

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.

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AN ACT

To amend and reenact R.S. 17:9(B) and 3367(B), R.S. 30:4(D)(1), (2) and (3), 83(G), 121(A), 123.1(A) and (C), 124, 126(A), 127(A), 127.1(B)(1), 128(A) and (B)(2), 131, 136(A)(1)(b) and (B)(1), (2) and (3), 136.1(A) and (B), 136.3(A) and (D), 137, 139, 141, 143(A), (D)(4), (5), (6), and (F), 144(A) (introductory paragraph) and (B), 148.1, 148.2(A)(introductory paragraph) and (B), 150(C)(1), 153, 154(C), 155, 156, 158, 159, 179.11, 179.12, 186, 187, 188(A) and (B), 208, 209 (introductory paragraph), (2) and (4)(b), (d) and (e)(introductory paragraph), 209.1(A) and (B)(1), 212(A), (D)(2) and (3), 213, 214, 215, 216(B) and (C)(4), and 804, R.S. 34:3108(E), 3478(E) and 3498(E), R.S. 36:353, 359(E) and 807, R.S. 39:14(1), R.S. 41:643(A), 1217.1(B), 1732(A) and (B) and 1733, R.S. 42:6.1(A)(6), R.S. 44:18, R.S. 56:30.3(B), 426(C), and 798(A)(1), (2)(b) and (c), relative to the Department of Natural Resources; to change the name of the State Mineral Board to the State Mineral and Energy Board; to change the name of the Mineral Resources Operation Fund to the Mineral and Energy Operation Fund; to provide for the dedication of monies in the fund; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:9(B) and 3367(B) are hereby amended and reenacted to read as follows:

§9. Authority to execute mineral leases; approval by mineral board

* * *

B. Each lease sought to be executed under authority of this Section shall require the prior approval of the ~~State Mineral Board~~ **State Mineral and Energy Board**.

* * *

§3367. Authority to execute mineral leases on college and university lands; term; use of revenues

1 * * *

2 B. Each lease sought to be executed under authority of this Section shall
3 require the prior approval of the ~~State Mineral Board~~ **State Mineral and Energy**
4 **Board**.

5 * * *

6 Section 2. R.S. 30:4(D)(1), (2) and (3), 83(G), 121(A), 123.1(A) and (C), 124,
7 126(A), 127(A), 127.1(B)(1), 128(A) and (B)(2), 131, 136(A)(1)(b) and (B)(1), (2) and (3),
8 136.1(A) and (B), 136.3(A) and (D), 137, 139, 141, 143(A), (D)(4), (5), (6), and (F),
9 144(A)(introductory paragraph) and (B), 148.1, 148.2(A) (introductory paragraph) and (B),
10 150(C)(1), 153, 154(C), 155, 156, 158, 159, 179.11, 179.12, 186, 187, 188(A) and (B), 208,
11 209 (introductory paragraph), (2) and (4)(b), (d) and (e)(introductory paragraph), 209.1(A)
12 and (B)(1), 212(A), (D)(2) and (3), 213, 214, 215, 216(B) and (C)(4), and 804 are hereby
13 amended and reenacted to read as follows:

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

15 * * *

16 D. The assistant secretary shall make, after notice and public hearing as
17 provided in this Chapter, any reasonable rules, regulations, and orders that are
18 necessary:

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

25 * * *

26 (2) To require that all field transmissions, flow, and gathering lines
27 constructed on state water bottoms pursuant to the grant of a right-of-way by the
28 secretary of the Department of Natural Resources or the issuance of a lease by the
29 ~~State Mineral Board~~ **State Mineral and Energy Board** shall meet all requirements
30 of the United States Army Corps of Engineers for burial and shall be located,

1 installed, marked, and maintained in a proper manner, to be approved by the assistant
2 secretary, so as to minimize undue interference with persons making other uses of
3 state waters or water bottoms, including mariners and fishermen.

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

11 * * *

12 §83. Oilfield Site Restoration Commission; Department of Natural Resources

13 * * *

14 G. The records, documents, and meetings of the commission shall be subject
15 to the same requirements and exceptions regarding access by the public as are the
16 records, documents, and meetings of the ~~State Mineral Board~~ **State Mineral and**
17 **Energy Board**.

18 * * *

19 SUBPART A. ~~STATE MINERAL BOARD~~ **STATE**
20 **MINERAL AND ENERGY BOARD**

21 §121. ~~State Mineral Board~~ **State Mineral and Energy Board** created; composition
22 and powers

23 A. The ~~State Mineral Board~~ **State Mineral and Energy Board**, as created
24 by Act. No. 93 of the 1936 Regular Session, is hereby continued. The board shall be
25 composed of the governor and the secretary of the Department of Natural Resources,
26 ex officio, and nine members appointed by the governor. Each appointment by the
27 governor shall be submitted to the Senate for confirmation. Six members shall
28 constitute a quorum.

29 * * *

30 §123.1. Registration of prospective leaseholders

1 the total cash bonus paid.

2 * * *

3 §126. Inspection; quantity of land; advertisements for bids; fees

4 A. Upon receipt of an application accompanied by the nonrefundable fee, the

5 ~~State Mineral Board~~ **State Mineral and Energy Board** may cause an inspection of

6 the land to be made, including geophysical and geological surveys. After receiving

7 the report of the inspection, the board may offer for lease all or part of the lands

8 described in the application. However, no lease shall contain more than five

9 thousand acres. The board shall publish in the official journal of the state, and in the

10 official journal of the parish where the lands are located, an advertisement which

11 must appear in these journals not more than sixty days prior to the date for the

12 opening of bids. The board may, at its discretion, publish other such advertisements.

13 This advertisement shall contain a description of the land proposed to be leased, the

14 time when and place where sealed bids shall be received and publicly opened, a

15 statement that the bid may be for the whole or any particularly described portion of

16 the land advertised, and any other information that the board may consider necessary,

17 and the royalty to be demanded should the board deem it to be in the interest of the

18 state to call for bids on the basis of a royalty fixed by it. If the lands are situated in

19 two or more parishes, the advertisement shall appear in the official journals of all the

20 parishes where the lands may be partly located. This advertisement and any other

21 published by the board shall constitute judicial advertisement and legal notice within

22 the contemplation of Chapter 5 of Title 43 of the Louisiana Revised Statutes of 1950.

23 When requested to furnish proof of publication, the board may charge a fee of twenty

24 dollars to furnish the proof of publication.

25 * * *

26 §127. Opening bids; minimum royalties; terms of lease, deposit

27 A. Only those bidders who are registered prospective leaseholders with the

28 office of mineral resources, or those who register within two business days after the

29 lease sale at which the bid is opened and prior to the conditional issuance of the

30 lease, shall be allowed to obtain a mineral lease from the state of Louisiana. Any

1 bidder who is not properly registered with the office of mineral resources at the time
 2 bids are opened, but whose bid is otherwise acceptable, shall have until the end of
 3 the second business day following the date on which the bid was conditionally
 4 accepted by the ~~State Mineral Board~~ **State Mineral and Energy Board** to become
 5 properly registered with the office of mineral resources. If said bidder remains
 6 unregistered by the close of business of the second business day following the day
 7 the mineral lease sale at which the bid was conditionally accepted, the conditionally
 8 accepted bid shall be deemed rejected. The provisions of this Subsection shall also
 9 apply in cases where there is no more than one bid made by unregistered prospective
 10 leaseholders. Bids may be for the whole or any particularly described portion of land
 11 advertised. At the time and place mentioned in the advertisement for the
 12 consideration of bids, they shall be publicly opened. Bids received by the mineral
 13 board shall be opened at any state-owned buildings situated in the city in which the
 14 capitol is located. The mineral board has authority to accept the bid most
 15 advantageous to the state and may lease upon whatever terms it considers proper.
 16 However, the minimum royalties to be stipulated in any lease, other than a lease
 17 executed by or on behalf of a school board, shall be:

* * *

§127.1. Tertiary recovery incentive

* * *

21 B.(1) In order to accomplish the purposes set forth in Subsection A of this
 22 Section, the ~~State Mineral Board~~ **State Mineral and Energy Board** may enter into
 23 an agreement with the lessee under any present and future state mineral lease or
 24 leases, under which such lessee may be relieved from the payment of all or part of
 25 the royalty otherwise due to the state under the applicable mineral lease or leases in
 26 regard to production from the particular reservoir involved in a qualified tertiary
 27 recovery project, until such project has reached payout from the total production,
 28 "payout" to be defined by the board on a project-by-project basis based on:

* * *

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

1 received, to the state treasurer. If the board cannot make such determination
 2 promptly, it shall nevertheless transmit these payments by electronic transfer, or
 3 hand-carry these payments, on the day received, to the state treasurer and request the
 4 treasurer to place such funds as are being reviewed by the board under this Section
 5 in a suspense account until such time as the board makes the determination herein
 6 required and notifies the state treasurer of the disposition to be made by them. If the
 7 payor attributable to a lease unit well (LUW) code changes between monthly
 8 payment dates without notification to the office of mineral resources of the change
 9 and with submission of the current mailing address, telephone number, and email
 10 address for the new payor prior to the next month's payment, the new payor shall be
 11 subject to a liquidated damage penalty of one thousand dollars. The ~~State Mineral~~
 12 ~~Board~~ **State Mineral and Energy Board** shall have authority to waive all or any
 13 part of said damages based on a consideration of all factors bearing on the issue.

14 * * *

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

29 (2) The failure to pay or the underpayment of all sums other than bonuses,
 30 rentals, or shut-in payments, for whatever cause, shall subject the lessee, his

1 successor, or assigns, to a penalty of ten percent of the total sum due not to exceed
 2 one thousand dollars, which penalty shall be assessed, and owing on the day
 3 following the date payment was due, and shall be deemed liquidated damages. The
 4 whole or any part of the penalty set forth herein may be waived by the ~~State Mineral~~
 5 ~~Board~~ **State Mineral and Energy Board**.

6 (3) When notice is given of the incorrect completion of any required form,
 7 or demand for payment is made for failure to pay or underpayment, or sixty days has
 8 elapsed from the date payment was due with the correctly filled out form, an
 9 additional penalty of two percent of the total sum then due shall accrue beginning on
 10 the sixty-first day on each thirty-day period thereafter, or fraction thereof, up to a
 11 maximum of twenty-four percent in additional penalty. The penalty therein provided
 12 shall be in addition to interest at the legal rate compounded monthly. Both the
 13 penalty and interest shall accrue to principal and interest accumulated at the end of
 14 each thirty-day period, or fraction thereof, also without necessity of further notice
 15 and shall be in addition to all remedies available under law, including those
 16 prescribed in R.S. 31:137 through 141. In the event the ~~State Mineral Board~~ **State**
 17 **Mineral and Energy Board** finds, subject to judicial review, that a substantial and
 18 justiciable controversy exists as to whether any such royalties are legally due, it shall
 19 defer the commencement of the accrual of the aforesaid penalty until the controversy
 20 is resolved by amicable agreement or by final decree of any court of competent
 21 jurisdiction. The whole or any part of the penalties set for hereinabove may be
 22 waived by the ~~State Mineral Board~~ **State Mineral and Energy Board**.

23 * * *

24 §136.1. Proceeds from mineral royalties, leases, and bonuses; payment into the
 25 Bond Security and Redemption Fund; payment into the Louisiana
 26 Investment Fund for Enhancement. (L.I.F.E.)

27 A. The proceeds of all royalties from all mineral leases to be granted, as well
 28 as all mineral leases heretofore granted, by the state of Louisiana on state-owned
 29 land, lake and river beds, and other water bottoms belonging to the state remaining
 30 after complying with dedication of such revenues heretofore made and after

1 deductions of any appropriations of such revenues made by law for the payment of
2 the expenses of the ~~state mineral board~~ **State Mineral and Energy Board**, shall be
3 paid into the state treasury and shall be credited to the Bond Security and
4 Redemption Fund.

5 B. The proceeds of all leases and bonuses, including annual delay rentals
6 under said leases to be granted as well as all proceeds from mineral leases and delay
7 rentals thereunder heretofore granted, by the state of Louisiana on state-owned land,
8 lake and river beds, and other water bottoms belonging to the state remaining after
9 complying with dedications of such revenues heretofore made and after deduction
10 of any appropriations of such revenues made by law for the payment of the expenses
11 of the ~~state mineral board~~ **State Mineral and Energy Board**, shall be paid into the
12 state treasury for credit to the Bond Security and Redemption Fund.

13 * * *

14 §136.3. ~~Mineral Resources~~ **Mineral and Energy** Operation Fund

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

18 * * *

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

23 * * *

24 §137. Agreements to offset, compensate and recover from future royalties

25 The ~~State Mineral Board~~ **State Mineral and Energy Board** is hereby
26 empowered to enter into agreements with lessees or other parties under state oil, gas
27 and mineral leases or other agreement heretofore or hereafter issues to offset,
28 compensate, and recover from royalty thereafter accruing to the state of Louisiana,
29 amounts equal to any royalty or other payments (all herein called "royalty") which
30 such lessees or other parties have paid to the state was, is, or may become lawfully

1 entitled because of overpayment or action by the Federal Power Commission;
 2 provided, however, that with respect to any royalty based on amounts received by
 3 the lessee or other parties for sales of natural gas that may be subject to refund by
 4 order or directive of the Federal Power Commission, such agreements may require
 5 the immediate payment of such portion of such royalty that is determined to be
 6 proper by the ~~State Mineral Board~~ **State Mineral and Energy Board**, such payment
 7 to be subject to the offsetting, compensation and recovery provisions of R.S. 30:137
 8 to 30:141.

* * *

10 §139. Validation of agreements

11 All agreements of the character contemplated by R.S. 30:137 which have
 12 heretofore been entered into by the ~~State Mineral Board~~ **State Mineral and Energy**
 13 **Board** are hereby ratified, confirmed and ~~validate~~ **validated**; however, such
 14 agreements may be modified or amended in accordance with the terms of R.S.
 15 30:137 to 30:141.

* * *

17 §141. Power of mineral board not derogated - Other rights and remedies not modified

18 R.S. 30:137 to 30:141 are not intended in any way to derogate from or
 19 question the power and authority of the ~~State Mineral Board~~ **State Mineral and**
 20 **Energy Board** to enter into any agreements of any type whatsoever pursuant to its
 21 power and authority heretofore expressly or impliedly granted by law; and the
 22 provisions hereof shall not modify in any way the right of any lessee or other party
 23 to invoke the rights and remedies available under existing laws.

* * *

25 §143. Transfer of solid mineral leases, approval by board

26 A. In addition to the provisions of R.S. 30:128, in the case of a proposed
 27 transfer, under the circumstances described in Subsection B hereof, of any lease or
 28 sublease entered into by or under the authority of or subject to the jurisdiction of the
 29 ~~State Mineral Board~~ **State Mineral and Energy Board** which includes the
 30 development and production of solid minerals, the board shall determine whether to

1 approve such proposed transfer pursuant to this Section and to such rules and
2 regulations as may be issued hereunder.

3 * * *

4 D. (1) * * *

5 (4) Promptly after the conclusion of the hearing, the secretary of the
6 Department of Natural Resources shall prepare written findings of fact and a
7 recommended decision on the application. He shall transmit these to the ~~State
8 Mineral Board~~ **State Mineral and Energy Board** together with a certified copy of
9 the hearing record. After giving due consideration to whether the evidence
10 establishes that the proposed transferee is competent and otherwise qualified to
11 perform all of the obligations under the lease or sublease in such a manner as not to
12 adversely affect the public interest of the state as respects its natural resources, the
13 ~~State Mineral Board~~ **State Mineral and Energy Board** shall issue a written decision
14 granting or denying the application in whole or in part or upon such conditions as it
15 may deem appropriate.

16 (5) An appeal may be taken from any final order of the ~~State Mineral Board~~
17 **State Mineral and Energy Board** under this Section only by a party to the hearing
18 required herein in accordance with R.S. 49:964 and R.S. 49:965.

19 (6) Anything herein to the contrary notwithstanding, the secretary of the
20 Department of Natural Resources may transmit a recommended decision to the ~~State
21 Mineral Board~~ **State Mineral and Energy Board** without first conducting an
22 investigation or holding a hearing if (i) all necessary parties to the hearing file
23 affidavits with the secretary of the Department of Natural Resources attesting their
24 belief that there are no substantial issues requiring an investigation or hearing and
25 (ii) the secretary independently determines that there are no substantial issues
26 requiring an investigation or hearing.

27 * * *

28 F. Whenever it appears to the ~~State Mineral Board~~ **State Mineral and**
29 **Energy Board** or the secretary of the Department of Natural Resources that any
30 person has engaged or is about to engage in any act or practice constituting a

1 violation of any provision of this Section, the secretary of Department of Natural
 2 Resources may investigate and issue orders and notices. In addition to all other
 3 remedies, the ~~State Mineral Board~~ **State Mineral and Energy Board** or the
 4 secretary of the Department of Natural Resources may bring an action in any court
 5 of competent jurisdiction in the name and on behalf of this state against any person
 6 or persons participating in or about to participate in a violation of this Section, to
 7 enforce compliance with this Section, or enjoin any action in violation of this
 8 Section.

9 * * *

10 §144. Sale of royalties in-kind to small refiners

11 A. On or before December 31, 1979, the secretary of the Department of
 12 Natural Resources shall submit to the ~~State Mineral Board~~ **State Mineral and**
 13 **Energy Board** for implementation a regulatory program for the sale and/or
 14 processing of in-kind crude oil royalties to refiners in the state and procedures for the
 15 sale and/or processing, delivery, and use of royalty crude oil, which at a minimum
 16 include the following:

17 * * *

18 B. Prior to submitting the program to the ~~State Mineral Board~~ **State Mineral**
 19 **and Energy Board** for implementation, the secretary shall present the proposed
 20 program to the House Committee on Natural Resources and Environment and Senate
 21 Committee on Natural Resources, meeting jointly, for approval thereof. Within
 22 thirty days after receipt of the program from the secretary, the mineral board shall
 23 initiate rulemaking procedures thereon in compliance with R.S. 49:951 et seq.

24 * * *

25 §148.1. Lessor defined

26 For the purposes of this Subpart the term "lessor" shall refer to and include
 27 the ~~State Mineral Board~~ **State Mineral and Energy Board**, any school district,
 28 levee district, drainage district, municipal or parochial subdivision of this state, any
 29 penal or charitable institution, any state university or college, and any other unit or
 30 institution deriving its authority and powers from the sovereignty of the state.

1 §148.2. Lands which may be leased

2 A. Any lessor may, through its governing authority, lease any lands of which
3 the lessor has title, custody, or possession, and the ~~State Mineral Board~~ **State**
4 **Mineral and Energy Board** may lease lands, bodies of any lakes, bays or coves,
5 sea, arms of the sea, or other navigable waters and beds thereof belonging to the state
6 or the title to which is in the public:

7 * * *

8 B. In addition, where otherwise consistent with the provisions of this Subpart
9 as applied to leased premises, the ~~State Mineral Board~~ **State Mineral and Energy**
10 **Board** may grant surface or subsurface agreements for the right to erect and use on
11 unleased premises such facilities and equipment.

12 * * *

13 §150. Louisiana Royalty Relief Dry Hole Credit Program; requirements; conditions;
14 limitations; expiration

15 * * *

16 C.(1) The royalty relief dry hole credit shall be in the form of a deduction
17 from future royalty payments due to the state on production derived from depths of
18 greater than ~~19,999~~ **nineteen thousand nine hundred and ninety-nine** feet true
19 vertical depth from any new well drilled on state-owned lands or state-owned water
20 bottoms in the coastal zone, as defined in R.S. ~~49:215.24~~ **49:214.24**, subsequent to
21 the dry hole for which drilling commences on or after July 1, 2005. The deduction
22 shall be the lesser of: (a) five billion cubic feet of natural gas production, or (b) fifty
23 percent of the cost of the dry hole well. The cost of the dry hole well shall be
24 calculated and determined in accordance with rules, methods and procedures adopted
25 by the ~~State Mineral Board~~ **State Mineral and Energy Board**. The royalty relief
26 shall be prorated over a thirty-six month period, provided that the net royalty
27 payments to the state shall not be less than the minimum required by R.S. 30:127.
28 If application of the credit would result in payments less than that required by R.S.
29 30:127, the office of mineral resources may extend the royalty relief credit for an
30 additional period of up to twenty-four months to allow full use of the credit, up to a

1 total of sixty months.

2 * * *

3 §153. Agencies may lease or administer through ~~State Mineral Board~~ **State Mineral**
4 **and Energy Board**

5 A. Any agency may by resolution direct the ~~State Mineral Board~~ **State**
6 **Mineral and Energy Board** to lease its land in the manner provided in Subpart A
7 of this Part. The bonus money, if any, received for the lease shall be transmitted by
8 the ~~State Mineral Board~~ **State Mineral and Energy Board** to the agency. After the
9 execution of the original lease, all rights and authority in connection therewith shall
10 be vested in the agency to the same extent as if the agency had itself leased the land.

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

17 §154. Signing of papers and disposition of funds when agency leases own lands;
18 deposit

19 * * *

20 C. In all cases where sixteenth section or school indemnity lands are leased,
21 either by the ~~State Mineral Board~~ **State Mineral and Energy Board** or the school
22 board, all funds realized from these leases shall be paid to the school board of the
23 parish where the lands are situated and credited to the current school fund of that
24 parish, except that in the case of school indemnity lands, the lease shall be made by
25 the ~~State Mineral Board~~ **State Mineral and Energy Board** only and the funds
26 credited to the parish school board entitled thereto.

27 * * *

28 §155. Alternative procedures

29 If an agency does not avail itself of the provisions of R.S. 30:153, it may
30 lease its lands for mineral purposes on its own motion, or on written application, by

1 advertising and letting in the manner provided by this Subpart, subject however to
2 approval of the ~~State Mineral Board~~ **State Mineral and Energy Board** as provided
3 in R.S. 30:158.

4 §156. Procedure when agency leases its own lands

5 A person desiring to lease from a state agency shall make application with
6 deposit to the agency in the same manner as is set forth in R.S. 30:125 for application
7 with deposit to the mineral board. The agency shall itself advertise, receive bids at
8 its domicile, and lease in the same manner and subject to the same restrictions
9 applicable to leases by the ~~State Mineral Board~~ **State Mineral and Energy Board**
10 under R.S. 30:126 and 30:127. The agency has the same powers over leases granted
11 by it as are granted the ~~State Mineral Board~~ **State Mineral and Energy Board** in
12 R.S. 30:129.

13 §158. Approval of lease by board

14 No lease executed under the authority of this Subpart shall be valid unless the
15 agency obtains its approval by the ~~State Mineral Board~~ **State Mineral and Energy**
16 **Board**. The authority of the ~~State Mineral Board~~ **State Mineral and Energy Board**
17 shall be ministerial with regard to whether or not the agency has correctly followed
18 the procedural steps in granting the lease in question, and discretionary with regard
19 to whether or not the terms of the agency lease are in the best interest of the agency
20 and the public which it serves. A lease made under the provisions of this Subpart
21 which is not approved by the ~~State Mineral Board~~ **State Mineral and Energy Board**
22 and countersigned by the duly authorized officer of that body is null and void.

23 §159. State banks in liquidation, leases subject to approval, how

24 All mineral leases entered into by state banks in liquidation shall be subject
25 to the approval of the ~~State Mineral Board~~ **State Mineral and Energy Board** and
26 of the district court having jurisdiction of the liquidations.

27 * * *

28 §179.11. Authorization to enter into agreements during controversy relating to
29 submerged lands

30 In regard to the controversy between the United States and the state of

1 Louisiana as to whether any portion of any submerged land is owned and controlled
2 by the state of Louisiana under the provisions of the Submerged Lands Act (43 U.
3 S. C. A. §1301 et seq.) (Public Law 31, 83rd Congress; 67 Stat. 29), or whether such
4 lands are owned and controlled by the United States under the provisions of the
5 Outer Continental Shelf Lands Act (43 U. S. C. A. §1301 et seq) (Public Law 212,
6 83 Congress; 67 State. 462), or any amendment or revision thereof, the ~~State Mineral~~
7 ~~Board~~ **State Mineral and Energy Board** is authorized, with the concurrence and
8 approval of the Governor, to negotiate and enter into agreements for and on behalf
9 of the state of Louisiana, with any lessee or future lessee of the state of Louisiana,
10 to negotiate and enter into tentative agreements or stipulations with the United
11 States, or any present or future grantee or lessee of the United States, respecting the
12 ownership and boundaries of such lands and operations under any mineral lease on
13 any other sums payable thereunder, including withdrawals from such deposits in
14 escrow or impoundment, pending the settlement or adjudication of the controversy.
15 Payments or deposits made pursuant to any such agreement shall be considered as
16 being in compliance with the terms of the applicable lease. Upon the final settlement
17 or adjudications of such controversy, all sums so impounded shall be paid to the
18 parties entitled thereto. Any sums finally determined to be payable to the state of
19 Louisiana shall be deposited with the proper state agency in accordance with the
20 constitution and laws of this state.

21 §179.12. Ratification by legislature of any final agreements or stipulations

22 No final agreement or stipulation negotiated with the United States by the
23 ~~State Mineral Board~~ **State Mineral and Energy Board** with the concurrence and
24 approval of the governor, respecting the ownership and boundary of such lands,
25 which changes or modifies the historic seaward boundary of the state of Louisiana
26 as established by Act 33 of 1954 (R.S. 49:1), or which leases to the United States any
27 part of the bonuses, rents, royalties and other sums heretofore or hereafter deposited
28 in escrow or impoundment under the provisions of the Interim Agreement of October
29 12, 1956, between the United State and the state of Louisiana, shall be binding on the
30 state of Louisiana until such agreement or stipulation shall have been ratified by a

1 majority vote of both Houses of the Louisiana Legislature.

2 * * *

3 §186. Distribution of funds

4 A. Within a reasonable time after the receipt of any funds received under or
5 on account of any such oil, gas or other mineral lease as rental, bonus, royalty or
6 otherwise, the ~~State Mineral Board~~ **State Mineral and Energy Board** shall deposit
7 in the registry of the district court having jurisdiction in the parish wherein said
8 property is situated in more than one parish, then in the registry of any district court
9 having jurisdiction over any parish wherein a part of said immovable property is
10 situated, all of the funds so received, less and except sums authorized to be deducted
11 by the mineral board under R.S. 30:188, and shall thereafter be relieved of all
12 liability for the payment of such funds upon complying with the requirements of R.S.
13 30:187.

14 B. Any such funds that the ~~State Mineral Board~~ **State Mineral and Energy**
15 **Board** presently possesses shall be deposited in the registry of the court as set out
16 in Subsection A of this Section within a reasonable time after July 8, 1960.

17 §187. Judicial procedure

18 The ~~State Mineral Board~~ **State Mineral and Energy Board** shall present to
19 the said district court having jurisdiction an application drawn in the usual form of
20 a petition in a civil case and said petition shall contain (a) the name and domicile of
21 the applicant (b) a full and complete account of how the applicant came into
22 possession of the funds deposited and (c) the list of co-owners required and
23 described in R.S. 30:185. However, applicant may add any list of owners which
24 were not included in the original application on behalf of any claimant received by
25 the applicant. It shall not be a prerequisite to the filing of this petition that a dispute
26 exists over the ownership of the funds. The ~~State Mineral Board~~ **State Mineral and**
27 **Energy Board** shall not be obligated to make any investigation of title whatsoever
28 beyond said list furnished pursuant to R.S. 30:185. The ~~State Mineral Board~~ **State**
29 **Mineral and Energy Board** shall pray for service on all persons listed in the
30 petition as claiming or having an interest in the funds deposited and shall pray

1 further that all such persons named in the petition shall be cited to answer and make
2 such claims to the funds as they may desire; and further, that all persons claiming or
3 having an interest in such funds as they may desire; and further, that all persons
4 claiming or having an interest in such funds, whether named in the petition or not,
5 shall be cited by publication to answer and make such claim to the funds as they may
6 desire. The notice by publication herein referred to shall be made six times during
7 the sixty days immediately following the filing of the petition in the official journal
8 of the parish in which the suit is filed and in the state official journal six times during
9 said sixty day period. All parties however cited, whether personally or by
10 publication, shall appear and answer the petition no later than seventy-five days from
11 the date of the filing of the petition. The court after a full hearing shall determine the
12 ownership of the funds and in the event the court should determine that part of the
13 funds are owned by persons unknown, or missing, then the court shall direct that
14 such funds be delivered to the Collector of Revenue, State of Louisiana, except that
15 in the parish of Orleans, said funds shall be delivered to the Public Administrator
16 thereof.

17 §188. Distribution of funds and administration of leases

18 A. The applicant depositing the money, namely, the ~~State Mineral Board~~
19 **State Mineral and Energy Board**, shall not be required to pay any costs in the
20 proceedings. All costs of all parties plaintiff, defendant, intervener, or otherwise, to
21 the suit, shall be paid out of the funds deposited, with preference and priority over
22 any and all persons. However, the successful litigant for the funds deposited may
23 recover all costs which have been paid out of the funds deposited, from the other
24 litigant or litigants who contested his right thereto.

25 B. At or after the conclusion of the proceedings instituted pursuant to R.S.
26 30:187, the ~~State Mineral Board~~ **State Mineral and Energy Board** may, from time
27 to time, employ any of the following procedures or combinations thereof, to effect
28 the distribution of funds received by virtue of leases granted under R.S. 30:184, and
29 for the administration of such leases;

30 (1) The ~~State Mineral Board~~ **State Mineral and Energy Board** may

1 distribute such funds and administer such leases itself, either through its personnel
2 or through persons with whom it contracts for such distribution and administration.

3 (2) The ~~State Mineral Board~~ **State Mineral and Energy Board** may create
4 one or more trusts, naming one or more persons, firms, or corporations, as trustee or
5 trustees, and transfer to such trustees any or all of its rights and duties under any or
6 all such leases, for the benefit of the owners of the land or interests therein. The ~~State~~
7 ~~Mineral Board~~ **State Mineral and Energy Board** may impose such terms and
8 conditions in the trust as it deems desirable, and, to the extent applicable and not in
9 conflict with such terms and conditions, the Louisiana Trust Code shall thereafter
10 govern such trust. The term of the trust may be as long as any such leases are in
11 force and effect, and the trustee or trustees shall be responsible for the distribution
12 of such funds and administration of such leases.

13 (3) The ~~State Mineral Board~~ **State Mineral and Energy Board**, upon written
14 notice to the court in which proceedings provided for in R.S. 30:187 have been
15 instituted, may cause such court to distribute the funds and administer the leases. The
16 ~~State Mineral Board~~ **State Mineral and Energy Board** shall deposit all funds
17 received by it in the registry of such court and shall thereafter be relieved of all
18 responsibilities therefor. The court, in such proceedings, may appoint such experts
19 to assist it as may be necessary, and may appoint a person as master or receiver for
20 the purpose of performing and supervising the actual work of such distribution and
21 administration.

22 * * *

23 §208. Exploration of public lands

24 The ~~State Mineral Board~~ **State Mineral and Energy Board** may explore and
25 develop the mineral resources of lands belonging to the state which might lease
26 under Subpart A of Part II of Chapter 2 of this Title.

27 §209. ~~State Mineral Board~~ **State Mineral and Energy Board**, authority of

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

30 * * *

1 following illustrations:

2 * * *

3 §209.1. Acquisition of geological information

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

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

22 * * *

23 §212. Permits for surveys on public lands

24 A. The ~~State Mineral Board~~ **State Mineral and Energy Board** shall have
 25 exclusive authority to grant exclusive and nonexclusive permits to conduct
 26 geophysical and geological surveys of any kind on state-owned lands, including
 27 water bottoms. No person shall conduct a geophysical or geological survey on state-
 28 owned lands, including water bottoms, without obtaining a permit. These permits
 29 shall be granted pursuant to rules promulgated under the provisions of the
 30 Administrative Procedure Act by the Department of Natural Resources. No permit

1 shall be granted covering lands over which the state has a mere servitude without
2 consent of the owner of the abutting property.

3 * * *

4 D. After deposit to the Bond Security and Redemption Fund as required
5 under the provisions of Article VII, Section 9(B) of the Constitution of Louisiana,
6 the following amounts shall be deposited as follows:

7 * * *

8 (2) Of the amount received from nonexclusive geophysical and geological
9 surveys conducted on all other state-owned lands and water bottoms, twenty percent
10 shall be deposited into the Louisiana Wildlife and Fisheries Conservation Fund and
11 the remainder deposited into the ~~Mineral Resources~~ **Mineral and Energy** Operation
12 Fund created by R.S. 30:136.3.

13 (3) Of the amount received from exclusive geophysical and geological
14 surveys conducted on all other state-owned lands and water bottoms, five dollars per
15 acre shall be deposited into the Louisiana Wildlife and Fisheries Conservation Fund
16 and the remainder deposited into the ~~Mineral Resources~~ **Mineral and Energy**
17 Operation Fund created by R.S. 30:136.3.

18 §213. Furnishing state information obtained under permits

19 A.(1) For any permit issued prior to July 1, 2004, the holder of a permit to
20 conduct geophysical and geological surveys shall furnish to the ~~State Mineral Board~~
21 **State Mineral and Energy Board** or office of mineral resources maps showing the
22 location of all shot points and detector or geophone setups located on the property
23 and the dates on which they were used, together with the subsurface contours
24 obtained as a result of the use of the points. Additionally, the permit holder shall
25 deliver a copy of any and all seismic data acquired, including 3D, 2D, gravity,
26 magnetic, and any other geophysical or geological data, in a format acceptable to the
27 office of mineral resources. This information shall not extend to lands beyond the
28 boundaries of the public property surveyed. This information shall be furnished to
29 the office of mineral resources or the ~~State Mineral Board~~ **State Mineral and**
30 **Energy Board** within ninety days after completion of the final stacked and migration

1 processing, but not more than six months after the completion of the survey. Except
2 for the information included in a seismic permit, including the plat showing the
3 geometric polygon of the area on which the seismic is to be shot, all other
4 information, including maps, plots, and other data provided to the ~~State Mineral~~
5 ~~Board~~ **State Mineral and Energy Board** hereunder shall be confidential and an
6 exception to the provision of public records laws and shall not be released to any
7 other agency or entity, or for any reason, including publication in a technical journal,
8 absent a valid court order from a court of competent jurisdiction or absent written
9 permission of, and under the strict limitations imposed by, the owner having
10 authority to license said data.

11 (2) For any permit issued on or after July 1, 2004, the holder of a permit to
12 conduct geophysical or geological surveys shall retain ownership of the data
13 gathered and shall not be required to submit the data as required in Paragraph (1) of
14 this Subsection. However, the ~~State Mineral Board~~ **State Mineral and Energy**
15 **Board** or the employees of the office of mineral resources shall be allowed to review
16 the data. Except for the information included in a seismic permit, including the plat
17 showing the geometric polygon of the area which the seismic is to be shot, all other
18 information, including maps, plots, and other data reviewed by the ~~State Mineral~~
19 ~~Board~~ **State Mineral and Energy Board** or the staff of the office of mineral
20 resources hereunder shall be confidential and an exception to the provisions of public
21 records laws and shall not be released to any other agency or entity, or for any
22 reason, including publication in a technical journal, absent a valid court order from
23 court of competent jurisdiction or absent written permission of, and under the strict
24 limitations imposed by, the owner having authority to license said data.

25 B. Whoever knowingly and willfully violates the provisions of the Section
26 or any rule or order of the ~~State Mineral Board~~ **State Mineral and Energy Board**
27 made thereunder shall be fined up to one hundred thousand dollars or imprisoned for
28 not more than one year, or both.

29 §214. Permit for survey entailing use of public waters or bottoms

30 Any person who makes or causes to be made a geophysical survey entailing

1 the use of shot points in any lake, river, or stream bed or other bottoms, the title to
 2 which is in the public, shall obtain from the ~~State Mineral Board~~ **State Mineral and**
 3 **Energy Board** a special permit therefor. This permit shall be granted under the rules
 4 and regulations which may from time to time be promulgated by the Department of
 5 Wildlife and Fisheries for the protection of oysters, fish, and wildlife.

6 §215. Nonexclusive geophysical permits

7 A. A nonexclusive permit to conduct seismic, geophysical, or geological
 8 surveying upon state-owned lands, including water bottoms, shall be valid for one
 9 year from the date of issuance. However, if operations commence within the year
 10 and are ceased due to unforeseen circumstances, the term may be extended for up to
 11 one year from the cessation of operations by the secretary of Department of Natural
 12 Resources. The permittee shall pay to the office of the ~~State Mineral Board~~ **State**
 13 **Mineral and Energy Board** at least every twelve month or more often as necessary.
 14 The fee shall be based upon market value but shall be no more than thirty dollars and
 15 no less than five dollars per acre.

16 B. The secretary of the Department of Wildlife and Fisheries may object to
 17 an application for a nonexclusive permit to conduct seismic, geophysical, or
 18 geological surveying on lands, including water bottoms, under the jurisdiction of the
 19 Wildlife and Fisheries Commission, including wildlife management areas, wildlife
 20 refuges, public shooting grounds, or outdoor recreation areas. Upon the secretary's
 21 objections, the application shall be presented for final determination to the ~~State~~
 22 ~~Mineral Board~~ **State Mineral and Energy Board**.

23 §216. Exclusive geophysical permits

24 * * *

25 B.(1) After receiving an application to conduct exclusive geological or
 26 geophysical survey, the office of mineral resources shall evaluate the prospective
 27 area of survey in order to set the minimum terms which shall then be recommended
 28 and presented to the ~~State Mineral Board~~ **State Mineral and Energy Board** for
 29 approval or rejection.

30 (2) For applications that include lands, including water bottoms, under the

1 jurisdiction of the Wildlife and Fisheries Commission, including wildlife
 2 management areas, wildlife refuges, public shooting grounds, or outdoor recreation
 3 areas, the office of mineral resources shall evaluate the prospective area of survey
 4 in order to set the minimum terms which shall then be recommended and presented
 5 to the secretary of the Department of Wildlife and Fisheries for approval or rejection.
 6 If the recommended minimum terms are rejected by the secretary of the Department
 7 of Wildlife and Fisheries, the office of mineral resources in cooperation and
 8 consultation with the Department of Wildlife and Fisheries shall immediately set
 9 minimum terms. If the office of mineral resources and the Department of Wildlife
 10 and Fisheries are unable to set minimum terms, the recommendations from both
 11 entities shall be presented for final determination to the ~~State Mineral Board~~ **State**
 12 **Mineral and Energy Board**.

13 C.(1) * * *

14 (4) If all written bids to survey lands, including water bottoms, under the
 15 jurisdiction of the Wildlife and Fisheries Commission, including wildlife
 16 management areas, wildlife refuges, public shooting grounds, or outdoor recreation
 17 areas, are rejected, the ~~State Mineral Board~~ **State Mineral and Energy Board**, with
 18 consultation and cooperation with the Department of Wildlife and Fisheries, may
 19 immediately offer for competitive bidding a permit upon all or any designated part
 20 of the land advertised, upon terms most advantageous to the state. On all other state-
 21 owned lands, including water bottoms, if all written bids are rejected, the board may
 22 immediately offer for competitive bidding a permit upon all or any designated part
 23 of the land advertised, upon terms appearing most advantageous to the state. These
 24 offerings shall be subject to the board's right to reject any and all bids.

25 * * *

26 §804. Jurisdiction over state geothermal resources and products

27 The ~~State Mineral Board~~ **State Mineral and Energy Board** is hereby vested
 28 with exclusive authority to lease for the exploration, development, production and
 29 distribution of geothermal resources and the byproducts thereof any lands belonging
 30 to the state, or the title to which is in the public domain, including road beds, water

1 bottoms, and lands adjudicated to the state at tax sale. To the extent applicable, the
2 mineral board is also vested with the same powers of supervision and management
3 of all geothermal leases granted by the state that are vested in the board under R.S.
4 30:129 with respect to leases granted for minerals, oil and gas.

5 Section 3. R.S. 34:3108(E), 3478(E) and 3498(E) are hereby amended and reenacted
6 to read as follows:

7 §3108. Acquisition of sites; lease of state-owned lands and water bottoms

8 * * *

9 E. Nothing in this chapter is intended to authorize the authority to lease state
10 owned lands and water bottoms for the exploration, development and production of
11 oil, gas, sulphur or other minerals or for the cultivation or production of marine
12 resources or detract from the authority of the ~~State Mineral Board~~ **State Mineral**
13 **and Energy Board** and/or Louisiana Wildlife and Fisheries Commission to lease for
14 such purposes. However, tracts once leased to the authority may not be leased by the
15 ~~State Mineral Board~~ **State Mineral and Energy Board** or the Louisiana Wildlife
16 and Fisheries Commission without the express consent of the authority, unless it can
17 be shown by the ~~state mineral board~~ **State Mineral and Energy Board** or the
18 Louisiana Wildlife and Fisheries Commission, by clear and convincing evidence,
19 that such lease or leases will not adversely affect present or future authority
20 operations.

21 * * *

22 §3478. Acquisition of sites; lease of state-owned lands and water bottoms

23 * * *

24 E. Nothing in this Chapter is intended to authorize the authority to lease state-
25 owned lands and water bottoms for the exploration, development and production of
26 oil, gas, sulphur, or other minerals, or for the cultivation or production of marine
27 resources or detract from the authority of the ~~State Mineral Board~~ **State Mineral**
28 **and Energy Board** and Louisiana Wildlife and Fisheries Commission to lease for
29 such purposes. However, tracts once leased to the authority may be leased by the
30 ~~State Mineral Board~~ **State Mineral and Energy Board** or the Louisiana Wildlife

1 and Fisheries Commission without the express consent of the authority, unless it can
2 be shown by the ~~State Mineral Board~~ **State Mineral and Energy Board** or the
3 Louisiana Wildlife and Fisheries Commission, by clear and convincing evidence,
4 that such lease or leases will not adversely affect present or future authority
5 operations.

6 * * *

7 §3498. Acquisition of sites; lease of state-owned lands and water bottoms

8 * * *

9 E. Nothing in this Chapter is intended to authorize the authority to lease state-
10 owned lands and water bottoms for the exploration, development and production of
11 oil, gas, sulphur, or authority of the ~~State Mineral Board~~ **State Mineral and Energy**
12 **Board** and Louisiana Wildlife and Fisheries Commission to lease for such purposes.

13 Section 4. R.S. 36:353, 359(E) and 807 are hereby amended and reenacted to read
14 as follows:

15 §353. Secretary of natural resources

16 There shall be a secretary of natural resources, who shall be appointed by the
17 governor with consent of the Senate and who shall serve at the pleasure of the
18 governor at a salary fixed by the governor, which salary shall not exceed the amount
19 approved for such position by the legislature while in session. The secretary shall
20 serve as the executive head and chief administrative officer of the Department of
21 Natural Resources and shall have the responsibility for the policies of the department
22 except as otherwise provided by this Title, and for the administration, control, and
23 operation of the functions, programs, and affairs of the department; provided that the
24 secretary shall perform his functions under the general control and supervision of the
25 governor. The secretary shall be an ex officio member of the ~~State Mineral Board~~
26 **State Mineral and Energy Board**.

27 * * *

28 §359. Transfer of agencies and functions to Department of Natural Resources

29 * * *

30 E. The ~~State Mineral Board~~ **State Mineral and Energy Board** (R.S. 30:121

1 et seq.) is transferred to and hereafter shall be within the Department of Natural
2 Resources as provided in R.S. 36:807.

3 * * *

4 §807. Transfer; ~~State Mineral Board~~ **State Mineral and Energy Board**

5 The ~~State Mineral Board~~ **State Mineral and Energy Board**, transferred by
6 the provisions of R.S. 36:359(E), shall be transferred as provided in R.S. 36:802,
7 except the secretary of the Department of Natural Resources shall be an ex officio
8 member of the ~~State Mineral Board~~ **State Mineral and Energy Board**. The ~~State~~
9 ~~Mineral Board~~ **State Mineral and Energy Board** shall retain supervision of all
10 mineral leases granted by the state, and it shall retain general authority to take action
11 for and on behalf of and to protect the interests of the state in accordance with the
12 provisions of Title 30 of the Revised Statutes of 1950, as amended, and applicable
13 laws.

14 Section 5. R.S. 39:14(1) is hereby amended and reenacted to read as follows:

15 §14. Exceptions

16 The following shall not be subject to the provision of R.S. 39:11 and 12 but
17 shall be subject to the provisions of R.S. 39:13:

18 (1) Lands and waterbottoms leased by the ~~State Mineral Board~~ **State Mineral**
19 **and Energy Board** in accordance with the provisions of Subtitle I of Title 30 of the
20 Louisiana Revised Statutes of 1950 including but not limited to leases for the
21 exploration and production of oil, gas, and other hydrocarbons, and related mineral
22 activities.

23 * * *

24 Section 6. R.S. 41:643(A), 1217.1(B), 1732(A) and (B) and 1733 are hereby
25 amended and reenacted to read as follows:

26 §643. Vermilion Parish; Sixteenth section land; distribution of mineral proceeds,
27 and ownership of minerals and mineral revenues

28 A. The state of Louisiana, the ~~State Mineral Board~~ **State Mineral and**
29 **Energy Board** may enter into and execute a compromise and settlement with the
30 Vermilion Parish School Board regarding the ownership of certain mineral and

1 mineral revenues together with the disposition of mineral revenues derived from a
2 certain area alleged by the school board to be a "Sixteenth Section" located in
3 Township 15 South, Range 1 West, in East White Lake, Vermilion Parish, Louisiana.

4 * * *

5 §1217.1. Renewal of lease; highest bid option

6 * * *

7 B. Notwithstanding any provision of law to the contrary, if the commissioner
8 or secretary determines there exists a public need to maintain the current lessee, the
9 commissioner or secretary may offer the current lessee, if he made a bid, the option
10 to match the highest bid in order to lease the state lands. The provisions of this
11 Subsection shall not apply to oyster leases, alligator leases, or oil and gas leases
12 entered into by the Department of Wildlife and Fisheries, or to any lease entered into
13 by the ~~State Mineral Board~~ **State Mineral and Energy Board**.

14 * * *

15 §1732. Lease authority and royalties

16 A. Notwithstanding any other provision of law except Subsection B of this
17 Section, the ~~State Mineral Board~~ **State Mineral and Energy Board** in conjunction
18 with the secretary of the Department of Natural Resources, shall have the authority
19 to lease for the exploration, development, or production of energy from wind any
20 lands belonging to the state or the title to which is held by the state, including water
21 bottoms, vacant state lands, and lands adjudicated to the state at tax sale, except
22 lands that form any portion of state highway right-of-way. The leases shall be
23 granted through a public bid process which shall be promulgated by the adoption of
24 rules and regulations by the ~~State Mineral Board~~ **State Mineral and Energy Board**.

25 All bonuses, rentals, royalties, payments, or other sums due the state as the lessor
26 under the terms of leases granted under the provisions of this Subsection for the
27 exploration, development, and production of energy from wind shall be paid to the
28 office of mineral resources. Revenues received from these leases by the office of
29 mineral resources shall be remitted to the state treasurer who, after compliance with
30 Article VII, Section 9 of the state constitution, shall credit an amount equal to

1 twenty-five percent of the revenues to the Wetlands Conservation and Restoration
 2 Fund and an amount equal to the seventy-five percent to the state general fund. The
 3 funds generated under leases granted under the provisions of this Section shall not
 4 be included in calculations for the Budget Stabilization Fund.

5 B. Notwithstanding any other provision of law, the ~~State Mineral Board~~
 6 **State Mineral and Energy Board**, with the approval of the secretary of the
 7 Department of Wildlife and Fisheries, shall have the authority to lease for the
 8 exploration, development, or production of energy from wind, any properties under
 9 the jurisdiction of the Wildlife and Fisheries Commission or the Department of
 10 Wildlife and Fisheries, including but not limited to wildlife management areas and
 11 refuges. The leases shall be granted through a public bid process which shall be
 12 promulgated by the adoption of rules and regulations by the ~~State Mineral Board~~
 13 **State Mineral and Energy Board**. All bonuses, rentals, royalties, payments or
 14 other sums payable to the state as the lessor under the terms of leases granted under
 15 the provisions of this Subsection for the exploration, development, and production
 16 of energy from wind shall be deposited in the Wildlife and Fisheries Conservation
 17 Fund.

18 * * *

19 §1733. Award of state wind leases

20 A. All proposals for lease of state lands for the exploration, development, or
 21 production of energy from wind shall be submitted to the ~~State Mineral Board~~ **State**
 22 **Mineral and Energy Board**. The ~~State Mineral Board~~ **State Mineral and Energy**
 23 **Board** shall then submit to the state land office and the Department of Wildlife and
 24 Fisheries the portion of the proposal which contains the location of the proposed
 25 lease. The state land office and the Department of Wildlife and Fisheries shall
 26 review the proposed location of the lease and shall certify to the ~~State Mineral Board~~
 27 **State Mineral and Energy Board** whether or not there are other leases of any kind
 28 at the proposed lease location. If there are other leases, the state agencies shall attach
 29 to the certification a copy of all other leases at the proposed lease location. The state
 30 land office and the Department of Wildlife and Fisheries are hereby authorized to

1 charge the applicant reasonable fees to fulfill the requirements of this Section. Any
2 such fees shall be promulgated through rules and regulations adopted in accordance
3 with the Administrative Procedure Act.

4 B. After certification by the other state agencies, the ~~State Mineral Board~~
5 **State Mineral and Energy Board** shall forward the applications and certification
6 with copies of any other leases on the proposed location to the secretary of the
7 Department of Natural Resources who shall evaluate whether the lands proposed for
8 lease best support the exploration, development, or production of energy from wind.
9 In evaluating the proposed lease, the secretary of the Department of Natural
10 Resources shall consider the capability of the lease proposal to fulfill the intent of
11 this Chapter, the environmental impact of the placement of wind turbines and other
12 equipment necessary for the exploration, development, or production of energy from
13 wind, the impact of the proposed lease on any other leases, including leases for the
14 exploration or production of subsurface deems appropriate. When evaluating the
15 proposed lease, the secretary of the Department of Natural Resources shall consult
16 with the Department of Wildlife and Fisheries when the proposed lease lies within
17 the confines of properties under the jurisdiction of the Louisiana Wildlife and
18 Fisheries Commission or the Department of Wildlife and Fisheries and may consult
19 any other state agency or governmental entity that may have jurisdiction within the
20 confines of the proposed lease.

21 C. If the secretary of the Department of Natural Resources determines that
22 a proposed lease for the exploration, development, or production of energy from
23 wind is appropriate he shall recommend to the ~~State Mineral Board~~ **State Mineral**
24 **and Energy Board** that the board conduct a public bid process. If the secretary of
25 Department of Natural Resources determines that a proposed lease for the
26 exploration, development, or production of energy from wind is not appropriate, he
27 shall notify the ~~State Mineral Board~~ **State Mineral and Energy Board** who shall
28 then notify the applicant that no bid process shall occur.

29 D. A lease may be granted in whole or in part. Prior to the advertisement for
30 bids for each lease there shall be a minimum dollar amount set and a minimum

1 percentage of revenue to be produced by each wind turbine to be known as an
 2 "electric power production royalty", which shall be advertised by the ~~State Mineral~~
 3 ~~Board~~ **State Mineral and Energy Board** as a minimum requirement for granting the
 4 lease. No lease shall be granted in whole or part unless the amount of any electric
 5 power production royalty has been approved by the House Committee on Natural
 6 Resources and Environment and the Senate Committee on Natural Resources prior
 7 to advertisement. The ~~State Mineral Board~~ **State Mineral and Energy Board** has
 8 authority to accept the bid it finds is most advantageous to the state and may lease
 9 upon whatever terms it considers proper. Such lease shall include a provision
 10 permitting the state, at its option, to take in kind all or any of the portion due it as
 11 royalty.

12 Section 7. R.S. 42:6.1(A)(6) is hereby amended and reenacted to read as follows:

13 §6.1. Exceptions to open meetings

14 A. A public body may hold an executive session pursuant to R.S. 42:6 for
 15 one or more of the following reasons

16 * * *

17 (6) Any meeting of the ~~State Mineral Board~~ **State Mineral and Energy**
 18 **Board** at which records or matters entitled to confidential status by existing law are
 19 required to be considered or discussed by the board with its staff or with any
 20 employee or other individual, firm, or corporation to whom such records or matters
 21 are confidential in their nature, and are disclosed to and accepted by the board
 22 subject to such privilege, for the exclusive use in evaluating lease bids or
 23 development covering state-owned lands and water bottoms, which exception is
 24 proved pursuant to and consistently with the Public Records Act, being Chapter I of
 25 Title 44 of the Louisiana Revised Statutes of 1950, as amended, and other statutes
 26 to which the board is subject.

27 * * *

28 Section 8. R.S. 44:18 is hereby amended and reenacted to read as follows:

29 §18. Geophysical survey information

30 All information and records of geophysical or geological surveys furnished

1 to the ~~State Mineral Board~~ **State Mineral and Energy Board** or the office of
2 mineral resources pursuant to R.S. 30:213 shall be confidential and exempt from the
3 provisions of this Chapter.

4 Section 9. R.S. 56:30.3(B), 426(C), 798(A)(1) and (2)(b) and (c) are hereby amended
5 and reenacted to read as follows:

6 §30.3. Lease of state lands; access to public waterways

7 * * *

8 B. Notwithstanding any provision of law to the contrary, if the secretary
9 determines there exists a public need to maintain the current lessee, the secretary
10 may offer the current lessee, if he made a bid, the option to match the highest bid in
11 order to lease the state lands. The provisions of this Subsection shall not apply to
12 oyster leases, oil and gas leases or alligator leases entered into by the department, or
13 to any lease entered into by the ~~State Mineral Board~~ **State Mineral and Energy**
14 **Board**. The department shall promulgate rules and regulations providing for uniform
15 criteria to assess the management of leased property.

16 * * *

17 §426. Filing and recordation of water bottoms leases

18 * * *

19 C. If a lease is not recorded and filed within the time periods provided above,
20 no third party shall be bound or affected by the provision of that lease, until such
21 time as it is properly recorded and filed. There shall be no claim against the state of
22 Louisiana for the disregard of the provisions of any lease not properly recorded and
23 filed in accordance with foregoing, nor shall there be any claim against the
24 department, the register of the state land office, or the ~~state mineral board~~ **State**
25 **Mineral and Energy Board**, for the disregard of the provisions of any lease which
26 has not been properly filed with the respective agency involved.

27 * * *

28 §798. Russell Sage or Marsh Island Refuge

29 A. (1) The ~~State Mineral Board~~ **State Mineral and Energy Board** is hereby
30 authorized to lease for exploration, development or production of oil, gas, or other

1 minerals all or any portion of Marsh Island, donated to the state of Louisiana by the
2 Russell Sage Foundation and accepted by the state of Louisiana, under the terms and
3 provision of Act No. 70 of the 1920 Regular Session of the Legislature, as
4 supplemented by Act 136 of the 1958 Regular Session of the Legislature, and of the
5 contract between the state of Louisiana and the Russell Sage Foundation entered into
6 pursuant to said Act, now on file and of record in the office of the secretary of state;
7 such lease or leases to be for such time or times as may be mutually agreed upon
8 between the Russell Sage Foundation and the ~~State Mineral Board~~ **State Mineral**
9 **and Energy Board**, and under such conditions, rules, and regulations as will, to the
10 satisfaction of the Russell Sage Foundation, afford adequate present and future
11 protection of Marsh Island for the purposes for which it was donated by the Russell
12 Sage Foundation to the state and as will insure a minimum disturbance of wildlife
13 on the island, and upon condition that the state of Louisiana shall pay or cause to be
14 paid to the Russell Sage Foundation in the usual manner one-half of any and all
15 revenues due to the state as royalty, rentals, or otherwise from such use, exploration,
16 and development of such leased lands, except tax revenues, and that the state of
17 Louisiana shall devote the other half of the such revenues so derived, first to
18 maintaining, policing, and improving Marsh Island as a wildlife refuge or reserve,
19 which funds shall be credited to, and form part of the Marsh Island Operating Fund,
20 and any excess thereafter remaining of the state's one-half share of such revenues in
21 the Marsh Island Operating Fund at the conclusion of the fiscal year shall be divided
22 into two equal parts, one of which shall be dedicated, set aside, and placed with the
23 state treasurer in a special fund to be known as the "Russell Sage or Marsh Island
24 Refuge Fund", in order to insure through investment or its principal income, for the
25 future maintenance, policing, and improving of Marsh Island as a wildlife refuge,
26 and the other such part shall be available to be expended by the Louisiana
27 Department of Wildlife and Fisheries or its successors for statewide projects for the
28 propagation and protection of wildlife in the state of Louisiana.

29 (2)(a) * * *

30 (b) The secretary of Louisiana Department of Wildlife and Fisheries shall

1 file with the ~~State Mineral Board~~ **State Mineral and Energy Board** annually, on or
 2 before July thirtieth of each year, an accurate and detailed written report, in
 3 duplicate, of the expenditures made from the state's one-half share of such revenues.
 4 One of the copies of such report shall be delivered by the ~~State Mineral Board~~ **State**
 5 **Mineral and Energy Board** to the Russell Sage Foundation, and the other shall
 6 remain on file with the ~~State Mineral Board~~ **State Mineral and Energy Board**,
 7 provided that the Russell Sage Foundation shall have the right if it so desires to
 8 verify any such report by audit.

9 (c) Upon the same terms and conditions and subject to the same division and
 10 disposition of revenues therefrom the ~~State Mineral Board~~ **State Mineral and**
 11 **Energy Board** is authorized to grant permits to conduct geophysical surveys of all
 12 or any portion of Marsh Island.

13 * * *

Section 10. This Act shall become effective on July 1, 2009.

 PRESIDENT OF THE SENATE

 SPEAKER OF THE HOUSE OF REPRESENTATIVES

 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____