

Regular Session, 2009

SENATE BILL NO. 41

BY SENATORS DUPRE, N. GAUTREAUX AND MORRISH

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

FUNDS/FUNDING. Changes the name of the Mineral Resources Operation Fund to the Mineral and Energy Operation Fund and requires the fund to be used by the Department of Natural Resources for the regulation of minerals, ground water and related energy activities. (7/1/09)

1 AN ACT

2 To amend and reenact R.S. 30:128(B)(2), 136(B)(1), 136.3(A) and (D), 209(2) and (4)(b),
3 212(D)(2) and (3), relative to the Mineral Resources Operation Fund; to change the
4 name of the Mineral Resources Operation Fund to the Mineral and Energy Operation
5 Fund; to provide for the dedication of monies in the fund; and to provide for related
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 30:128(B)(2), 136(B)(1), 136.3(A) and (D), 209(2) and (4)(b),
9 212(D)(2) and (3) are hereby amended and reenacted to read as follows:

10 §128. Transfers; approval by board; fees; penalties

11 * * *

12 B.(1) * * *

13 (2) The penalties shall be paid into the ~~Mineral Resources~~ **Mineral and**
14 **Energy** Operation Fund on behalf of the board. The board may waive all or any part
15 of the penalties provided in this Section.

16 * * *

17 §136. Funds, disposition and appropriation of; penalties

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B.(1) Any form required by the Department of Natural Resources or the office of mineral resources to be filed in conjunction with the payment of any sum, other than bonuses, rentals, or shut-in payments, which has been incorrectly completed in any part, and which error results in the inability of any agency or subdivision thereof to carry out any of its statutory or regulatory duties in a timely manner, unless corrected in full prior to the payment due date, shall render the royalty pay or subject to a penalty of five percent of the total sum due or paid, not to exceed five hundred dollars, as liquidated damages. The whole or any part of the damages provided for in this Paragraph may be waived by the State Mineral Board and said damages shall, as with any and all liquidated damages assessed and collected by the State Mineral Board in accordance with any statutory or contractual provision, be deemed self-generated funds to be deposited into the ~~Mineral Resources~~ **Mineral and Energy** Operation Fund.

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§136.3. ~~Mineral Resources~~ **Mineral and Energy** Operation Fund

A. There is hereby established in the state treasury a special fund to be known as the "~~Mineral Resources~~ **Mineral and Energy** Operation Fund", hereinafter referred to as the "fund".

* * *

D. The monies in the fund shall be appropriated by the legislature to the Department of Natural Resources, ~~office of mineral resources~~, to be used solely for the administration and ~~operation of the office of mineral resources~~ **regulation of minerals, ground water and related energy activities.**

* * *

§209. State Mineral Board, authority of

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

* * *

- 1 Fund created by R.S. 30:136.3.
- 2 (3) Of the amount received from exclusive geophysical and geological
- 3 surveys conducted on all other state-owned lands and water bottoms, five dollars per
- 4 acre shall be deposited into the Louisiana Wildlife and Fisheries Conservation Fund
- 5 and the remainder deposited into the ~~Mineral Resources~~ **Mineral and Energy**
- 6 Operation Fund created by R.S. 30:136.3.
- 7 Section 2. This Act shall become effective on July 1, 2009.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by J. W. Wiley.

DIGEST

Present law provides that the monies in the Mineral Resources Operation Fund must be appropriated by the legislature to DNR's office of mineral resources and must be used only for the administration and operation of the office of mineral resources.

Proposed law changes the name of the Mineral Resources Operation Fund to the Mineral and Energy Operation Fund.

Proposed law changes the use of monies in the Mineral Resources Operation Fund. Removes the requirement that the monies in the fund be appropriated to DNR's office of mineral resources and used only for the administration and operation of such office. Further provides that the monies be appropriated to DNR for the administration and regulation of minerals, ground water and related energy activities.

Effective July 1, 2009.

(Amends R.S. 30:128(B)(2), 136(B)(1), 136.3(A) and (D), 209(2) and (4)(b), 212(D)(2) and (3))