local distributing systems
27 for resale, and shall regulate resales by those distributing companies, for the
28 purposes of fixing and regulating the rates and services charged and rendered by
29 public utilities in such sale; except that those distribution companies or systems
30 owned or operated by the governing authority of one or more political subdivisions

1 or subject to regulation in accordance with the provisions of a home rule charter or
2 plan of government shall be regulated, except as provided in Subsection B, hereof,
3 by the owning or operating governing authority or as provided by such home rule
4 charter or plan of government.

5 B. Notwithstanding the provisions of Subsection A of this Section, the
6 ~~assistant~~ secretary shall be the authority to regulate persons engaged in the
7 transportation of gas or who own or operate intrastate pipeline facilities for the
8 transportation of gas. The ~~assistant~~ secretary shall establish by regulation minimum
9 safety standards for pipeline facilities and the transportation of gas, and those
10 regulations shall be consistent with the rules and regulations authorized by 49 U.S.C.
11 60101 et seq.

12 C. The assistant secretary, as permitted by 49 U.S.C. 60105, may certify
13 annually to the United States Department of Transportation that the state, through the
14 ~~office of conservation~~ **Department of Conservation and Energy**, has regulatory
15 jurisdiction over the safety standards and practices of intrastate pipelines and
16 liquefied natural gas facilities not otherwise regulated by the Federal Energy
17 Regulatory Commission and the transportation of gas and liquefied natural gas
18 associated with those facilities.

19 D. Except as provided in 49 U.S.C. 60104(c), nothing in this Section
20 authorizes the ~~assistant~~ secretary to adopt or enforce safety standards for interstate
21 gas pipeline facilities or the transportation of gas associated with those facilities.

22 E. The ~~commissioner of conservation~~ **secretary**, as permitted by 49 U.S.C.
23 60101, et seq., may certify annually to the United States Department of
24 Transportation that the state, through the ~~office of conservation~~ **Department of**
25 **Conservation and Energy**, has regulatory jurisdiction over the safety standards and
26 practices of intrastate underground gas storage facilities not otherwise regulated by
27 the Federal Energy Regulatory Commission and the transportation of gas and the
28 storage of gas at those facilities. The ~~commissioner of conservation~~ **secretary**, as
29 permitted by 49 U.S.C. 60101 et seq., may enter into an agency relationship with the
30 United States Department of Transportation to enforce compliance with safety

standards with respect to interstate gas storage facilities or the transportation of gas associated with those facilities.

* * *

§557. Construction and operation of pipelines by ~~commissioner~~ secretary

A. The ~~commissioner~~ secretary shall be empowered to plan, finance, construct in accordance with the provisions of R.S. 38:2211, develop, acquire, maintain and operate a pipeline system or systems, inclusive of pipelines, pumps, storage and all facilities, structures and properties incidental and necessary or useful in the transportation, distribution and delivery of natural gas and hydrocarbons from any and all points of production to points of consumption or to the points of distribution for consumption, within or without the state of Louisiana, inclusive of a pipeline system within the offshore area under the jurisdiction of the state, to facilitate the production, transportation, distribution and delivery of natural gas and hydrocarbons, including gas and hydrocarbons received as royalties "in-kind" by private land or mineral owners, under private leases, and by the state, pursuant to mineral leases by the state, its agencies and political subdivisions, and gas and hydrocarbons acquired by purchase or otherwise by the state from private land or mineral owners.

B. In order to provide for the financing, construction, development, maintenance and operation of said pipeline systems, the ~~commissioner~~ secretary may lease or rent to others, after advertisement in accordance with the provisions of R.S. 30:142, the facilities constructed pursuant to the authority conferred herein, and all facilities, structures and properties necessary and incidental, to facilitate the production, transportation, distribution and delivery of natural gas and other hydrocarbons from point of production to point of consumption or to the point of distribution for consumption.

C. The ~~commissioner~~ secretary may borrow funds not to exceed \$50,000,000.00 fifty million dollars for implementation of the purposes of this Section and mortgage and pledge any lease or leases granted by, assigned or subleased by the ~~commissioner~~ secretary.

1 D. Anything herein to the contrary notwithstanding, the ~~commissioner~~
2 secretary shall not exercise any of the rights or powers granted to him in
3 Subsections A, B, and C of this Section, if private persons, firms, or corporations are
4 performing the acts and services, or are constructing or have constructed the facilities
5 to provide the services contemplated by this Section. Prior to exercising any of such
6 rights or powers, the ~~commissioner~~ secretary shall publish in the official journal of
7 the state a notice describing the acts, facilities, or services contemplated by the
8 ~~commissioner~~ secretary, and any private persons, firms or corporations desiring to
9 perform the acts or services or to construct the facilities to provide the services
10 described in the notice, shall have a period of thirty days from the date of last
11 publication of the notice within which to notify the ~~commissioner~~ secretary of their
12 intention to perform the acts or services or to construct the facilities to provide the
13 services described in the notice. In the absence of such notification by a private
14 person, firm or corporation, or if such person, firm or corporation, having given
15 notice of intention to perform the acts or services or to construct the facilities to
16 provide the services contemplated by the ~~commissioner~~ secretary, fails to
17 commence same within sixty days from the date of notification of the ~~commissioner~~
18 secretary of such intention, the ~~commissioner~~ secretary may proceed to perform the
19 acts, construct the facilities or provide the services originally contemplated.

20 E. In exercising the rights and powers granted to him in this Section, the
21 ~~commissioner~~ secretary shall be vested with authority to:

22 (1) Acquire by expropriation any properties necessary or useful for the
23 purposes of this Section, in accordance with the general expropriation laws of the
24 state. The ~~commissioner~~ secretary shall not have the authority to expropriate
25 mineral leases, gas supplies, gas reserves, oil refineries, minerals, mineral rights or
26 pipelines used in connection therewith. No person shall be granted a suspensive
27 appeal from any judgment rendered by a district court in any expropriation action
28 filed by the ~~commissioner~~ secretary hereunder in which it is held that a requested
29 expropriation be approved.

30 * * *

1 F. In the exercise of the powers, duties and functions granted to the
2 ~~commissioner~~ secretary in Subsection A hereof, with respect to the production,
3 transportation, distribution and delivery of natural gas and hydrocarbons received as
4 royalties "in-kind" by private land or mineral owners under private leases and by the
5 state pursuant to mineral leases by the state, its agencies and political subdivisions,
6 the ~~commissioner~~ secretary shall allocate and/or ration all such natural gas and other
7 hydrocarbons received as "in-kind" royalties in accordance with the priorities
8 established in Paragraphs (a) through (i), inclusive, of R.S. 30:572 and,
9 notwithstanding any other provisions of R.S. 30:572 or any other law to the contrary,
10 the priorities established in said Paragraphs (a) through (i), without any change or
11 modification thereof whatsoever, shall govern the allocation and/or rationing of
12 natural gas and other hydrocarbons received as "in-kind" royalties unless the
13 ~~commissioner~~ secretary determines such priority use is impractical under the
14 circumstances.

15 G. Within 90 days after December 8, 1973, the ~~commissioner of conservation~~
16 secretary shall promulgate a set of rules and regulations for intrastate pipeline
17 safety, using as a guideline those rules and regulations authorized by 49 U.S.C.A.
18 §1671 to 1684 inclusive as established by the United States Secretary of
19 Transportation.

20 §558. Bond issue for pipeline

21 A. In order to finance capital improvements authorized by R.S. 30:557, the
22 ~~commissioner~~ secretary shall have the power to borrow money not to exceed
23 \$50,000,000.00 fifty million dollars and evidence the borrowing in the issuance and
24 sale of bonds or other obligations of the State Department of Conservation and
25 Energy, the principal and interest of which shall be payable solely out of revenues
26 herein authorized to be dedicated and pledged for such payment.

27 B. The bonds or other obligations issued under authority of this Section shall
28 be solely the obligations of the State Department of Conservation and Energy and
29 shall recite on their face that they do not constitute obligations of the state of
30 Louisiana or of any parish, municipality or other political subdivision of the state.

1 The bonds or other obligations shall be authorized and issued by written
2 authorization of the ~~commissioner~~ secretary and shall be of such series, bear such
3 date or dates, mature at such time or times, bear interest at such rate or rates, be in
4 such form, either coupon or fully registered without coupons, carry such registration
5 and exchangeability privileges, be payable in such medium of payment and at such
6 place or places, be subject to such terms of redemption and be entitled to such
7 priorities on the revenues authorized by this Section to be pledged for the payment
8 of principal and interest of such bonds or other obligations as such written
9 authorization may provide. The bonds and the coupons, if any, attached thereto shall
10 be executed in the form and manner provided by the ~~commissioner's~~ secretary's
11 written authorization.

12 * * *

13 D. Any bonds or other obligations issued hereunder shall be payable from
14 and be secured by the pledge of the revenues derived from the operation of the
15 pipeline system or systems, as constructed, acquired, extended or improved with the
16 proceeds of the bonds, subject only to prior payment of the reasonable and necessary
17 expenses of operating and maintaining the system or systems. Any holder of the
18 bonds or other obligations or of any of the coupons thereto attached may by
19 appropriate legal action compel performance of all duties required of the
20 ~~commissioner~~ secretary in order to enforce payment of the bonds when due. If any
21 bonds or other obligations issued hereunder are permitted to go into default as to
22 principal or interest, any court of competent jurisdiction may, pursuant to the
23 application of the holder of the bonds or other obligations, appoint a receiver for the
24 system or systems who shall operate the system or systems and collect and distribute
25 the revenues thereof pursuant to the provisions and requirements of the
26 ~~commissioner's~~ secretary's written authorization for the bonds.

27 If more than one series of bonds or other obligations is issued hereunder
28 payable from the revenues of the system or systems, priority of lien on such revenues
29 shall depend on the time of the delivery of the bonds or other obligations each series
30 enjoying a lien prior and superior to that enjoyed by any series of bonds or other

1 obligations subsequently delivered, except that where provision is made in the
2 proceedings authorizing any issue or series of bonds or other obligations for the
3 issuance of additional bonds or other obligations in the future on a parity therewith
4 pursuant to procedure or restrictions provided in such proceedings, additional bonds
5 or other obligations may be issued in the future on a parity with such issue or series
6 in the manner so provided in such proceedings.

7 * * *

8 F. When the ~~commissioner~~ secretary has issued bonds and pledged the
9 revenues of the pipeline system or systems for the payment thereof as herein
10 provided, the ~~commissioner~~ secretary shall operate and maintain the system or
11 systems and shall impose and collect fees and charges for the services furnished by
12 the system or systems, including those furnished to the ~~State~~ Department of
13 Conservation and Energy, in such amounts and at such rates as shall be fully
14 sufficient at all times to (1) pay the expenses of operating and maintaining the
15 system or systems, (2) provide a sinking fund sufficient to assure the prompt
16 payment of principal of and interest on the bonds or other obligations as each falls
17 due, (3) provide such reasonable fund for contingencies as may be required by the
18 ~~commissioner's~~ secretary's written authorization for the bonds or other obligations,
19 and (4) provide an adequate depreciation fund for repairs, extensions and
20 improvements to the system or systems necessary to assure adequate and efficient
21 service to the public. No board or commission other than the ~~commissioner~~
22 secretary shall have authority to fix or supervise the making of such fees and
23 charges, which shall be in amounts reasonably necessary for the purposes herein
24 stated.

25 G. Any written authorization of the ~~commissioner~~ secretary authorizing the
26 issuance of bonds or other obligations shall be published at least three times in ten
27 days in a newspaper published in the city of Baton Rouge. For a period of thirty days
28 from the date of the publication, any person in interest may contest the legality of the
29 written authorization of the ~~commissioner~~ secretary and of the bonds or other
30 obligations to be issued pursuant thereto and the provisions securing the bonds or

1 other obligations, including the validity of any lease or other contract pledged to the
2 payment thereof. After the expiration of thirty days no one shall have any right of
3 action to contest the validity of the bonds or other obligations, the validity of the
4 security pledged to the payment thereof or the provisions of the written authorization
5 pursuant to which the bonds or other obligations were issued, and all the bonds or
6 other obligations and all proceedings relating thereto shall be conclusively presumed
7 to be legal, and no court shall thereafter have authority to inquire into such matters.

8 H. The ~~commissioner~~ **secretary** may by written authorization authorize the
9 issuance of bonds or other obligations for the purpose of refunding, extending and
10 unifying the whole or any part of the principal, interest and redemption premiums
11 on any outstanding bonds or other obligations issued under the authority of this
12 Section. The refunding bonds or other obligations may either be sold and the
13 proceeds applied to or deposited in escrow for the retirement of the outstanding
14 bonds or other obligations, or may be delivered in exchange for the outstanding
15 bonds or other obligations. The refunding bonds or other obligations shall be
16 authorized in all respects as original bonds or other obligations are herein required
17 to be authorized. The ~~commissioner~~ **secretary**, in authorizing the refunding bonds
18 or other obligations, shall provide for the security of the bonds or other obligations,
19 the sources from which the bonds or other obligations are to be paid and for the
20 rights of the holders thereof in all respects as herein provided for other bonds or
21 other obligations issued under the authority of this Section. The ~~commissioner~~
22 **secretary** may also provide that the refunding bonds or other obligations shall have
23 the same priority of lien on the revenues pledged for their payment as was enjoyed
24 by the bonds or other obligations refunded.

25 §559. Registration and information required by the ~~assistant~~ secretary

26 A. The ~~assistant~~ secretary may prescribe rules and regulations requiring that
27 all persons operating, managing, or otherwise administering natural gas transmission
28 pipelines or natural gas transmission pipeline companies register with the ~~assistant~~
29 secretary.

30 * * *

1 C. Notwithstanding any other provision of this Chapter or any other law to
2 the contrary, the ~~assistant~~ secretary may promulgate and enforce rules and
3 regulations relative to natural gas transmission pipeline safety, including
4 requirements for the performance of periodic hydrostatic pressure tests to confirm
5 or revise maximum allowable operating pressures.

6 §560. Pipeline safety inspection fees

7 * * *

8 B. There is hereby imposed upon all distributors of jurisdictional gas who
9 own and operate any jurisdictional gas distribution system that comes under the
10 supervision of the ~~assistant~~ secretary pursuant to R.S. 30:551(B) an annual safety and
11 odorization inspection fee not to exceed one dollar per service line, or four hundred
12 dollars per pipeline facility, whichever is greater. The ~~commissioner~~ **secretary** shall
13 annually review the fee amount and may revise it in accordance with the
14 Administrative Procedure Act.

15 C. There is hereby imposed upon all distributors of jurisdictional gas who
16 own or operate any jurisdictional gas gathering or transmission system that comes
17 under the supervision of the ~~assistant~~ secretary pursuant to R.S. 30:551(B) an annual
18 safety inspection fee not to exceed forty-four dollars and eighty cents per mile of
19 pipeline used in a jurisdictional gas pipeline system, or eight hundred dollars per
20 pipeline facility, whichever is greater. The ~~commissioner~~ **secretary** shall annually
21 review the fee amount and may revise it in accordance with the Administrative
22 Procedure Act.

23 D. The annual inspection fees imposed by this Section are for the purpose of
24 enforcing the natural gas pipeline safety standards and practice required by this
25 Chapter and regulations promulgated thereunder. All fees collected by the
26 ~~commissioner~~ **secretary** shall be reasonably related to the services provided and
27 shall be used by the ~~office of conservation~~ **department** solely for the purposes of
28 that program.

29 §561. Collection of inspection fees

30 A. The annual fees imposed by R.S. 30:560 shall be paid to the ~~office of~~

~~conservation~~ **department** no later than January fifteenth of each year on forms to be prescribed by the ~~commissioner of conservation~~ **secretary**.

B. If any person fails to pay the fees imposed by R.S. 30:560, the ~~commissioner of conservation~~ **secretary** may proceed to enforce the collection thereof by utilizing the remedies and procedures set forth in Chapter 1 of this Subtitle, specifically including any authority to obtain and audit information and authority to impose interest and penalties.

C. All money received or collected by the ~~commissioner of conservation~~ **secretary** under R.S. 30:560 and this Section shall be deposited immediately upon receipt in the state treasury and shall be credited to the Oil and Gas Regulatory Dedicated Fund Account.

* * *

§571. Establishment, promulgation and implementation of plan

The governor of Louisiana shall have the authority pursuant to the police powers granted him by the constitution of this state, from time to time to declare a state of emergency as a result of extreme shortages of existing intrastate natural gas for human needs pursuant to Paragraphs (a) through (e) of Subsection (1) of R.S. 30:572. In connection therewith, as soon as practicable, the ~~commissioner~~ secretary shall establish and promulgate a plan for statewide emergency intrastate natural gas conservation, allocation or rationing, which shall be implemented and enforced by the ~~commissioner~~ secretary under controls and enforcement procedures hereinafter provided. The plan shall remain in effect as implemented and changed from time to time by the ~~commissioner~~ secretary, until the governor, by proclamation, shall declare that a state energy emergency no longer exists. The plan shall maintain, preserve and protect all vital services in the state depending upon intrastate natural gas and, to the extent deemed practicable by the ~~commissioner~~ secretary, shall provide for the curtailment of unnecessary and lesser priority uses of intrastate natural gas.

§572. Priorities

The allocation or rationing and conservation program under the plan provided

for by this Part shall include the following:

(1) A priority system and plan to be implemented without delay, for conservation, allocation, and/or rationing of intrastate natural gas qualitatively and quantitatively among distributors and consumers. To the extent practicable, such priority allocation or rationing programs shall include, but not be limited to, measures to insure that available intrastate natural gas will be distributed on a priority basis to users within the state to avoid or minimize adverse impacts on the public health, welfare, and economic well-being of the state; provided, however, that unless the ~~assistant~~ secretary rules otherwise, in the event of a serious emergency and until hearings can be had as hereinafter provided for, the priorities of mandatory allocations and rationing shall, to the maximum extent practicable, be as follows:

* * *

(f) Sixth priority shall be given to the preservation of an economically sound and competitive petroleum, petrochemical, and chemical industry, provided that, except in cases where the ~~commissioner~~ **secretary** finds that an extreme emergency exists and the above priority needs cannot be substantially otherwise provided for, those industries requiring the use of intrastate natural gas for plant protection, feedstock or process needs, and public utilities generating electricity for sale to consumers listed above under Paragraphs (a), (b), (c), (d), and (e), which own or have acquired at the wellhead their own source of intrastate natural gas supply or which acquires such gas supply or any portion thereof from a wholly owned subsidiary company and which are using such supply in the operation of their own facilities, shall, as long as they continue to use said gas for plant protection, feedstock or process needs, or for generating electricity for sale to consumers listed above under Paragraphs (a), (b), (c), (d), and (e), have and be recognized as possessing first priority, above all others, for use of said gas. Industrial companies not owning intrastate natural gas reserves for their own use for plant protection, feedstock or process needs shall be subject to curtailment first, and those companies owning intrastate natural gas reserves for their own use or which acquires such gas supply or any portion thereof from a wholly owned subsidiary company for such

1 purposes shall be subject to curtailment second; provided, further, that any person
2 to whom those industries requiring the use of intrastate natural gas for plant
3 protection, feedstock or process needs which own their own source of intrastate
4 natural gas may have heretofore contracted to sell a portion of their own gas for plant
5 protection, feedstock or process needs shall have a priority for the use of said gas for
6 plant protection, feedstock or process needs equal to the priority accorded to their
7 vendor by this Paragraph;

8 * * *

9 (h) Subject to the priorities established in R.S. 30:572(1)(a) and (b), eighth
10 priority shall be given to industrial plants, including electrical generating plants to
11 the extent not provided for in Paragraph (e) above, having a present requirement for
12 use of intrastate natural gas for boiler fuel not possessing present alternate fuel
13 capabilities. Such plants may, however, be required by the ~~commissioner~~ secretary
14 to convert to alternate fuels within a reasonable time, considering all pertinent
15 circumstances, or suffer curtailment by order of the ~~commissioner~~ secretary of its
16 use of intrastate natural gas. Provided that, if a plant shall have commenced
17 reasonable preparations to so convert, it shall not be required to convert or suffer
18 curtailment as a consequence thereof before July 1, 1975. The ~~commissioner~~
19 secretary may require the industry affected to submit to him evidence as to why the
20 industrial plant cannot convert to alternate fuels within the delay specified; and, if
21 the user alleges otherwise, and if required by the ~~commissioner~~ secretary, why the
22 industrial plant cannot be operated on a profitable basis with the use of alternate
23 fuels.

24 The ~~commissioner~~ secretary may authorize the use of intrastate natural gas
25 for use as boiler fuel if the industry demonstrates that it cannot convert to alternate
26 fuel capability by reason of the fact that it is economically unfeasible, that the
27 industrial plant would otherwise have to close, because it could not operate with a
28 margin of profit considered reasonable in the particular industry, or that the cost of
29 converting to alternate fuels is totally disproportionate to the existing investment in
30 plant facilities. If the ~~commissioner~~ secretary determines that for those reasons the

1 industrial plant cannot reasonably be converted to the use of alternate fuel
2 capabilities and remain in business, the ~~commissioner~~ **secretary** may, if he
3 determines that intrastate natural gas is available for such use, grant to that industry
4 a higher priority of use than is herein provided;

5 (i) Ninth priority shall be given to industrial plants, including electrical
6 generating plants to the extent not provided for in Paragraphs (e) and (h) above,
7 having a present requirement for boiler fuel use, in those instances where alternate
8 fuel capabilities now exist, or may be installed with relatively minimal cost and
9 delay. Industries possessing existing alternate fuel capabilities or, if the
10 ~~commissioner~~ **secretary** determines that alternate fuel capability can be installed
11 with relatively minimal cost or delay, may be curtailed in their gas supply by the
12 ~~commissioner~~ **secretary**, and directed by the ~~commissioner~~ **secretary** to change
13 from use of intrastate natural gas to use of alternate fuels within a limited time to be
14 fixed by the ~~commissioner~~ **secretary** considering all pertinent circumstances. The
15 ~~commissioner~~ **secretary** may, if he determines that intrastate natural gas is available
16 for such use, and if the ~~commissioner~~ **secretary** determines that it is economically
17 unfeasible to operate a plant with alternate fuels, grant to the plant a higher priority
18 of use.

19 Notwithstanding any other provision of this Chapter or any other law to the
20 contrary, the ~~commissioner~~ **secretary** shall have the authority to order the
21 husbanding and storage of intrastate natural gas to the extent that he deems necessary
22 to protect the public interest.

23 In the exercise of the powers, duties and functions granted to the
24 ~~commissioner~~ **secretary** in this Chapter, with respect to the production,
25 transportation, distribution and delivery of natural gas and hydrocarbons received as
26 royalties "in-kind" by private land or mineral owners under private leases and by the
27 state pursuant to mineral leases by the state, its agencies and political subdivisions,
28 the ~~commissioner~~ **secretary** shall allocate and/or ration all such natural gas and other
29 hydrocarbons received as "in-kind" royalties in accordance with the priorities
30 established in Paragraphs (a) through (i), inclusive, of R.S. 30:572 and,

1 notwithstanding any other provisions of R.S. 30:572 or any other law to the contrary
2 the priorities established in said Paragraphs (a) through (i), without any change or
3 modification thereof whatsoever, shall govern the allocation and/or rationing of
4 natural gas and other hydrocarbons received as "in-kind" royalties unless the
5 ~~commissioner~~ secretary determines such priority in use is impractical under the
6 circumstances.

7 * * *

8 §603. Investigations by ~~commissioner~~ secretary; attendance of witnesses;
9 depositions

10 A. The ~~commissioner~~ secretary may investigate any facts, conditions,
11 practices, or matters which he may find necessary or proper in order to determine
12 whether any person has violated or is about to violate any provision of this Part or
13 any rule, regulation, or order thereunder, or to aid in the enforcement of the
14 provisions of this Part or in prescribing rules or regulations hereunder, or in
15 obtaining information to serve as a basis for recommending further legislation to the
16 legislature. The ~~commissioner~~ secretary may permit any person to file with him a
17 statement in writing, under oath or otherwise, as he shall determine, as to any or all
18 facts and circumstances concerning a matter which may be the subject of
19 investigation.

20 B. For the purpose of any investigation or any other proceeding under this
21 Part, the ~~commissioner~~ secretary or any officer or employee of the ~~State~~ Department
22 of Conservation and Energy designated by him is empowered to administer oaths
23 and affirmations, subpoena witnesses, compel their attendance, take evidence, and
24 require the production of any books, papers, correspondence, memoranda, contracts,
25 agreements, or other records which the ~~commissioner~~ secretary finds relevant or
26 material to the inquiry. Witnesses summoned by the ~~commissioner~~ secretary to
27 appear before him shall be paid the same fees and mileage that are paid witnesses in
28 the courts of the state.

29 C. In case of contumacy by, or refusal to obey a subpoena issued to, any
30 person, the ~~commissioner~~ secretary may invoke the aid of any court of competent

1 jurisdiction in requiring the attendance and testimony of witnesses and the
2 production of books, papers, correspondence, memoranda, contracts, agreements,
3 and other records. Such court may issue an order requiring such person to appear
4 before the ~~commissioner~~ secretary or officer or employee of the State Department
5 of Conservation and Energy designated by the ~~commissioner~~ secretary, there to
6 produce records, if so ordered, or to give testimony touching the matter under
7 investigation or in question; and any failure to obey such order of the court may be
8 punished by such court as a contempt thereof. All process in any such case may be
9 served in the judicial district whereof such person is an inhabitant or wherever he
10 may be found or may be doing business. Any person who willfully shall fail or refuse
11 to attend and testify or to answer any lawful inquiry or to produce books, papers,
12 correspondence, memoranda, contracts, agreements, or other records, if in his or its
13 power so to do, in obedience to the subpoena of the ~~commissioner~~ secretary, shall
14 be guilty of a misdemeanor and upon conviction shall be subject to a fine of not more
15 than \$1,000 or to imprisonment for a term of not more than one year, or both.

16 D. The testimony of any witness may be taken at the instance of a party, in
17 any proceeding or investigation pending before the ~~commissioner~~ secretary, by
18 deposition at any time after the proceeding is at issue. The ~~commissioner~~ secretary
19 may also order testimony to be taken by deposition in any proceeding or
20 investigation pending before him at any stage of such proceeding or investigation.
21 Such depositions may be taken before any person authorized to administer oaths not
22 being of counsel or attorney to either of the parties, nor interested in the proceeding
23 or investigation. Reasonable notice must first be given in writing by the party or his
24 attorney proposing to take such deposition to the opposite party or his attorney of
25 record, as either may be nearest, which notice shall state the name of the witness and
26 the time and place of the taking of his deposition. Any person may be compelled to
27 appear and depose, and to produce documentary evidence, in the same manner as
28 witnesses may be compelled to appear and testify and produce documentary
29 evidence before the ~~commissioner~~ secretary, as hereinbefore provided. Such
30 testimony shall be reduced to writing by the person taking deposition, or under his

1 direction, and shall, after it has been reduced to writing, be subscribed by the
2 deponent.

3 E. If a witness whose testimony may be desired to be taken by deposition be
4 in a foreign country, the deposition may be taken before an officer or person
5 designated by the ~~commissioner~~ secretary, or agreed upon by the parties by
6 stipulation in writing to be filed with the ~~commissioner~~ secretary. All depositions
7 must be promptly filed with the ~~commissioner~~ secretary.

8 * * *

9 G. No person shall be excused from attending and testifying or from
10 producing books, papers, correspondence, memoranda, contracts, agreements, or
11 other records and documents before the ~~commissioner~~ secretary, or in obedience to
12 the subpoena of the ~~commissioner~~ secretary or any officer or employee of the State
13 Department of Conservation **and Energy** designated by him, or in any cause or
14 proceeding instituted by the ~~commissioner~~ secretary, on the ground that the
15 testimony or evidence, documentary or otherwise, required of him may tend to
16 incriminate him or subject him to a penalty or forfeiture; but no individual shall be
17 prosecuted or subject to any penalty or forfeiture for or on account of any
18 transaction, matter, or thing concerning which he is compelled to testify or produce
19 evidence, documentary or otherwise, after having claimed his privilege against
20 self-incrimination, except that such individual so testifying shall not be exempt from
21 prosecution and punishment for perjury committed in so testifying.

22 §604. Hearings; rules of procedure

23 A. Hearings under this Part may be held before the ~~commissioner~~ secretary,
24 or any officer or employee of the State Department of Conservation **and Energy**
25 designated by him, and appropriate records thereof shall be kept.

26 B. All hearings, investigations, and proceedings under this Part shall be
27 governed by rules of practice and procedure to be adopted by the ~~commissioner~~
28 secretary, and in the conduct thereof the technical rules of evidence need not be
29 applied. No informality in any hearing, investigation, or proceeding or in the manner
30 of taking testimony shall invalidate any order, decision, rule or regulation issued

1 under the authority of this Part.

2 * * *

3 §681.1. Legislative findings

4 The Legislature of Louisiana hereby finds that:

5 * * *

6 (5) Professional staffs at Louisiana State University have obtained a small
7 grant from the federal Energy Research and Development Administration to begin
8 studies to determine the location of commercial size reservoirs by utilizing the
9 services of state geologists in the ~~State~~ Department of Conservation **and Energy** to
10 examine and chart the massive numbers of well logs available.

11 * * *

12 (8) By Act 16 of the 1973 Extraordinary Session, 1 the Louisiana Legislature
13 created the Louisiana Energy Commission and included in its duties the
14 authorization to undertake or contract for studies and research regarding alternate
15 fuel resources for the state; that the ~~commissioner of conservation~~ **secretary**, by Act
16 16, is authorized to prepare all necessary studies on the sources of energy available
17 to Louisiana and to conduct appropriate research in connection therewith; and that
18 the ~~State~~ Department of Conservation **and Energy** is staffed and administratively
19 capable of exercising this authority.

20 (9) This Act is intended to provide the framework and guidelines for the state,
21 through the ~~State~~ Department of Conservation **and Energy**, to begin a concerted
22 effort to exploit this potential geothermal and geopressure energy resource.

23 §681.2. Definitions

24 For the purpose of this Subpart:

25 * * *

26 (2) the term "department" means the ~~State~~ Department of Conservation **and**
27 **Energy** of the state of Louisiana; and

28 (3) the term "commissioner" means the ~~commissioner of conservation~~
29 **secretary of the Department of Conservation and Energy**.

30 * * *

1 §702. Definitions

2 As used in this Part, the following words and phrases have the meanings
3 hereinafter ascribed to them:

4 (1) "~~Assistant secretary~~ Secretary" means the ~~assistant~~ secretary of the ~~office~~
5 ~~of conservation of the~~ Department of Conservation and Energy ~~and Natural~~
6 ~~Resources~~.

7 (2) "Hazardous liquid" means:

8 * * *

9 (b) Any substance or material which is in liquid state, excluding liquefied
10 natural gas and hydro-carbons incidental thereto, when transported by pipeline
11 facilities and which, as determined by the ~~assistant~~ secretary by rule or regulation in
12 accordance with R.S. 49:950 et seq., may pose an unreasonable risk to life or
13 property when transported by pipeline facilities.

14 * * *

15 (5) "Pipeline facility" means and shall include, without limitation, new and
16 existing pipe, right of way, and any equipment, facility, or building used or intended
17 for use in the transportation of hazardous liquids; but, rights of way as used in this
18 Chapter does not authorize the ~~assistant~~ secretary to prescribe the location or the
19 routing of any pipeline facility.

20 * * *

21 §703. Regulatory designation

22 A. The ~~assistant~~ secretary shall be the authority to regulate persons engaged
23 in the transportation of hazardous liquids or who own or operate intrastate pipeline
24 facilities for the transportation of hazardous liquids. The ~~assistant~~ secretary shall
25 establish by regulation minimum safety standards for pipeline facilities and the
26 transportation of hazardous liquids and shall be consistent with those rules and
27 regulations authorized by 49 U.S.C. 60101 et seq.

28 B. The ~~assistant~~ secretary, as permitted by 49 U.S.C. 60101 et seq., may
29 certify annually to the secretary of the United States Department of Transportation
30 that the state, through the ~~office of conservation~~ Department of Conservation and

Energy, has regulatory jurisdiction over the safety standards and practice of intrastate pipeline facilities and the transportation of hazardous liquids associated with those facilities. The ~~assistant~~ secretary, as permitted by 49 U.S.C. 60101 et seq., may enter into an agency relationship with the United States Department of Transportation to enforce compliance with safety standards with respect to interstate pipeline facilities or the transportation of hazardous liquids associated with those facilities.

§704. Administration and enforcement

* * *

B. The assistant secretary may employ such officers, agents, employees, and professional personnel, including legal counsel, as he deems necessary for the performance of his powers and duties and prescribe the powers and duties and fix the compensation of such officers, employees, and professional personnel.

C. The legal counsel employed or retained by the ~~assistant~~ secretary, when authorized by the ~~assistant~~ secretary, shall be entitled to represent the state and the ~~assistant~~ secretary and to appear in the courts and before agencies of this state, the United States, and other states in order to carry out the purposes of this Part.

D. Whenever it appears to the ~~assistant~~ secretary that any person has engaged, is engaged, or is about to engage in any act or practice constituting a violation of this Part or of any regulation, rule, or order issued hereunder, the ~~assistant~~ secretary may bring an action in the court having jurisdiction, to enjoin such acts or practices and to enforce compliance with this Part or any rule, regulation, or order issued thereunder. Upon a proper showing a temporary restraining order or a preliminary or permanent injunction shall be granted without bond. The relief sought may include a mandatory injunction commanding any person to comply with this Part or any such regulation, rule, or order issued hereunder, and to make restitution of money received in violation of any such regulation, rule, or order. The ~~assistant~~ secretary may transmit such evidence as may be available concerning such acts or practice or concerning apparent violations to the district attorney having jurisdiction over same who, in his discretion, may institute appropriate criminal proceedings.

1 E. Upon application by any person engaged in the transportation of hazardous
2 liquids or the operation of intrastate pipeline facilities, the ~~assistant~~ secretary shall,
3 by order, after notice and opportunity for hearing and under such terms and
4 conditions and to such extent as the ~~assistant~~ secretary may deem reasonable and
5 proper, waive in whole or in part compliance with any standard established under
6 this Part, if he determines that compliance with such standard works a substantial
7 hardship on an owner or operator of pipeline facilities or is not in the public interest
8 and a waiver of compliance with such standard is not inconsistent with pipeline
9 safety, provided that such waiver shall not be effective until the requirements of 49
10 U.S.C.A. Section 2001 et seq. relative to such a waiver have first been satisfied.

11 §705. Violation; penalties, civil and criminal

12 A.(1) Any person who shall be determined by the ~~assistant~~ secretary, after
13 notice and an opportunity for a hearing, to have violated any provision of this Part
14 or any final rule, final regulation promulgated or order issued under this Part shall
15 be liable to the ~~office of conservation~~ **department** for a civil penalty not to exceed
16 ten thousand dollars for each violation for each day that the violation persists except
17 that the maximum civil penalty shall not exceed five hundred thousand dollars for
18 any related series of violations.

19 (2) The amount of the penalty shall be assessed by the ~~assistant~~ secretary by
20 written notice.

21 (3) In determining the amount of the penalty, the ~~assistant~~ secretary shall
22 consider the nature, circumstances, and gravity of the violation; and, with respect to
23 the person found to have committed the violation, the degree of culpability, any
24 history of prior violations, the effect on ability to continue to do business, any good
25 faith in attempting to achieve compliance, ability to pay the penalty, and such other
26 matters as justice may require.

27 B. The legal counsel employed or retained by the ~~assistant~~ secretary may
28 recover the assessed civil penalty by bringing action against the person so assessed
29 in the court having jurisdiction. The ~~assistant~~ secretary may compromise the civil
30 penalty.

* * *

§706. Fees

In order to implement this Part, every person engaged in the transportation of hazardous liquids or who owns or operates intrastate pipeline facilities for the transportation of hazardous liquids shall be assessed an annual fee which shall not exceed forty-four dollars and eighty cents for each mile or fraction thereof of pipeline operated or eight hundred dollars per pipeline facility, whichever is greater.

The ~~commissioner~~ **secretary** shall annually review the fee amount and may revise it not to exceed forty-four dollars and eighty cents per mile in accordance with the Administrative Procedure Act. All fees collected by the ~~commissioner~~ **secretary** shall be reasonably related to the services provided and shall be used by the ~~office of conservation~~ **department** solely for the purposes of that program.

§707. Collection of fees

A. The annual fees imposed by R.S. 30:706 shall be paid to the ~~office of conservation~~ **department** no later than January fifteenth of each year on forms to be prescribed by the ~~commissioner of conservation~~ **secretary**. If any person fails to pay the fees imposed by this Part, the ~~commissioner of conservation~~ **secretary** may proceed to enforce the collection thereof by utilizing the remedies and procedures set forth in Chapter 1 of this Title, specifically including any authority to obtain and audit information and authority to impose interest and penalties.

B. All money received or collected by the ~~commissioner of conservation~~ **secretary** under R.S. 30:706 and this Section shall be deposited immediately upon receipt in the state treasury and shall be credited to the Oil and Gas Regulatory Dedicated Fund Account.

* * *

§722. Application

A. Except as may otherwise be specifically provided by the constitution of this state, the provisions of Parts I, II and III of this Chapter, including the powers, duties and functions of the ~~assistant~~ secretary, shall apply to coal or lignite slurry transportation.

B. The ~~assistant~~ secretary shall promulgate regulations governing the licensing and operation of slurry pipelines in this state and shall implement procedures necessary for the orderly and efficient administration of this Part, including assessment of reasonable fees to cover the costs of administration.

§723. Expropriation authority

A. Subject to the provisions of R.S. 19:8, coal or lignite slurry pipeline owners or operators otherwise licensed and permitted to operate in Louisiana by order of the ~~assistant~~ secretary shall possess the right of expropriation with authority to expropriate private property under the general state expropriation laws, and shall have the right to lay, maintain, and operate pipelines, together with telegraph and telephone lines necessary and incidental to the operation of these pipelines, over private property thus expropriated, and have the further right to lay, maintain, and operate pipelines along, across, over and under any navigable stream or public highway, street, bridge, or other public place, and also have the authority, under the right of expropriation herein conferred, to cross railroads, street railways, and other pipelines, by expropriating property necessary for the crossing under the general expropriation laws of this state. The right to run along, across, over, or under any public road, bridge or highway, as before provided for, may be exercised only upon condition that the traffic thereon is not interfered with, and that such road or highway is promptly restored to its former condition of usefulness, at the expense of the pipeline owner, the restoration to be subject also to the supervision and approval of the proper local authorities.

* * *

F. Nothing in this Part or under the general expropriation laws of this state shall be construed as permitting the expropriation of water or water rights for use in transportation of coal by pipeline. No Louisiana water from any source shall be used in connection with the transportation, maintenance or operation of a coal slurry pipeline within the state, except water used for drinking, toilet, bath, or other personal uses, unless the ~~assistant~~ secretary shall have determined, after public hearing, that such use will not be detrimental to the water supply of the area from

1 which the water is sought to be extracted. In that event, nothing in this Part shall
2 authorize expropriation of water or water rights.

3 In the event the ~~assistant~~ secretary shall have authorized use of water as
4 provided herein, he shall annually thereafter, and so long as such use continues,
5 review the use of such water in order to determine if such continued use will be
6 detrimental to the water supply of the area from which the water is being extracted.
7 Further, if the local governing body of the parish from which the water is being
8 extracted shall make a formal motion to the ~~assistant~~ secretary suggesting that
9 continued use of such water will be detrimental to the water supply of the area from
10 which the water is being extracted, then in that event the ~~assistant~~ secretary shall
11 immediately call a public hearing to determine whether such continued use will be
12 detrimental to the water supply of such area.

13 * * *

14 H. In the event the price for product or services is not regulated by a state or
15 federal agency charged with that responsibility then when the owner or owners of
16 any pipeline constructed pursuant to this act and deemed interstate in character shall
17 enter into a contract to provide its product or service to any person, firm or
18 corporation in the state of Louisiana, such contract shall provide for rates and
19 charges for such product or service that are nondiscriminatory and offer no
20 preference insofar as the said rates and charges for such product or service are
21 determined and charged any other users of its product or service in any other state.
22 The ~~assistant~~ secretary shall promulgate regulations to implement and enforce the
23 provisions of this Subsection.

24 * * *

25 §731. Definitions

26 As used in this Part, the following words and phrases shall have the meanings
27 hereinafter ascribed to them:

28 (1) "~~Assistant secretary~~ **Secretary**" means the ~~assistant~~ secretary of the office
29 ~~of conservation of the~~ Department of **Conservation and** Energy ~~and Natural~~
30 ~~Resources~~.

* * *

§732. Regulation of compressed natural gas

The ~~assistant~~ secretary shall have the authority to regulate all activities related to the safety of compressed natural gas and shall establish by regulation minimum safety standards for compressed natural gas compression and conversion equipment including the installation and operation of such equipment. For vehicles equipped for and capable of using liquefied petroleum gas, each vehicle shall first be inspected for safety of operation by an inspector of the Louisiana Liquefied Petroleum Gas Commission.

* * *

§802. Regulation of exploration, drilling, production and subsurface disposal

Full regulatory authority over all geothermal exploration, drilling, development, and production as well as subsurface disposal of geothermal waters and/or waste is hereby vested in the ~~state~~ Department of Conservation **and Energy**. The provisions of the Louisiana Conservation Act R.S. 30:1, et seq., including particularly, but without limitation, R.S. 30:5 and R.S. 30:9 thereof, are hereby extended to all geothermal operations. The ~~commissioner of conservation~~ **secretary** is further authorized to promulgate such additional rules and regulations relating specifically to geothermal operations that are deemed by him to be needed in the interest of conservation if they are not inconsistent with the provisions of this Chapter. All geothermal operations shall be exempt from the provisions of R.S. 38:3091 et seq.

Any disposal of any kind or nature made pursuant to this Chapter into any navigable or nonnavigable streams or waters shall be done under the supervision of the Stream Control Commission of the state.

* * *

§904. Definitions

* * *

(2) "Approximate original contour" means that surface configuration achieved by backfilling and grading of the mined area so that the reclaimed area,

1 including any terracing or access roads, closely resembles the general surface
2 configuration of the land prior to mining and blends into and complements the
3 drainage pattern of the surrounding terrain, with all highwalls and spoil piles
4 eliminated; water impoundments may be permitted where the ~~commissioner~~
5 secretary determines that they are in compliance with R.S. 30:915(B)(8).

6 * * *

7 (4) "Commissioner" means the ~~commissioner of conservation of the State of~~
8 ~~Louisiana~~ secretary of the Department of Conservation and Energy, or such other
9 person or persons who may from time to time be designated by the ~~commissioner~~
10 secretary to administer and enforce the provisions of this Chapter.

11 * * *

12 (7) "Development operations permit" means the certification by the
13 ~~commissioner~~ secretary that the named person may conduct the development
14 operations described in the certification during the term of the development
15 operations permit and in the manner established in the certification.

16 * * *

17 (9) "Exploration operations" means the drilling of test holes or core holes for
18 the purpose of or related to the determining of the location, quantity or quality of a
19 coal deposit under a permit to be issued by the ~~commissioner~~ secretary and any
20 other coal exploration operations that will substantially disturb the surface and are
21 not otherwise covered by this Act.

22 * * *

23 (12) "Permit" means a permit to conduct surface coal mining and reclamation
24 operations issued by the ~~commissioner~~ secretary, but does not include exploration
25 and development permits.

26 * * *

27 (20) "Secretary of natural resources" or "secretary" means the secretary of
28 ~~natural resources of the Department of~~ Conservation and Energy ~~and Natural~~
29 ~~Resources~~ of the state of Louisiana.

30 * * *

§905. Jurisdiction and powers; rules and regulations

A. The Department of Conservation and Energy ~~and Natural Resources,~~
~~office of conservation,~~ or such persons as may be designated by the ~~commissioner~~
secretary, ~~is~~ are hereby designated as the official agency whose duty it is to
administer the regulations and guidelines contained in this Chapter and to institute
other reasonable regulations and guidelines, after notice and public hearing, as may
become necessary pursuant to this Chapter to protect state and private lands from
unreasonable degradation by any operator engaged in surface coal mining operations.
Exclusive jurisdiction over all aspects of surface coal mining and reclamation shall
be vested in the Department of Conservation and Energy ~~and Natural Resources,~~
~~office of conservation.~~ The secretary of natural resources shall be responsible for the
policies of the state relating to the development of the state's lignite reserves,
including the transportation and utilization thereof, and shall formulate plans and
shall advise the governor and the Legislature with respect to short and long term
policies of the State concerning the development of the state's lignite reserves,
including the transportation and utilization thereof, and the integration of the
development of the state's lignite reserves into the development of the state's fuel
sources. The secretary of the Department of Conservation and Energy ~~and Natural~~
~~Resources in cooperation with the commissioner of conservation~~ shall establish, for
the purpose of avoiding duplication, a process for coordinating the review and
issuance of permits for surface coal mining and reclamation operations with any
other federal or state permit process applicable to the proposed operations.

B. The authority shall be vested in the ~~commissioner~~ secretary, and such
other persons as may be designated by the ~~commissioner~~ secretary, to administer
and enforce the provisions of this Chapter, and the ~~commissioner~~ secretary shall
seek the accomplishment of the purposes of this Chapter by all practicable and
economically feasible methods and in so doing shall have the following duties and
powers:

* * *

(2) To adopt, amend, and issue rules and regulations in accordance with the

1 requirements of the Louisiana Administrative Procedure Act, except where the
2 provisions of the Louisiana Administrative Procedure Act are in conflict with the
3 provisions of this Chapter, in which case the provisions of this Chapter and the
4 regulations issued by the ~~commissioner~~ secretary pursuant to this Chapter shall
5 govern, pertaining to surface coal mining and reclamation operations consistent with
6 the general intent and purposes of this Chapter, including regulations consistent with
7 regulations issued by the secretary of the Interior pursuant to the Surface Mining
8 Control and Reclamation Act, as amended as required for the state to assume and
9 retain exclusive jurisdiction over the regulation of surface coal mining and
10 reclamation operations pursuant to Section 503 of the Surface Mining Control and
11 Reclamation Act, as amended. The ~~commissioner~~ secretary may issue regulations
12 without public notice and hearing in the event regulations must be issued to ensure
13 timely action by the state in the assumption or retention by the state of exclusive
14 jurisdiction over the regulation of surface coal mining and reclamation operations
15 pursuant to Section 503 of the Surface Mining Control and Reclamation Act, as
16 amended.

17 * * *

18 (8) To issue an order, ordering a cessation of surface coal mining and/or
19 reclamation operations, or revoking the permit of an operator who has failed to
20 comply with an order of the ~~commissioner~~ secretary to take any action required by
21 this Chapter or rules and regulations issued pursuant to this Chapter. In the event the
22 permit is revoked, the operator's performance bond or cash or collateral securities
23 shall be forfeited if it is determined that this is necessary to reclaim the area of land
24 affected by the operator's surface coal mining operation.

25 (9) To contract, upon terms as the ~~commissioner~~ secretary may agree upon,
26 for legal, financial, engineering, and other professional services necessary to
27 expedite the conduct of the affairs of the Department of **Conservation and** Energy
28 ~~and Natural Resources, office of conservation,~~ under the provisions of this Act.

29 * * *

30 C. A rule, regulation or order, or any amendment thereof, adopted by the

1 ~~commissioner~~ secretary may differ in its terms and provisions as between particular
2 conditions, particular mining techniques, particular areas of the state or any other
3 conditions that appear relevant and necessary so long as the action taken is consistent
4 with the attainment of the general intent and purpose of this Chapter. In adopting
5 rules, regulations and orders the ~~commissioner~~ secretary shall give due recognition
6 to the fact that although certain surface coal mining and reclamation operations may
7 cause a need for particular regulatory control in one area of the state, such control
8 may not be necessary or desirable for another area of the state due to the unique
9 characteristics of each type of surface mining and the various economic and
10 environmental factors relating to same, and the ~~commissioner~~ secretary shall take
11 into account, in this connection, all factors found by him to be proper and just,
12 including the existing climatology, topography, vegetation and all other physical
13 conditions, populations, mining and reclamation techniques, the economic and social
14 impact of the proposed rule, regulation or order, and the fact that the rule, regulation
15 or order and the degrees of conformance therewith which may be proper as to one
16 area of the state may not be proper or practicable as to another area of the state.

17 §905.1. Abandoned mine reclamation; fund participation

18 A. The ~~commissioner~~ secretary is authorized to take all action necessary to
19 ensure Louisiana's participation to the fullest extent practicable in the abandoned
20 mines reclamation fund established by the Surface Mining Control and Reclamation
21 Act, 30 U.S.C. 1201 et seq., as amended, and ~~the office of conservation of the~~
22 Department of **Conservation and** Energy and Natural Resources shall function as
23 the state's agency for participation. Pursuant to the Surface Mining Control and
24 Reclamation Act, 30 U.S.C. 1201 et seq., as amended, the ~~commissioner~~ secretary
25 shall by rule establish priorities that meet the terms of the Surface Mining Control
26 and Reclamation Act, 30 U.S.C. 1201 et seq., as amended, and applicable federal
27 regulations for the expenditure of those funds; designate the land and water eligible
28 for reclamation or abatement expenditures; submit reclamation plans, annual
29 projects, and applications to the appropriate authorities; undertake emergency
30 reclamation projects pursuant to the terms of the Surface Mining Control and

1 Reclamation Act, 30 U.S.C. 1201 et seq., as amended, and applicable federal
2 regulations; and administer all money received for abandoned mine reclamation or
3 related purposes.

4 B.(1)

5 * * *

6 (2) After compliance with the requirements of Article VII, Section 9(B) of
7 the Constitution of Louisiana relative to the Bond Security and Redemption Fund,
8 and prior to monies being placed in the state general fund, an amount equal to that
9 deposited as required by this Subsection shall be credited to the ~~office of~~
10 ~~conservation~~ **department**.

11 * * *

12 §905.3. Implementation of the plan

13 A.(1) If the ~~commissioner~~ **secretary**, after notice and hearing, makes a
14 finding of fact that:

15 * * *

16 B. The agents, employees, or contractors of the ~~office of conservation~~
17 **department** shall have the right to enter upon any property for the purpose of
18 conducting studies or exploratory work to determine the existence of adverse effects
19 of past solid mineral development practices and to determine the feasibility of
20 restoration, reclamation, abatement, control, or prevention of these adverse effects.
21 This entry shall be construed as an exercise of the police power for the protection of
22 public health, safety, and general welfare and shall not be construed as an act of
23 condemnation of property nor trespass on it.

24 C. The state may acquire any land by purchase, donation, or condemnation
25 which is adversely affected by past solid mineral development practices if the
26 ~~commissioner~~ **secretary**, after notice and hearing, determines that acquisition of this
27 land is necessary to successful reclamation and that:

28 * * *

29 E.(1) Where land acquired under this Section is deemed to be suitable for
30 industrial, commercial, residential, or recreational development the ~~office of~~

1 ~~conservation, in conjunction with the secretary of natural resources,~~ may sell this
2 land by public sale under a system of competitive bidding, at not less than fair
3 market value, and under such other regulations promulgated to insure that the land
4 is put to proper use consistent with local and state land use plans.

5 * * *

6 F. The state through the ~~office of conservation~~ **Department of Conservation**
7 **and Energy** and the secretary of natural resources may accept lands acquired and
8 reclaimed by the secretary of the Interior pursuant to Section 407(h) of the Surface
9 Mining Control and Reclamation Act as amended. In addition, the office may accept
10 grants from the secretary to carry out the purposes of Section 407(h) of the Surface
11 Mining Control and Reclamation Act as amended.

12 * * *

13 §906.1. Surface mining and reclamation fees

14 There is hereby imposed on all permittees under the supervision of the
15 ~~assistant~~ secretary pursuant to Chapter 9 of this Subtitle, Surface Mining and
16 Reclamation Act, an annual regulatory fee of eight cents per ton on all coal and
17 lignite mined in this state and an annual reclamation fee of six dollars for each acre
18 of land included within the approved mine permit area. The revenue received from
19 these fees shall be used for the purpose of enforcing the Louisiana Surface Mining
20 and Reclamation Act and regulations promulgated thereunder.

21 * * *

22 §907. Application requirements

23 A. Each application for a surface coal mining and reclamation permit
24 pursuant to this Chapter shall be accompanied by a fee as determined by the
25 ~~commissioner~~ **secretary**, with such fee not to exceed the actual or anticipated cost
26 of reviewing, administering and enforcing such permit.

27 B. The permit application shall be submitted in a manner satisfactory to the
28 ~~commissioner~~ **secretary** and shall contain, among other things:

29 * * *

30 (9) An accurate map or plan, to an appropriate scale, clearly showing the land

1 to be affected as of the date of the application, the area of land within the permit area
2 upon which the applicant has the legal right to enter and commence surface mining
3 operations and a statement of those documents upon which the applicant bases his
4 legal right to enter and commence surface mining operations on the area affected,
5 and whether that right is the subject of pending court litigation: Provided, that
6 nothing in this Chapter shall be construed as vesting in the ~~commissioner~~ secretary
7 the jurisdiction to adjudicate property title disputes.

8 * * *

9 (11) A determination of the probable hydrologic consequences of the mining
10 and reclamation operations both on and off the mine site with respect to the
11 hydrologic regime, quantity and quality of water in surface and ground water
12 systems including the dissolved and suspended solids under seasonal flow conditions
13 and the collection of sufficient data for the mine site and surrounding areas so that
14 an assessment can be made by the ~~commissioner~~ secretary of the probable
15 cumulative impacts of all anticipated mining in the area upon the hydrology of the
16 area and particularly upon water availability: Provided, however, that this
17 determination shall not be required until such time as hydrologic information on the
18 general area prior to mining is made available from an appropriate Federal or State
19 agency: Provided further, that the permit shall not be approved until such
20 information is available and is incorporated into the application.

21 (12) When requested by the ~~commissioner~~ secretary, the climatological
22 factors that are peculiar to the locality of the land to be affected, including the
23 average seasonal precipitation, the average direction and velocity of prevailing
24 winds, and the seasonal temperature ranges.

25 (13) Accurate maps to an appropriate scale clearly showing:

26 * * *

27 (b) All types of information set forth on topographical maps of the United
28 States Geological Survey of a scale of 1:24,000 or 1:25,000 or larger, including all
29 manmade features and significant known archeological sites existing on the date of
30 application. Such a map or plan shall among other things specified by the

1 ~~commissioner~~ **secretary** show all boundaries of the land to be affected, the boundary
2 lines and name of present owners of record of all surface areas abutting the permit
3 areas, and the location of all buildings within one thousand feet of the permit area.

4 * * *

5 (15) A statement of the result of test borings or core samplings from the
6 permit area, including logs of the drill holes; the thickness of the coal seam found;
7 an analysis of the chemical properties of such coal; the sulphur content of any coal
8 seam; chemical analysis of potentially acid or toxic forming sections of the
9 overburden; and chemical analysis of the stratum lying immediately underneath the
10 coal to be mined, except that the provisions of this Paragraph (15) may be waived by
11 the ~~commissioner~~ **secretary** with respect to the specific application by a written
12 determination that such requirements are unnecessary.

13 * * *

14 (17) A description of the nature of cultural, historical, and archaeological
15 resources listed or eligible for listing on the National Register of Historic Places and
16 known archaeological features within the proposed mine plan and adjacent areas.
17 The description shall be based on all available information including but not limited
18 to data of state and local archaeological, historical, and cultural preservation
19 agencies. Each plan shall describe the measures to be used to prevent adverse impact
20 to any publicly owned parks or any places listed on the National Register of Historic
21 Places that may be adversely affected by the proposed operation. However, if joint
22 agency approval is to be obtained or if there are valid existing rights in the public
23 parks or historic places, the plan shall describe the measures to be used to minimize
24 adverse impact to such public parks or historic places. The ~~office of conservation~~
25 **department** may require the applicant to protect historic or archaeological properties
26 listed on or eligible for listing on the National Register of Historic Places through
27 appropriate mitigation and treatment measures. At the time of its issuance, a surface
28 mining permit may require that appropriate mitigation and treatment be required to
29 be taken after permit issuance, provided that the required measures are completed
30 before the properties are affected by any mining operation.

1 (18) A description of fish and wildlife resource information for the permit
2 area and adjacent area. The scope and level of detail for such information shall be
3 determined by the ~~office of conservation~~ **department** in consultation with state and
4 federal agencies with responsibilities for fish and wildlife. Site specific resource
5 information necessary to address the respective species or habitats shall be required
6 when the permit area or adjacent area is likely to include listed or proposed
7 endangered or threatened species of plants or animals or their critical habitats listed
8 by the secretary of the Interior under the Endangered Species Act (16 U.S.C. 1531
9 et seq.), or those species or habitats protected by state statutes, habitats of unusually
10 high value for fish and wildlife such as important streams, wetlands, riparian areas,
11 cliffs supporting raptors, areas offering special shelter or protection, migration
12 routes, or reproduction and wintering areas, or other species or habitats identified
13 through agency consultation as requiring special protection under state or federal
14 law.

15 * * *

16 C.(1) If the ~~commissioner~~ **secretary** finds that the probable total annual
17 production at all locations of any coal surface mining operator will not exceed three
18 hundred thousand tons, the determination of probable hydrologic consequences,
19 including the engineering analyses and designs necessary for the determination,
20 required by Paragraph (B)(11) of this Section, cross-section maps and plans required
21 by Paragraph (B)(14) of this Section, the drilling and statement of the result of test
22 borings or core samplings required by Paragraph (B)(15) of this Section, the
23 collection of archaeological and historical information and related plans required by
24 Paragraph (B)(17) of this Section, the collection of site-specific resources
25 information required by Paragraph (B)(18) of this Section, the production of
26 protection and enhancement plans for fish and wildlife habitats required by
27 Paragraph (B)(19) of this Section, and information and plans for any other
28 environmental values required by the ~~office of conservation~~ **department** and this
29 Chapter, and pre-blast surveys required by R.S. 30:915(B)(15) shall, upon the written
30 request of the operator, be performed by a qualified public or private laboratory

1 designated by the ~~commissioner~~ secretary and the cost of the preparation of such
2 determination and statement shall be assumed by the ~~commissioner~~ secretary.

3 * * *

4 D. Each applicant for a permit shall be required to submit to the
5 ~~commissioner~~ secretary as part of the permit application a reclamation plan which
6 shall meet the requirements of this Chapter and the regulations issued pursuant to
7 this Chapter.

8 * * *

9 F. Each applicant for a permit shall submit to the ~~commissioner~~ secretary as
10 part of the permit application a certificate issued by an insurance company
11 authorized to do business in Louisiana certifying that the applicant has a public
12 liability insurance policy in force for the surface mining and reclamation operations
13 for which such permit is sought, or evidence that the applicant has satisfied other
14 state or federal self insurance requirements. Such policy shall provide for personal
15 injury and property damage protection in an amount adequate to compensate any
16 persons damaged as a result of surface coal mining and reclamation operations,
17 including use of explosives, and entitled to compensation under the applicable
18 provisions of State law. Such policy shall be maintained in full force and effect
19 during the term of the permit, or any renewal, including the length of all reclamation
20 operations.

21 G. Each applicant for a surface coal mining and reclamation permit shall
22 submit to the ~~commissioner~~ secretary as part of the permit application a blasting
23 plan which shall outline the procedures and standards by which the operator will
24 meet the provisions of R.S. 30:915(B)(15).

25 §908. Reclamation plan requirements

26 A. Each reclamation plan submitted as part of a permit application under the
27 provisions of this Chapter shall include, in the degree of detail necessary to
28 demonstrate that reclamation required by this Chapter and the regulations issued
29 pursuant to this Chapter can be accomplished, a statement of:

30 * * *

(12) The results of test boring which the applicant has made at the area to be covered by the permit, or other equivalent information and data in a form satisfactory to the ~~commissioner~~ secretary, including the location of subsurface water, and an analysis of the chemical properties including acid forming properties of the minerals and overburden: Provided, that information which pertains only to the analysis of the chemical and physical properties of the coal (excepting information regarding such mineral or elemental contents which is potentially toxic in the environment) shall be kept confidential and not made a matter of public record.

* * *

B. Any information required by this Section which is not on public file pursuant to state law shall be held in confidence by the ~~commissioner~~ secretary.

* * *

§915. Environmental protection performance standards

* * *

B. General performance standards shall be applicable to all surface coal mining and reclamation operations and shall require the operator as a minimum to:

* * *

(7) For all prime farmlands as identified in R.S. 30:907(B)(16) to be mined and reclaimed, specifications for soil removal, storage, replacement, and reconstruction shall be established by the ~~commissioner~~ secretary, and the operator shall, as a minimum, be required to:

* * *

(9) Conducting any augering operation associated with surface mining in a manner to maximize recoverability of mineral reserves remaining after the operation and reclamation are complete; and seal all auger holes with an impervious and noncombustible material in order to prevent drainage except where the ~~commissioner~~ secretary determines that the resulting impoundment of water in such auger holes may create a hazard to the environment or the public health or safety: Provided, that the ~~commissioner~~ secretary may prohibit augering if necessary to maximize the utilization, recoverability or conservation of the solid fuel resources or to protect

1 against adverse water quality impacts.

2 (10) Minimize the disturbances to the prevailing hydrologic balance at the
3 mine-site and in associated offsite areas and to the quality and quantity of water in
4 surface and ground water systems both during and after surface coal mining
5 operations and during reclamation by:

6 * * *

7 (f) Such other actions as the ~~commissioner~~ secretary may prescribe.

8 * * *

9 (12) Refrain from surface coal mining within five hundred feet from active
10 and abandoned underground mines in order to prevent breakthroughs and to protect
11 health or safety of miners: Provided, that the ~~commissioner~~ secretary shall permit
12 an operator to mine near, through or partially through an abandoned underground
13 mine or closer to an active underground mine if (a) the nature, timing, and
14 sequencing of the approximate coincidence of specific surface mine activities with
15 specific underground mine activities are jointly approved by the regulatory
16 authorities concerned with surface mine regulation and the health and safety of
17 underground miners, and (b) such operations will result in improved resource
18 recovery, abatement of water pollution, or elimination of hazards to the health and
19 safety of the public.

20 * * *

21 (15) Insure that explosives are used only in accordance with existing State
22 and Federal law and the regulations issued by the ~~commissioner~~ secretary pursuant
23 to this Chapter, which shall include provisions to:

24 * * *

25 (e) Provide that upon the request of a resident or owner of a man-made
26 dwelling or structure within one-half mile of any portion of the permitted area the
27 applicant or permittee shall conduct a pre-blasting survey of such structures and
28 submit the survey to the ~~commissioner~~ secretary and a copy to the resident or owner
29 making the request. The area of the survey shall be decided by the ~~commissioner~~
30 secretary and shall include such provisions as the ~~commissioner~~ secretary shall

1 promulgate.

2 * * *

3 (20) Assume the responsibility for successful revegetation, as required by
4 Paragraph (19) of this Subsection, for a period of five full years after the last year of
5 augmented seeding, fertilizing, irrigation, or other work in order to assure
6 compliance with Paragraph (19) of this Subsection: Provided, that when the
7 ~~commissioner~~ **secretary** approves a long-term intensive agricultural postmining land
8 use, the applicable five year period of responsibility for revegetation shall commence
9 at the date of initial planting of such long-term intensive agricultural postmining land
10 use: Provided further, that when the ~~commissioner~~ **secretary** issues a written finding
11 approving a long-term, intensive, agricultural postmining land use as part of the
12 mining and reclamation plan, the ~~commissioner~~ **secretary** may grant exception to
13 the provisions of Paragraph (19) of this Subsection.

14 * * *

15 (22) Place all excess spoil material resulting from coal surface mining and
16 reclamation activities in such a manner that:

17 * * *

18 (e) If placed on a slope, the spoil is placed upon the most moderate slope
19 among those upon which, in the judgment of the ~~commissioner~~ **secretary**, the spoil
20 could be placed in compliance with all the requirements of this Chapter, and shall be
21 placed, where possible, upon, or above, a natural terrace, bench, or berm, if such
22 placement provides additional stability and prevents mass movement.

23 * * *

24 (25) Provide for an undisturbed natural barrier beginning at the elevation of
25 the lowest coal seam to be mined and extending from the outslope for such distance
26 as the ~~commissioner~~ **secretary** shall determine shall be retained in place as a barrier
27 to slides and erosion.

28 C.(1) * * *

29 (2) In cases where an industrial, commercial, agricultural, residential or
30 public facility, including recreational facilities, use is proposed for the postmining

1 use of the affected land, the ~~commissioner~~ secretary may grant a permit for a surface
2 mining operation of the nature described in Paragraph (1) of this Subsection where:

3 * * *

4 (d) The ~~commissioner~~ secretary provides the police jury of the Parish in
5 which the land is located and any state or Federal agency which the ~~commissioner~~
6 secretary, in his discretion, determines to have an interest in the proposed use, an
7 opportunity of not more than sixty days to review and comment on the proposed use.

8 * * *

9 (3) In granting any permit pursuant to this subsection the ~~commissioner~~
10 secretary shall require that:

11 * * *

12 (4) The ~~commissioner~~ secretary shall promulgate specific regulations to
13 govern the granting of permits in accord with the provisions of this subsection, and
14 may impose such additional requirements as he deems to be necessary.

15 * * *

16 D. The following performance standards shall be applicable to steep-slope
17 surface coal mining and shall be in addition to those general performance standards
18 required by this Section: Provided, however, that the provisions of this Subsection
19 shall not apply to those situations in which an operator is mining on flat or gently
20 rolling terrain, on which an occasional steep slope is encountered through which the
21 mining operation is to proceed, leaving a plain or predominantly flat area or where
22 an operator is in compliance with provisions of Subsection C of this Section:

23 * * *

24 (3) The operator may not disturb land above the top of the highwall unless
25 the ~~commissioner~~ secretary finds that such disturbances will facilitate compliance
26 with the environmental protection standards of this section: Provided, that the land
27 disturbed above the highwall shall be limited to that amount necessary to facilitate
28 said compliance.

29 (4) For the purposes of this Subsection, the term "steep slope" is any slope
30 above twenty degrees or such lesser slope as may be defined by the ~~commissioner~~

secretary after consideration of soil, climate, and other characteristics of a region.

E.(1) The ~~commissioner~~ secretary may permit variances for the purposes set forth in Paragraph (3) of this Subsection, provided that the watershed control of the area is improved; and further provided complete backfilling with spoil material shall be required to cover completely the highwall which material will maintain stability following mining and reclamation.

* * *

(4) In granting a variance pursuant to this subsection the ~~commissioner~~ **secretary** shall require that only such amount of spoil will be placed off the mine bench as is necessary to achieve the planned postmining land use, insure stability of the spoil retained on the bench, meet all other requirements of this Chapter, and all spoil placement off the mine bench must comply with Paragraph (B)(22) of this Section.

(5) The ~~commissioner~~ secretary shall promulgate specific regulations to govern the granting of variances in accord with the provisions of this subsection, and may impose such additional requirements as he deems to be necessary.

* * *

§917. Inspections and monitoring

A. For the purpose of the administration and enforcement of any permit under this Chapter, or of determining whether any person is in violation of any requirement of this Chapter:

(1) The ~~commissioner~~ secretary shall require any permittee to (a) establish and maintain appropriate records, (b) make monthly reports to the ~~commissioner~~ secretary, (c) install, use, and maintain any necessary monitoring equipment or methods, (d) evaluate results in accordance with such methods, at such locations, intervals, and in such manner as the ~~commissioner~~ secretary shall prescribe, and (e) provide such other information relative to surface coal mining and reclamation operations as the ~~commissioner~~ secretary deems reasonable and necessary.

(2) For those surface coal mining and reclamation operations which remove or disturb strata that serve as aquifers which significantly insure the hydrologic

1 balance of water use either on or off the mining site, the ~~commissioner~~ secretary
2 shall specify those:

3 * * *

4 (d) Monitoring sites to record precipitation.

5 The monitoring data collection and analysis required by this section shall be
6 conducted according to standards and procedures set forth by the ~~commissioner~~
7 secretary in order to assure their reliability and validity, and

8 (3) The authorized representatives of the ~~commissioner~~ secretary without
9 advance notice and upon presentation of appropriate credentials (a) shall have the
10 right of entry to, upon, or through any surface coal mining and reclamation
11 operations or any premises in which any records required to be maintained under
12 paragraph (1) of this subsection are located; and (b) may at reasonable times, and
13 without delay, have access to and copy any records, inspect any monitoring
14 equipment or method of operation required under this Chapter.

15 B. The inspections by the ~~commissioner~~ secretary shall (1) occur on an
16 irregular basis averaging not less than one partial inspection per month and one
17 complete inspection per calendar quarter for the surface coal mining and reclamation
18 operation covered by each permit; (2) occur without prior notice to the permittee or
19 his agents or employees except for necessary onsite meetings with the permittee; and
20 (3) include the filing of inspection reports adequate to enforce the requirements of
21 and to carry out the terms and purposes of this Chapter.

22 * * *

23 D. Each inspector, upon detection of each violation of any requirement of this
24 Chapter or the regulations issued pursuant to this Chapter, shall forthwith inform the
25 operator in writing, and shall report in writing any such violation to the
26 ~~commissioner~~ secretary.

27 E. Copies of any records, reports, inspection materials, or information
28 obtained under this Chapter by the ~~commissioner~~ secretary shall be made
29 immediately available to the public at central and sufficient locations in the parish
30 of the area of mining so that they are conveniently available to residents in the areas

1 of mining.

2 F. After the State has assumed exclusive jurisdiction of surface coal mining
3 operations as provided in section 503 of Public Law 95-87,1 and as long as the State
4 retains such jurisdiction, then no employee of the ~~office of conservation~~ **department**
5 performing any function or duty under this Chapter shall have a direct or indirect
6 financial interest in any surface coal mining operation. Whoever knowingly violates
7 the provisions of this Subsection shall, upon conviction, be punished by a fine of not
8 more than \$2,500.00, or by imprisonment of not more than one year, or by both. The
9 ~~commissioner~~ **secretary** shall by regulation establish methods by which the
10 provisions of this Subsection will be monitored and enforced by the ~~commissioner~~
11 **secretary**, including appropriate provisions for the filing by such employees in the
12 review of statements and supplements thereto concerning any financial interest
13 which may be effected by this subsection. This Subsection shall not be given effect
14 (1) if the Secretary of the Interior does not require the inclusion of similar provisions
15 in state laws as a condition for approval by the Secretary of the Interior of state
16 programs of regulation of surface coal mining and reclamation operations pursuant
17 to Section 503 of Public Law 95-87 or (2) if any such requirement of the Secretary
18 of the Interior is declared invalid by final decree of a court of competent jurisdiction:
19 Provided, that if similar provisions are required by the Secretary of the Interior to be
20 included in state laws, the Secretary of Natural Resources and the ~~commissioner~~
21 **secretary** may commence and prosecute an action in the appropriate federal court
22 to have the regulation requiring inclusion declared invalid.

23 G.(1) Any person who is or may be adversely affected by a surface coal
24 mining operation may notify the ~~commissioner~~ **secretary** or any representative of
25 the ~~commissioner~~ **secretary** responsible for conducting the inspection, in writing,
26 of any violation of this Chapter which he has reason to believe exists at the surface
27 mining site. The ~~commissioner~~ **secretary** shall, by regulation, establish procedures
28 for informal review of any refusal by a representative of the ~~commissioner~~ **secretary**
29 to issue a citation with respect to any such alleged violation. The ~~commissioner~~
30 **secretary** shall furnish such persons requesting the review a written statement of the

1 reasons for the ~~commissioner~~ secretary's final disposition of the case.

2 (2) The ~~commissioner~~ secretary shall also, by regulation, establish
3 procedures to insure that adequate and complete inspections are made. Any such
4 person may notify the ~~commissioner~~ secretary of any failure to make such
5 inspections, after which the ~~commissioner~~ secretary shall determine whether
6 adequate and complete inspections have been made. The ~~commissioner~~ secretary
7 shall furnish such persons a written statement of the reasons for the ~~commissioner~~
8 secretary's determination that adequate and complete inspections have or have not
9 been conducted.

10 * * *

11 §921. Enforcement

12 A.(1) Whenever, on the basis of any information available to him, including
13 receipt of information from any person, the ~~commissioner~~ secretary has reason to
14 believe that any person is in violation of any requirement of this Chapter or any
15 permit condition required by this Chapter, the ~~commissioner~~ secretary shall
16 immediately order inspection of the surface coal mining operation at which the
17 alleged violation is occurring unless the information available to the ~~commissioner~~
18 secretary is a result of a previous inspection of such surface coal mining operation.
19 When the inspection results from information provided to the ~~commissioner~~
20 secretary by any person, the ~~commissioner~~ secretary shall notify such person when
21 the inspection is proposed to be carried out and such person shall be allowed to
22 accompany the inspector during the inspection.

23 (2) When, on the basis of any inspection, the ~~commissioner~~ secretary or his
24 authorized representative determines that any condition or practices exist, or that any
25 permittee is in violation of any requirement of this Chapter or any permit condition
26 required by this Chapter, which condition, practice, or violation also creates an
27 imminent danger to the health or safety of the public, or is causing, or can reasonably
28 be expected to cause significant, imminent environmental harm to land, air, or water
29 resources, the ~~commissioner~~ secretary or his authorized representative shall
30 immediately order a cessation of surface coal mining and reclamation operations or

1 the portion thereof relevant to the condition, practice or violation. Such cessation
2 order shall remain in effect until the ~~commissioner~~ secretary or his authorized
3 representative determines that the condition, practice, or violation has been abated,
4 or until modified, vacated, or terminated by the ~~commissioner~~ secretary or his
5 authorized representative pursuant to Paragraph (5) of this Subsection. Where the
6 ~~commissioner~~ secretary finds that the ordered cessation of surface coal mining and
7 reclamation operations, or any portion thereof, will not completely abate the
8 imminent danger to health or safety of the public or the significant imminent
9 environmental harm to land, air, or water resources, the ~~commissioner~~ secretary
10 shall, in addition to the cessation order, impose affirmative obligations on the
11 operator requiring him to take whatever steps the ~~commissioner~~ secretary deems
12 necessary to abate the imminent danger or the significant environmental harm.

13 (3)(a) When, on the basis of an inspection, the ~~commissioner~~ secretary or his
14 authorized representative determines that any permittee is in violation of any
15 requirement of this Chapter or any permit condition required by this Chapter, but
16 such violation does not create an imminent danger to the health or safety of the
17 public, or cannot be reasonably expected to cause significant, imminent
18 environmental harm to land, air, or water resources, the ~~commissioner~~ secretary or
19 authorized representative shall issue a notice to the permittee or his agent fixing a
20 reasonable time but not more than ninety days for the abatement of the violation and
21 providing opportunity for public hearing.

22 (b) If, upon expiration of the period of time as originally fixed or
23 subsequently extended, for good cause shown and upon the written finding of the
24 ~~commissioner~~ secretary or his authorized representative, the ~~commissioner~~
25 secretary or his authorized representative finds that the violation has not been
26 abated, he shall immediately order a cessation of surface coal mining and
27 reclamation operations or the portion thereof relevant to the violation. Such cessation
28 order shall remain in effect until the ~~commissioner~~ secretary or his authorized
29 representative determines that the violation has been abated, or until modified,
30 vacated, or terminated by the ~~commissioner~~ secretary or his authorized

1 representative pursuant to Paragraph (5) of this Subsection. In the order of cessation
2 issued by the ~~commissioner~~ secretary under this Subsection, the ~~commissioner~~
3 secretary shall determine the steps necessary to abate the violation in the most
4 expeditious manner possible, and shall include the necessary measures in the order.

5 (4) When, on the basis of an inspection, the ~~commissioner~~ secretary or his
6 authorized representative determines that a pattern of violations of any requirements
7 of this Chapter or any permit conditions required by this Chapter exists or has
8 existed, and if the ~~commissioner~~ secretary or his authorized representative also finds
9 that such violations are caused by the unwarranted failure of the permittee to comply
10 with any requirements of this Chapter or any permit conditions, or that such
11 violations are willfully caused by the permittee, the ~~commissioner~~ secretary or his
12 authorized representative shall forthwith issue an order to the permittee to show
13 cause as to why the permit should not be suspended or revoked and shall provide
14 opportunity for a public hearing. If a hearing is requested the ~~commissioner~~
15 secretary shall inform all interested parties of the time and place of the hearing.
16 Upon the permittee's failure to show cause as to why the permit should not be
17 suspended or revoked, the ~~commissioner~~ secretary or his authorized representative
18 shall forthwith suspend or revoke the permit.

19 (5) Notices and orders issued pursuant to this Section shall set forth with
20 reasonable specificity the nature of the violation and the remedial action required,
21 the period of time established for abatement, and a reasonable description of the
22 portion of the surface coal mining and reclamation operation to which the notice or
23 order applies. Each notice or order issued under this section shall be given promptly
24 to the permittee or his agent by the ~~commissioner~~ secretary or his authorized
25 representative who issues such notice or order, and all such notices and orders shall
26 be in writing and shall be signed by such authorized representatives. Any notice or
27 order issued pursuant to this section may be modified, vacated, or terminated by the
28 ~~commissioner~~ secretary or his authorized representative. Provided, that any notice
29 or order issued pursuant to this Section which requires cessation of mining by the
30 operator shall expire within thirty days of actual notice to the operator unless a

1 public hearing is held at the site or within such reasonable proximity to the site that
2 any viewings of the site can be conducted during the course of public hearing.

3 B. The ~~commissioner~~ secretary may institute a civil action for relief,
4 including a permanent or temporary injunction, restraining order, or any other
5 appropriate order in the district court for the parish in which the surface coal mining
6 and reclamation operation is located or in which the permittee thereof has his
7 principal office, whenever such permittee or his agent (a) violates or fails or refuses
8 to comply with any order or decision issued by the ~~commissioner~~ secretary under
9 this Chapter, or (b) interferes with, hinders, or delays the ~~commissioner~~ secretary
10 or his authorized representatives in carrying out the provisions of this Chapter, or (c)
11 refuses to admit such authorized representative to the mine, or (d) refuses to permit
12 inspection of the mine by such authorized representative, or (e) refuses to furnish any
13 information or report requested by the ~~commissioner~~ secretary in furtherance of the
14 provisions of this Chapter, or (f) refuses to permit access to, and copying of, such
15 records as the ~~commissioner~~ secretary determines necessary in carrying out the
16 provisions of this Chapter. Such court shall have jurisdiction to provide such relief
17 as may be appropriate. Temporary restraining orders may be issued in accordance
18 with the Louisiana Rules of Civil Procedure. Any relief granted by the court to
19 enforce an order under clause (a) of this Section shall continue in effect until the
20 completion or final termination of all proceedings for review of such order under this
21 title, unless, prior thereto, the district court granting such relief sets it aside or
22 modifies it.

23 C. Any person who shall, except as permitted by law, willfully resist, prevent,
24 impede, or interfere with the ~~commissioner of conservation~~ secretary or any of his
25 agents in the performance of duties required by this Chapter or regulations
26 thereunder shall be punished by a fine of not more than five thousand dollars or by
27 imprisonment for not more than one year, or both.

28 * * *

29 §1102. Policy; jurisdiction

30 A. It is declared to be in the public interest for a public purpose and the

policy of Louisiana that:

(1) ~~The geologic storage of carbon dioxide will benefit the citizens of the state and the state's environment by reducing greenhouse gas emissions.~~

(2) Carbon dioxide is a valuable commodity to the citizens of the state.

(3) ~~Geologic storage of carbon dioxide may allow for the orderly withdrawal as appropriate or necessary, thereby allowing carbon dioxide to be available for commercial, industrial, or other uses, including the use of carbon dioxide for enhanced recovery of oil and gas.~~

(4)(2) It is the public policy of Louisiana and the purpose of this Chapter to provide for a coordinated statewide program related to the storage of carbon dioxide and to also fulfill the state's primary responsibility for assuring compliance with the federal Safe Drinking Water Act, including any amendments thereto related to the underground injection of carbon dioxide.

B. The ~~commissioner of conservation~~ secretary shall have jurisdiction and authority over all persons and property necessary to enforce effectively the provisions of this Chapter relating to the geologic storage of carbon dioxide and subsequent withdrawal of stored carbon dioxide.

§1103. Definitions

Unless the context otherwise requires, the words defined in this Section have the following meaning when found in this Chapter:

* * *

(3) ~~"Commissioner" has the same meaning as provided in R.S. 30:3~~
"Common carrier" means a transporter of carbon dioxide by pipeline for storage where there exists a reasonable probability that the pipeline will serve the public by transporting carbon dioxide for storage for one or more third parties.

* * *

(14) "Storage facility" means the underground reservoir, carbon dioxide injection wells, monitoring wells, underground equipment, and surface buildings and equipment utilized in the storage operation. The underground reservoir component

1 of the storage facility includes any necessary and reasonable aerial buffer and
2 subsurface monitoring zones designated by the ~~commissioner~~ secretary for the
3 purpose of ensuring the safe and efficient operation of the storage facility for the
4 storage of carbon dioxide and shall be chosen to protect against pollution, and escape
5 or migration of carbon dioxide.

6 (15) "Storage operator" means the person recognized by the ~~commissioner~~
7 secretary as the operator of a proposed or existing storage facility. A storage
8 operator can, but need not be, the owner of carbon dioxide injected into a storage
9 facility. Ownership of carbon dioxide and use of geologic storage is a matter of
10 private contract between the storage operator and owner, shipper, or generator of
11 carbon dioxide, as applicable.

12 * * *

13 §1104. Duties and powers of the ~~commissioner~~ secretary; rules and regulations;
14 permits

15 A. The ~~office of conservation's~~ department's actions under this Chapter shall
16 be directed and controlled by the ~~commissioner~~ secretary. The ~~commissioner~~
17 secretary shall have authority to:

18 * * *

19 (3) Make such inquiries as he deems proper to determine whether or not
20 waste, over which he has jurisdiction, exists or is imminent. In the exercise of this
21 power the ~~commissioner~~ secretary has the authority to collect data; to make
22 investigations and inspections; to examine properties, papers, books, and records; to
23 examine, survey, check, test, and gauge injection, withdrawal and other wells used
24 in connection with carbon storage; to examine, survey, check, test, and gauge tanks,
25 and modes of transportation; to hold hearings; to provide for the keeping of records
26 and the making of reports; to require the submission of an emergency phone number
27 by which the operator may be contacted in case of an emergency; and to take any
28 action as reasonably appears to him to be necessary to enforce this Chapter.

29 * * *

30 (9) Approve conversion to geologic storage facilities of hydrocarbon-bearing

1 formations, including depleted oil formations as well as existing or pre-existing
2 enhanced oil or gas recovery operations, if necessary, taking into consideration prior
3 approvals of the ~~commissioner~~ secretary regarding such enhanced oil recovery
4 operations.

5 (10) Promulgate rules and regulations requiring storage operators to place
6 monitoring equipment of a type approved by the ~~commissioner~~ secretary on all
7 storage facilities, and ancillary equipment necessary and proper to monitor, verify
8 carbon dioxide injections, and to prevent waste. It shall be a violation of this Chapter
9 for any operator to refuse to attach or install a monitor within a reasonable period of
10 time when ordered to do so by the ~~commissioner~~ secretary, or in any way to tamper
11 with the monitors so as to produce a false or inaccurate reading.

12 * * *

13 B. Unless that person is also the owner or operator of the facility or activity
14 regulated under the provisions of this Chapter, the owner, shipper, or generator of
15 carbon dioxide shall not be deemed responsible for the performance of any actions
16 required by the ~~commissioner~~ secretary under this Chapter.

17 C. Prior to the use of any reservoir for the storage of carbon dioxide and prior
18 to the exercise of eminent domain pursuant to the provisions of R.S. 19:2(11) and
19 R.S. 30:1108 by any person, firm, or corporation having such right under laws of the
20 state of Louisiana, and as a condition precedent to such use or to the exercise of such
21 rights of eminent domain pursuant to the provisions of R.S. 19:2(11) and R.S.
22 30:1108, the ~~commissioner~~ secretary, after public hearing pursuant to the provisions
23 of R.S. 30:6, held in the parish where the storage facility is to be located, shall have
24 found at least one of the following:

25 * * *

26 D. The ~~commissioner~~ secretary shall determine with respect to any such
27 reservoir proposed to be used as a storage reservoir, whether or not such reservoir
28 is fully depleted of the original commercially recoverable natural gas, condensate,
29 or other commercial mineral therein. If the ~~commissioner~~ secretary finds that such
30 reservoir has not been fully depleted, the ~~commissioner~~ secretary shall determine

1 the amount of the remaining commercially recoverable natural gas, condensate, or
2 other commercial mineral of such reservoir.

3 E. The ~~commissioner~~ secretary may issue any necessary order providing that
4 all carbon dioxide which has previously been reduced to possession and which is
5 subsequently injected into a storage reservoir shall at all times be deemed the
6 property of the party that owns such carbon dioxide, whether at the time of injection
7 or pursuant to a change of ownership by agreement while the carbon dioxide is
8 located in the storage facility, his successors and assigns; and in no event shall such
9 carbon dioxide be subject to the right of the owner of the surface of the lands or of
10 any mineral interest therein under which such storage reservoir shall lie or be
11 adjacent to or of any person other than the owner, his successors, and assigns to
12 produce, take, reduce to possession, waste, or otherwise interfere with or exercise
13 any control there over, provided that the owner, his successors, and assigns shall
14 have no right to gas, liquid hydrocarbons, salt, or other commercially recoverable
15 minerals in any stratum or portion thereof not determined by the ~~commissioner~~
16 secretary to constitute an approved storage reservoir. The ~~commissioner~~ secretary
17 shall issue such orders, rules, and regulations as may be necessary for the purpose
18 of protecting any such storage reservoir, strata, or formations against pollution or
19 against the escape of carbon dioxide therefrom, including such necessary rules and
20 regulations as may pertain to the drilling into or through such storage reservoir.

21 * * *

22 §1107. Certificates of public convenience and necessity; certificate of completion of
23 injection operations

24 A.(1) The ~~commissioner~~ secretary shall issue a certificate of public
25 convenience and necessity or a certificate of completion of injection operations to
26 each person applying therefor if, after a public hearing pursuant to the provisions of
27 R.S. 30:6 held in the parish where the storage facility is to be located, the
28 ~~commissioner~~ secretary determines that it is required by the present or future public
29 convenience and necessity, and such decision is based upon the following criteria:

30 * * *

(2) However, if any person has previously been issued a certificate of public convenience and necessity or a certificate of completion of injection operations by the ~~commissioner~~ secretary, that certificate continues to remain valid and in force.

B. The ~~commissioner shall~~ secretary may issue a certificate of public convenience and necessity to ~~each~~ a transporter of carbon dioxide applying therefor, whether or not such transporter is also the storage operator, for the laying, maintaining, and operating of a pipeline for the transportation of carbon dioxide to a storage facility, and such rights necessary and incidental thereto if, after a public hearing pursuant to the provisions of R.S. 30:6, the ~~commissioner~~ secretary determines that it is or will be in the present or future public interest to do so: **and finds one of the following:**

(1) The applicant requires the use of expropriation due solely to the presence of absentee owners that cannot be located after a reasonable attempt to do so.

(2) The applicant is or intends to operate as a common carrier.

C. The ~~commissioner~~ secretary shall issue a certificate of completion of injection operations to the operator applying therefor if, after a public hearing pursuant to R.S. 30:6, it is determined that such operator has met all of the conditions required for such certificate, including the requirements of R.S. 30:1109.

D. Notwithstanding any provision of this Chapter or any rule, regulation, or order issued by the commissioner under this Chapter to the contrary, accepting or acting pursuant to a certificate of public convenience and necessity or a certificate of completion of injection operations issued under this Chapter; compliance with the provisions of this Chapter or with rules, regulations, or orders issued by the ~~commissioner~~ secretary under this Chapter; or voluntarily performing any act which could be required by the ~~commissioner~~ secretary pursuant to this Chapter or rules, regulations, or orders issued by the ~~commissioner~~ secretary under this Chapter shall not have the following consequences:

* * *

§1108. Eminent domain; expropriation

1 A.(1) Any storage operator is hereby authorized, after obtaining any permit
2 and any certificate of public convenience and necessity from the ~~commissioner~~
3 secretary required by this Chapter, to exercise the power of eminent domain and
4 expropriate needed property to acquire surface and subsurface rights and property
5 interests necessary or useful for the purpose of constructing, operating, or modifying
6 a storage facility and the necessary infrastructure including the laying, maintaining,
7 and operating of pipelines for the transportation of carbon dioxide to a storage
8 facility, together with utility, telegraph, and telephone lines necessary and incidental
9 to the operation of these storage facilities and pipelines, over private property thus
10 expropriated; and have the further right to construct and develop storage facilities
11 and the necessary infrastructure, including the laying, maintaining, and operating of
12 pipelines along, across, over, and under any navigable stream or public highway,
13 street, bridge, or other public place; and also have the authority, under the right of
14 expropriation herein conferred, to cross railroads, street railways, and other
15 pipelines, by expropriating property necessary for the crossing under the general
16 expropriation laws of this state. The right to run along, across, over, or under any
17 public road, bridge, or highway, as before provided for, may be exercised only upon
18 condition that the traffic thereon is not interfered with, and that such road or highway
19 is promptly restored to its former condition of usefulness, at the expense of the
20 storage facility and the pipeline owner if different from the storage operator, the
21 restoration to be subject also to the supervision and approval of the proper local
22 authorities.

23 * * *

24 B.(1) Except as provided in Paragraph (2) of this Subsection, the exercise of
25 the right of eminent domain granted in this Chapter shall not prevent persons having
26 the right to do so from drilling through the storage facility in such manner as shall
27 comply with the rules of the ~~commissioner~~ secretary issued for the purpose of
28 protecting the storage facility against pollution or invasion and against the escape or
29 migration of carbon dioxide. Furthermore, the right of eminent domain set out in this
30 Section shall not prejudice the rights of the owners of the lands or minerals as to all

1 other uses not acquired for the storage facility and not reasonably necessary for the
2 use of the acquired property.

3 (2) The exercise of the right of eminent domain granted in this Section may
4 prohibit persons having the right to do so from drilling through the storage facility
5 located in Caldwell Parish only when the following requirements are satisfied:

6 (a) A period of five years has elapsed from the actual drilling or operation of
7 any oil or gas well within the boundaries of the storage facility to depths below the
8 base of the underground reservoir component of the storage facility as determined
9 by the ~~commissioner of conservation~~ **secretary**.

10 (b) All reservoirs below the underground reservoir component of the storage
11 facility that were drilled to and produced in any oil or gas well located within the
12 boundaries of the storage facility are no longer capable of producing minerals in
13 paying quantities as determined by the ~~commissioner of conservation~~ **secretary**.

14 (3) If a party who has the right to explore for and produce minerals from
15 depths below the base of the underground reservoir component of the storage facility
16 is prohibited from drilling through the storage facility under Paragraph (2) of this
17 Subsection by the exercise of the right of eminent domain granted in this Section,
18 that prohibition shall terminate upon a finding by the ~~commissioner~~ **secretary**, after
19 notice and hearing conducted in accordance with R.S. 30:1105(C), that the storage
20 facility operator abandoned all reasonable efforts to use, or cause others to use, the
21 storage facility prior to any use of the underground reservoir component of the
22 storage facility for the storage of carbon dioxide.

23 * * *

24 D. The ~~commissioner~~ **secretary** is neither a necessary nor indispensable party
25 to an eminent domain proceeding, and if named as a party or third party has an
26 absolute right to be dismissed from said action at the expense of the party who names
27 the ~~commissioner~~ **secretary**. The ~~commissioner~~ **secretary** shall recover all costs
28 reasonably incurred to be dismissed from the action, including attorney fees.

29 §1109. Cessation of storage operations; limited liability release

30 A.(1) Fifty years after cessation of injection into a storage facility, or any

1 other time frame established on a site-specific basis by application of the rules
2 regarding the time frame for a storage operator's post-injection site care and site
3 closure plan, the ~~commissioner~~ secretary shall issue a certificate of completion of
4 injection operations, upon a showing by the current storage operator of all of the
5 following:

6 * * *

7 C. Nothing in this Chapter shall establish or create any liability or
8 responsibility on the part of the ~~commissioner~~ secretary or the state to pay any costs
9 associated with site restoration from any source other than the funds or trusts created
10 by this Chapter, nor shall the ~~commissioner~~ secretary or the state of Louisiana have
11 any liability or responsibility to make any payments for costs associated with site
12 restoration if the trusts created herein are insufficient to do so.

13 D. The ~~commissioner~~ secretary or his agents, on proper identification, may
14 enter the land of another for purposes of site assessment or restoration.

15 E. The ~~commissioner~~ secretary and his agents are not liable for any damages
16 arising from an act or omission if the act or omission is part of a good faith effort to
17 carry out the purpose of this Chapter.

18 F. No party contracting with the Department of **Conservation and** Energy
19 ~~and Natural Resources, office of conservation,~~ or the ~~commissioner~~ secretary under
20 the provisions of this Chapter shall be deemed to be a public employee or an
21 employee otherwise subject to the provisions of Parts I through IV of Chapter 15 of
22 Title 42 of the Louisiana Revised Statutes of 1950.

23 G. The ~~commissioner~~ secretary shall implement this Section in a manner
24 consistent with and as the ~~commissioner~~ secretary deems necessary to carry out the
25 purposes and requirements of the federal Safe Drinking Water Act, as amended,
26 relating to the state's participation in the underground injection control program
27 established under that Act with respect to the storage and sequestration of carbon
28 dioxide, including but not limited to the state's authority to restrain any person from
29 engaging in any unauthorized activity which is endangering or causing damage to
30 public health or the environment.

* * *

§1110. Carbon Dioxide Geologic Storage Trust Fund

A.(1) There is hereby established a fund in the custody of the state treasurer to be known as the Carbon Dioxide Geologic Storage Trust Fund, hereinafter referred to as the "fund", which shall constitute a special custodial trust fund which shall be administered by the ~~commissioner~~ secretary, who shall make disbursements from the fund solely in accordance with the purposes and uses authorized by this Chapter.

(2) After compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund, and after a sufficient amount is allocated from that fund to pay all of the obligations secured by the full faith and credit of the state which become due and payable within any fiscal year, the treasurer shall pay into the fund, an amount equal to the monies received by the state treasury pursuant to this Chapter. The monies in this fund shall be used solely as provided in this Section and only in the amount appropriated by the legislature. All unexpended and unencumbered monies remaining in this fund at the end of the fiscal year shall remain in the fund. The monies in the fund shall be invested by the state treasurer in the same manner as monies in the state general fund and all returns of such investment shall be deposited to the fund. At the request of the Natural Resources Trust Authority, the state treasurer may invest monies in the fund, or any portion thereof, in accordance with the provisions of R.S. 33:2955, including the use of the Louisiana Asset Management Pool, and any interest earned on such investments shall be credited to the fund. The funds received shall be placed in the special trust fund in the custody of the state treasurer to be used only in accordance with this Chapter and shall not be placed in the general fund. The funds provided to the ~~commissioner~~ secretary pursuant to this Section shall at all times be and remain the property of the ~~commissioner~~ secretary. The funds shall be used only for the purposes set forth in this Chapter and for no other governmental purposes, nor shall any branch of government be allowed to borrow any portion of the funds. It is the intent of the legislature that this fund and its

1 increments shall remain intact and inviolate.

2 B. The following monies shall be placed into the fund:

3 (1) The fees, penalties, and bond forfeitures collected pursuant to this
4 Chapter. All fees and self-generated revenue remaining on deposit for the ~~office of~~
5 ~~conservation~~ **department** at the end of any fiscal year shall be deposited into the
6 fund.

7 * * *

8 C. The ~~commissioner~~ **secretary** is hereby authorized to levy on each storage
9 facility the following fees or costs for the purpose of funding the fund:

10 (1) A fee payable to the ~~office of conservation~~ **department**, in a form and
11 schedule prescribed by the ~~office of conservation~~ **department**, for each ton of
12 carbon dioxide injected for storage into that storage facility. This fee is to be
13 determined based upon the following formula:

14 * * *

15 (b) "F" is a per unit fee in dollars per ton set by the ~~office of conservation~~
16 **department**.

17 * * *

18 (f) Once five million dollars has been contributed to the fund for a storage
19 facility, the fee assessments to that storage facility under this Section shall cease
20 until such time as funds begin to be expended for that storage facility. The secretary
21 of the Department of **Conservation and** Energy ~~and Natural Resources~~ shall certify
22 to the ~~commissioner~~ **secretary** the date on which the balance in the fund for a
23 storage facility equals or exceeds five million dollars. The fund fees shall not be
24 collected or required to be paid on or after the first day of the second month
25 following the certification, except that the ~~commissioner~~ **secretary** shall resume
26 collecting the fees on receipt of a certification from the secretary of the Department
27 of **Conservation and** Energy ~~and Natural Resources~~ that, based on the expenditures
28 or commitments to expend monies, the fund has fallen below four million dollars for
29 that storage facility.

30 (g) Notwithstanding the total number of storage facilities owned or operated

1 by a storage operator, once ten million dollars has been contributed to the fund by
2 a storage operator, the fee assessment to that storage operator under this Section shall
3 cease until such time as funds begin to be expended for any storage facility owned
4 or operated by that storage operator. The secretary of the Department of
5 Conservation and Energy ~~and Natural Resources~~ shall certify to the ~~commissioner~~
6 secretary the date on which the balance in the fund for a storage operator equals or
7 exceeds ten million dollars. The fund fees shall not be collected or required to be
8 paid on or after the first day of the second month following the certification, except
9 that the ~~commissioner~~ secretary shall resume collecting the fees upon receipt of a
10 certification from the secretary of the Department of Conservation and Energy ~~and~~
11 ~~Natural Resources~~ that, based on the expenditures or commitments to expend
12 monies, the fund has fallen below eight million dollars for that storage operator.

13 (h) At the end of each fiscal year, the fee may be redetermined by the
14 ~~commissioner~~ secretary based upon the estimated cost of administering and
15 enforcing this Chapter for the upcoming year divided by the tonnage of carbon
16 dioxide expected to be injected during the upcoming year. The total fee assessed
17 shall be sufficient to assure a balance in the fund not to exceed five million dollars
18 for any active storage facility within the state at the beginning of each fiscal year.
19 Any amount received that exceeds the annual balance required shall be deposited in
20 the fund, but appropriate credits shall be given against future fees or fees associated
21 with other storage facilities operated by the same storage operator.

22 (2) An annual regulatory fee for storage facilities that have not received a
23 certificate of completion of injection operations payable to the ~~office of conservation~~
24 department, in a form and schedule prescribed by the ~~office of conservation~~
25 department, on the carbon dioxide storage facility in an amount not to exceed fifty
26 thousand dollars for Fiscal Year 2010-2011 and thereafter. Such fee shall be based
27 upon the annual projected costs to the ~~office of conservation~~ department for
28 oversight and regulation of such storage facilities.

29 (3) An application fee payable to the ~~office of conservation~~ department, in
30 a form and schedule prescribed by the ~~office of conservation~~ department, by

1 industries under the jurisdiction of the ~~office of conservation~~ **department**. The
 2 ~~commissioner~~ **secretary** may, by rule in accordance with the Administrative
 3 Procedure Act, charge a fee that shall not exceed the actual or anticipated cost to the
 4 state for the review of the permit or application.

5 * * *

6 G. The ~~commissioner~~ **secretary** is authorized to enter into agreements and
 7 contracts and to expend money in the fund for the following purposes:

8 * * *

9 H. The ~~commissioner~~ **secretary** shall keep accurate accounts of all receipts
 10 and disbursements related to the administration of the fund and site-specific trust
 11 funds and shall make a specific annual report addressing the administration of the
 12 funds to the Senate Committee on Natural Resources, the House Committee on
 13 Natural Resources and Environment, and the Senate Committee on Environmental
 14 Quality before March first.

15 I. Every five years the ~~commissioner~~ **secretary** shall submit a report to the
 16 Senate Committee on Natural Resources, the House Committee on Natural
 17 Resources and Environment, and the Senate Committee on Environmental Quality
 18 before March first that assesses the effectiveness of the fund and other related
 19 provisions in this Chapter and provides other information as may be requested by the
 20 legislature to allow the legislature to assess the effectiveness of this Chapter.

21 * * *

22 §1115. Notifications regarding applications

23 **A. Every applicant for a Class VI permit or a Class V permit related to**
 24 **a geologic sequestration project shall comply with the following:**

25 ~~A.(1) Within thirty days of receiving notice of an application for a Class VI~~
 26 ~~injection well being~~ **In order for an application for a Class VI permit to be**
 27 **deemed administratively complete, the owner or operator shall make a reasonable**
 28 **search and a** good faith effort to provide notice of the submission of the application
 29 via United States **certified** mail to all of the following **located within the surface**
 30 **or subsurface extent of the area of review delineated in the permit application:**

1 ~~(1)(a)~~ The last operator of record for any oil or gas well located within the
2 area of review delineated in the application.

3 ~~(2)(b)~~ Any person known to the applicant after reasonable search that,
4 including owners and operators, acting on behalf of the person, that presently has the
5 right to drill into and produce from a pool and to appropriate production either for
6 himself or others within the predicted or modeled carbon dioxide plume, as that term
7 is defined in administrative rules and regulations providing for Class VI injection
8 wells. **All mineral servitude owners, mineral lessees, and operators acting on**
9 **behalf of such mineral interest owners.**

10 **(c) All surface owners.**

11 ~~B.(2)~~ Within ten days of filing an application with the commissioner for a
12 Class V stratigraphic test well **In order for an application for a Class V**
13 **stratigraphic test well permit to be considered complete,** the owner or operator
14 shall make a **reasonable search and a** good faith effort to provide notice of the
15 submission of the application via United States **certified** mail to all of the following
16 **located within five hundred feet of the proposed well:**

17 ~~(1)(a)~~ The last operator of record for any oil or gas well located within five
18 hundred feet of the proposed Class V stratigraphic test well location.

19 ~~(2)(b)~~ Any person known to the applicant after reasonable search, including
20 owners and operators, acting on behalf of the person, that presently has the right to
21 drill into and produce from a pool and to appropriate production either for himself
22 or others within five hundred feet of the proposed Class V stratigraphic test well
23 location **All mineral servitude owners, mineral lessees, and operators acting on**
24 **behalf of such mineral interest owners.**

25 **(c) All surface owners.**

26 **(3) Notice to all surface owners as required by this Section may be**
27 **satisfied by notifying all persons shown on the parish assessor's rolls as the**
28 **current owner of the surface rights for the land included within the applicable**
29 **area of required notice.**

30 **B. The department shall also publish on its website a notice of each**

application for a Class VI permit or Class V permit related to a geologic sequestration project.

* * *

§2200. Subsurface injection

Nothing herein shall limit the power of the ~~assistant secretary of the office of conservation~~ to issue permits and make regulations relative to the subsurface injection of waste products and oil and gas field salt water in compliance with Chapter 1 of Title 30 of the Louisiana Revised Statutes of 1950 and the subsurface injection of hazardous wastes in compliance with the Safe Drinking Water Act, 42 USC §300(F) et seq., and the Resource Conservation and Recovery Act of 1976, 42 USC §6901 et seq.

* * *

§2454. Definitions

In this Chapter:

* * *

(33) "Secretary" means the secretary of the Department of Conservation and Energy.

§2455. Office of the Louisiana oil spill coordinator

The office of the Louisiana oil spill coordinator is hereby created within the Department of ~~Public Safety and Corrections, public safety services~~ **Conservation and Energy**, and shall exercise the powers and duties set forth in this Chapter or otherwise provided by law. The office shall be administered by the coordinator who shall be ~~appointed by the governor, subject to Senate confirmation~~ **a director pursuant to R.S. 36:357**. The initial coordinator shall not perform any official duties prior to confirmation.

§2456. General powers and duties of the coordinator

A. The coordinator, under the direction and control of the deputy secretary ~~for public safety services~~, shall:

* * *

Section 2. R.S. 30:29(A), (B)(1), (C)(1) and (3)(a) and (5) and (6)(b) and (c), (D)(1)

1 through (3), (E)(1), (F), (H)(1), (I)(2) and (4), and the introductory paragraph of (M)(1) and
2 (c) and 87(A), introductory paragraph of (F)(1)(a), and introductory paragraph of (b) as
3 enacted by Section 1 of Act 16 of the 2024 Third Extraordinary Session of the Legislature
4 of Louisiana are hereby amended and reenacted and R.S. 30:29(C)(6)(d) is hereby enacted
5 to read as follows:

6 §29. Remediation of oilfield sites and exploration and production sites

7 A. The legislature hereby finds and declares that Article IX, Section 1 of the
8 Constitution of Louisiana mandates that the natural resources and the environment
9 of the state, including ground water, are to be protected, conserved, and replenished
10 insofar as possible and consistent with the health, safety, and welfare of the people
11 and further mandates that the legislature enact laws to implement this policy. It is the
12 duty of the legislature to set forth procedures to ensure that damage to the
13 environment is **evaluated and if necessary** remediated to a standard that protects the
14 public interest. To this end, this Section provides the procedure for judicial
15 resolution of claims for environmental damage to property arising from activities
16 subject to the jurisdiction of the Department of Energy and Natural Resources, office
17 of conservation. The provisions of this Section shall be implemented upon receipt
18 of timely notice as required by Paragraph (B)(1) of this Section. The provisions of
19 this Section shall not be construed to impede or limit provisions under private
20 contracts imposing remediation obligations in excess of the requirements of the
21 department or limit the right of a party to a private contract to enforce any contract
22 provision in a court of proper jurisdiction.

23 B.(1) Notwithstanding any law to the contrary, immediately upon the filing
24 or amendment of any litigation or pleading making a judicial demand arising from
25 or alleging environmental damage, **including actions based in whole or in part on**
26 **R.S. 30:16 or 26**, the provisions of this Section shall apply, and the party filing same
27 shall provide timely notice to the state of Louisiana through the Department of
28 Energy and Natural Resources, commissioner of conservation and the attorney
29 general. The litigation shall be stayed with respect to any judicial demand until thirty
30 days after notice is issued and return receipt is filed with the court.

* * *

C.(1) If at any time ~~during the proceeding~~ a party admits liability for environmental damage or the finder of fact determines that environmental damage exists and determines the party or parties who caused the damage or who are otherwise legally responsible therefor, the court shall order the party or parties who admit responsibility or whom the court finds legally responsible for the damage to develop a plan or submittal for the evaluation or remediation to applicable regulatory standards of the contamination that resulted in the environmental damage. The court shall order that the plan be developed and submitted to the department ~~and the court~~ within a time that the court determines is reasonable and shall allow **one hundred eighty days from the first date a party admits responsibility or one hundred eighty days of the date the court finds a party legally responsible, whichever occurs later.** ~~the~~ **The** plaintiff or any other party ~~at least~~ **shall have** thirty days from the date each plan or submittal was ~~made~~ **submitted** to the department ~~and the court~~ to review the plan or submittal and ~~to provide to the department and the court a~~ **with an alternate plan, comment comments,** or input in response ~~thereto~~ **to the plan or plans submitted.** **The court may extend the time for filing any plan or comments for good cause shown.** The department shall consider any plan, comment, or response provided timely by any party. The department shall submit to the court a schedule of estimated costs for review of the plans or submittals of the parties by the department and ~~the court~~ shall require the party admitting responsibility or the party found legally responsible by the court to deposit in the registry of the court sufficient funds to pay the cost of the department's review of the plans or submittals. Any plan or submittal shall include an estimation of cost to implement the plan.

* * *

(3)(a) The department shall use and apply ~~the~~ applicable regulatory standards **including but not limited to the Risk Evaluation and Corrective Action Program (RECAP) and may use other exceptions to LAC 43:XIX.1 et seq., otherwise identified as Statewide Order No. 29-B,** in approving or structuring a plan that the department determines to be the most feasible plan to evaluate or remediate the

1 environmental damage. In any action governed by the provisions of this Section,
2 the department shall consult with the landowner to consider exceptions,
3 including RECAP, but shall not be required to obtain landowner consent.

4 * * *

5 (5) The court shall adopt the plan approved by the department as the most
6 feasible plan, unless a party proves by a preponderance of the clear and convincing
7 evidence that another timely submitted plan was provided to the department
8 pursuant to this Subsection is a more feasible plan to adequately protect the
9 environment and the public health, safety, and welfare. The court shall enter a
10 judgment adopting a the most feasible plan with written reasons assigned. Upon
11 adoption of a plan, the court shall order the party or parties admitting responsibility
12 or the party or parties found legally responsible by the court to fund the
13 implementation of the plan. The trial on the merits shall be stayed from the filing
14 of a limited admission until the court adopts the most feasible plan.

15 (6)

16 * * *

17 (b) Any appeal under this Section of a judgment adopting the most feasible
18 plan shall be taken to the Court of Appeals for the First Circuit. The appeal of
19 a judgment adopting the most feasible plan ~~a de novo review~~ and shall be heard
20 with preference and on an expedited basis.

21 (c) The appellate court may affirm the trial court's adoption of a the most
22 feasible plan or may adopt a most feasible plan in conformity with this Section and
23 shall issue written reasons for its decision.

24 (d) In the absence of an express contractual provision providing for
25 remediation to original condition or some other specific remediation standard,
26 a party's legal responsibility is satisfied by meeting the standards set forth in
27 applicable regulatory standards.

28 D.(1) Whether or not the department or the attorney general intervenes, and
29 except as provided in Subsection H of this Section, all damages or payments in any
30 civil action, including interest thereon, awarded for the evaluation or remediation of

1 environmental damage shall be paid exclusively into the registry of the court in an
2 interest-bearing account with the interest accruing to the account for ~~clean-up~~
3 evaluation or remediation.

4 (2) The court may allow any funds to be paid into the registry of the court to
5 be paid in increments as necessary to fund the evaluation or remediation and
6 implementation of ~~any~~ the most feasible plan or submittal adopted by the court
7 under Paragraph (C)(5) of this Section. In any instance in which the court allows
8 the funds to be paid in increments, whether or not an appeal is taken, the court shall
9 require the posting of a bond for the implementation of the most feasible plan in
10 such amount as provided by and in accordance with the procedures set forth for the
11 posting of suspensive appeal bonds. Any such bond shall be valid through
12 completion of the remediation. In lieu of paying funds into the registry of the
13 court, the responsible party may at its option pay directly the cost of
14 implementing the most feasible plan and post bond in an amount equal to the
15 total cost of the most feasible plan as provided by and in accordance with the
16 procedures set forth for the posting of suspensive appeal bonds. If a responsible
17 party directly pays the cost of implementing the most feasible plan, then the
18 responsible party shall provide to the district court a summary of costs paid
19 each quarter until the earlier of when the most feasible plan is fully
20 implemented or the district court orders that no further summaries are
21 required.

22 (3) The court shall issue such orders as may be necessary to ensure that any
23 such funds are actually expended in a manner consistent with the adopted and most
24 feasible plan for the evaluation or remediation of the environmental damage for
25 which the award or payment is made.

26 * * *

27 E.(1) In any civil action in which a party is responsible for ~~damages or~~
28 ~~payments for the evaluation or remediation of~~ environmental damage, a party
29 providing evidence, in whole or in part, upon which the judgment is based shall be
30 entitled to recover from the party or parties ~~admitting responsibility or the party or~~

1 parties found legally responsible by the court, ~~in addition to any other amounts to~~
2 ~~which the party may be entitled~~, all costs attributable to producing that portion of the
3 evidence that directly relates to the establishment of environmental damage,
4 including, but not limited to, expert witness fees, environmental evaluation,
5 investigation, and testing, the cost of developing a plan of **evaluation or**
6 remediation, and reasonable attorney fees incurred in the trial court and the
7 department. **Upon adoption of the most feasible plan by the trial court, a party**
8 **admitting responsibility or a party found to be legally responsible for**
9 **environmental damage shall not be responsible for any further attorney fees or**
10 **costs including but not limited to expert witness fees, environmental evaluation,**
11 **monitoring, investigation, and testing. Upon a finding by the court that a**
12 **defendant did not cause or is otherwise not legally responsible for the alleged**
13 **environmental damage, that defendant shall be entitled to recover from the**
14 **plaintiff reasonable attorney fees and all costs including expert witness fees,**
15 **environmental evaluation, monitoring, investigation, and testing if that**
16 **defendant is found at trial not to have caused or is otherwise not legally**
17 **responsible for the alleged environmental damage.**

18 * * *

19 F. The court and the department shall retain oversight to ensure compliance
20 with the plan. The party or parties admitting responsibility or the party or parties
21 found legally responsible ~~by the court~~ shall file progress reports periodically as the
22 court or the department may require.

23 * * *

24 H.(1) This Section shall not preclude an owner of land from pursuing a
25 judicial remedy or receiving a judicial award for private claims suffered as a result
26 of environmental damage, except as otherwise provided in this Section. Any award
27 granted in connection with the judgment for additional remediation in excess of the
28 requirements of the feasible plan adopted by the court ~~is not required to~~ **shall not** be
29 paid into the registry of the court. **Any award granted in connection with the**
30 **judgment for damages awarded to fund the most feasible plan shall be paid into**

the registry of the court.

* * *

I. For the purposes of this Section, the following terms shall have the following meanings:

* * *

(2) "Environmental damage" shall mean any actual or potential impact, damage, or injury to environmental media caused by **actual or potential** contamination resulting from activities associated with oilfield sites or exploration and production sites. Environmental media shall ~~include but not be limited to~~ **mean** soil, surface water, ground water, or sediment.

* * *

(4) "~~Feasible Plan~~ Most feasible plan" means the most reasonable plan which addresses environmental damage in conformity with the requirements of Article IX, Section 1 of the Constitution of Louisiana to protect the environment, public health, safety and welfare, and is in compliance with the specific relevant and applicable standards and regulations promulgated by a state agency in accordance with the Administrative Procedure Act in effect at the time of clean up the most feasible plan to evaluate or if necessary remediate contamination environmental damage resulting from oilfield or exploration and production operations or waste.

* * *

M.(1) In an action governed by the provisions of this Section, **and notwithstanding any provision contained in this Section to the contrary, damages, including without limitation, remediation and nonremediation damages,** may be awarded only for the following:

* * *

~~(c) The cost of evaluating, correcting or repairing environmental damage upon a showing that such damage was caused by unreasonable or excessive operations based on rules, regulations, lease terms and implied lease obligations arising by operation of law, or standards applicable at the time of the activity complained of, provided that such damage is not duplicative of damages awarded~~

under Subparagraph (a) or (b) of this Paragraph. Economic loss damages may be recovered if proven by a preponderance of the evidence. All other nonremediation damages shall be limited to no more than three hundred percent of the fair market value. The fair market value of the property shall be based on the value of the surface of the property as if it had no environmental damage.

* * *

* * *

§87. Oilfield site restoration fees

A. There is hereby imposed on crude petroleum produced from producing wells in this state a fee on each barrel of oil and condensate as provided in this Section, payable upon the initial disposition of each barrel of oil and condensate. The fee is in addition to any tax imposed pursuant to Title 47 of the Louisiana Revised Statutes of 1950. The provisions of Chapters 17 and 18 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950 shall apply to the administration, collection, and enforcement of the fee imposed in this Section, and the penalties provided by that code shall apply to any person who fails to pay or report the fee. Proceeds from the fee, including any penalties collected in connection with the fee, shall be deposited into the Oilfield Site Restoration Fund.

* * *

F. The site restoration fee shall be the following:

(1) Full rate production shall include all production from oil or gas wells except for production from reduced rate production wells as set forth in R.S. 47:633(7).

(a) For crude oil and condensate, the fee shall be based on the oil price on July first of each year for the ensuing twelve months based upon the average New York Mercantile Exchange Price per barrel of crude oil per month on the close of business on June thirtieth for the prior twelve months. The amount of the fee for a well that produces crude oil and condensate shall be as follows:

* * *

(b) For natural gas and casing head gas, the fee shall be based on the natural gas price on July first of each year for the ensuing twelve months based upon the Henry Hub Natural Gas Spot Price average monthly price in dollars per million BTU published by the United States Energy Information Administration for the preceding January first through December thirty-first available as of April first. For natural gas and casing head gas, the fee shall be as follows:

* * *

Section 3. R.S. 31:115(C)(1)(b) is hereby amended and reenacted to read as follows:

§115. Requirement of term; limitation of continuation without drilling or mining operations or production

* * *

C.(1) Any lease, granting the right to explore for and produce lignite or another form of coal, which is included within a mining plan and upon which no actual operations have begun, may provide for an extension beyond the initial ten year term for a period of thirty years by the payment of rent, an advance royalty payment or any other form of periodic payment to the lessor, provided the following requirements are satisfied:

* * *

(b) A mining plan for the ultimate production of lignite or other forms of coal, together with a permit issued by the ~~commissioner of conservation~~ secretary, is filed in the conveyance records of the parish or parishes in which the leased land is located.

* * *

Section 4. R.S. 36:351, 352, 353, 354(A)(7), (10), (13), and (15), (B)(1)(b), (2), (4), (6), (8), (10), and (12), 355, 356, 357, 358, the introductory paragraphs of R.S. 36:359(A) and (B), 359(B)(1) and (2), and (C) are hereby amended and reenacted and R.S. 36:351.1, 354(B)(13) and (14), 354.1, 356.1(B)(6) and (7) and (D), and 359(D), and 600 are hereby enacted to read as follows:

CHAPTER 8. DEPARTMENT OF CONSERVATION AND

ENERGY AND NATURAL RESOURCES

§351. Department of **Conservation and** Energy and Natural Resources; creation; domicile; composition; purposes and functions

A. The Department of **Conservation and** Energy and Natural Resources is created and shall be a body corporate with the power to sue and be sued. The domicile of the department shall be in Baton Rouge.

B. The Department of **Conservation and** Energy and Natural Resources, through its offices and officers, shall be responsible for the conservation, management, and development of water, minerals, and other such natural resources of the state, including coastal management, state water bottom management and permitting, the issuance of energy-related rights of way on state water bottoms and state lands, and energy-related leasing of state water bottoms and state lands as further set forth in law, but not including timber or fish and wildlife and their habitats.

C.(1) The Department of **Conservation and** Energy and Natural Resources shall be composed of the executive office of the secretary, the office of management and finance, the office of conservation, the office of mineral resources, the office of coastal management **administration**, the office of enforcement, the office of energy, the office of land and water, the Oilfield Site Restoration Commission **permitting and compliance, the office of state resources**, and other offices as shall be created by law.

(2) Whenever the secretary determines that the administration of the functions of the department may be more efficiently performed by eliminating, merging, or consolidating existing offices or establishing new offices, the secretary shall present a plan therefor to the legislature for its approval by statute. In addition, beginning January 15, 2026, and thereafter in the same year as the sunset of the Department of Energy and Natural Resources, the secretary shall recommend to the Senate Committee on Natural Resources and the House Committee on Natural Resources and Environment to either terminate or continue the boards and commissions provided for in this Chapter. Any recommendation to terminate a board

1 or commission shall include a plan to eliminate, merge, or consolidate the functions
2 and responsibilities of that board or commission.

3 §351.1. Natural Resources Commission; creation composition; purposes and
4 functions

5 A. The Natural Resources Commission is hereby reconstituted within the
6 Department of Conservation and Energy. The commission shall not have
7 authority to grant or deny permits, to take enforcement action, or to take other
8 action which has traditionally been within the sole jurisdiction of the
9 department.

10 B. The Natural Resources Commission shall be composed of the
11 following individuals, who shall not have the ability to serve by proxy or
12 designee:

13 (1)The secretary of the Department of Conservation and Energy.

14 (2) The secretary of Louisiana Economic Development.

15 (3)The secretary of the Department of Environmental Quality.

16 (4)The secretary of the Department of Revenue.

17 (5) The secretary of the Department of Wildlife and Fisheries.

18 (6) The executive secretary of the Louisiana Public Service Commission.

19 (7) One individual, appointed by the governor, who shall represent
20 statewide flood control interests. This individual shall be one of the following:

21 (a) The secretary of the Department of Transportation and Development.

22 (b) The executive director of the Coordinated Use of Resources for
23 Recreation, Economy, Navigation, and Transportation Authority.

24 (c) The executive director of the Coastal Protection and Restoration
25 Authority.

26 (d) The chief resilience officer.

27 C. The department shall staff the commission and may engage the
28 legislative auditor for reports requested by legislature or commission. The
29 commission shall meet four times per year, preferably quarterly. The
30 commission will facilitate strategic alignment and coordination amongst

1 members. The commission shall coordinate with the legislative auditor to
2 provide investigative oversight to the commission.

3 D. The commission shall:

4 (1) Serve as primary coordination body for water management planning,
5 statewide flood protection, and develop a process for its centralization striving
6 for uniformity.

7 (2) Develop a process in which agencies coordinate intergovernmental
8 responses.

9 (3) Develop a process in responding to legislative study requests,
10 including their prioritization.

11 (4) Engage legislative auditor for staffing on matters related to
12 investigation, reporting, and review of the executive branch.

13 (5) Develop a process to identify, review, receive, clarify and act on
14 matters of agency overlap, including independent agencies and political
15 subdivisions.

16 E. The commission shall meet on the first Wednesday of March, June,
17 September, and December of each year. In the event of a state declared
18 emergency or holiday, the meeting shall be held on the next working day. The
19 date may be changed by unanimous agreement of the members in writing.

20 F. The legislature may establish advisory committees to advise the
21 Natural Resources Commission on any matter within the jurisdiction of the
22 commission. Advisory committees shall be established by resolution which, at
23 a minimum, provides for the purpose of the advisory committee, either the
24 membership of the committee or how the members will be appointed, and such
25 other matters as the legislature deems appropriate. An advisory committee
26 established pursuant to this Subsection shall terminate one year after the
27 effective date of the resolution creating it unless a different term is expressly
28 provided in the resolution or the advisory committee is reauthorized by
29 subsequent resolution.

30 §352. Officers of the department; compensation for one office only

1 A. The officers of the department shall be the secretary, the undersecretary,
2 the deputy secretary if a deputy secretary is appointed, and ~~assistant secretaries~~
3 **directors**, each of whom shall be selected and shall perform functions as provided
4 in this Title.

5 B. No person serving as a secretary, deputy secretary, undersecretary, or
6 ~~assistant secretary~~ **director** shall receive any additional salary from the state other
7 than that salary which he receives by virtue of serving in any one of such offices.
8 Any statewide elected official appointed to serve as a secretary, deputy secretary,
9 undersecretary, or ~~assistant secretary~~ **director** shall not receive any additional salary
10 from the state other than that salary which he receives as a statewide elected official.

11 C. Notwithstanding any provision herein to the contrary, subject to approval
12 of the governor, any person, including any statewide elected official, serving or
13 appointed to serve as a secretary, undersecretary, deputy secretary, or ~~assistant~~
14 ~~secretary~~ **director** may receive additional compensation for part-time services
15 rendered as an instructor in post-secondary educational institutions, or as a member
16 of the National Guard.

17 §353. Secretary of ~~natural resources~~ **conservation and energy**

18 There shall be a secretary of ~~natural resources~~ **conservation and energy**,
19 who shall be appointed by the governor with consent of the Senate and who shall
20 serve at the pleasure of the governor at a salary fixed by the governor, which salary
21 shall not exceed the amount approved for the position by the legislature while in
22 session. The secretary shall serve as the executive head and chief administrative
23 officer of the Department of **Conservation and** Energy and ~~Natural Resources~~ and
24 shall have the responsibility for the policies of the department except as otherwise
25 provided by this Title and for the administration, control, and operation of the
26 functions, programs, and affairs of the department, provided that the secretary shall
27 perform his functions under the general control and supervision of the governor. ~~The~~
28 ~~secretary shall be an ex officio member of the State Mineral and Energy Board~~ **The**
29 **secretary shall also assume all duties and functions of the commissioner of**
30 **conservation as set forth in law.**

§354. Powers and duties of secretary of **conservation and** energy ~~and natural~~
~~resources~~

A. In addition to the functions, powers, and duties otherwise vested in the secretary by law, the secretary shall:

* * *

(7) Undertake, or in necessary cases, designate one of the offices within the department or its ~~assistant secretary~~ **directors** to prepare all necessary studies regarding alternate fuel sources for the state of Louisiana.

* * *

(10) Act as the sole agent of the state or, in necessary cases, designate one of the offices within the department or its ~~assistant secretary~~ **directors** to cooperate with the federal government and with other state and local agencies in matters of mutual concern and in the administration of federal funds granted to the state or directly to the department or an office thereof to aid in the furtherance of any function of the department and its offices. For this purpose he may take such actions, in accordance with applicable state law, necessary to meet such federal standards as are established for the administration and use of such federal funds, except as otherwise specifically provided in this Title or by the constitution and laws of this state.

* * *

(13) Contract, if the secretary so desires, or, if the secretary deems necessary, designate one of the offices within the department or its ~~assistant secretary~~ **director**, under the secretary's supervision, to do so, with private or public research organizations for the purchase, out of funds available to the Department of **Conservation and** Energy ~~and Natural Resources~~, of services in scientific, economic, and technological research, including but not limited to surveys, studies, and experiments with a view toward protecting and replenishing the natural resources of the state under the jurisdiction of the Department of **Conservation and** Energy ~~and Natural Resources~~, toward preventing the waste, wasteful use, and wasteful utilization thereof, except as defined in R.S. 30:3, toward preventing the use

1 of the natural resources in such a manner and in such quantities as will threaten with
2 premature exhaustion, extinction, and destruction of the supply of these resources in
3 the state, and toward the energy policy of this state, and to prepare and implement
4 plans and programs in relation thereto.

5 * * *

6 (15) Set priorities for program funds as provided in R.S. 30:2483 **and declare**
7 **emergencies pursuant to R.S. 30:6.1.**

8 * * *

9 B. The secretary shall have authority to:

10 (1)(a) * * *

11 (b) All of the above are to be accomplished in accordance with applicable
12 civil service laws, rules, and regulations, and with policies and rules of the
13 Department of **Conservation and** Energy ~~and Natural Resources~~, and all are subject
14 to budgetary control and applicable laws.

15 (2) Appoint, subject to gubernatorial ~~approval~~ **disapproval**, advisory
16 councils, boards, and commissions necessary in the administration of the department
17 or for providing expertise within the department's jurisdiction, except as otherwise
18 provided by law or by executive order.

19 * * *

20 (4) Contract upon terms as the secretary may agree upon, for legal, financial,
21 engineering, and other professional services necessary or expedient in the conduct
22 of the affairs of the Department of **Conservation and** Energy ~~and Natural Resources~~
23 under the provisions of this Chapter.

24 * * *

25 (6) Represent, or designate ~~an assistant secretary~~ **a director** to represent, the
26 state in all matters involving or affecting the interest of the state and its residents
27 relative to energy and natural resources within the jurisdiction of the Department of
28 **Conservation and** Energy ~~and Natural Resources~~ before all federal agencies,
29 offices, and officials, and congressional committees, and in all judicial actions
30 arising out of the proceedings of the agencies, offices, and committees or in relation

1 thereto. Those employed or contracted with as provided by this Section shall be
2 entitled to represent the state and the secretary and to appear in the courts and before
3 agencies of this state or the agencies, officials, and courts of the United States and
4 of other states to carry out the purposes of this Chapter.

5 * * *

6 (8) Obtain from the federal government and its agencies, the offices of the
7 Department of **Conservation and** Energy ~~and Natural Resources~~, and other state
8 agencies any information and data collected by the entities relating to energy, natural
9 resources, or the environment, upon mutually agreeable terms and conditions or as
10 required by law; however, information and data subject to nondisclosure under R.S.
11 44:4 shall maintain that status while in the custody of the secretary.

12 * * *

13 (10) Establish in ~~his office~~ **the department** a capacity for policy analysis,
14 development of information and statistics, and generation of economic information
15 relating to the natural resources and environmental affairs of the state.

16 * * *

17 (12) **Delegate his duties and responsibilities to other personnel within the**
18 **department as necessary for the efficient administration of the department and**
19 **its programs.**

20 (13) Do such other things not inconsistent with law, as are necessary to
21 perform properly the functions vested in him.

22 (14) **Issue directives, acting through an initiative of the deputy secretary**
23 **and upon certification by the undersecretary, that establish immediate agency**
24 **policy effective upon issuance. Such orders shall remain in effect unless and**
25 **until they are superseded by subsequent directive or subjected to additional**
26 **administrative rulemaking through the Louisiana Administrative Procedure**
27 **Act, including but not limited to the processes for emergency rulemaking or**
28 **potpourri notices, if and when the secretary deems further formal rulemaking**
29 **necessary. These directives, which do not constitute "adjudications" within the**
30 **meaning of federal or state administrative law, shall serve as statements of**

1 policy that the department may apply to its programs and operations forthwith.

2 (15) Establish a formal certification process to recognize academic and
3 research institutions within the state who possess specialized expertise in areas
4 such as energy technologies, natural resources management, environmental
5 stewardship, resource economics, and other strategically significant fields of
6 research and development related to the mission of the department, which may
7 be accomplished through entering into agreements with certified institutions to
8 govern ownership of intellectual property developed through or in conjunction
9 with this program. The secretary shall coordinate with the Natural Resources
10 Commission in developing this process. The secretary may promulgate rules
11 and regulations to implement this program. Unless otherwise specified by the
12 secretary, primary management of this program shall be placed in the office of
13 energy.

14 * * *

15 §354.1. Authorization for Administrative Reorganization and Delegation of
16 Functions, Authority of Secretary

17 A. The purpose of this Section is to streamline and modernize the
18 operations of the department, provide flexibility to the department to respond
19 to changing conditions, and ensure the continuity of effective administration.

20 B. Where consistent with this Title and other applicable laws, the
21 secretary is hereby authorized to:

22 (1) Reorganize, consolidate, create, merge or abolish divisions, offices,
23 bureaus, sections, or other administrative units within the department as
24 deemed necessary for the efficient, economical, and effective performance of its
25 functions.

26 (2) Delegate any function or duty vested in the secretary by law to any
27 subordinate officer or employee within the department. Delegation may be
28 rescinded by the secretary at any time.

29 C. The secretary shall follow the following procedures for reorganization
30 under this Section:

1 (1) Where contemplated reorganization materially affects the procedural
2 rights of the public or substantively changes the department's administrative
3 processes, the secretary shall follow the provisions of the Administrative
4 Procedure Act to implement such changes, but for any provision of this Title.

5 (2) Where contemplated reorganization is internal, ministerial, or
6 otherwise a minor reorganization that does not materially affect the procedural
7 rights of the public or substantively change the department's administrative
8 processes, the reorganization shall be effective upon a written order by the
9 secretary. Such order shall be filed with the secretary of state and shall also be
10 transmitted to the governor, the House Committee on Natural Resources and
11 Environment and the Senate Natural Resources Committee for informational
12 purposes.

13 D. No provision of this Section shall be construed to limit or circumvent
14 any rights of protections afforded to employees of the department under
15 applicable state civil service rules or any other provisions of law. Any workforce
16 adjustments made pursuant to any reorganization under this Section shall
17 comply with the due process requirements set forth in applicable state civil
18 service rules and law.

19 E. The secretary shall submit an annual report to the House Committee
20 on Natural Resources and Environment and the Senate Natural Resources
21 Committee detailing the nature, purpose, and results of any major
22 reorganization undertaken in the preceding year, including any administrative
23 consolidations, transfers of authority, or delegation changes that materially
24 affect the public's procedural rights or the department's administrative
25 processes.

26 F. If any provision or item of this Section, or the application thereof, is
27 held invalid, such invalidity shall not affect other provisions, items, or
28 applications which can be given effect without the invalid provision or item, and
29 to this end, the provisions of this Section are hereby declared severable.

30 §355. Deputy secretary

1 A. There ~~may~~ **shall** be a deputy secretary of the department, who shall be
2 appointed by the secretary with consent of the Senate and who shall serve at the
3 pleasure of the secretary at a salary fixed by the secretary, which salary shall not
4 exceed the amount approved for such position by the legislature while in session.
5 ~~The duties and functions of the deputy secretary shall be determined and assigned~~
6 ~~by the secretary. If appointed, he~~ **He** shall serve as acting secretary in the absence of
7 the secretary.

8 **B. The deputy secretary shall, in addition to any authorities established**
9 **elsewhere in law:**

10 **(1) Oversee the office of natural resources commission, performing all**
11 **functions, including the authority to employ, appoint, remove, assign, and**
12 **promote such personnel as is necessary for the efficient administration of this**
13 **office and its programs and the performance of its powers, duties, functions,**
14 **and responsibilities, in accordance with applicable civil service laws, rules, and**
15 **regulations, and with policies and rules of the department, all subject to**
16 **budgetary control and applicable laws.**

17 **(2) Perform other duties as requested or delegated by the secretary.**

18 §356. Undersecretary; functions; office of ~~management and finance~~ **administration**

19 A.**(1)** There shall be an undersecretary of the Department of **Conservation**
20 **and** Energy ~~and Natural Resources~~, who shall be appointed by the governor with
21 consent of the Senate and who shall serve at the pleasure of the governor at a salary
22 fixed by the governor, which salary shall not exceed the amount approved for the
23 position by the legislature while in session.

24 **(2)** The undersecretary shall be directly responsible to and shall perform his
25 functions under the supervision and control of the secretary **but for this Subsection,**
26 **and shall otherwise be vested with the authority provided in the Section.**

27 B. The **Subject to R.S. 39:1, et seq., the** undersecretary shall direct and be
28 responsible for the functions of the office of ~~management and finance~~
29 **administration** and the Louisiana Natural Resources Trust Authority within the
30 Department of **Conservation and** Energy ~~and Natural Resources~~. In this capacity,

1 the undersecretary shall be responsible for accounting and ~~budget~~ **budgetary**
2 **oversight, systems of internal** control; **and financial compliance**, procurement and
3 contract management, **information technology and** data processing, management
4 and program analysis, personnel management, and grants management for the
5 department and all of its offices, including all agencies transferred to the Department
6 of **Conservation and** Energy and ~~Natural Resources~~, except as otherwise
7 specifically provided in this Title. The undersecretary shall employ, appoint, remove,
8 assign, and promote personnel as is necessary for the efficient administration of the
9 office of ~~management and finance~~ **administration** and the Louisiana Natural
10 Resources Trust Authority and the performance of their powers, duties, functions,
11 and responsibilities, in accordance with applicable civil service laws, rules, and
12 regulations, and with policies and rules of the department, all subject to budgetary
13 control and applicable laws. The undersecretary shall exercise all powers and
14 authority granted to him in this Title subject to the overall direction and control of
15 the secretary.

16 C.(1) The duties and functions of the office of ~~management and finance~~
17 **administration** and of the undersecretary shall be as provided in this Section, and
18 these duties and functions shall not be subject to change by the secretary, except that
19 the undersecretary shall perform such additional duties and functions as are assigned
20 by the secretary. **The undersecretary shall:**

21 **(a) Ensure internal-control mechanisms to safeguard departmental**
22 **assets and promote compliance with financial, administrative, and regulatory**
23 **requirements. This responsibility shall include developing and enforcing written**
24 **policies and procedures for the prevention and detection of fraud, waste, and**
25 **abuse, as well as for proper budgeting, accounting, and reporting practices.**

26 **(b) Coordinate and oversee auditing, both internal and external, to**
27 **evaluate the department's fiscal integrity and operational compliance. This shall**
28 **include the authority to:**

29 **(i) Initiate or recommend financial, performance, and compliance audits**
30 **of divisions, programs, or processes within the department.**

1 (ii) Collaborate with the legislative auditor or any external auditor
2 authorized by law, ensuring prompt access to records and cooperation by
3 departmental staff.

4 (iii) Review and respond to audit findings, develop corrective-action
5 plans, and monitor their implementation to resolve deficiencies.

6 (c) Regularly report to the secretary on the department's financial status,
7 the results of any internal or external audits, and identified risks or potential
8 areas of concern. In connection therewith, the undersecretary shall recommend
9 policies, practices, or remedial actions necessary to enhance accountability and
10 protect the department's resources.

11 (d) Have the authority to investigate personnel matters within the
12 department, including allegations of misconduct, inefficiency, or violations of
13 department policies, and to recommend to the secretary appropriate
14 disciplinary action, consistent with civil service laws, rules, and regulations.

15 (e) Have the authority to utilize the services of contracted third-party
16 firms to assist in the administration and management of the department.

17 (2) With express permission from the commissioner of administration,
18 this Subsection may be exempt from R.S. 39:1551 et seq.

19 §356.1. Louisiana Natural Resources Trust Authority; establishment; powers

20 * * *

21 B. The authority's powers shall also include the following:

22 * * *

23 (6) Bonding, financing, or otherwise acting as a State Energy Financing
24 Institution pursuant to federal law, to fund or assist in funding a plant or
25 facility demonstrating technological advances of new methods and procedures
26 and prototype application for the exploration, development, production,
27 transportation, conversion, and use of energy resources, or other programs
28 which may become available under the Loan Programs Office of the U.S.
29 Department of Energy, or any successor office or agency.

30 (7) Establishing and administering mechanisms to satisfy financial

security requirements in lieu of traditional instruments, including but not limited to the collection and management of cash payments and fees from participating operators.

* * *

D. The authority may request that the state treasurer invest funds, or any portion thereof, under the control of the authority in accordance with the provisions of R.S. 33:2955, including the use of the Louisiana Asset Management Pool.

~~§357. Assistant secretaries~~ **Leadership**

~~A. Each office within the Department Energy and Natural Resources, except the office of management and finance, shall be under the immediate supervision and direction of an assistant secretary. The assistant secretary of each office shall be appointed by the governor with the consent of the Senate and shall serve at the pleasure of the governor. Each assistant secretary shall be paid a salary which shall be fixed by the governor, which salary shall not exceed the salary approved for the position by the legislature while in session. The commissioner of conservation shall serve as the assistant secretary for the office of conservation and shall be selected in accordance with law.~~

~~B. The duties and functions of each office and its assistant secretary shall be determined by the secretary, and all of such duties and functions shall be exercised under the direct supervision and control of the secretary.~~

C. Each assistant of Conservation and Energy, except the executive office of the secretary and the office of administration shall be under the immediate supervision and direction of a director who shall be appointed by the secretary and shall be an unclassified employee. The secretary may issue a directive clearly identifying each director and specifically delegating the authority of such director.

B. The secretary shall employ, appoint, remove, assign, and promote **from**
any funding sources authorizing administrative costs such personnel as is
necessary for the efficient administration of his office and its programs and the

1 performance of its powers, duties, functions, and responsibilities, in accordance with
2 applicable civil service laws, rules, and regulations, and with policies and rules of
3 the department, all subject to budgetary control and applicable laws.

4 ~~D. Each assistant secretary shall exercise all powers and authority granted to~~
5 ~~him in this Title subject to the overall direction and control of the secretary~~ **this**
6 **Chapter. In addition to any other powers, duties, functions, and responsibilities**
7 **defined by the secretary.**

8 §358. Offices; purposes and functions

9 A. The purposes for which the offices of the Department of **Conservation**
10 **and** Energy and Natural Resources are created shall be as set forth in this Section.

11 B. The office of coastal management shall perform the functions of the state
12 relative to the coastal zone management program **the executive office of the**
13 **secretary shall be responsible for assisting the secretary in the exercise of the**
14 **functions and duties established in law of the secretary. Among the divisions**
15 **included within the executive office of the secretary shall be the office of natural**
16 **resources commission to be headed by the deputy secretary and the office of**
17 **legal services to be headed by an attorney designated by the secretary.**

18 **(1) The office of the natural resources commission may provide any**
19 **necessary direct support to the natural resources commission. In addition, the**
20 **office of the natural resources commission shall provide intergovernmental**
21 **affairs and communications support to the commission and the department.**

22 **(2) The office of legal services shall provide general legal support for the**
23 **department and its offices, including specialized support for state lands,**
24 **minerals, and water resources, and shall oversee and administer the Saltwater**
25 **and Oil Assessment Process as set forth in law.**

26 C. The office of conservation, in accordance with law, shall exercise the
27 functions of the state with respect to the regulation, conservation, permitting,
28 compliance, and use of the natural resources of the state which are not specifically
29 within the jurisdiction of other state departments or agencies. Its functions shall
30 include but not be limited to the conservation of the oil and gas resources of the state

1 and matters pertaining thereto; the promotion and encouragement of exploration,
2 production, and refining efforts for oil, intrastate gas, and other hydrocarbons; the
3 control and allocation of energy supplies and distribution; the lease or construction
4 and operation of intrastate pipeline systems; the implementation and enforcement of
5 any emergency gas shortage allocation plan and the setting of priorities; the
6 regulation of the minimum sale price of intrastate natural gas; and the management
7 of ground water resources, all in accordance with applicable laws. administration
8 shall be responsible for accounting and budget control, procurement and
9 contract management, data processing, management and program analysis,
10 information technology and geographic information systems, strategic planning,
11 and personnel management for the department and all of its offices, including
12 the Natural Resources Trust Authority, subject to R.S. 39:1, et seq.

13 D.(+) The office of permitting and compliance shall perform all
14 permitting and compliance functions within the jurisdiction of the department
15 consistent with law, including Act No. 548 of the 2006 Regular Session of the
16 Legislature.

17 E. The office of ~~mineral~~ state resources shall ~~perform:~~

18 (1) Perform the functions of the state relating to the lease of or other
19 contracts for the use of lands and water bottoms of the state for the development
20 and production of minerals, oil, and gas, storage, and other energy related
21 activities and supervision of such mineral leases and other agreements, in
22 accordance with the law, including but not restricted to the exercise of the option of
23 the state to receive in kind the portion due to the state as royalty of any minerals
24 produced and severed from leased premises, and shall receive, administer, and
25 control royalties and other storage and energy related payments due ~~in kind~~ to the
26 state in accordance with state law.

27 (2) Work in cooperation with the Center for Energy Studies to maintain
28 current surface and subsurface geological surveys of the state, or otherwise at the
29 discretion of the ~~assistant secretary of the office of mineral resources~~ or his designee;
30 conduct geological mapping; prepare geological hazards assessments and resource

inventories; and conduct process investigations and related studies.

(3) Provide for the administration of state water bottom management, the issuance of mineral, storage, and energy-related rights of way on state water bottoms and state lands, and energy-related leasing of state water bottoms and state lands as further set forth in law, including agreements related to the subsurface and above-ground storage of minerals, gasses, and products on state water bottoms or lands and receipt, administration, and control of payments due to the state under these agreements in accordance with state law. The secretary and the commissioner of administration shall enter into and maintain a memorandum of understanding regarding receipt, administration, and control of these payments to memorialize necessary arrangements associated with funding their respective departments.

(4) Provide for the administration of groundwater, surface water, and other water resources for quantity purposes, unless otherwise designated by the secretary following adequate review set forth by rule.

~~E.F.~~ The office of enforcement shall be responsible for the inspection of the regulated community and the enforcement of laws and regulations within the jurisdiction of the department consistent with Act No. 548 of the 2006 Regular Session of the Legislature.

~~F.G.~~ The office of energy shall organize, plan, supervise, direct, administer, execute, and be responsible for the functions and programs relating to the deployment and operation of alternative energy infrastructure in this state in a manner that results in affordable and reliable energy. The office of energy shall also work in cooperation with the Center for Energy Studies to create and carry out a central, comprehensive, and unified energy data and information program which will collect, evaluate, assemble, analyze, and disseminate data and information which is relevant to energy resource reserves, energy production, demand, and technology, and related economic and statistical information, or which is relevant to the adequacy of energy resources to meet demands in the near and longer term future of the state.

The office of energy shall work to provide the department and the Natural

1 Resources Commission with technical assistance and expertise in matters
2 related to energy and natural resources and shall also work to identify policy
3 options relative to energy related matters upon request. Finally, the office of
4 energy shall coordinate with academic and research institutions who possess
5 specialized expertise in areas related to energy and natural resources on behalf
6 of the department.

7 G. ~~The office of land and water shall be responsible for the following:~~

8 (1) ~~The administration of state water bottom management, the issuance of~~
9 ~~energy-related rights of way on state water bottoms and state lands, and energy-~~
10 ~~related leasing of state water bottoms and state lands as further set forth in law.~~

11 (2) ~~The administration of groundwater, surface water, and other water~~
12 ~~resources for quantity purposes, unless otherwise designated by the secretary~~
13 ~~following adequate review set forth by rule.~~

14 * * *

15 §359. Transfer of agencies and functions to Department of **Conservation and**
16 Energy and Natural Resources

17 A. The following agencies are transferred to the Department of **Conservation**
18 **and** Energy ~~and Natural Resources~~ and shall exercise and perform their powers,
19 duties, functions, and responsibilities as provided by law:

20 * * *

21 B. The following agencies are transferred to the Department of **Conservation**
22 **and** Energy ~~and Natural Resources~~ and shall exercise and perform their powers,
23 duties, functions, and responsibilities in accordance with the provisions of R.S.
24 36:802:

25 (1) State Department of Conservation (Article V, Section 18 and Article VI,
26 Section 1(C) of the 1921 Constitution of Louisiana made statutory by Article XIV,
27 Section 16(A)(2) and (3) of the 1974 Constitution of Louisiana; Part I of Chapter 1
28 of Subtitle I of Title 30 of the Louisiana Revised Statutes of 1950 and other
29 provisions of Title 30 that directly apply to the department). The ~~assistant~~ secretary
30 shall be authorized to employ, appoint, remove, assign, and promote personnel as is

1 necessary for the efficient administration required in making these decisions in
2 accordance with applicable civil service laws, rules, and regulations, and with
3 policies and rules, subject to budgetary control of the Department of **Conservation**
4 **and** Energy ~~and Natural Resources~~ and applicable laws.

5 (2) State Mineral and Energy Board (R.S. 30:121 et seq.), except the
6 ~~secretary~~ **undersecretary** of the Department of **Conservation and** Energy ~~and~~
7 ~~Natural Resources~~ or his designee shall be an ex officio member of the State Mineral
8 and Energy Board. The State Mineral and Energy Board shall retain the authority to
9 lease for development and production of minerals, oil, and gas any lands belonging
10 to the state, or the title to which is in the public, including road beds, water bottoms,
11 and land adjudicated to the state at tax sale. The State Mineral and Energy Board
12 shall retain supervision of all mineral leases granted by the state, and it shall retain
13 general authority to take action for and on behalf of and to protect the interests of the
14 state in accordance with the provisions of Title 30 of the Louisiana Revised Statutes
15 of 1950, as amended, and applicable laws.

16 * * *

17 C. The Oilfield Site Restoration Commission (R.S. 30:80 et seq.) is placed
18 within the Department of **Conservation and** Energy ~~and Natural Resources~~ and shall
19 perform its powers, duties, functions, and responsibilities in accordance with the
20 provisions of R.S. 36:901 et seq.

21 **D. The Capital Area Groundwater Conservation District (R.S. 38:3071**
22 **et seq.) is transferred to the Department of Conservation and Energy and shall**
23 **perform its powers, duties, functions, and responsibilities in accordance with**
24 **the provisions of R.S. 36:851, et seq.**

25 * * *

26 **§600. Administrative process for resolution of disputes**

27 **A. It is the intent of the legislature to establish a voluntary**
28 **administrative process to provide an alternative means of resolving disputes**
29 **arising from activities under the jurisdiction of the Department of Conservation**
30 **and Energy. This process may be utilized upon mutual agreement of all parties**

1 involved as an alternative to any other administrative or judicial processes
2 provided by law.

3 B. Procedural requirements.

4 (1) The administrative process shall initiate upon the submission of
5 written requests by all involved parties to the secretary of the Department of
6 Conservation and Energy. The secretary may deny the request at his discretion,
7 but notice of such denial shall be sent to all parties at the addresses provided in
8 the written requests. If the secretary does not deny the request to utilize the
9 administrative process, then the secretary shall forward to all parties an
10 agreement setting forth the details of the process, how the hearing master's
11 costs shall be paid, and other details of the process along with the retired judges
12 list provided for in Paragraph (2) of this Subsection. The administrative process
13 shall not proceed until all parties have signed the agreement and the secretary
14 appoints a hearing officer as set forth in Paragraph (2) of this Subsection.

15 (2) Upon receipt of the agreement signed by the parties, the secretary
16 shall appoint a hearing master as follows:

17 (a) Qualified hearing masters shall be retired judges included in the
18 retired judges list maintained by the Louisiana Supreme Court, licensed to
19 practice law in the state, and in good standing with the Louisiana State Bar
20 Association. They shall not have conflicts or relationships that could
21 compromise impartiality, and they shall disclose any potential conflicts upon
22 discovery.

23 (b) Preference shall be given to retired judges with expertise in
24 administrative law, regulatory compliance, environmental matters, or relevant
25 industry practices. The department may maintain and update a list of preferred
26 candidates meeting these criteria.

27 (c) The parties shall jointly select a hearing master from the provided list
28 within ten days. If agreement on selecting the hearing officer is not reached
29 within fifteen days, the parties shall alternately strike names from the list until
30 only one candidate remains, who shall be appointed by the secretary, subject to

1 their availability. If unavailable, the process shall be repeated until an
2 appointment is finalized.

3 C. Scope. The parties may mutually define the scope of matters subject
4 to resolution through this administrative process, provided those matters
5 involve activities that are within the jurisdiction and authority of the
6 department as provided by law.

7 D. Recordation. The signed agreement to utilize this administrative
8 process shall be recorded in the conveyance records of the parish where the
9 regulated activity or disputed issue occurred. If the activity or issue is located
10 in more than one parish, then the agreement shall be recorded in the
11 conveyance records of all parishes where it is located.

12 E. Decision and remedies.

13 (1) The hearing master may grant any appropriate remedy or
14 combination of remedies permissible under applicable law, including but not
15 limited to monetary damages, injunctive relief, or specific performance.

16 (2) The hearing master shall issue a draft decision and provide copies via
17 certified mail to the parties, the department, the Department of Environmental
18 Quality, and the Department of Wildlife and Fisheries for their review and
19 comments, which shall be provided to the hearing master, other parties, and the
20 department within thirty days. If no comments are submitted, the hearing
21 officer shall issue his decision within fifteen days following the end of the
22 thirty-day comment period. If comments are submitted, the hearing officer shall
23 have thirty days from receipt of the last comment or from the end of the
24 thirty-day comment period, whichever is later, to issue his decision. If a
25 comment is submitted by one of the three departments in which a department
26 states that the draft decision must be revised in order to meet compliance with
27 one of its applicable laws, rules, or regulations, then the hearing officer shall
28 revise the draft decision accordingly prior to issuing his decision.

29 (3) Any decision issued by the hearing master is final unless a review is
30 requested by any party within thirty days of the issuance of his decision. A

1 review, if requested, shall be conducted en banc by a panel of three hearing
2 masters selected pursuant to the procedure provided pursuant to Paragraph
3 (B)(2) of this Section.

4 (4) If conducted, the panel shall issue a draft decision and provide copies
5 via certified mail to the parties, the department, the Department of
6 Environmental Quality, and the Department of Wildlife and Fisheries for their
7 review and comments, which shall be provided to the panel, other parties, and
8 all three departments within thirty days of receipt of the draft decision. If no
9 comments are submitted, then the panel shall issue its decision within fifteen
10 days following the end of the thirty-day comment period. If comments are
11 submitted, the panel has thirty days from receipt of the last comment or from
12 the end of the thirty-day comment period, whichever is later, to issue its
13 decision. If a comment is submitted by one of the three departments in which
14 a department states that the draft decision must be revised in order to meet
15 compliance with one of its applicable laws, rules, or regulations, then the panel
16 shall revise the draft decision accordingly prior to issuing its decision. The
17 decision of the panel is final.

18 F. Publication. All final decisions and the rationale therefor shall be
19 published on the department's website within thirty days of issuance.

20 G. Preemption. Unless all parties agree otherwise at the time they
21 request the administrative process, any pre-existing and duly recorded
22 contractual agreements or leases governing the relationship between the parties
23 shall supersede this administrative process. A settlement agreed to by the
24 parties after initiation of the administrative process but prior to the final
25 decision of the hearing master shall supersede the administrative process as to
26 the parties to the settlement.

27 H. Rulemaking authority. The department shall promulgate rules as
28 necessary to implement the provisions of this Section.

29 Section 5. R.S. 38:3072, 3073(8), the introductory paragraph of 3076(A), (A)(3), (4),
30 (7), (8), (9), (14)(b), and (24), (C), (D), (E), the introductory paragraph of (F)(1), (F)(1)(b),

and (2), 3077, 3078, 3079, 3081, 3083, 3087.136(4), 3087.138, 3092(2) and (4), 3093, 3094(A)(1) through (4), the introductory paragraph of 3094(B), 3094(B)(7), the introductory paragraph of R.S. 38:3094(C), and 3094(C)(1), 3097.1(C), 3097.2(1), (4), (7), and (9), 3097.3(A) and (B), the introductory paragraphs of 3097.3(C) and (C)(4)(a), 3097.3(C)(4)(a)(v) and (b), and (8), (D), (E), (F)(1), the introductory paragraphs of 3097.3(F)(2), (d), and (f), and 3097.3(G), 3097.6(A), the introductory paragraphs of 3097.6(B) and (B)(3), 3097.8(A) and (C), the introductory paragraph of 3098(A), 3098(B) and (E), and 3098.1(4) are hereby amended and reenacted and R.S. 38:3098(G) is enacted to read as follows:

§3072. District ~~and board~~; creation

~~A.~~ There is hereby created the Capital Area Groundwater Conservation District, hereinafter called "district," which shall be ~~a body politic and corporate and a political subdivision of the state of Louisiana and shall be~~ composed of the parishes of Ascension, East Baton Rouge, East Feliciana, Pointe Coupee, West Baton Rouge, and West Feliciana.

~~B. There is hereby created a board of commissioners for the Capital Area Groundwater Conservation District who shall administer the affairs of the district. The membership of the board shall be as provided by R.S. 38:3074.~~

§3073. Definitions

Unless the context otherwise requires, the following terms shall have the following meanings for purposes of this Part:

* * *

(8) "Just and equitable share" of the groundwater underlying a tract within an area subject to an order limiting pumping rates means that portion of the recoverable groundwater within an aquifer which is to be apportioned to such tract on the basis of demonstrable geologic and hydrologic data taking into consideration the volume of groundwater in storage, the maximum perennial recharge potential, and any groundwater use priorities established by the ~~board~~ **district**.

* * *

§3076. Powers of the ~~board~~ **district**

A. The board district shall work with the commissioner of conservation secretary of the Department of Conservation and Energy in his responsibilities to do all things necessary to prevent waste of groundwater resources, and to prevent or alleviate damaging or potentially damaging subsidence of the land surface caused by withdrawal of groundwater within the district. In conjunction with the commissioner of conservation secretary, the board district shall have authority to do, as required, the following:

* * *

(3) To require registration with the ~~board~~ **district** of all wells showing the date drilled, the name of the driller, if available, and the current ownership together with such other information as the ~~board~~ **district** may reasonably require to permit it to accomplish the purposes of this legislation. No charge shall be assessed for such registration.

(4) To require that all users of groundwater within the district register with the ~~board~~ **district** showing the number, location, and capacity of wells owned or operated by them or solely for their benefit and designating the beneficial use or uses of that groundwater. The ~~board~~ **district** shall classify each user as an industrial user or as a commercial, rural or municipal user of groundwater upon the basis of such information. The ~~board~~ **district** shall have authority in its discretion to require periodical renewals of registrations to determine alterations in uses of water within the district. Such registrations may be required on an annual basis or such greater periods of time as the ~~board~~ **district** may deem appropriate.

* * *

(7) To require well owners who are users, well owners providing water to other users, and users of groundwater who are not well owners to keep and furnish, on request, information necessary to carry out the provisions of this part pertinent to wells, drawdowns, grouting, casing sizes, property descriptions and other pertinent information reasonably required by the ~~board~~ **district**, provided that as to wells in existence on the effective date of this part such information is available.

(8) To collect data; to make investigations and inspections; to examine

1 properties, papers, books, and records relevant to groundwater use or conservation;
2 to examine, survey, check test, and gauge all water wells within the district; to
3 require well owners who are users or well owners providing water to other users, at
4 their own expense, to meter wells to permit accurate determination of rates of use.
5 Metering may be required on a continuous or periodic basis, and the ~~board~~ **district**
6 may require approval by it of metering devices; to provide for the keeping of records
7 and making of reports by owners of water wells providing water to users, and users
8 of groundwater within the district.

9 (9) To require that authorized representative of the ~~board~~ **district** be enabled
10 to enter property at reasonable times and under reasonable conditions to inspect
11 wells, perform tests and examine records.

12 * * *

13 (14) To assess the following:

14 * * *

15 (b) Costs for capital expenditures assessed to users based on either annual
16 flows or specific costs for wells to individual users based on capital, debt service,
17 and operation and maintenance costs. Costs may include specific systems and
18 technologies to allow for remote monitoring of flows, water levels, water quality,
19 and other parameters considered necessary by the ~~board~~ **district** to conserve and
20 protect groundwater resources and may include but are not limited to monitoring
21 wells, scavenger wells, reclaimed water systems, pressure differential systems, water
22 treatment systems, and other subsurface systems related to the protection of the
23 aquifers.

24 * * *

25 (24) To advise and consult with the ~~commissioner of conservation and the~~
26 ~~Water~~ **secretary of the Department of Conservation and Energy and the Natural**
27 **Resources Commission** on matters that impact water resources within the ~~board's~~
28 **district's** jurisdiction.

29 * * *

30 C. Anything herein to the contrary notwithstanding, the ~~board~~ **district** formed

1 hereunder shall have no authority to regulate water produced from formations
2 producing oil or gas or both for commercial purposes or to issue any rule, regulation,
3 or order conflicting with regulation of drilling to and production from or disposition
4 of water from such formations by the ~~commissioner of conservation~~ secretary of the
5 Department of Conservation and Energy. Nor shall the ~~board~~ district formed
6 hereunder have authority to regulate the production of salt water used for pressure
7 maintenance, secondary recovery operations, or other operations for the production
8 of oil or gas.

9 D. Anything herein to the contrary notwithstanding, the ~~board~~ district shall
10 have no regulatory power over and no authority to assess pumping charges for a well
11 or wells with a total depth of less than four hundred feet or wells in the Mississippi
12 River alluvial aquifer; or wells from which the production is used exclusively for
13 bona fide agricultural or horticultural purposes or for domestic use of persons
14 resident upon the same premises and capable of producing not more than fifty
15 thousand gallons per day in the aggregate.

16 E. The ~~board~~ district shall have authority to make, after notice and hearing
17 and to enforce reasonable rules, regulations, or orders necessary from time to time
18 to achieve the purposes and powers as outlined in this Part, and such rules,
19 regulations and orders shall be effective and enforceable immediately upon
20 promulgation in the official journal of each parish affected.

21 F.(1) The ~~board~~ district shall not require users to undertake the installation
22 of additional metering devices or prescribe new requirements thereof if the user's
23 installation of metering devices meets all of the following criteria:

24 * * *

25 (b) Measures flow data at least hourly for each well, for each stratum from
26 which the well draws, and reports the data to the ~~board~~ district monthly.

27 * * *

28 (2) The ~~board~~ district shall have authority to audit the performance of flow
29 measurement devices installed and maintained by users. Audits of the flow
30 measurement devices of all users other than nuclear electric generating stations may

1 include temporary installation of a flow measurement device and other necessary
2 equipment by the ~~board~~ **district**, at the ~~board's~~ **district's** expense, in order to verify
3 performance of a user-installed flow measurement device. Each user-installed flow
4 measurement device may be audited once per calendar year.

5 §3077. Suits and failure to bring suit

6 A. Whenever it appears that a person is violating or is threatening to violate
7 any provision of this part or a rule, regulation, or order made hereunder, the ~~board~~
8 **district** shall bring suit to restrain that person from continuing the violation or from
9 carrying out the threat.

10 B. Venue shall be in the district court in the parish in which the ~~board~~ **district**
11 is domiciled.

12 C. In any such suit, the ~~board~~ **district** may obtain injunctions, prohibitory and
13 mandatory, including temporary restraining orders and preliminary injunctions as the
14 facts warrant.

15 D. If the ~~board~~ **district** fails to bring suit within ten days to restrain a
16 violation of this part or any rule, regulation, or order issued hereunder, any person
17 in interest adversely affected by the violation who has notified the ~~board~~ **district** in
18 writing of the violation or threat thereof and has requested the ~~board~~ **district** to sue,
19 may bring suit to prevent any or further violations, in the district court of the parish
20 in which the ~~board~~ **district** is domiciled. If the court holds that injunctive relief
21 should be granted, the ~~board~~ **district** shall be made a party and shall be substituted
22 for the person who brought the suit, and the injunction shall be issued as if the ~~board~~
23 **district** has at all times been the complaining party.

24 §3078. Limiting rate of production; notice

25 Any order limiting rates of production of groundwater, except emergency
26 orders issued as hereinafter provided, shall be issued only after sixty days notice and
27 a public hearing. The ~~board~~ **district** shall give notice by registered mail to all users
28 of groundwater reasonably known to it within the district within which pumping is
29 to be limited. In addition, the ~~board~~ **district** may give notice to such other individual
30 landowners and well owners as it deems appropriate. However, the ~~board~~ **district**

1 shall also give notice by publication as hereinafter provided of the hearing on the
2 prospective order.

3 §3079. Pumping charges

4 A. The pumping charge assessed against each user of groundwater within the
5 district shall be fixed annually upon at least thirty days notice to each user within the
6 district known to the ~~board~~ **district** and general notice by publication; however, the
7 charges assessed against users of groundwater shall not be increased without a public
8 hearing held for the purpose of fixing the pumping charges and opportunity for the
9 submission of all pertinent data concerning total rates of consumption of
10 groundwater within the district, estimated rates of consumption by users within the
11 district, the costs and expenses which must be met during the coming year, costs and
12 expenses which must be met by the pumping charge, and the manner in which the
13 computation of the pumping charge is made. Any user within the district shall have
14 the right to make a presentation by testimony and adduction of evidence and exhibits,
15 and any other interested person shall have the right to be heard by making a personal
16 statement of reasonable length. Any user intending to make a presentation at the
17 hearing resulting in the assessment of pumping charges shall so advise the ~~board~~
18 **district** at least five days in advance of the hearing and shall indicate the estimated
19 time to be consumed by his presentation. When necessary, in its discretion, the ~~board~~
20 **district** may limit the time allotted users for their presentations. Further, no pumping
21 charge shall be made against the quantity of water pumped from wells screened in
22 the Mississippi River alluvial aquifer, wells with a total depth of less than four
23 hundred feet, wells used exclusively for bona fide agricultural or horticultural
24 purposes, or wells not capable of producing fifty thousand gallons or more per day.

25 B. Pumping charges may be made payable by users monthly or on any other
26 reasonable basis set by the ~~board~~ **district**.

27 * * *

28 §3081. Court review and injunctive relief

29 A. Any aggrieved person of the district may, within thirty days after the
30 adoption of any rule, regulation, order or taking of other action by the ~~board~~ **district**,

1 file suit in the district court in which the ~~board~~ **district** is domiciled, to contest the
2 said rule, regulation, order or other action taken. The court may affirm the decision
3 of the ~~board~~ **district** or remand the case for further proceedings. The court may
4 reverse or modify the decision if substantial rights of the appellant have been
5 prejudiced because the administrative findings, inferences, conclusions, or decisions
6 are **any of the following**:

7 (1) In violation of constitutional or statutory provisions;₂

8 (2) In excess of the statutory authority of the ~~board~~; **district**.

9 (3) Made upon lawful procedure;₂

10 (4) Affected by other error of law;₂

11 (5) Arbitrary or capricious or characterized by abuse of discretion or clearly
12 unwarranted exercise of discretion;~~or~~.

13 (6) Manifestly erroneous in view of the reliable, probative, and substantial
14 evidence on the whole record. In the application of the rule, where the ~~board~~ **district**
15 has the opportunity to judge of the credibility of witnesses by firsthand observation
16 of demeanor on the witness stand and the reviewing court does not, due regard shall
17 be given to the ~~board's~~ **district's** determination of credibility issues.

18 **B.** On institution of any such suit, the court shall issue an order setting the
19 matter for trial, as by summary process, and such suit shall be tried in term time, or
20 in vacation, with the greatest possible dispatch. Pending a hearing, the court may
21 grant a temporary restraining order suspending the action of the ~~board~~ **district** upon
22 a showing of immediate and irreparable injury in accordance with the provisions of
23 Louisiana Code of Civil Procedure Article 3603.

24 * * *

25 §3083. Violations; penalty; jurisdiction; attorney general to conduct suit; complicity

26 A. Whoever knowingly and willfully violates a provision of this part or a
27 rule, regulation, or order of the ~~board~~ **district** made hereunder, shall be subject to a
28 civil penalty of not more than one thousand dollars a day for each day of violation
29 and for each act of violation, if a penalty for the violation is not otherwise provided
30 in this part.

(1) The place of suit to recover this penalty shall be selected by the ~~board~~ **district**, as may be appropriate, in the district court of the parish of the residence of any one of the defendants, or in the district court of the parish where the violation took place.

(2) Suit shall be at the direction of the ~~board~~ **district**, and shall be instituted and conducted in its name by the attorney general or by the district attorney of the district under the direction of the attorney general.

* * *

§3087.136. Powers of the board

The board shall conduct a study and survey of the groundwater resources in the district, including but not limited to consideration of what is necessary or advisable to conserve groundwater resources and where appropriate, prevent or alleviate damaging or potentially damaging drawdowns, land surface subsidence, and groundwater quality degradation. For this purpose, the board shall hold hearings and may:

* * *

(4) Advise and consult with the ~~commissioner of conservation and the Water Resources Commission~~ **secretary of the Department of Conservation and Energy** on matters that impact water resources within the board's jurisdiction.

* * *

§3087.138. Reports regarding groundwater resources

The commission shall report, on or before April first annually, the district's groundwater resources to the ~~commissioner of conservation, the Water Resources Commission, the Water Management Advisory Task Force~~ **secretary**, the Senate Committee on Natural Resources, and the House Committee on Natural Resources and Environment. The report shall include but not be limited to the amount of water used for public supply, industrial, or agricultural purposes, respectively; actual and projected saltwater intrusion or encroachment; and any current or projected sale of water for use outside of the state, including the amount of water so sold and the price paid by each out-of-state user. For the purposes of this report, the amount of water

used for agricultural or industrial purposes may be estimated.

* * *

§3092. Definitions

Unless the context otherwise requires, the following terms shall have the following meanings for purposes of this Chapter:

* * *

(2) "~~commissioner~~" means the ~~commissioner of conservation~~ "secretary"
means the secretary of the Department of Conservation and Energy.

* * *

(4) "Office" means the ~~office of conservation~~, Department of Conservation
and Energy and Natural Resources.

* * *

§3093. Administration; authority

This Chapter shall be administered by the ~~commissioner of conservation~~
secretary, who shall have authority to enforce the provisions of this Chapter.

§3094. Rules and regulations; powers of ~~commissioner~~ secretary

A. The ~~commissioner~~ secretary shall make reasonable rules and regulations for the following purposes:

(1) To require registration of all wells producing in excess of fifty thousand gallons per day with the ~~commissioner~~ secretary showing the date drilled, the name of the driller, if available, and the current ownership together with such other information as the ~~commissioner~~ secretary may reasonably require. The ~~commissioner~~ secretary may, at his discretion, require registration of smaller wells.

(2) To require that all users of ground water within the state register with the ~~commissioner~~ secretary showing the number, location, and capacity of wells owned or operated by them or solely for their benefit and designating the beneficial use or uses of ground water by them. The ~~commissioner~~ secretary shall classify each user as a domestic, municipal, industrial, agricultural, or recreational or therapeutic user of ground water upon the basis of such information. The ~~commissioner~~ secretary shall have authority in his discretion to require periodic renewals of registrations to

1 determine alterations in uses of water within the state; such registrations may be
2 required on an annual basis or such greater periods of time as the ~~commissioner~~
3 secretary may deem appropriate.

4 (3) To establish regulations governing standards for the construction of all
5 wells drilled after July 26, 1972, except that where authority is exercised by the
6 Louisiana Department of Health, the ~~commissioner~~ secretary shall work
7 cooperatively with that department in the establishment of standards for construction.

8 (4) To require well owners to furnish, on request, information pertinent to
9 wells, such as well logs, chemical analyses, strata samples, water levels, water uses,
10 drawdowns, grouting, casing sizes, property descriptions, and other pertinent
11 information reasonably required by the ~~commissioner~~ secretary, provided that as to
12 wells in existence on July 26, 1972, such information is available.

13 * * *

14 B. In addition to the specific regulatory matters set forth in Subsection A of
15 this Section, the ~~commissioner~~ secretary shall have authority to do, as required, the
16 following:

17 * * *

18 (7) To require records to be kept and reports to be made of the drilling,
19 equipping, and completion of wells into any aquifer or aquifers and the taking and
20 use of ground water therefrom and to require accurate drillers' logs to be kept of such
21 wells and a copy thereof and of any electric logs made of such wells to be filed with
22 the ~~commissioner~~ secretary.

23 C. To provide for uniform protection of public water supply users in the state,
24 the ~~commissioner~~ secretary with the concurrence and approval of the Louisiana
25 Department of Health shall be authorized as follows:

26 (1) To assure that all community public water supply systems within the state
27 are developed so as to provide for the proper utilization of the ground water aquifers
28 and are organized to provide proper operation and maintenance of the system. It shall
29 be the responsibility of the ~~commissioner~~ secretary, with assistance from the
30 Louisiana Department of Health, to promulgate rules and regulations in accordance

1 with the Administrative Procedure Act, so as to ensure the safety and welfare of the
2 general public utilizing such systems.

3 * * *

4 §3097.1. Legislative findings; purpose; effect

5 * * *

6 C. In accordance with the legislative intent provided herein, the statewide
7 ground water resource management program and any rule, regulation, or order of the
8 ~~commissioner~~ **secretary** shall recognize historic use of ground water resources in the
9 state and may incorporate the use of appropriate incentives to encourage
10 conservation of ground water resources and the appropriate utilization of alternate
11 water supplies where appropriate. Consistent with the provisions of this Chapter and
12 in consultation with the ~~commissioner~~ **secretary**, the incentives and provisions of
13 alternate water resources may be provided by the state, or any local subdivision
14 thereof, by virtue of tax incentives, tax credits, and physical projects transporting or
15 providing alternate water resources to existing ground water users and by any private
16 person with an interest in conserving such ground water resources for public use.

17 §3097.2. Definitions

18 Unless the context otherwise requires, the following terms shall have the
19 following meanings for purposes of this Chapter:

20 (1) "Area of ground water concern" shall mean an area in which, under
21 current usage and normal environmental conditions, sustainability of an aquifer is
22 not being maintained due to either movement of a salt water front, water level
23 decline, or subsidence, resulting in unacceptable environmental, economic, social,
24 or health impact, or causing serious adverse impact to an aquifer, considering the
25 areal and temporal extent of all such impacts. An area of ground water concern,
26 declared pursuant to R.S. 38:3097.6, shall be designated a critical area of ground
27 water concern when the ~~commissioner~~ **secretary** finds that sustainability cannot be
28 maintained without withdrawal restrictions.

29 * * *

30 (4) ~~"Commissioner" shall mean the commissioner of conservation~~

"Secretary" shall mean the secretary of the Department of Conservation and Energy.

* * *

(7) "Ground water emergency" shall mean an unanticipated occurrence as a result of a natural force or a man-made act which causes a ground water source to become immediately unavailable for beneficial use for the foreseeable future or drought conditions determined by the ~~commissioner~~ secretary to warrant the temporary use of drought relief wells to assure the sustained production of agricultural products in the state.

* * *

(9) "Large volume well" means a well with an exterior casing size of eight inches or greater in diameter, or as defined by rules and regulations promulgated by the ~~commissioner~~ **secretary** pursuant to the Administrative Procedure Act.

* * *

~~§3097.3. Commissioner of conservation~~ **Secretary of Conservation and Energy;**
powers and duties

A. The ~~commissioner~~ secretary, through the ~~office of conservation~~ Department of Conservation and Energy, is empowered and responsible for the administration of all matters related to the management of the state's groundwater resources by providing for the most advantageous use of the resource consistent with the protection, conservation, and replenishment thereof. The ~~commissioner~~ secretary shall perform these functions to the extent such functions are not specifically within the jurisdiction of other state departments or agencies. The ~~commissioner~~ secretary shall seek the advice and consultation of local governmental entities on any actions or decisions which may have an impact upon those entities or residents within the entities' respective jurisdictions.

B. The ~~commissioner~~ **secretary** is authorized to employ, assign, and remove personnel, including a deputy, within the Department of **Conservation and** Energy and Natural Resources, ~~office of conservation~~, to provide administrative and technical staff functions that the ~~commissioner~~ **secretary** deems necessary to carry

1 out the powers, functions, and duties under this Chapter. Personnel actions shall be
2 in accordance with applicable civil service laws, rules, and regulations, and with the
3 policies and rules of the department, all subject to budgetary control and applicable
4 laws.

5 C. The ~~commissioner~~ **secretary** has authority to make, after notice and public
6 hearings in accordance with the Administrative Procedure Act, any reasonable rules,
7 regulations, and orders that are necessary from time to time in the proper
8 administration and enforcement of this Chapter, including rules, regulations, or
9 orders for the following purposes:

10 * * *

11 (4)(a) Require registration of all new wells by the owners. Such registration
12 shall at a minimum require the date drilled or the estimated date to be drilled, the
13 name of the driller, the current ownership, and the projected location of the well in
14 latitude, longitude, and depth, and casing size together with such other information
15 as the ~~commissioner~~ **secretary** may reasonably require. Registration shall be in the
16 form of a notice of intent to drill submitted to the ~~commissioner~~ **secretary** at least
17 sixty days prior to drilling the well, except for the following types of wells which
18 shall be registered no later than sixty days after completing the well:

19 * * *

20 (v) All other wells the ~~commissioner~~ **secretary** exempts for just cause.

21 (b) Within thirty days of receiving the well registration, the ~~commissioner~~
22 **secretary** shall review the submitted information. During the thirty-day review
23 period, the ~~commissioner~~ **secretary** may either issue an order to the owner placing
24 restrictions on the well or requesting further reasonable information on the well or
25 may take no action. Prior to any order placing a restriction on a well, the
26 ~~commissioner~~ **secretary** shall determine, on the basis of good management practices
27 and sound science, that such action is necessary to prevent adverse impacts to the
28 sustainability of the aquifer from which the proposed well is to produce. An order
29 placing restrictions on spacing may also be issued to avoid direct adverse impacts to
30 existing wells. Restrictions and requests for information shall be subject to the

1 following:

2 (i) For large volume wells or wells within a critical area of groundwater
3 concern, the ~~commissioner~~ secretary may issue to the owner of such well an order
4 fixing allowable production, spacing, and metering necessary to properly manage the
5 state's groundwater resources consistent with R.S. 38:3097.6(B)(3). Before issuing
6 any order placing restrictions on a well outside a critical area of groundwater
7 concern, the ~~commissioner~~ secretary shall consider a well owner's efforts to develop
8 alternate water sources.

9 (ii) For all other wells located outside a critical area of groundwater concern,
10 an order issued by the ~~commissioner~~ secretary may only fix spacing of the well.

11 (iii) If more information is requested, the ~~commissioner~~ secretary shall have
12 an additional thirty days after receiving the additional information for review. ~~The~~
13 ~~commissioner's request for further information may be appealed to the commission~~
14 ~~to determine the reasonableness of the request. Such determination shall be made~~
15 ~~within forty-five days from the date of the appeal.~~

16 * * *

17 (8) Develop a contingency plan to respond to a groundwater emergency. Such
18 a plan shall provide that groundwater needed for human consumption shall have the
19 highest priority. If the ~~commissioner~~ secretary declares a groundwater emergency,
20 he shall define the geographical extent of the area included in the emergency by rule
21 or order, may retain personnel or let contracts as necessary with persons who shall
22 operate under his direction to abate the emergency conditions, and may fix the
23 allowable production, spacing, and depth for wells within the area in such a way that
24 the combined production of groundwater will not have long-term adverse effects on
25 the aquifer.

26 * * *

27 D. Any rule or regulation promulgated or any critical groundwater area
28 declared by the Ground Water Management Commission pursuant to authority
29 granted by Act No. 446 of the 2001 Regular Session shall remain in effect until July
30 1, 2004, or until such time as the ~~commissioner~~ secretary promulgates rules pursuant

1 to this Section or reviews any previously declared critical area.

2 E. The ~~commissioner~~ secretary shall not authorize or issue any permit which
3 allows the use or withdrawal of three million gallons or more of groundwater per day
4 from the Chicot aquifer that shall be injected into the subsurface in a parish whose
5 population is more than seventy thousand and less than seventy-five thousand.

6 F.(1) The ~~commissioner~~ secretary, upon determining that a violation of
7 Chapters 13-A, 13-A-1, or 13-B of this Title or the regulations adopted thereunder
8 has occurred, may impose a civil penalty as provided in this Chapter. Additionally,
9 upon determining that a violation of Chapters 13-A, 13-A-1, or 13-B of this Title or
10 the rules and regulations made pursuant to Chapters 13-A, 13-A-1, or 13-B of this
11 Title has occurred, the ~~commissioner~~ secretary may issue an order requiring
12 compliance. Any such order shall state, with reasonable specificity, the nature of the
13 violation, any cessation of activities or affirmative operations required to achieve
14 compliance, and a time limit within which compliance with the order must be
15 achieved. Noncompliance with any such order to comply shall constitute a violation
16 of Chapters 13-A, 13-A-1, or 13-B of this Title, and the ~~commissioner~~ secretary
17 may impose a civil penalty for such violation. Any person subjected to a civil penalty
18 shall have the right to a public hearing if requested in writing, which written request
19 shall suspend the imposition of penalty until final action is taken by the
20 ~~commissioner~~ secretary.

21 (2) The ~~commissioner~~ secretary is hereby authorized to assess civil penalties
22 for each day of violation of the provisions of Chapters 13-A, 13-A-1, or 13-B of this
23 Title as follows:

24 * * *

25 (d) For violations of rules and regulations promulgated pursuant to
26 Subparagraph (C)(4)(b) of this Section - failure to comply with restrictions, terms,
27 or conditions set forth by order of the ~~commissioner~~ secretary:

28 * * *

29 (f) For violations of rules and regulations promulgated pursuant to Paragraph
30 (C)(8) of this Section - failure to comply with any restrictions, terms, or conditions

1 set forth by the ~~commissioner~~ secretary in response to a groundwater emergency:

2 * * *

3 G. The ~~commissioner~~ secretary shall ensure submission of the semiannual
4 reports required of the ground water conservation districts by R.S. 38:3097.8. If the
5 reports are not submitted timely or do not include the pertinent information required,
6 the ~~commissioner~~ secretary is authorized to require monthly submissions of the
7 reports until he is satisfied with the adequacy and informative nature of the reports.

8 * * *

9 §3097.6. Determination of area of groundwater concern

10 A. Any owner of a well that is significantly and adversely affected as a result
11 of the movement of a saltwater front, water level decline, or subsidence in or from
12 the aquifer drawn on by such well shall have the right to file an application to request
13 the ~~commissioner~~ secretary to declare that an area underlain by such aquifer is an
14 area of groundwater concern. Such application shall contain a statement of facts, and
15 supporting evidence substantiating the area may be an area of groundwater concern
16 as defined in R.S. 38:3097.2. On the basis of the application, good management
17 practices, and sound science, the ~~commissioner~~ secretary shall either deny the
18 request, in writing, or issue a draft order which describes the proposed boundaries
19 of the area of groundwater concern. If the ~~commissioner~~ secretary issues a draft
20 order describing the proposed boundaries of the area, the ~~commissioner~~ secretary
21 shall hold at least one public hearing in the locality of the proposed boundaries. At
22 least thirty days prior to holding the public hearing, the ~~commissioner~~ secretary
23 shall provide copies of the draft order to the House Committee on Natural Resources
24 and Environment and to the Senate Committee on Natural Resources.

25 B. After holding hearings, the ~~commissioner~~ secretary shall issue a written
26 decision based on good management practices and scientifically sound data gathered
27 from the application, the participants in the public hearing, and any other relevant
28 information. If the ~~commissioner~~ secretary has determined that an area of ground
29 water concern exists, his decision shall be in the form of an order that shall describe
30 the boundaries of the area which is determined to be an area of ground water

1 concern. The order shall also contain a plan to preserve and manage the ground water
2 resources in that area which may include but is not limited to the following:

3 * * *

4 (3) If the ~~commissioner~~ secretary designates an area a critical area of ground
5 water concern, the order may restrict the amount of withdrawals by any or all users
6 in the area. In determining restrictions on withdrawals, the ~~commissioner~~ secretary
7 shall consider the following:

8 * * *

9 §3097.8. Semiannual reports regarding groundwater quality and saltwater intrusion

10 A. On or before May first and November first every year, each ground water
11 conservation district created by law or designated as a regional body, pursuant to
12 R.S. 38:3097.4(D)(6), shall submit to the ~~commissioner of conservation, the Water~~
13 ~~Resources Commission,~~ secretary, the Senate Committee on Environmental Quality,
14 and the House Committee on Natural Resources and Environment a written report
15 detailing the district's ground water resources and the activities and actions taken
16 with respect to each of the district's powers delineated by laws creating the district.
17 The report shall also include but not be limited to the amount of water used for
18 residential, commercial or industrial, or agricultural purposes, respectively; actual
19 and projected saltwater intrusion or encroachment; and any current or projected sale
20 of water for use outside of the state, including the amount of water so sold and the
21 price paid by each out-of-state user.

22 * * *

23 C. The ~~commissioner~~ secretary shall promulgate a form with a checklist of
24 the pertinent information required to be included in the semi-annual report.

25 * * *

26 §3098. Licensing of water well and other drillers

27 A. Every person, firm, or corporation engaged or desiring to engage in the
28 business of drilling water wells for underground water, drilling monitoring wells,
29 geotechnical bore holes, heat pump wells, cathodic protection holes, and/or seismic
30 shot holes, as well as reworking water wells, or plugging and abandoning wells or

bore holes, excluding oil and gas wells, in the state of Louisiana shall file an application with the ~~office~~ **Louisiana State Licensing Board for Contractors** for a drilling license, using forms prepared by the ~~office~~ **board**, setting out qualifications therefor and such other information including any examination, oral or written, as may be required by the ~~office~~ **board**. The fees for such license and renewal shall be as follows:

* * *

B. All licenses shall expire on June thirtieth of each year, and shall not be transferable, and shall be renewable annually, upon completion of six hours of continuing education as approved by the ~~office~~ **board** and upon payment of the required fee.

* * *

E. A license may be renewed and shall be renewable without examination for the ensuing year by making an application not later than the expiration date and paying the applicable fee. Such application shall have the effect of extending the validity of the current license until the new license is received or the applicant is notified by the ~~department~~ **board** that the license has been refused. On application made after June thirtieth of each year, the license will be renewed only upon payment of the applicable fee, plus a penalty of five dollars for each month the application is delinquent. Delinquency in excess of one year may, in the discretion of the advisory committee, be deemed as a waiver of the driller's right for renewal; and if he should apply thereafter, the ~~department~~ **board** may require that he be considered as a new applicant, including the requirement for examination.

* * *

G. Except in the case of revocation, any license previously issued by the Department of Conservation and Energy, or any successor agency, shall remain valid until expiration.

§3098.1. Qualifications for license

In order to be licensed as a drilling contractor, as provided in R.S. 38:3098, in the state of Louisiana, the applicant must possess the following qualifications:

* * *

(4) Demonstrate to the satisfaction of the office Louisiana State Licensing Board for Contractors a reasonable knowledge of this Chapter and the rules and regulations adopted by the office board and the Department of Conservation and Energy under the provisions of this Chapter.

Section 6. R.S. 39:1367(E)(2)(b)(xi) is hereby enacted to read as follows:

§1367. State debt; limitations

* * *

E. As used in this Section, the following terms shall have the following meanings ascribed to them unless the context clearly indicates otherwise:

* * *

(2)(a)

* * *

(b) "Net state tax supported debt" shall not mean:

* * *

(xi) Any bond, note, or other evidence of indebtedness issued pursuant to R.S. 30:83.1 et seq. or any bonds issued to refund such bonds, notes, or evidence of indebtedness.

Section 7. R.S. 44:4.1(B)(19) is hereby amended and reenacted to read as follows:

§4.1 Exceptions

* * *

B. The legislature further recognizes that there exist exceptions, exemptions, and limitations to the laws pertaining to public records throughout the revised statutes and codes of this state. Therefore, the following exceptions, exemptions, and limitations are hereby continued in effect by incorporation into this Chapter by citation:

* * *

(19) R.S. 30:10.1, 124.1, 209.1, 213, 215, 907, 908, 916, 2030, 2074, 2351, 2351.54, 2564

* * *

Section 8. R.S. 45:251(3), 252, and 255 are hereby amended and reenacted and R.S. 45:251(4) is hereby enacted to read as follows:

§251. Common carrier, petroleum, pipe line defined

As used in this Chapter, the following terms have the meaning ascribed to them in this Section, unless the context clearly indicates otherwise:

* * *

(3)(a) "Pipe line" includes the following:

(i) ~~the~~ The real estate, rights or way, pipe in line, telephone and telegraph lines or other communications systems, tank facilities as herein designated, necessary or integral to the pipe line transportation function and necessary for the proper conduct of it's the subject common carrier's business as a common carrier;

(ii) ~~all~~ All fixtures, equipment and personal property of every kind owned, controlled, operated, used or managed, in connection with, or to facilitate the transportation, distribution and delivery of petroleum through lines constructed of pipe.

(b) "Pipe line" does not include the following:

(i) Pipes designed and used solely within a terminal facility for terminaling services, including pipes delivering petroleum into or extracting petroleum from tanks used for terminaling services, intra-terminal transfer lines, metering facilities associated with such terminaling services, tanks designed and used for terminaling services, and truck unloading facilities.

(ii) Any property of an entity that does not otherwise meet the definition of common carrier.

(4) "Secretarial review" means a review by the secretary of the Department of Conservation and Energy pursuant to R.S. 45:252. The secretary shall simultaneously consider all of the following:

(a) Connectivity.

(b) Necessity.

(c) Physical placement.

1 (d) Past and present ownership, including changes in corporate
2 structure.

3 (e) Regulatory history, including prior determinations or orders by any
4 relevant agency.

5 (f) Operational characteristics, including but not limited to product type
6 or alternative routes.

7 (g) Whether the property is truly necessary or integral to the pipeline
8 transportation function and necessary for the proper conduct of the business.

9 (h) Any indication that the property or its owner does not meet the
10 statutory definition of a common carrier.

11 §252. Pipe lines declared common carriers; control by public service commission

12 A. All pipe lines through which petroleum is conveyed from one point in this
13 state to another point in the state are declared to be common carriers as defined in
14 R.S. 45:251 and are placed under the control of and subject to regulation by the
15 Louisiana Public Service Commission.

16 B. When a complaint, application or other filing concerning the
17 classification of a pipe line as a common carrier or the federal equivalent is filed
18 with the Public Service Commission, the Public Service Commission or a party
19 to the matter may request a secretarial review as defined in R.S. 45:251 and
20 pursuant to this Section. The secretary may accept or decline such request, in
21 writing, to all parties and the Public Service Commission within five business
22 days, excluding weekends and state holidays, of receiving such request. If the
23 secretary does not accept the request within the five business days, then the
24 request shall be deemed declined. If the request is declined then the matter may
25 proceed before the Public Service Commission. If the request is accepted the
26 matter shall be stayed before the Public Service Commission for thirty days
27 from the date the secretary accepts the matter in writing. Once a request is
28 accepted, the secretary or his designee shall establish a schedule for discovery,
29 filings, and, where necessary, a hearing. The secretary or his designee shall issue
30 his finding to the parties and the Public Service Commission following the

1 hearing or the last filings submitted in accordance with the schedule approved
2 by the secretary or his designee.

3 * * *

4 §255. Regulations of commission; petition, notice and hearing; reparations

5 The Louisiana Public Service Commission shall establish and enforce
6 reasonable rates and regulations for gathering, transporting, loading and delivering
7 petroleum, by any common carrier as defined in R.S. 45:251, and for the furnishing
8 and use of reasonable tank facilities necessary ~~and incident to such~~ **or integral to the**
9 transportation **function** and that may be necessary, in its capacity as a common
10 carrier only, to take care, for a reasonable time, of all petroleum transported by it,
11 **excluding pipes designed and used solely within a terminal facility for**
12 **terminaling services, including pipes delivering petroleum into or extracting**
13 **petroleum from tanks used for terminaling services, intra-terminal transfer**
14 **lines, metering facilities associated with such terminaling services, tanks**
15 **designed and used for terminaling services, and truck unloading facilities,** and
16 to prescribe and enforce regulations for control of these common carriers in respect
17 to their pipe lines and receiving, tanking, delivering, transferring and loading
18 facilities. It shall exercise this power upon petition by any person showing a
19 substantial interest in the subject. No order requiring the furnishing of such facilities
20 or establishing or prescribing rates, rules and regulations shall be made, except after
21 hearing after at least ten days and not more than thirty days notice to the person
22 owning, controlling, managing or operating the pipe lines affected. If any rate shall
23 be filed by any pipe line and a complaint or petition to reduce the rate is filed by any
24 shipper or owner of petroleum, and such complaint is sustained in whole or in part,
25 all owners and shippers of petroleum, who shall have paid rates so filed by the pipe
26 line have the right to reparation or reimbursement of all excess in transportation
27 charges above the proper rate as finally determined, on all shipments made within
28 six months prior to the date of the filing of the complaint.

29 * * *

30 Section 9. R.S. 49:214.29(B) and 922(D)(7) are hereby amended and reenacted to

read as follows:

§214.29. Special areas, projects, and programs

* * *

B. The secretary ~~shall~~ may adopt, after notice and public hearing, rules for the identification, designation, and utilization of special areas and for the establishing of guidelines or priorities of uses in each area.

* * *

§992. Applicability; exemptions; attorney fees; court costs

* * *

D.

* * *

(7) All adjudications by the ~~assistant secretary of the office of conservation~~ **Department of Conservation and Energy** pursuant to Chapters 1 and 7 of Subtitle I of Title 30 of the Louisiana Revised Statutes of 1950, except determinations of violations of laws, rules, regulations, and orders, and determinations of penalties for such violations, shall be exempt from the provisions of this Chapter.

* * *

Section 10. R.S. 56:432.1(C)(2), 700.13(B), and 700.14(B) are hereby amended and reenacted to read as follows:

§432.1. Oyster Lease Acquisition and Compensation Program

* * *

C. A leaseholder whose lease is acquired in whole or in part may seek an administrative hearing through the Coastal Protection and Restoration Authority as to whether the acquisition due to the impact of dredging, direct placement of dredged or other materials, or other work or activities necessary for the construction or maintenance of a project for integrated coastal protection is proper or whether the compensation issued by the Coastal Protection and Restoration Authority satisfies the rules or regulations of that department. A leaseholder whose lease is not acquired but which was impacted by dredging, direct placement of dredged or other materials, or other work or activities necessary for the construction or maintenance of a project

1 for integrated coastal protection has occurred, may also seek an administrative
2 hearing through the Coastal Protection and Restoration Authority to determine if
3 acquisition of the acreage would be proper. Adjudication under this Section shall be
4 conducted in accordance with the following:

5 * * *

6 (2) Adjudication under this Section shall be conducted in accordance with
7 Chapter 13-B of Title 49 of the Louisiana Revised Statutes of 1950 and pursuant to
8 the rules and regulations promulgated by the Department of **Conservation and**
9 **Energy and Natural Resources** after consideration of recommendations by the
10 Louisiana Oyster Task Force. The administrative law judge shall consider any
11 reasonably confirmable data or information provided to that department by the
12 leaseholder or any other person on or before the date of the administrative review.

13 * * *

14 §700.13. Establishment of the board

15 * * *

16 B. The board shall include five members consisting of one member
17 nominated by the Louisiana Oyster Dealers and Growers Association, one member
18 nominated by the Louisiana Oyster Task Force, two members nominated jointly by
19 the Louisiana Independent Oil and Gas Association, Louisiana Mid-Continent Oil
20 and Gas Association and the Louisiana Landowners Association, and one member,
21 selected by the other four members of the board, who is a practicing administrative
22 law judge. **A quorum of the board shall consist of at least three members. To**
23 **maintain concordance with the purposes of this Part as articulated in R.S.**
24 **56:700.10, at least one member nominated by each of the two industries**
25 **referenced therein shall be necessary for a quorum.**

26 * * *

27 §700.14. Rules and regulations

28 * * *

29 B. In the formulation of regulations pursuant to this Part, the secretary, in
30 conjunction with the board, shall establish a procedure whereby an oyster fisherman

leaseholder may recover for actual damages to his oyster beds or grounds caused by oil and gas activities.

* * *

Section 11. R.S. 17:200 through 220, R.S. 30:4(N), 29(M)(1)(d), 85(D)(11), 86(F), 136.3(E), Part III of Chapter 2 of Subtitle I of Title 30 of the Revised Statutes of Louisiana, comprised of R.S. 30:186 through 188, 1103(10), 1104(F), 2458, 2469, and 2470 through 2474, and R.S. 38:3073(2), 3074, 3075, 3080, 3097.4, 3097.7, and 3098.6(A)(1) are hereby repealed.

Section 12. The Louisiana Law Institute is hereby directed to replace all references to "Department of Energy and Natural Resources" in state law with "Department of Conservation and Energy".

Section 13. The Louisiana Law Institute is hereby directed to renumber the paragraphs in R.S. 38:3092 and 3097.2 and to redesignate R.S. 30:101.1 through 101.15 as Part IX of Chapter 1 of Subtitle I of Title 30 of the Louisiana Revised Statutes of 1950.

Section 14. In the event the Act which originated as House Bill No. 605 of the 2025 Regular Session becomes law, the Louisiana State Law Institute shall redesignate R.S. 30:21.1 as enacted by Section 1 of that Act as R.S. 30:4(Q)(1)(b), which shall supersede R.S. 30:4(Q)(1)(b) as enacted by Section 1 of this Act.

Section 15.(A) The provisions of R.S. 30:29 as amended by this Act shall not apply to any lawsuit for damages that arises out of activity conducted prior to the effective date of Section 2 of this Act and which is filed prior to September 1, 2027.

(B) The provisions of R.S. 30:29 as amended by this Act shall apply to any lawsuit for damages that arises out of activity conducted prior to the effective date of Section 2 of this Act and which is filed on or after September 1, 2027.

(C) The provisions of R.S. 30:29 as amended by this Act shall apply to any lawsuit for damages that arises out of activity conducted after the effective date of Section 2 of this Act.

Section 16.(A) Sections 2, 15, and 16 of this Act shall become effective upon signature of the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section

1 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved
2 by the legislature, this Act shall become effective on the day following such approval.
3 (B) All remaining Sections of this Act shall become effective on October 1, 2025.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____