

DIGEST

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N. Gautreaux

SB No. 183

Present law authorizes the State Mineral and Energy Board ("board") to lease for the development and production of minerals, oil, and gas, any lands belonging to the state, or the title to which is in the public, including road beds, water bottoms, vacant state lands, and lands adjudicated to the state at tax sale.

Proposed law retains present law and authorizes the board to lease for the development and production of "alternative energy sources".

Proposed law authorizes the board, in consultation with the Dept. of Transportation and Development, to adopt rules and regulations in accordance with the APA.

Proposed law defines "alternative energy sources" as energy sources other than oil, gas, and other liquid, solid or gaseous minerals. It will include, but not limited to, wind energy, geothermal energy, solar energy and hydrokinetic energy. It does not include the cultivation or harvesting of biomass fuels or the use of state land or water bottoms for facilities which utilize biomass fuel to produce energy.

Proposed law further provides that no lease shall be granted for hydrokinetic energy development that is inconsistent with the terms of a permit, license, exemption, or other authorization issued by the Federal Energy Regulatory Commission. No lease will be granted for alternative energy sources development on lands or public navigable waterways without prior written approval of a port or terminal, and the approval of the lease will not be unreasonably withheld unless the lease will be detrimental to the needs of commerce and navigation. Prohibits a port or terminal district from receiving compensation for its approval.

Proposed law requires notice by certified mail to the lease applicant of the port or port, harbor, and terminal district's decision. Such notice shall include the decision and the applicant's right to request an administrative hearing before the division of administrative law within 60 days of the notice.

Proposed law provides that the port or port, harbor, and terminal district shall have the burden of proof at the administrative hearing that the lease is detrimental to commerce and navigation.

Proposed law provides that the port or port, harbor, and terminal district shall contract with the division of administrative law whom may assess costs and attorney's fees to the losing party.

Proposed law authorizes the lease applicant or the port or port, harbor, and terminal district to petition the 19th JDC to review any final decision or order of the administrative law judge.

Effective August 15, 2010.

(Amends R.S. 30:124)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Natural Resources and Environment to the reengrossed bill.

1. Requires the State Mineral and Energy Board to consult with the Dept. of Transportation and Development in adopting rules and regulations.
2. Requires notice of a port or port, harbor, and terminal district decision to a lease applicant to be sent by certified mail and provides for appeal procedures of such decision.