

5 ✓
 1 D. This Section shall apply to tertiary recovery activities on any reservoir that
 2 is no longer capable of producing by methods other than tertiary. It shall also apply
 3 to reservoirs which are still capable of producing by primary and secondary methods
 4 after an amount of production has been recovered during a tertiary recovery project
 5 equal to that which would have been recovered by utilizing primary and secondary
 6 methods, which amount shall be determined by the ~~assistant secretary of the office~~
 7 ~~of conservation~~ at the hearing required under Subsection B of this Section.

* * *

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

* * *

11
 12 B.(1)(a) "Operating unit" as herein used means that number of surface acres
 13 of land which, under regular or special rules of the ~~commissioner of conservation~~
 14 secretary or other authority having control in the premises, or by agreement of the
 15 lessors, lessees, and mineral and royalty owners, may be pooled and unitized for
 16 development and operation as a unit. An agreement creating an operating unit may
 17 provide for cycling, recycling, pressure maintenance, or repressuring in fields
 18 productive of oil, gas, and gas from which condensate, distillate, or other product
 19 may be separated or extracted.

* * *

21 §135. Secretary and other employees

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

* * *

27 §136.3. Mineral and Energy Operation Fund

* * *

29 B. Out of the funds remaining in the Bond Security and Redemption Fund,
 30 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

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

* * *

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

* * *

D.(1)

* * *

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

22 (3) Except as otherwise provided herein, the hearing required hereby shall be
 23 conducted in accordance with and pursuant to the provisions of Chapter 13 of Title
 24 49 of the Louisiana Revised Statutes of 1950 and such regulations as the secretary
 25 of the Department of Resources Conservation and Energy may issue hereunder.

* * *

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

28 Nothing in this Subpart is intended to authorize the leasing of lands or bodies
 29 of lakes, bays or coves, sea, arms of the sea, or other navigable waters and beds
 30 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

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

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

9 * * *

10 §172. Lessees may construct breakwaters, etc.

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

23 * * *

24 §209. State Mineral and Energy Board; authority

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

27 * * *

28 (4)(a)

29 * * *

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

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

12 * * *

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

20 §209.1. Acquisition of geological information and data

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

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

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

* * *

§413. Certified emergencies; suspension of act

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

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

* * *

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

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

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

* * *

§502. Declaration of energy emergency; purpose of Chapter

* * *

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

* * *

§503. Definitions

ALPHABETIZE

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

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

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

* * *

(3) "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 (5) * * *

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 (7) * * *

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.~~

PART II. MERGER AND CONSOLIDATION OF AGENCIES

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 ~~(a)~~ (1) The natural resources committee...

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.

* * *

§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:

* * *

§551. Regulatory designation

22 A. Pursuant to ~~Section 2(A)~~ of Article IX, Section 2(A) of the ~~Louisiana~~ Constitution of
 23 Louisiana ~~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,~~ ^{of this Section}
 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

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

3 * * *

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

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

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

27 C. The commissioner secretary may borrow funds not to exceed
28 ~~\$50,000,000.00~~ fifty million dollars for implementation of the purposes of this
29 Section and mortgage and pledge any lease or leases granted by, assigned or
30 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 ^{of this Section} ~~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~~ ^{(1)(a) through (i)} 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),~~ ^{R.S. 30:572(1)} 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 ^{ninety} ~~90~~ days after December 8, 1973, the ^e commissioner of ^e 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 ^{V.S.C.} ~~U.S.C.A.~~
 18 ^{through} ~~§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 ⁽¹⁾ 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 ⁽²⁾ 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~~

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

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

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

12 * * *

13 §571. Establishment, promulgation and implementation of plan

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

29 §572. Priorities

30 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~~ Subparagraphs (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~~ Subparagraphs (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 (i) ^{Subparagraphs of this Paragraph} 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 ^{Subparagraph of this Paragraph} 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 (ii) 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~~ Subparagraphs of this Paragraph (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 (ii) 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 (2) 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 Subparagraphs (1)(a) through (i) of this Section ~~Paragraphs (a) through (i), inclusive, of R.S. 30:572~~ and,

1 notwithstanding any other provisions of ~~R.S. 30:572~~ ^{this Section} or any other law to the contrary
 2 the priorities established in ~~said Paragraphs (a) through (i)~~ ^{Subparagraphs (i)(a) through (i) of this} without any change or ^{Section}
 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~~ ^{one thousand dollars} 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

under the authority of this Part.

* * *

§681.1. Legislative findings

The Legislature of Louisiana hereby finds that:

* * *

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

(8) By Act ^{No. of the Louisiana Legislature} 16 of the 1973 Extraordinary Session, the Louisiana Legislature created the Louisiana Energy Commission and included in its duties the authorization to undertake or contract for studies and research regarding alternate fuel resources for the state; that the ~~commissioner of conservation secretary~~, by Act 16, is authorized to prepare all necessary studies on the sources of energy available to Louisiana and to conduct appropriate research in connection therewith; and that the State Department of Conservation and Energy is staffed and administratively capable of exercising this authority.

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

§681.2. Definitions

ALPHABETIZE

(1) → (3) For the purpose of this Subpart:

(2) = (2)

(3) → (1)

* * *

(2) ^{g D} ~~the term~~ "department" means the State Department of Conservation and Energy of the state of Louisiana; and

(1) ^{g C} ~~the term~~ "commissioner" means the commissioner of conservation secretary of the Department of Conservation and Energy.

* * *

§702. Definitions

ALPHABETIZE ✓

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

① → (5)
(2) - (5) → (1) - (4)
(6) = (6)

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

(1) "Hazardous liquid" means:

* * *

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

* * *

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

* * *

§703. Regulatory designation

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

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

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

8 §704. Administration and enforcement

9 * * *

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

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

18 D. Whenever it appears to the ~~assistant~~ secretary that any person has engaged,
19 is engaged, or is about to engage in any act or practice constituting a violation of this
20 Part or of any regulation, rule, or order issued hereunder, the ~~assistant~~ secretary may
21 bring an action in the court having jurisdiction, to enjoin such acts or practices and
22 to enforce compliance with this Part or any rule, regulation, or order issued
23 thereunder. Upon a proper showing a temporary restraining order or a preliminary
24 or permanent injunction shall be granted without bond. The relief sought may
25 include a mandatory injunction commanding any person to comply with this Part or
26 any such regulation, rule, or order issued hereunder, and to make restitution of
27 money received in violation of any such regulation, rule, or order. The ~~assistant~~
28 secretary may transmit such evidence as may be available concerning such acts or
29 practice or concerning apparent violations to the district attorney having jurisdiction
30 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 *penalties*

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.

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

5 §723. Expropriation authority

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

23 * * *

24 (1) F. Nothing in this Part or under the general expropriation laws of this state
 25 shall be construed as permitting the expropriation of water or water rights for use in
 26 transportation of coal by pipeline. No Louisiana water from any source shall be used
 27 in connection with the transportation, maintenance or operation of a coal slurry
 28 pipeline within the state, except water used for drinking, toilet, bath, or other
 29 personal uses, unless the ~~assistant~~ secretary shall have determined, after public
 30 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 (2) 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

ALPHABETIZE

26 (1) → (3) As used in this Part, the following words and phrases shall have the meanings
27 (2) → (3) → (1) - (2) hereinafter ascribed to them:

28 (3) "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

A. 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.

B. 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 * * *

1 §905. Jurisdiction and powers; rules and regulations

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

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

29 * * *

30 (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 ^{✓ this} 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 ^f Federal or ^S 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 (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 ^Sstate 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 * * *

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

9 * * *

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

12 * * *

13 §915. Environmental protection performance standards

14 * * *

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

17 * * *

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

22 * * *

23 (9) Conducting any augering operation associated with surface mining in a
 24 manner to maximize recoverability of mineral reserves remaining after the operation
 25 and reclamation are complete; and seal all auger holes with an impervious and
 26 noncombustible material in order to prevent drainage except where the ~~commissioner~~
 27 secretary determines that the resulting impoundment of water in such auger holes
 28 may create a hazard to the environment or the public health or safety: Provided, that
 29 the ~~commissioner~~ secretary may prohibit augering if necessary to maximize the
 30 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 f (15) Insure that explosives are used only in accordance with existing ^S State
22 and ~~F~~ederal 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 ^P Parish in
5 which the land is located and any state or ^f 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 ^S 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 ^S 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 ^S 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

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

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

7 * * *

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

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

17 * * *

18 §917. Inspections and monitoring

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

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

29 (2) For those surface coal mining and reclamation operations which remove
30 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 (q) → (i) * * *
- 4 (b) → (ii)
- 5 (c) → (iii)
- 6 (iv) ~~(d)~~ Monitoring sites to record precipitation.

7 (b) The monitoring data collection and analysis required by this ^S section shall be
8 conducted according to standards and procedures set forth by the commissioner
9 secretary in order to assure their reliability and validity, ~~and~~

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

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

24 * * *

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

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

1 of mining.

2 F. After the ^SState has assumed exclusive jurisdiction of surface coal mining
 3 operations as provided in ^Ssection 503 of ^{P.L.}Public Law 95-87, ^Tand as long as the ^SState
 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~~ ^{two thousand five hundred dollars}, 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 ^Ssubsection. 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 ^{P.L.}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~~ ^{S ✓} 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~~ ^{S ✓} 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

1 policy of Louisiana that:

2 (1) ~~The geologic storage of carbon dioxide will benefit the citizens of the~~
 3 ~~state and the state's environment by reducing greenhouse gas emissions.~~

4 (2) Carbon dioxide is a valuable commodity to the citizens of the state.

5 (3) ~~Geologic storage of carbon dioxide may allow for the orderly withdrawal~~
 6 ~~as appropriate or necessary, thereby allowing carbon dioxide to be available for~~
 7 ~~commercial, industrial, or other uses, including the use of carbon dioxide for~~
 8 ~~enhanced recovery of oil and gas.~~

9 (4)(2) It is the public policy of Louisiana and the purpose of this Chapter to
 10 provide for a coordinated statewide program related to the storage of carbon dioxide
 11 and to also fulfill the state's primary responsibility for assuring compliance with the
 12 federal Safe Drinking Water Act, including any amendments thereto related to the
 13 underground injection of carbon dioxide.

14 B. The ~~commissioner of conservation~~ secretary shall have jurisdiction and
 15 authority over all persons and property necessary to enforce effectively the
 16 provisions of this Chapter relating to the geologic storage of carbon dioxide and
 17 subsequent withdrawal of stored carbon dioxide.

18 §1103. Definitions

19 Unless the context otherwise requires, the words defined in this Section have
 20 the following meaning when found in this Chapter:

21 * * *

22 (3) ~~"Commissioner" has the same meaning as provided in R.S. 30:3~~
 23 **"Common carrier" means a transporter of carbon dioxide by pipeline for**
 24 **storage where there exists a reasonable probability that the pipeline will serve**
 25 **the public by transporting carbon dioxide for storage for one or more third**
 26 **parties.**

27 * * *

28 (14) "Storage facility" means the underground reservoir, carbon dioxide
 29 injection wells, monitoring wells, underground equipment, and surface buildings and
 30 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 * * *

ACT 458

SB NO. 244

ENROLLED

(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.

[INSERT SUBSECTION C FROM ACT 407]

~~D.~~ 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.

~~E.~~ 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

MERGE w/ ACT 407

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.

* * *

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

ACT 458

SB NO. 244

ENROLLED

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:

[CONFLICTS w/ ACT 414 - NOTE IDENT. TO ACT 414]
THIS ACT PRINT THAT ACT PER ATTACHED CERT.]

ACT 458

SB NO. 244

ENROLLED

~~(1)(a) The last operator of record for any oil or gas well located within the area of review delineated in the application.~~

~~(2)(b) Any person known to the applicant after reasonable search that, including owners and operators, acting on behalf of the person, that presently has the right to drill into and produce from a pool and to appropriate production either for himself or others within the predicted or modeled carbon dioxide plume, as that term is defined in administrative rules and regulations providing for Class VI injection wells. **All mineral servitude owners, mineral lessees, and operators acting on behalf of such mineral interest owners.**~~

(c) All surface owners.

~~B.(2) Within ten days of filing an application with the commissioner for a Class V stratigraphic test well **In order for an application for a Class V stratigraphic test well permit to be considered complete,** the owner or operator shall make a **reasonable search and a** good faith effort to provide notice of the submission of the application via United States **certified** mail to all of the following **located within five hundred feet of the proposed well:**~~

~~(1)(a) The last operator of record for any oil or gas well located within five hundred feet of the proposed Class V stratigraphic test well location.~~

~~(2)(b) Any person known to the applicant after reasonable search, including owners and operators, acting on behalf of the person, that presently has the right to drill into and produce from a pool and to appropriate production either for himself or others within five hundred feet of the proposed Class V stratigraphic test well location **All mineral servitude owners, mineral lessees, and operators acting on behalf of such mineral interest owners.**~~

(c) All surface owners.

(3) Notice to all surface owners as required by this Section may be satisfied by notifying all persons shown on the parish assessor's rolls as the current owner of the surface rights for the land included within the applicable area of required notice.

B. The department shall also publish on its website a notice of each

CIDENT TO ACT 414

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 U.S.C. 300f ~~USE §300(f)~~ et seq., and the Resource Conservation and Recovery Act of 1976, 42 U.S.C. ~~USE §6901~~ et seq.

* * *

§2454. Definitions

ALPHABETIC

(1)-(2) = (1)-(2) In this Chapter:

(3)-(6) → (4)-(7)

(7) → (9)

(29)

(8)-(9)

(33) "Secretary" means the secretary of the Department of Conservation

(9)-(17) → (10)-(18)

and Energy.

(18)-(26) → (20)-(28)

PART II. ADMINISTRATION

§2455. Office of the Louisiana oil spill coordinator

(27)-(30) → (30)-(33)

(31) → (3)

The office of the Louisiana oil spill coordinator is hereby created within the

(32) → (19)

Department of Public Safety and Corrections, public safety services Conservation

(33) → (29)

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 Conservation and 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.

[EFF. DATE 6/24/2025; DEPT. NAME CHANGE EFF. 10/1/2025]

* * *

1
2 C.(1) If at any time ~~during the proceeding~~ a party admits liability for
3 environmental damage or the finder of fact determines that environmental damage
4 exists and determines the party or parties who caused the damage or who are
5 otherwise legally responsible therefor, the court shall order the party or parties who
6 admit responsibility or whom the court finds legally responsible for the damage to
7 develop a plan or submittal for the evaluation or remediation to applicable regulatory
8 standards of the contamination that resulted in the environmental damage. The court
9 shall order that the plan be developed and submitted to the department ~~and the court~~
10 ~~within a time that the court determines is reasonable and shall allow~~ **one hundred**
11 **eighty days from the first date a party admits responsibility or one hundred**
12 **eighty days of the date the court finds a party legally responsible, whichever**
13 **occurs later.** ~~the~~ **The** plaintiff or any other party ~~at least~~ **shall have** thirty days from
14 the date each plan or submittal was ~~made~~ **submitted** to the department ~~and the court~~
15 to review the plan or submittal and ~~to provide to the department and the court a~~ **with**
16 **an alternate plan, comment** **comments**, or input in response ~~thereto~~ **to the plan or**
17 **plans submitted.** **The court may extend the time for filing any plan or comments**
18 **for good cause shown.** The department shall consider any plan, comment, or
19 response provided timely by any party. The department shall submit to the court a
20 schedule of estimated costs for review of the plans or submittals of the parties by the
21 department and ~~the court~~ shall require the party admitting responsibility or the party
22 found legally responsible by the court to deposit in the registry of the court sufficient
23 funds to pay the cost of the department's review of the plans or submittals. Any plan
24 or submittal shall include an estimation of cost to implement the plan.

* * *

25
26 (3)(a) The department shall use and apply the applicable regulatory standards
27 **including but not limited to the Risk Evaluation and Corrective Action Program**
28 **(RECAP) and may use other exceptions to LAC 43:XIX.1 et seq., otherwise**
29 **identified as Statewide Order No. 29-B,** in approving or structuring a plan that the
30 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 *g* but not limited to *g* 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

1 the registry of the court.

2 * * *

3 I. For the purposes of this Section, the following terms shall have the
4 following meanings:

5 * * *

6 (2) "Environmental damage" shall mean any actual or potential impact,
7 damage, or injury to environmental media caused by actual or potential
8 contamination resulting from activities associated with oilfield sites or exploration
9 and production sites. Environmental media shall include but not be limited to mean
10 soil, surface water, ground water, or sediment.

11 * * *

12 (4) "~~Feasible Plan~~ Most feasible plan" means the most reasonable plan
13 which addresses environmental damage in conformity with the requirements of
14 Article IX, Section 1 of the Constitution of Louisiana to protect the environment,
15 public health, safety and welfare, and is in compliance with the specific relevant and
16 applicable standards and regulations promulgated by a state agency in accordance
17 with the Administrative Procedure Act in effect at the time of clean-up the most
18 feasible plan to evaluate or if necessary remediate contamination environmental
19 damage resulting from oilfield or exploration and production operations or waste.

20 * * *

21 M.(1) In an action governed by the provisions of this Section, and
22 notwithstanding any provision contained in this Section to the contrary,
23 damages, including without limitation remediation and nonremediation
24 damages, may be awarded only for the following:

25 * * *

26 (c) ~~The cost of evaluating, correcting or repairing environmental damage~~
27 ~~upon a showing that such damage was caused by unreasonable or excessive~~
28 ~~operations based on rules, regulations, lease terms and implied lease obligations~~
29 ~~arising by operation of law, or standards applicable at the time of the activity~~
30 ~~complained of, provided that such damage is not duplicative of damages awarded~~

1 under Subparagraph (a) or (b) of this Paragraph: Economic loss damages may be
 2 recovered if proven by a preponderance of the evidence. All other
 3 nonremediation damages shall be limited to no more than three hundred
 4 percent of the fair market value. The fair market value of the property shall be
 5 based on the value of the surface of the property as if it had no environmental
 6 damage.

7 * * *
 8 * * *

9 §87. Oilfield site restoration fees

10 A. There is hereby imposed on crude petroleum produced from producing 44
 11 wells in this state a fee on each barrel of oil and condensate as provided in this
 12 Section, payable upon the initial disposition of each barrel of oil and condensate.
 13 The fee is in addition to any tax imposed pursuant to Title 47 of the Louisiana
 14 Revised Statutes of 1950. The provisions of Chapters 17 and 18 of Subtitle II of Title
 15 47 of the Louisiana Revised Statutes of 1950 shall apply to the administration,
 16 collection, and enforcement of the fee imposed in this Section, and the penalties
 17 provided by that code shall apply to any person who fails to pay or report the fee.
 18 Proceeds from the fee, including any penalties collected in connection with the fee,
 19 shall be deposited into the Oilfield Site Restoration Fund.

20 * * *

21 F. The site restoration fee shall be the following:

22 (a)

23 (1) Full rate production shall include all production from oil or gas wells 30
 24 except for production from reduced rate production wells as set forth in R.S. 31
 47:633(7).

25 (b) ~~(a)~~ For crude oil and condensate, the fee shall be based on the oil price
 26 on July first of each year for the ensuing twelve months based upon the average
 27 New York Mercantile Exchange Price per barrel of crude oil per month on the
 28 close of business on June thirtieth for the prior twelve months. The amount of

29 the fee for a well that produces crude oil and condensate shall 30 be as follows:

30 * * *

(c)

~~(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.

* * *

✓ The heading of Chapter 8 and
 Section 4. R.S. 36:351, 352, 353, 354(A)(7), (10), (13), and (15), (B)(1)(b), (2), (A), (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, ✓ and (15) 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

1 leaseholder may recover for actual damages to his oyster beds or grounds caused by
2 oil and gas activities.

3 * * *

4 Section 11. R.S. 17:200 through 220, R.S. 30:4(N), 29(M)(1)(d), ⁸⁶85(D)(11), 86(F)
5 136.3(E), Part III of Chapter 2 of Subtitle I of Title 30 of the Revised Statutes of Louisiana,
6 comprised of R.S. 30:186 through 188, 1103(10), 1104(F), 2458, 2469, and 2470 through
7 2474, and R.S. 38:3073(2), 3074, 3075, 3080, 3097.4, 3097.7, and 3098.6(A)(1) are hereby
8 repealed.

9 Section 12. The Louisiana Law Institute is hereby directed to replace all references
10 to "Department of Energy and Natural Resources" in state law with "Department of
11 Conservation and Energy".

12 Section 13. The Louisiana Law Institute is hereby directed to renumber the
13 paragraphs in R.S. 38:3092 and 3097.2 and to redesignate R.S. 30:101.1 through 101.15 as
14 Part IX of Chapter 1 of Subtitle I of Title 30 of the Louisiana Revised Statutes of 1950.

15 Section 14. In the event the Act which originated as House Bill No. 605 of the 2025
16 Regular Session becomes law, the Louisiana State Law Institute shall redesignate R.S.
17 30:21.1 as enacted by Section 1 of that Act as R.S. 30:4(Q)(1)(b), which shall supersede R.S.
18 30:4(Q)(1)(b) as enacted by Section 1 of this Act. [Acts 2025, No. 296]

19 Section 15.(A) The provisions of R.S. 30:29 as amended by this Act shall not apply
20 to any lawsuit for damages that arises out of activity conducted prior to the effective date of
21 Section 2 of this Act and which is filed prior to September 1, 2027. [Acts 2025, No. 458]

22 (B) The provisions of R.S. 30:29 as amended by this Act shall apply to any lawsuit
23 for damages that arises out of activity conducted prior to the effective date of Section 2 of
24 this Act and which is filed on or after September 1, 2027.

25 (C) The provisions of R.S. 30:29 as amended by this Act shall apply to any lawsuit
26 for damages that arises out of activity conducted after the effective date of Section 2 of this
27 Act.

28 Section 16.(A) Sections 2, 15, and 16 of this Act shall become effective upon
29 signature of the governor or, if not signed by the governor, upon expiration of the time for
30 bills to become law without signature by the governor, as provided by Article III, Section

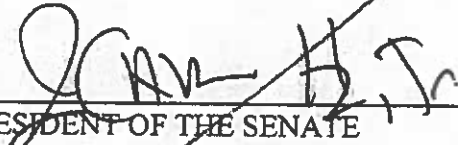
[NOTE ALL AFFECTED PROVS; SEPARATE DOCUMENT FORTHCOMING]
[NOTE 2 CITED PROVISIONS] CITED PROVISIONS
[NOTE 2 R.S. 30:29]

SB NO. 244


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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: 

June 24, 2025

ACT 296

ENROLLED

2025 Regular Session

HOUSE BILL NO. 605

BY REPRESENTATIVE RISER

L.A. State Law Institute
PRINTER'S COPY
Edits To: RS 30 Pgs. 1-2
Note: - NOTE § 14 OF ACT 458

AN ACT

To enact R.S. 30:21.1, relative to expedited processing; to provide for expedited processing fees, costs, and waiver of expedited processing fees; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 30:21.1 is hereby enacted to read as follows:

~~§21.1. Expedited processing fee~~ § 4(Q)(1)(b)

~~(b)(1)A.~~ In addition to any fees provided by law or regulation, an expedited processing fee shall be charged to each applicant whose request for expedited processing is granted.

~~(i)(99)B(1)~~ The expedited processing fee shall be equal to the direct cost incurred by the department for the expedited processing or review, including each overtime hour, or portion thereof, that any employee devotes to the expedited processing or review, at a rate not to exceed one-and-one-half times the standard hourly wage, including related benefits, of the highest paid eligible employee needed for the review.

~~(bb) (2)~~ In addition, the department shall assess an administrative surcharge of up to twenty percent of the total overtime cost, which shall be no less than five hundred dollars.

~~(iii) C.~~ This fee does not include any costs for mailing or delivery services beyond the department's normal level of service. If additional or expedited shipping is requested, those costs shall be borne by the applicant.

[SEE § 14 OF ACT 458]

1
2
3

(iv) ~~The expedited processing fee shall be waived if the need for the expedited processing is caused solely by an error, mistake, or delay on the part of the department.~~

Philip R. Daniels

SPEAKER OF THE HOUSE OF REPRESENTATIVES

Jeff Landry

PRESIDENT OF THE SENATE

Jeff Landry

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: *Angelique Friel June 11, 2025*



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November 12, 2025

Ms. Yolanda Dixon
Secretary of the Senate
P.O. Box 94183
Baton Rouge, LA 70804

Ms. Michelle Fontenot
Clerk of the House of Representatives
P.O. Box 94062
Baton Rouge, LA 70804

RE: Request for Certification of Conflict for Act Nos. 414 and 458 of the 2025 Regular Session

Ms. Dixon and Ms. Fontenot:

Act Nos. 414 and 458 both amend R.S. 30:1115 concerning notifications regarding applications for permits related to geologic sequestration projects. The provisions of both Acts are identical in all places except the introductory paragraph of Paragraph (A)(1), where Act 458 requires the notice of submission to be provided via certified mail but Act 414 does not.

Pursuant to R.S. 24:252(B), please certify which of these Acts was enacted last and jointly direct the Law Institute to incorporate into the Revised Statutes the text of the provision of law last enacted. A certification reply form is included for your convenience.

Sincerely,


A handwritten signature in cursive script, appearing to read "M Waller".

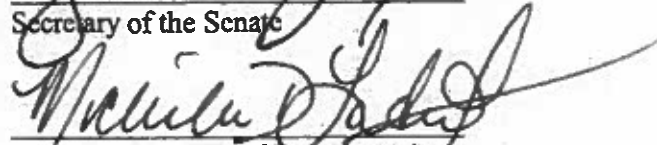
Mallory Chatelain Waller
Revisor of Statutes

CONFLICT CERTIFICATION
[R.S. 24:252(B)]

Pursuant to R.S. 24:252(B), in response to the notification by the Louisiana State Law Institute of a conflict between two or more legislative acts, dated Nov. 13, 2025 the Secretary of the Senate and the Clerk of the House of Representatives do hereby certify that:

As between Acts 414 and 458 of the 2025 Reg. S. Session, affecting 30:1115, Act 414 was enacted last, and the Louisiana State Law Institute is jointly directed to incorporate into the Revised Statutes the text of Act _____.


Secretary of the Senate


Clerk of the House of Representatives

Date Nov. 13, 2025

ACT 414

2025 Regular Session

ENROLLED

SENATE BILL NO. 73

BY SENATOR REESE AND REPRESENTATIVES AMEDEE, BUTLER, HORTON,
MCCORMICK, OWEN AND SCHAMERHORN

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

La. State Law Institute
PRINTER'S COPY

Edms To: RS 30 Pgs. 2-4

Note: - MERGE w/ ACT 179

- IDENT. TO / CONFLICTS w/ ACT 458; NOTE THAT ACT & PRINT THIS ACT PER ATTACHED CERT.

- CONFLICTS w/ ACT 907; NOTE THAT ACT & PRINT THIS ACT PER ATTACHED CERT.

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AN ACT

To amend and reenact R.S. 30:1104.2(B), 1108(C), and 1115, and to enact R.S. 30:1105(D), relative to carbon sequestration; to provide for the jurisdiction, powers, and duties of the commissioner of conservation; to provide for public hearings; to provide for unitization; to provide requirements to exercise eminent domain; to provide for notice; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 30:1104.2(B), 1108(C), and 1115 are hereby amended and reenacted and R.S. 30:1105(D) is hereby enacted to read as follows:

§1104.2. Unitization

* * *

B. An order for unit operation shall be issued only after notice, public hearing, and a finding by the commissioner that it is for a public and necessary purpose. In order to consider a unit application, the commissioner shall find that at least ~~three-fourths~~ **eighty-five percent** of the owners in interest within the proposed storage unit have consented in writing to geologic storage. The required ~~three-fourths~~ **eighty-five percent** of the owners in interest shall be on the basis of, and in proportion to, the surface acreage content of the entire storage unit and, if a tract within the storage unit is subject to ownership in indivision, credited by multiplying the acreage of the tract by the undivided ownership interest of the parties who have consented in writing to geologic storage.

ACT 414

SB NO. 73

ENROLLED

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§1105. Hearings; notice; ~~rules of procedures; emergency; service of process; public records; request for hearings; orders and compliance orders~~

* * *

D. The commissioner shall give substantial consideration to local government comments, oral or written, when determining the appropriate course of action to take in any matter requiring a public comment period or public hearing pursuant to this Chapter or rules adopted pursuant to this Chapter.

* * *

§1108. Eminent domain; expropriation

* * *

C. The (1) In addition to the requirements of Paragraph ⁽²⁾ of this Subsection and any other power of eminent domain authorized by law, eminent domain authority authorized under this Chapter shall be exercised pursuant to the procedures found in R.S. 19:2, and shall be in addition to any other power of eminent domain authorized by law. [INSERT SENTENCE FROM ACT 179]

(2) Prior to initiating any eminent domain proceedings, the owner or operator of a carbon sequestration storage facility or pipeline shall comply with the following requirements:

(a) Provide written notice to the landowner of the intent to acquire property or property rights. The notice shall be sent to all property owners whose addresses are known, unless those owners have jointly designated a representative to receive such communications. The notice shall include:

- (i) A clear statement of the owner or operator's interest in the property.
- (ii) An explanation of the owner's or operator's obligation to obtain one or more appraisals of the property.
- (iii) Any additional information reasonably necessary to inform the landowner of the process and their rights.

(b) Provide the landowner or designated representative a reasonable

[SEE ACT 407]
[CONFLICTS w/ ACT 407; NOTE THAT ACT 4 PRINT THIS ACT PER ATTACHED CERT.]

[MERGE w/ ACT 179]

ACT 414

SB NO. 73

ENROLLED

1 opportunity to be present during any inspection of the property conducted for
2 appraisal purposes. The landowner or representative shall be allowed to provide
3 input regarding the condition and features of the property to the appraiser.

4 (c) Engage in good faith negotiations with the landowner or their
5 representative. Such negotiations shall include no fewer than five in-person
6 meetings or documented attempts to meet in person.

7 (d) Submit a written offer to the landowner or their representative that
8 includes:

9 (i) The amount offered as just compensation.

10 (ii) A legal description of the property and the specific interest to be
11 acquired.

12 (iii) A list and description of any buildings or improvements located on
13 the property to be affected by the acquisition.

14 (e) Allow the landowner or their representative at least ten calendar days
15 from receipt of the written offer to respond with additional information or a
16 counteroffer.

17 (f) The act of the landowner or his designated representative providing
18 additional information or a counteroffer, or the act of the owner or operator of
19 a storage facility or pipeline responding in writing to the additional information
20 or counteroffer shall not extend or affect the thirty-day time period for filing a
21 petition for expropriation as provided in R.S. 19:2.2(C).

22 * * *

23 §1115. Notifications regarding applications

24 A. Every applicant for a Class VI permit or Class V permit related to a
25 geologic sequestration project shall comply with the following:

26 A.(1) ~~Within thirty days of receiving notice of an application for a Class VI~~
27 injection well being ~~In order for an application for a Class VI permit to be~~
28 deemed administratively complete, the owner or operator shall make a reasonable
29 search and a good faith effort to provide notice of the submission of the application
30 via United States mail to all of the following located within the surface or

[IDENT. TO ACT 458]
[CONFLICTS w/ ACT 458
Pg. 170: NOTE THAT ACT 4 PRINT
THIS ACT PER ATTACHED CERT.]

ACT 414

SB NO. 73

ENROLLED

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subsurface extent of the area of review delineated in the permit application:

~~(1)(a) The last operator of record for any oil or gas well located within the area of review delineated in the application.~~

~~(2)(b) Any person known to the applicant after reasonable search, including owners and operators, acting on behalf of the person, that presently has the right to drill into and produce from a pool and to appropriate production either for himself or others within the predicted or modeled carbon dioxide plume, as that term is defined in administrative rules and regulations providing for Class VI injection wells~~

All mineral servitude owners, mineral lessees, and operators acting on behalf of such mineral interest owners.

(c) All surface owners.

~~B(2) Within ten days of filing an application with the commissioner for a Class V stratigraphic test well~~ **In order for an application for a Class V stratigraphic test well permit to be considered complete,** the owner or operator shall make a **reasonable search and a good faith effort** to provide notice of the submission of the application via United States **certified** mail to all of the following **located within five hundred feet of the proposed well:**

~~(1)(a) The last operator of record for any oil or gas well located within five hundred feet of the proposed Class V stratigraphic test well location.~~

~~(2)(b) Any person known to the applicant after reasonable search, including owners and operators, acting on behalf of the person, that presently has the right to drill into and produce from a pool and to appropriate production either for himself or others within five hundred feet of the proposed Class V stratigraphic test well location~~ **All mineral servitude owners, mineral lessees, and operators acting on behalf of such mineral interest owners.**

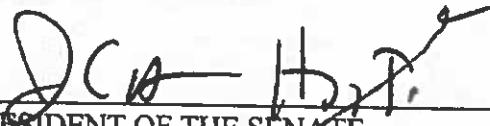
(c) All surface owners.

(3) Notice to all surface owners as required by this Section may be satisfied by notifying all persons shown on the parish assessor's rolls as the current owner of the surface rights for the land included within the applicable area of required notice.

CIDENT TO ACT 458

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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.



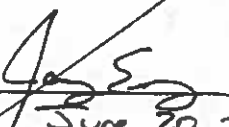
PRESIDENT OF THE SENATE



SPEAKER OF THE HOUSE OF REPRESENTATIVES



GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: 
June 20, 2025



LOUISIANA STATE LAW INSTITUTE

PAUL M. HEBERT LAW CENTER, ROOM W127

UNIVERSITY STATION

BATON ROUGE, LA 70803-1016

OFFICE OF

THE DIRECTOR

(225) 578-0200

FAX: (225) 578-0211

EMAIL: LAWINSTITUTE@LSLI.ORG

November 13, 2025

Ms. Yolanda Dixon
Secretary of the Senate
P.O. Box 94183
Baton Rouge, LA 70804

Ms. Michelle Fontenot
Clerk of the House of Representatives
P.O. Box 94062
Baton Rouge, LA 70804

RE: Request for Certification of Conflict for Act Nos. 407 and 414 of the 2025 Regular Session

Ms. Dixon and Ms. Fontenot:

Act Nos. 407 and 414 both enact R.S. 30:1105(D) concerning substantial consideration of local government comments. Act 407 requires the secretary to give such consideration, whereas Act 414 requires the commissioner to give such consideration and clarifies that the local government comments may be oral or written.

Pursuant to R.S. 24:252(B), please certify which of these Acts was enacted last and jointly direct the Law Institute to incorporate into the Revised Statutes the text of the provision of law last enacted. A certification reply form is included for your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "M Waller".

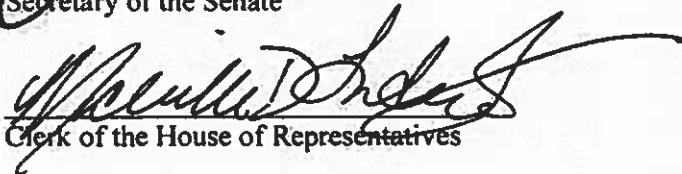
Mallory Chatelain Waller
Revisor of Statutes

CONFLICT CERTIFICATION
[R.S. 24:252(B)]

Pursuant to R.S. 24:252(B), in response to the notification by the Louisiana State Law Institute of a conflict between two or more legislative acts, dated Nov 13, 2025 the Secretary of the Senate and the Clerk of the House of Representatives do hereby certify that:

As between Acts 407 and 414 of the 2025 Regular Session, affecting RS30:1109(D), Act 414 was enacted last, and the Louisiana State Law Institute is jointly directed to incorporate into the Revised Statutes the text of Act 414.


Secretary of the Senate


Clerk of the House of Representatives

Date November 18, 2025

ACT 407

2025 Regular Session

ENROLLED

SENATE BILL NO. 36

BY SENATOR HENSGENS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

L.A. State Law Institute
PRINTER'S COPY

Edms To: RS 30 Pgs. 1-2

Note: - MERGE w/ ACT 458

- CONFLICTS w/ ACT 414. NOTE THIS ACT + PRINT THAT ACT PER ATTACHED CERT.

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AN ACT

To amend and reenact R.S. 30:1107(C) and (D) and to enact R.S. 30:1105(D) and 1107(E), relative to carbon sequestration; to provide for the jurisdiction, powers, and duties of the commissioner of conservation; to provide for public hearings; to provide for certificates of public convenience and necessity; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 30:1107(C) and (D) are hereby amended and reenacted and R.S. 30:1105(D) and 1107(E) are hereby enacted to read as follows:

~~§1105. Hearings; notice; rules of procedures; emergency; service of process; public records; request for hearings; orders and compliance orders~~

~~* * *~~

~~**D. The secretary shall give substantial consideration to local government comments when determining the appropriate course of action to take in any matter requiring a public comment period or public hearing pursuant to this Chapter or rules adopted pursuant to this Chapter.**~~

~~* * *~~

§1107. Certificates of public convenience and necessity; certificate of completion

[CONFLICTS w/ ACT 414. NOTE THIS ACT + PRINT THAT ACT PER ATTACHED CERT.]

ACT 407

SB NO. 36

ENROLLED

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of injection operations

* * *

C. Notwithstanding the provisions of Subsection B of this Section, if any transporter of carbon dioxide has previously been issued a certificate of public convenience and necessity prior to the effective date of this Subsection, that certificate shall continue to remain valid and in force.

June 20, 2025

D. 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.E. 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:

- (1) Cause any storage operator or transporter of carbon dioxide for storage to become or be classified as a common carrier or a public utility for any purpose whatsoever.
- (2) Subject any storage operator or transporter of carbon dioxide for storage to any duties, obligations, or liabilities as a common carrier or public utility under the constitution and laws of this state.
- (3) Increase the liability of any storage operator or transporter of carbon dioxide for storage for any taxes otherwise due to the state of Louisiana in the absence of any additions or amendments to any tax laws of this state.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature

[MERGE w/ ACT 458 PG. 163]

SB NO. 36

ENROLLED

1 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
2 vetoed by the governor and subsequently approved by the legislature, this Act shall become
3 effective on the day following such approval.



PRESIDENT OF THE SENATE



SPEAKER OF THE HOUSE OF REPRESENTATIVES



GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: 
July 20, 2015

ACT 179

ENROLLED

2025 Regular Session

HOUSE BILL NO. 304

BY REPRESENTATIVES ROBBY CARTER AND OWEN

L.A. State Law Institute
PRINTER'S COPY

Edits To: RS 30 Pgs. 1
Note: - MERGE w/ ACT 414

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AN ACT

To amend and reenact R.S. 30:1108(C), relative to expropriation under the Louisiana Geologic Sequestration of Carbon Dioxide Act; to provide for venue for expropriations; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 30:1108(C) is hereby amended and reenacted to read as follows:

§1108. Eminent domain; expropriation

(1) In addition to the requirements of Paragraph (2) of this ^{*} subsection and any other ^{*} power of eminent domain authorized by law,
C. The eminent domain authority authorized under this Chapter shall be

exercised pursuant to the procedures found in R.S. 19:2, ~~and shall be in addition to any other power of eminent domain authorized by law.~~ Notwithstanding any law to the contrary, expropriation hearings conducted pursuant to this Chapter shall be heard in the parish in which the property subject to the expropriation is situated.

(MERGE w/ ACT 414)

* * *
[INSERT PARAGRAPH (2) FROM ACT 414]

[Signature]
SPEAKER OF THE HOUSE OF REPRESENTATIVES

[Signature]
PRESIDENT OF THE SENATE

[Signature]
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: Angela Friel June 8, 2025

ACT 508

ENROLLED

2025 Regular Session

HOUSE BILL NO. 548

BY REPRESENTATIVE LACOMBE

L. State Law Institute
PRINTER'S COPY

Edits To: RS 30 Pgs. 35
Note: - NOTE § 3

L. State Law Institute
PRINTER'S COPY

Edits To: RS 56 Pgs. 5
Note: - NOTE § 3

1 AN ACT

2 To amend and reenact R.S. 30:149(B)(introductory paragraph) and (C) and
3 209.2(B)(introductory paragraph) and (C) and R.S. 56:765 and to enact R.S. 30:149.1
4 and 209.3, relative to revenue from carbon dioxide sequestration on state property;
5 to provide for the distribution of revenue from carbon dioxide sequestration on
6 property owned by the state and state agencies; to provide for the distribution of
7 revenue received by the Department of Wildlife and Fisheries and the Louisiana
8 Wildlife and Fisheries Commission from carbon dioxide sequestration; to provide
9 for prior acts of donation accepted by the Department of Wildlife and Fisheries and
10 the Louisiana Wildlife and Fisheries Commission; to dedicate revenue to the
11 Conservation Fund; to dedicate revenue to local governing authorities; and to
12 provide for related matters.

13 Be it enacted by the Legislature of Louisiana:

14 Section 1. R.S. 30:149(B)(introductory paragraph) and (C) and
15 209.2(B)(introductory paragraph) and (C) are hereby amended and reenacted and R.S.
16 30:149.1 and 209.3 are hereby enacted to read as follows:

17 §149. Storage of carbon dioxide; distribution of funds; sovereign state lands

18 * * *

19 B. Any revenues collected by the office of mineral resources pursuant to any
20 contractual agreement for the storage of carbon dioxide beneath ~~state-owned land or~~
21 ~~water bottoms~~ public lands as defined in R.S. 41:1701 and dried lake beds that were
22 formerly navigable and remain owned by the state shall be immediately forwarded

1 to the state treasurer for deposit into the state treasury. After complying with the
 2 provisions of Article VII, Section 9(B) of the Constitution of Louisiana relative to
 3 the Bond Security and Redemption Fund, the state treasurer shall remit the funds as
 4 follows:

5 * * *

6 ~~C. Nothing in this Section shall impact existing constitutional or statutory~~
 7 ~~dedications from funds collected by the office of mineral resources on behalf of a~~
 8 ~~state department or an agency as defined in R.S. 30:151. This Section shall not be~~
 9 ~~construed to apply to property owned by state agencies or local governmental~~
 10 ~~entities.~~

11 §149.1. Storage of carbon dioxide; distribution of funds; state agency property

12 A. Upon commencement of Class VI injection operations for the geologic
 13 storage of carbon dioxide beneath any land or water bottoms owned by a state
 14 agency, whether owned in a public or private capacity, any injection-based revenue
 15 collected by the state agency, or by the office of mineral resources on behalf of that
 16 agency, shall be immediately forwarded to the state treasurer for deposit into the
 17 state treasury. After complying with the provisions of Article VII, Section 9(B) of
 18 the Constitution of Louisiana relative to the Bond Security and Redemption Fund,
 19 the state treasurer shall remit the funds as provided in this Section.

20 B. Pursuant to the authority granted to the legislature by Article VII, Section
 21 10-A(A)(1) of the Constitution of Louisiana, for injection-based revenue collected
 22 on behalf of the Department of Wildlife and Fisheries or the Wildlife and Fisheries
 23 Commission, the revenue shall be distributed as follows:

24 (1) Thirty percent of the revenue shall be remitted to the governing authority
 25 of the parish or parishes within the area of review of the storage facility. If more
 26 than one parish is included in the area of review, each parish shall be entitled to a
 27 proportionate share of the revenue based on the relative proportion of surface area
 28 directly above the area of review located in each parish.

29 (2) The remainder shall be deposited into the Louisiana Wildlife and
 30 Fisheries Conservation Fund.

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C. For injection-based revenue collected on behalf of any other state agency, the revenue shall be distributed as follows:

(1) Thirty percent of the revenue shall be remitted to the governing authority of the parish or parishes within the area of review of the storage facility. If more than one parish is included in the area of review, each parish shall be entitled to a proportionate share of the revenue based on the relative proportion of surface area directly above the area of review located in each parish.

(2) The remainder shall be deposited into the state general fund.

D. For the purposes of this Section, the term "injection-based revenue" includes [✓]but is not limited to [✓]injection fees, contractual minimum guaranteed annual payments, and any other revenue derived from injection operations. Revenue collected from bonuses, rentals, pipeline rights-of-way, or other payments for surface use or surface facilities are not included in the distribution required by this Section.

E. The state agency, or the office of mineral resources on behalf of that agency, shall submit a monthly report to the Department of the Treasury and the relevant parish governing authority itemizing the prior month's collections from injection operations for each storage facility.

F. Upon request of a parish entitled to revenue pursuant to this Section, the [✓]Department of Energy and Natural Resources [✓]is authorized to disclose to the parish governing authority any storage facility data that is relevant to the calculation of payments due.

G. This Section [✓]only applies to property owned by state agencies and shall not be construed to apply to local governmental entities.

* * *

§209.2. Storage of carbon dioxide; distribution of funds; sovereign state lands

* * *

B. Any revenues collected by the office of mineral resources pursuant to any contractual agreement for the storage of carbon dioxide beneath ~~state-owned land or~~ [✓]water bottoms public lands as defined in R.S. 41:1701 and dried lake beds that were formerly navigable and remain owned by the state shall be immediately forwarded

CODING: Words in ~~struck-through~~ type are deletions from existing law; words underscored are additions.

1 to the state treasurer for deposit into the state treasury. After complying with the
2 provisions of Article VII, Section 9(B) of the Constitution of Louisiana relative to
3 the Bond Security and Redemption Fund, the state treasurer shall remit the funds as
4 follows:

5 * * *

6 ~~C. Nothing in this Section shall impact existing constitutional or statutory~~
7 ~~dedications from funds collected by the office of mineral resources on behalf of a~~
8 ~~state department or an agency as defined in R.S. 30:151. This Section shall not be~~
9 ~~construed to apply to property owned by state agencies or local governmental~~
10 ~~entities.~~

11 §209.3. Storage of carbon dioxide; distribution of funds; state agency property

12 A. Upon commencement of Class VI injection operations for the geologic
13 storage of carbon dioxide beneath any land or water bottoms owned by a state
14 agency, whether owned in a public or private capacity, any injection-based revenue
15 collected by the state agency, or by the office of mineral resources on behalf of that
16 agency, shall be immediately forwarded to the state treasurer for deposit into the
17 state treasury. After complying with the provisions of Article VII, Section 9(B) of
18 the Constitution of Louisiana relative to the Bond Security and Redemption Fund,
19 the state treasurer shall remit the funds as provided in this Section.

20 B. Pursuant to the authority granted to the legislature by Article VII, Section
21 10-A(A)(1) of the Constitution of Louisiana, for injection-based revenue collected
22 on behalf of the Department of Wildlife and Fisheries or the Wildlife and Fisheries
23 Commission, the revenue shall be distributed as follows:

24 (1) Thirty percent of the revenue shall be remitted to the governing authority
25 of the parish or parishes within the area of review of the storage facility. If more
26 than one parish is included in the area of review, each parish shall be entitled to a
27 proportionate share of the revenue based on the relative proportion of surface area
28 directly above the area of review located in each parish.

29 (2) The remainder shall be deposited into the Louisiana Wildlife and
30 Fisheries Conservation Fund.

1 C. For injection-based revenue collected on behalf of any other state agency,
2 the revenue shall be distributed as follows:

3 (1) Thirty percent of the revenue shall be remitted to the governing authority
4 of the parish or parishes within the area of review of the storage facility. If more
5 than one parish is included in the area of review, each parish shall be entitled to a
6 proportionate share of the revenue based on the relative proportion of surface area
7 directly above the area of review located in each parish.

8 (2) The remainder shall be deposited into the state general fund.

9 D. For the purposes of this Section, the term "injection-based revenue"
10 includes but is not limited to injection fees, contractual minimum guaranteed annual
11 payments, and any other revenue derived from injection operations. Revenue
12 collected from bonuses, rentals, pipeline rights-of-way, or other payments for surface
13 use or surface facilities are not included in the distribution required by this Section.

14 E. The state agency, or the office of mineral resources on behalf of that
15 agency, shall submit a monthly report to the Department of the Treasury and the
16 relevant parish governing authority itemizing the prior month's collections from
17 injection operations for each storage facility.

18 F. Upon request of a parish entitled to revenue pursuant to this Section, the
19 Department of ^{Conservation and} Energy and Natural Resources is authorized to disclose to the parish
20 governing authority any storage facility data that is relevant to the calculation of
21 payments due.

22 G. This Section only applies to property owned by state agencies and shall
23 not be construed to apply to local governmental entities.

24 ~~Section 2, R.S. 56:765 is hereby amended and reenacted to read as follows:~~

25 §765. Donations for wildlife refuges, wildlife management areas, and public hunting
26 grounds; applicability of certain laws

27 The provisions of R.S. 30:148.1 [✓]through [✓]148.7, [✓]149.1 and [✓]209.3 and R.S.
28 47:648.1 shall not authorize the breach of any term or condition of any donation
29 which ~~has been was~~ accepted by the state prior to August 1, 2025, involving any
30 state wildlife refuge, wildlife management area, or public hunting ground.

HB NO. 548

ENROLLED


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Section 3. Without in any way affecting the amount local governing authorities are
entitled to receive pursuant to this Act, ^{✓ [ACTS 2025, No. 508]} in the event that a tax is enacted on carbon dioxide
injection for geologic storage and any portion thereof is dedicated to parishes, it is the intent
of the Legislature of Louisiana that the obligation of a state agency to remit payment to local
governing authorities pursuant to this Act be reduced by any amount of tax revenue received
by that local governing authority.

NOTE ALL PROVISIONS
IN THIS ACT



SPEAKER OF THE HOUSE OF REPRESENTATIVES



PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

ACT 397

ENROLLED

2025 Regular Session

HOUSE BILL NO. 691 (Substitute for House Bill No. 568 by Representative Carrier)

BY REPRESENTATIVE CARRIER

L.a. State Law Institute

PRINTER'S COPY

Edits To: RS 30 Pgs. 1

Note:

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AN ACT

To amend and reenact R.S. 30:1106(D)(1) and 1107.1(C) and to enact R.S. 30:1107.1(B)(4) and (5) and (D) through (F), relative to carbon dioxide sequestration; to increase civil penalties; to add reporting requirements; to require notice to the public and emergency responders; to provide an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 30:1106(D)(1) and 1107.1(C) are hereby amended and reenacted and R.S. 30:1107.1(B)(4) and (5) and (D) through (F) are hereby enacted to read as follows:

§1106. Underground injection control

* * *

D.(1) Except as otherwise provided by law, any person to whom a compliance order is issued and who fails to take corrective action within the time specified in the order or any person found by the commissioner to be in violation of any requirement of this Section Chapter may be liable for a civil penalty to be assessed by the commissioner or court, of not more than five two hundred thousand dollars ^{per} day for each day of violation and for each act of violation. The commissioner in order to enforce the provisions of this Section may suspend or revoke any permit, compliance order, license, or variance that has been issued to said person in accordance with law.

* * *

§1107.1. Reporting; recordkeeping

* * *

1 B. At a minimum, the owner or operator of a permitted Class VI well shall
 2 provide a report within twenty-four hours of the occurrence of any of the following:

3 * * *

4 (4) Any equipment malfunction that could lead to the release of stored
 5 carbon dioxide.

6 (5) Any release of stored carbon dioxide.

7 C. Reports required by Subsection B of this Section shall, at a minimum,
 8 include:

9 (1) The precise location of the incident.

10 (2) A description of the incident, including its cause, when possible.

11 (3) Potential risks to public health, water sources, and land stability.

12 (4) Immediate mitigation steps taken in response.

13 (5) A timeline for corrective action.

14 D. Owners or operators of Class VI wells shall retain records as required by
 15 applicable administrative rules.

16 E. (1) Any report required by Subsection B of this Section shall be disclosed
 17 by the operator to the following persons and entities:

18 (a) All emergency response teams, local law enforcement, and local
 19 governing officials within the affected area.

20 (b) The general public through an official press release.

21 (2) The department shall publish all reports required by Subsection B of this
 22 Section on its website.

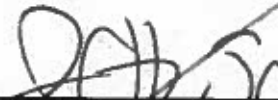
23 F. Civil penalties. Failure to comply with the requirements of this Section
 24 or with any reporting or recordkeeping required by the department pursuant to
 25 administrative rules shall subject the storage operator to the remedies authorized by
 26 R.S. 30:1106.

27 Section 2. This Act shall become effective upon signature by the governor or, if not
 28 signed by the governor, upon expiration of the time for bills to become law without signature
 29 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

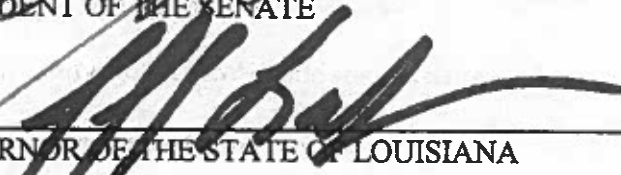
1 vetoed by the governor and subsequently approved by the legislature, this Act shall become
2 effective on the day following such approval.



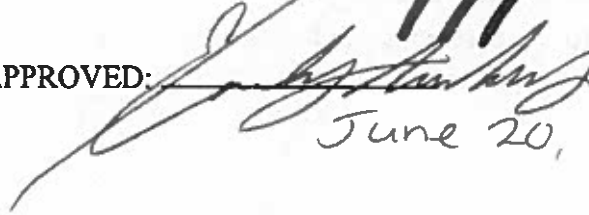
SPEAKER OF THE HOUSE OF REPRESENTATIVES



PRESIDENT OF THE SENATE



GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: 
June 20, 2025

ACT 279

ENROLLED

2025 Regular Session

HOUSE BILL NO. 459

BY REPRESENTATIVE COATES

L.A. State Law Institute
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Edits To: RS 30 Pgs. 1-3

Note: - NOTE § 2

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AN ACT

To enact Chapter 12 of Title 30 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 30:1131 and 1141 through 1145, relative to renewable energy development; to require certain permits for renewable energy producers; to provide for the promulgation and adoption of rules and regulations; to exclude residential properties; to define the term "onshore"; to provide for solar power generation facilities; to provide for jurisdiction and authority; to provide for permitting; to provide for facility siting; to provide for prohibitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 12 of Title 30 of the Louisiana Revised Statutes of 1950, comprised of R.S. 30:1131 and 1141 through 1145, is hereby enacted to read as follows:

CHAPTER 12. RENEWABLE ENERGY

PART I. BATTERIES

§1131. Permits for renewable energy batteries

A. No battery used for renewable energy storage facilities shall be installed without the operator first obtaining a permit for installation from the Department of Conservation and Energy and Natural Resources.

B. No permit shall be issued without proof of financial security and a decommissioning plan.

C. The secretary shall promulgate and adopt such rules and regulations as are necessary to implement this Section by August 31, 2026.

1 D. Nothing in this Section shall be construed to apply to renewable energy
2 storage for residential property use.

3 PART II. WIND ENERGY

4 §1141. Permits for wind energy

5 A. No onshore wind project shall be constructed or completed without a
6 permit issued by the Department of ^{Conservation and} Energy and Natural Resources.

7 B. No permit shall be issued without proof of financial security and a
8 decommissioning plan.

9 C. The secretary shall promulgate and adopt such rules and regulations as are
10 necessary to implement this Section by August 31, 2026.

11 D. Nothing in this Section shall be construed to apply to wind projects for
12 residential property use.

13 E. As used in this Part, "onshore" shall mean land-based wind turbines and
14 those that are located on inland water bodies.

15 PART III. SOLAR POWER GENERATION FACILITIES

16 §1142. Jurisdiction: authority of the department/ local governing authorities

17 A. The secretary of the Department of ^{Conservation and} Energy and Natural Resources shall
18 have jurisdiction over all persons and property and shall have the authority to
19 perform all acts necessary to enforce the provisions of this Part and any rules adopted
20 pursuant to this Part.

21 B. Any parish that has adopted solar ordinances may by resolution opt out
22 of the siting requirements of this Part. Upon submission of such resolution so passed
23 to the department, the siting standards of this Part shall not apply to that parish.

24 §1143. Permitting

25 A. No person shall construct, install, or operate a solar power generation
26 facility with a footprint of seventy-five or more acres without holding a permit issued
27 by the department pursuant to this Part.

28 B. The Department of Agriculture and Forestry and the Department of
29 Wildlife and Fisheries may submit comments regarding construction, installation,
30 and operation of any power generation facility to the department.

1 §1144. Facility siting

2 A. Any solar power generation facility with a footprint of seventy-five acres
 3 or more which is not located wholly within an industrial-zoned area or a Louisiana
 4 Economic Development certified site shall comply with the standards set forth in this
 5 Section.

6 (1) B. There shall be a buffer around the perimeter of each solar power
 7 generation facility that includes setbacks and a vegetative barrier to screen the
 8 facility from view. The vegetative barrier shall be comprised of native vegetation,
 9 shall ensure an opaque visual barrier year round, and shall be designed to conceal the
 10 development from view from adjoining properties. Stamped landscape plans by a
 11 licensed landscape architect or landscape horticulturalist shall be required for
 12 permitting. Existing vegetation on-site may be retained undisturbed in satisfaction
 13 of the vegetative barrier requirement if it otherwise meets the requirements of this
 14 Section.

15 (2) For residential property, unless provided otherwise by written agreement
 16 between the property owner and the facility operator, there shall be a three hundred
 17 foot setback from the residential property line to the nearest solar device, with one
 18 of the following:

19 (a) A thirty-five foot deep vegetative barrier composed of new plant
 20 material.

21 (b) A fifty foot deep vegetative barrier composed of natural plant material.

22 (3) For natural and navigable water bodies, there shall be a one hundred foot
 23 setback from the ordinary low water mark to the nearest solar device.

24 (4) For public roads, there shall be a fifty foot setback from the edge of the
 25 paved road surface to the nearest solar device, with a thirty-five foot vegetative
 26 barrier.

27 C. Noise levels at the property line of the facility shall not exceed ten A-
 28 weighted decibels (dbA) above the ambient noise level present at the property line
 29 prior to operation of the facility.

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D. The provisions of this Section shall apply to any solar power generation facility for which construction begins after January 1, 2026.

§1145. Prohibitions

Any chemical that is not approved for agricultural application shall not be sprayed for maintenance of a solar power generation facility site.

Section 2. The provisions of this Act shall not apply to one wind turbine on property leased on or before June 30, 2024, for the purpose of installation and operation of a single wind turbine and the corresponding instrumentation system required to monitor energy operations and maintenance.

[ACTS 2025, No. 279]

NOTE: ALL PROVISIONS IN THIS ACT

Phil R. Clark
SPEAKER OF THE HOUSE OF REPRESENTATIVES

J. C. Hooper
PRESIDENT OF THE SENATE

[Signature]
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: *Angelique Noel* June 11, 2025

2025 Regular Session

HOUSE BILL NO. 692 (Substitute for House Bill No. 583 by Representative Jacob Landry)

BY REPRESENTATIVE JACOB LANDRY

L.a. State Law Institute
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Edits To: RS 30 Pgs. 2
Note:

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AN ACT

To enact Chapter 17 of Subtitle I of Title 30 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 30:1501 and 1502, relative to clean energy solutions; to provide definitions; to provide for affordable, reliable, and clean energy security; to provide for energy security and affordability; to provide the criteria for reliable energy sources and for green energy and clean energy; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 17 of Subtitle I of Title 30 of the Louisiana Revised Statutes of 1950, comprised of R.S. 30:1501 and 1502, is hereby enacted to read as follows:

CHAPTER 17. ENERGY GRID

§1501. Definitions

As used in this Chapter, the following terms shall have the meanings ascribed to them in this Section, unless context clearly indicates a different meaning:

(1) "Affordable" shall mean the lowest reasonable cost method of providing electricity is used, factoring in the true and total cost of each generation source.

(2) "Dispatchable" shall mean a source of electricity that is readily available for use on demand and whose output can be deployed upon request of a power grid operator or one whose power output can be adjusted according to market needs, except during routine maintenance or repairs.

(3) "Foreign adversary nation" shall mean any country specified in 10 U.S.C. 4872(f)(2).

(4) "Reliable" shall mean a source of electricity that contributes to the stability, adequacy, and operability of the power generation asset, accounting for the resource's design role, responsiveness to dispatch, contribution to voltage or

1 frequency regulation, and ability to perform during grid stress events. Reliability
 2 shall not be defined solely by availability or forced outage metrics, but rather by a
 3 resource's capacity to fulfill its intended operational function within the portfolio,
 4 including both baseload and flexible, fast-ramping assets.

5 §1502. Affordable, reliable, and clean energy security

6 A. The Department of Energy and ^{Conservation and} ~~Natural Resources~~ shall work with the
 7 Public Service Commission and the ^{Louisiana} ~~Department of Economic Development~~ to
 8 prioritize affordable, reliable, and clean energy security within the state of Louisiana
 9 by:

10 (1) Ensuring that, except as to nuclear resources and generation, the state
 11 prioritizes fuel sources primarily produced domestically within the United States.

12 (2) Minimizing reliance on foreign nations for critical materials or
 13 manufacturing by prioritizing infrastructure necessary to deliver energy to Louisiana
 14 customers.

15 (3) Ensuring Louisiana has a sufficient supply of renewable energy
 16 production sources, as provided in 42 U.S.C. 15852(b), to satisfy the demand for the
 17 state's business and industry.

18 B. Energy sources shall:

19 (1) Be affordable.

20 (2) Be reliable.

21 (3) Deliver cost savings to residential and commercial customers relative to
 22 energy sources as listed in 42 U.S.C. 15852(b) based on the average cost per unit of
 23 energy output calculated to exclude any direct or indirect payment by any level of
 24 government for the past five years. This Section does not apply to advanced nuclear
 25 resources or advanced nuclear generation.

26 (4) Be dispatchable.

27 (5) Use energy generated by hydrocarbons as a resource.

28 C.(1) Reliable energy sources shall meet all of the following criteria:

1 (a) Be dispatchable to meet the demands of residential and commercial
2 customers at all times of day and during all seasons of the year with minimal
3 interruptions during high usage periods.

4 (b) Include energy generated by hydrocarbons.

5 (2) Energy resources used for power generation shall:

6 (a) Enable a stable energy grid that:

7 (i) Has a continuously dispatchable electricity output.

8 (ii) Has the capability to increase or decrease electricity generation within
9 a reasonable period of time to stabilize the electrical grid.

10 (b) Complement the balance of energy resources on the electrical grid in
11 such a way as to optimize the balance of energy resources with respect to the needs
12 of the grid.

13 D.(1) Green energy is any energy generated by utilizing those energy sources
14 listed in 42 U.S.C. 15852(b) or hydrocarbons which, when combusted for the
15 purpose of electricity generation meet the National Ambient Air Quality Standards
16 set by the United States Environmental Protection Agency under the authority of the
17 Clean Air Act, and shall include:

18 (a) Energy generated by nuclear reactors.

19 (b) Energy generated using natural gas.

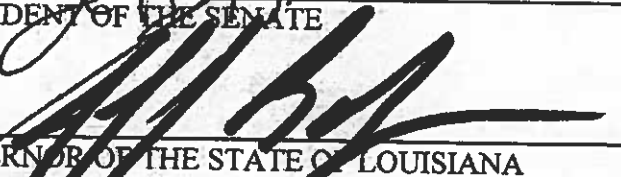
20 (2) Green energy as defined in this Subsection shall be applicable to all state
21 programs that fund "green energy" or "clean energy" initiatives.




SPEAKER OF THE HOUSE OF REPRESENTATIVES



PRESIDENT OF THE SENATE



GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: 
JUNE 24, 2025

ACT III

2025 Regular Session

L.a. State Law Institute

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ENROLLED

SENATE BILL NO. 127

Edms To: RS 30 Pgs. 2

Note:

BY SENATOR BASS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT

To amend and reenact R.S. 30:2014.5, relative to permitting of advanced nuclear power generation; to provide for development of a permitting program; to provide for expedited processing of environmental permits; to provide for compliance; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 30:2014.5 is hereby amended and reenacted to read as follows:

§2014.5. Expedited permitting program

A. The secretary is authorized to develop and implement a program to expedite the processing of permits, modifications, licenses, registrations, or variances for environmental permit applicants who may request such services and the secretary shall adopt rules in accordance with the Administrative Procedure Act which shall include a notice that indicates such permit is an expedited permit.

B.(1) The secretary is authorized to develop and implement a federal permitting parity program for nuclear power generation to expedite the processing of permits, modifications, registrations, or variances for environmental permit applications submitted by an electric public utility as defined in R.S. 45:121. In addition to an application for an expedited permit, the electric public utility shall submit to the secretary the following:

(a) That the purpose of the application is the development and construction of a small modular reactor.

(b) That the application is submitted by an electric public utility that states the application is consistent in all material respects with the elements identified in a letter of collaboration that has been entered into between the electric public utility and the president of the United States, the United States

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Department of Defense, the United States Department of Energy, the United States Department of Agriculture, the United States Department of State, the United States Department of the Interior, the United States Environmental Protection Agency, or the United States Nuclear Regulatory Commission ^{9/1} ₁₀ the letter of collaboration shall be on file with the department.

(2) The secretary shall adopt rules in accordance with the Administrative Procedure Act which shall include a notice that indicates such permit is issued pursuant to the federal permitting parity program for nuclear power generation.

(3) For purposes of this Section, "electric public utility" shall include the definition provided in R.S. 45:121, in addition to any provider, operator, owner, generator, developer, designer, or customer of a small modular reactor.



PRESIDENT OF THE SENATE



SPEAKER OF THE HOUSE OF REPRESENTATIVES



GOVERNOR OF THE STATE OF LOUISIANA

APPROVED:  June 8, 2025

ACT 492

ENROLLED

2025 Regular Session

HOUSE BILL NO. 286

BY REPRESENTATIVE HENRY

La. State Law Institute
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NO EDITS
Classification RS 30

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AN ACT

To amend and reenact R.S. ~~30:2025(D)(1)~~, relative to the assessment of civil penalties for the expedited enforcement program; to increase the amount of assessed fines to which the expedited enforcement provisions apply; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 30:2025(D)(1) is hereby amended and reenacted to read as follows:

§2025. Enforcement

* * *

D. Expedited enforcement program.

(1) The secretary may adopt rules and regulations establishing a program for expedited enforcement for minor or moderate violations of this Subtitle and regulations adopted pursuant to this Subtitle. Such rules and regulations may provide for citations that may include the assessment of civil penalties and orders requiring compliance within a specified time period. The secretary may delegate the authority to operate such program to the appropriate personnel. Enforcement actions under this program shall not be subject to the requirement for legal review under R.S.

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30:2050.1(C). The provisions of this Subsection shall apply only to minor or moderate violations that result in an assessment not to exceed ~~three~~ five thousand dollars per violation or an aggregate total of ~~five~~ ten thousand dollars per violator.

* * *



SPEAKER OF THE HOUSE OF REPRESENTATIVES



PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

ACT 95

La. State Law Institute
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2025 Regular Session

Edits To: RS 30 Pgs. 1-2
Note:

ENROLLED

SENATE BILL NO. 46

BY SENATORS FESI, CLOUD AND HODGES AND REPRESENTATIVES AMEDEE, BAYHAM, BRYANT, COATES, CREWS, DICKERSON, EDMONSTON, EGAN, HORTON, MCCORMICK, OWEN AND SCHAMERHORN

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

La. State Law Institute
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NO EDITS

Classification RS 37

AN ACT

To enact R.S. 30:2057(A)(3) and to repeal Chapter 25 of Title 37 of the Louisiana Revised Statutes of 1950, comprised of R.S. 37:2201 through 2208, relative to the intentional release of substances into the atmosphere to affect weather or temperature; to provide for prohibitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 30:2057(A)(3) is hereby enacted to read as follows:

§2057. Prohibitions; exceptions

A. No person shall:

* * *

(a) (3) Intentionally inject, release, apply, or disperse, by any means, a chemical, chemical compound, substance, or apparatus into the atmosphere within the borders of this state for the express purpose of affecting the temperature, weather, climate, or intensity of sunlight. The provisions of this Paragraph shall not apply to the injection, release, or dispersal under one thousand feet above ground level of fire retardant or fire suppressant substances for purposes of extinguishing or suppressing fire, or to the aerial application under one thousand feet above ground level of seeds, fertilizers, or pesticides for agriculture or forestry purposes.

(b) ~~(a)~~ Any person who observes an activity which may be conducted in violation of this Subsection may report the observed activity to the department.

(c) ~~(b)~~ The department shall establish procedures for the intake of reports made pursuant to this Subsection, which shall allow for electronic submittal. The department may adopt any rules as necessary to implement this Subsection.

(d)

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(e) The department shall receive the reports for the purpose of data collection and shall make the reports publicly available through the department's website or the Electronic Document Management System.

* * *

Section 2. Chapter 25 of Title 37 of the Louisiana Revised Statutes of 1950, comprised of R.S. 37:2201 through 2208, is hereby repealed.

[Signature]

PRESIDENT OF THE SENATE

[Signature]

SPEAKER OF THE HOUSE OF REPRESENTATIVES

[Signature]

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: *Angelique F...* June 8, 2025

ACT 105

L.A. State Law Institute
PRINTER'S COPY

2025 Regular Session

Edits To: RS 30 Pgs. 1-2 **ENROLLED**

SENATE BILL NO. 94

Note: NOTE § 3

DO NOT COPY ATTACHMENT

BY SENATOR FESI

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

L.A. State Law Institute
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NO EDITS

Classification RS 49

NOTE § 3

COPY ATTACHMENT

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AN ACT

To amend and reenact R.S. 30:2073(7) and R.S. 49:1(A) and 214.23(6), and to enact R.S. 49.1(D), relative to waters of the state; to provide for the Gulf of America; to provide for the Louisiana Pollutant Discharge Elimination System; to provide for definitions; to provide for coastal use permits; to provide for exceptions; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 30:2073(7) is hereby amended and reenacted to read as follows:

§2073. Definitions

ALPHABETIZE

(1)-(2) → (2)-(3) As used in this Chapter, the following terms shall have the meaning ascribed

to them in this Section, unless the context clearly indicates otherwise:

(3)-(7) → (5)-(9)

(8) → (1)

(9) → (4)

(9)

* * *

(7) "Waters of the state" means both the surface and underground waters

within the state of Louisiana including all rivers, streams, lakes, groundwaters, and all other water courses and waters within the confines of the state, and all bordering waters and the Gulf of ~~Mexico~~ America. However, for purposes of the Louisiana Pollutant Discharge Elimination System, "waters of the state" means all surface waters within the state of Louisiana and, on the coastline of Louisiana and the Gulf of ~~Mexico~~ America, all surface waters extending therefrom three miles into the Gulf of ~~Mexico~~ America. For purposes of the Louisiana Pollutant Discharge Elimination System, this includes all surface waters which are subject to the ebb and flow of the tide, lakes, rivers, streams (including intermittent streams) mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, natural ponds, impoundments of waters within the state of Louisiana otherwise defined as "waters of the United States" in 40 CFR ~~122.2~~ 120.2 and tributaries of all such waters.

1 "Waters of the state" does not include waste treatment systems, including treatment
 2 ponds or lagoons designed to meet the requirements of the Clean Water Act, 33
 3 U.S.C. 1251 et seq. "Waters of the state" does not include "fastlands" as defined
 4 by R.S. 49:214.23(6), including "wetlands" that are also defined as "fastlands"
 5 and do not bear a continuous surface connection to other waters of the United
 6 States. This definition shall not be construed to have any effect on the ownership
 7 of lands or water bottoms, whether public or private, in this state nor on any
 8 perceived access to private lands or water bottoms due to a continuous surface
 9 connection.

* * *

11 Section 2. R.S. 49:1(A) and 214.23(6) are hereby amended and reenacted and R.S.
 12 49:1(D) is hereby enacted to read as follows:

13 §1. Gulfward boundary

14 A. The historic gulfward boundary of the state of Louisiana extends a
 15 distance into the Gulf of Mexico ~~America~~ three marine leagues from the coastline.
 16 For the purposes of this Part, "three marine leagues" is equal to nine geographic
 17 miles or 10.357 statute miles.

* * *

19 D. Any reference in the codified or uncoded laws of this state to the
 20 "Gulf of Mexico" shall be deemed to refer to the "Gulf of America", as
 21 designated by the United States Board on Geographic Names. This Subsection
 22 shall apply to all existing statutes, regulations, administrative rules, contracts,
 23 and other legal instruments, and shall be given full force and effect in all official
 24 state documents and proceedings.

* * *

26 §214.23. Definitions

* * *

28 (6) "Fastlands" are lands, including areas that would otherwise be
 29 considered wetlands as defined in 33 CFR 328.3 and 40 CFR 120.2, that are
 30 surrounded by publicly owned, maintained, or otherwise validly existing levees,

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berms, flood protection structures, or natural formations, whether privately or publicly owned or maintained, as of the effective date of this Subpart or as may be lawfully constructed in the future, which levees, berms, flood protection structures, or natural formations would normally prevent activities, not to include the pumping of water for drainage purposes, within the surrounded area from having a continuous surface connection to waters of the United States or direct and significant impacts on coastal waters.

* * *

Section 3. The Louisiana Law Institute is hereby directed to change all references to the "Gulf of Mexico" to the "Gulf of America" throughout the Louisiana Revised Statutes of 1950 and all codified law of this state.

Section 4. This Act shall become effective upon signature by 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 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.



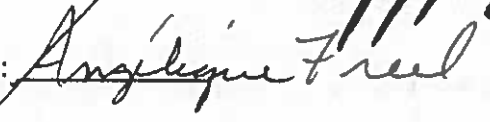
PRESIDENT OF THE SENATE



SPEAKER OF THE HOUSE OF REPRESENTATIVES



GOVERNOR OF THE STATE OF LOUISIANA

APPROVED:  June 8, 2025

NOTE: ALL AFFECTED PROVS. & SEE ATTACHED DOCUMENT