

2025 Regular Session

SENATE BILL NO. 193

BY SENATOR HENSGENS

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

NATURAL RESOURCES DEPT. Provides for the Dept. of Energy and Natural Resources.
(8/1/25)

AN ACT

To amend and reenact R.S. 30:1(A), (B), and (C), 3(3), (6), (7), (9), and (18), 4(C)(16)(b) and the introductory paragraph of R.S. 30:4 (D) and (D)(1)(a), (b), (d), (e), (f), and (g), (2), (3)(a) and (b) and (5), and (T), 4.1(B) and (K), 82(6), 83.1(B)(3) as enacted by Section 1 of Act 16 of the 2024 Third Extraordinary Session of the Legislature of Louisiana, 136.3(B), (C), (D), (E), (F), (I), and (K), 4.2, 4.3 (A), (B) (2), and (C) 5 (A), (B), (C) (1) (a), (b), introductory paragraph of (c) (2), (d), (4), and (b), and (D) (1) and (2), 5.1 (A) (1), (2), introductory paragraph of (3), (3) (e), (5) through (9), (B) (1), (2), introductory paragraph of (3), (5), (7), (9), (10), (12), and (13), 6.1 (A), (B), (C), (D), and (F), 82(6), 83(B)(3), 136.3(B)(1), 153, 209.1(A), 503(2), (6), and (8), 2455, 2456, R.S. 36:351, 353, 354(A)(13) and (15), (B)(1)(b), (2), (4), (6), (8), (10) and (12), 355, 356, 356.1(B)(1), 357, and 358, R.S. 38:3098(A), (B), and (E) and 3098.1(4), R.S. 39:1367(E)(2)(b)(xi), R.S. 45:251(3) and 252, and 56:432.1(C)(2), 700.13(B), and 700.14(B), to enact R.S. 30:4(C)(21), 29(N), 30 through 30.4, 98.1 through 98.11, 124.1, 136.3(B)(6), 209(6), and 2454(33), R.S. 36:351.1, 354(B)(13) and (14), 354.1, 356.1(B)(6) and (D), R.S. 38:3098(G), R.S. 39:1367(E)(2)(b)(xi), and R.S. 45:351(4) and to repeal R.S. 17:200 through 220, R.S.

30:2458 and 2470 through 2474, and R.S. 38:3071 through 3084, 3087.131 through 138, and 3097.4, relative to the Department of Energy and Natural Resources; to provide for definitions; to provide for bonding authority; to provide for the Oyster Lease Acquisition and Compensation Program, to rename the Department of Energy and Natural Resources; to provide for the creation of offices; to provide for directors; to provide for the secretary; to provide for the deputy secretary; to provide for the undersecretary; to provide for the Natural Resources Commission; to provide for the Louisiana Natural Resources Trust Authority; to provide for remediation of environmental damage; to provide for net state supported debt; to provide for water resource management; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 30:1 (A), (B), and (C), 3(3), (6), (7), (9), and (18), 4(C) (16)(b) and the introductory paragraph of R.S. 30.4(D) and (D)(1)(a), (b), (d), (e), (f), and (g), (2), (3)(a) and (b) and (5), and (T), 82(6) and 83.1(B)(3) as enacted by Section 1 of Act 16 of the 2024 Third Extraordinary Session of the Legislature of Louisiana 136 (B), (C), (D), (E), (F), (I), and (K), 4.2, 4.3 (A), (B) (2), and (C), 5 (A), (B), (C) (1) (a) (b), introductory paragraph of (c) (2), (d), (4), and (b), and (D) (1) and (2) 5.1 (A) (1), (2), introductory paragraph of (3), (3) (e), (5) through (9), (B) (1), (2), introductory paragraph of (3), (5), (7), (9), (10), (12), (13), 6.1 (A), (B), (C), (D), and (F), 82(6), 83(B)(3), 136.3(B)(1) , are hereby amended and reenacted and R.S. 30:4(c)(21), 29(N), 30 through 30.4, 98.1 through 98.11, 124.1, 136.3 (B)(6), 209 (6), and 2454 (33) are hereby enacted to read as follows:

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

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

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

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

(1) The office of permitting and compliance shall oversee all portions of this Title within the jurisdiction of the department which relate to the issuance of permits and compliance with legal and regulatory requirements.

(2) The office of enforcement shall oversee all portions of this Subtitle within the jurisdiction of the department which relate to penalties and enforcement of violations.

(3) The office of state resources shall oversee all portions of this Title within the jurisdiction of the department which relate to management of the state's natural resources, including but not limited to mineral and energy leasing, management of groundwater resources, and energy-related management of state lands and water bottoms.

* * *

§3. Definitions

* * *

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

* * *

(6) ~~"Illegal gas" means gas which has been produced within the state from any well in excess of the amount allowed by any rule, regulation, or order of the commissioner~~ department, as distinguished from gas produced within the state not

1 in excess of the amount so allowed by any rule, regulation, or order, which is "legal
2 gas."

3 (7) "Illegal oil" means oil which has been produced within the state from any
4 well in excess of the amount allowed by any rule, regulation, or order of the
5 ~~commissioner~~ **department**, as distinguished from oil produced within the state not
6 in excess of the amount so allowed by any rule, regulation, or order, which is "legal
7 oil."

8 * * *

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

14 * * *

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

18 * * *

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

20 * * *

21 C. The ~~commissioner~~ **secretary** has authority to make, after notice and
22 hearings as provided in this Chapter, any reasonable rules, regulations, and orders
23 that are necessary from time to time in the proper administration and enforcement
24 of this Chapter, including rules, regulations, or orders for the following purposes:

25 * * *

26 (16)(a) * * *

27 (b) Provided that before a permit to operate a new commercial operations'
28 waste disposal well may be granted, a public hearing shall be held on the application
29 for a permit, and shall fix the date, time, and place therefor. The operator or owner,

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

21 * * *

22 **(21) To require reporting of the production of oil, gas, and condensate**
23 **on an individual well basis.**

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

27 (1) To require that all pipelines, excluding field transmission, flow, and
28 gathering lines; all wells; and all associated structures, including any fittings,
29 tie-overs, appliances, and equipment, which are constructed on state water bottoms

1 pursuant to the grant of a right-of-way by the secretary of the Department of Energy
2 and Natural Resources or the issuance of a lease by the State Mineral and Energy
3 Board shall conform to the following provisions:

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

9 (b) Upon abandonment of a pipeline, well, or associated structure, the owner
10 or operator thereof shall be responsible for removing any related object above the
11 mudline which may unduly interfere with other uses of state waters or water bottoms,
12 including navigation or fishing, or shall adequately mark it for the duration of the
13 obstruction according to regulations of the United States Coast Guard and
14 regulations promulgated by the ~~assistant~~ secretary. If necessary for environmental
15 reasons or to prevent undue interference with other uses of state waters or water
16 bottoms, the owner of an abandoned buried pipeline, well, or associated structure;
17 an abandoned pipeline, well, or associated structure; or portions thereof shall cause
18 removal of that which constitutes an obstruction or hazard to navigation or fishing,
19 as determined necessary by the ~~assistant~~ secretary after a public hearing.

20 * * *

21 (d) If determined by the governor and the secretary of the Department of
22 Energy and Natural Resources to be in the best interests of the state, the owner or
23 operator of a pipeline, well, or associated structure shall not be required to have it
24 removed but shall be required to adequately mark it for the duration of the
25 obstruction according to regulations of the Coast Guard and of the ~~assistant~~
26 secretary.

27 (e) At regular intervals subsequent to the abandonment of any pipeline, well,
28 or associated structure constructed on a right-of-way or lease established on state
29 waterbottoms, the owner or operator of such facility shall cause and be responsible

1 for inspection of that property if the ~~assistant~~ secretary requires it to ensure
2 compliance with applicable rules and regulations of state and federal agencies. The
3 ~~assistant~~ secretary shall require an inspection if he determines that the public interest
4 requires that an inspection is necessary.

5 (f) A person shall not construct any pipeline, well, or associated structure on
6 a right-of-way or lease established on state waterbottoms unless he has obtained a
7 permit from the ~~assistant~~ secretary prior to the initiation of construction.

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

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

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

27 (a)(i) The owner or operator of a pipeline, well, or associated structure
28 constructed on a right-of-way or lease upon state waterbottoms shall cause and be
29 responsible for inspection of that property if the ~~assistant~~ secretary requires it to

1 determine whether any equipment, machinery, or material associated with activity
2 on the lease or right-of-way, including sunken boats and barges, has been discarded
3 or abandoned above the mudline. The ~~assistant~~ secretary shall require an inspection
4 if he determines that the public interest requires that an inspection is necessary.

5 (ii) If the inspection reveals any equipment, machinery, or material above the
6 mudline, the owner shall be responsible for its removal to avoid its constituting an
7 obstruction which may unduly interfere with other uses, including navigation or
8 fishing. However, the ~~assistant~~ secretary may by rule grant exceptions or variances
9 from this requirement if the location of the equipment, machinery, or material would
10 cause removal to be extraordinarily onerous or impractical. Moreover, removal shall
11 not be required if the governor and the secretary of the Department of Energy and
12 Natural Resources determine that in the best interests of the state removal shall not
13 be required. However, the owner shall be required to mark it for the duration of the
14 obstruction according to regulations of the Coast Guard and the ~~assistant~~ secretary.

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

21 * * *

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

25 * * *

26 T. In addition to the requirements set forth in Subsection R of this Section,
27 an organization seeking to enter into a cooperative endeavor agreement with the
28 ~~assistant~~ secretary to assist with plugging orphaned wells, in order to alleviate the
29 burden on operators in meeting financial security requirements, shall include in the

1 cooperative endeavor agreement a provision that allows full access to their
2 operations and financial records for the purpose of any audit conducted by the
3 legislative auditor.

4 §4.1. Underground injection control

5 * * *

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

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

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

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

19 * * *

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

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

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

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

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

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

29 * * *

1 I. Settlement of suits. Except as otherwise provided herein, the ~~assistant~~
2 secretary, with the concurrence of the attorney general, may settle or resolve as he
3 may deem advantageous to the state any suits, disputes, or claims for any penalty
4 under any provisions of this Section or the regulations or permit license terms and
5 conditions applicable thereto.

6 * * *

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

11 §4.2. Effective enforcement of wildlife and fisheries laws

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

20 §4.3. Financial security

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

29 B.(1)

* * *

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

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

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

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

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

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

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

C.(1) * * *

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

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

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

17 * * *

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

1 unitization signed and executed by the three-fourths in interest of the owners and
2 filed with the ~~assistant~~ secretary of the office of conservation on or before the day
3 set for the hearing.

4 * * *

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

10 * * *

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

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

29 (2) Prior to approving any cyclic injection project the ~~assistant~~ secretary must

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

7 * * *

8 §5.1. Deep pool order; ultra deep structure units; application; procedure; allocation
9 of costs; rules and regulations

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

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

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

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

27 * * *

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

1 hearing.

2 * * *

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

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

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

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

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

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

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

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

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

26 * * *

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

* * *

(7) No order creating a unit for an ultra deep structure shall be issued by the ~~commissioner~~ **secretary** unless interested parties have been provided a reasonable opportunity to review and evaluate all data, including seismic data, submitted by the applicant to the ~~commissioner~~ **secretary** to establish the limits of the deep structure.

* * *

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

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

* * *

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

(13) While the provisions of this Subsection authorize the initial creation of a single unit to be served by one or more wells, nothing herein shall be construed as limiting the authority of the ~~commissioner~~ secretary to approve the drilling of alternate unit wells on drilling units established pursuant to R.S. 30:9(B).

* * *

§6.1. Declaration of emergency

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

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

C. When an emergency situation is declared, the ~~commissioner~~ department is authorized to undertake the containment and abatement of the pollution source and pollutants and may retain personnel or contract for these purposes with persons who shall operate under his direction. All contracts let by the ~~commissioner~~ department

1 to respond to a declared emergency shall be exempt from the provisions of Chapter
2 10 of Title 38 of the Louisiana Revised Statutes of 1950 and the Louisiana
3 Procurement Code. However, the ~~commissioner~~ **department** may employ an
4 informal bidding procedure by which bids are solicited from at least three bidders:
5 ~~He~~ **and** may order the operator of record or owner to undertake the containment,
6 abatement, or cleanup of such pollution source and pollutants. Failure to comply with
7 his order shall be a violation of this Title and shall be punishable as provided in this
8 Title. The ~~commissioner~~ **department** shall submit an annual report to the House
9 Committee on Natural Resources and Environment and Senate Committee on
10 Natural Resources listing the number and type of emergencies declared within the
11 previous year.

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

18 * * *

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

25 * * *

26 §29. Remediation of oilfield sites and exploration and production sites

27 * * *

28 **N. This section shall not be applicable to any suit filed on or after**
29 **January 1, 2026, in connection with environmental damage to property arising**

1 from activities subject to the jurisdiction of the Department of Conservation
2 and Energy.

3 §30. Remediation of oilfield sites and exploration and production sites;
4 saltwater and oil assessment process

5 A. The legislature hereby finds and declares that Article IX, Section 1 of
6 the Constitution of Louisiana mandates that the natural resources and the
7 environment of the state, including ground water, are to be protected,
8 conserved, and replenished insofar as possible and consistent with the health,
9 safety, and welfare of the people and further mandates that the legislature enact
10 laws to implement this policy. It is the duty of the legislature to set forth
11 procedures to ensure that damage to the environment is remediated to a
12 standard that protects the public interest. The legislature hereby finds that past
13 efforts to remedy these issues have proved unworkable. To this end, this Section
14 provides the procedure for resolution of regulatory remediation for
15 environmental damage to property arising from activities subject to the
16 jurisdiction of the Department of Conservation and Energy. The provisions of
17 this Section shall not be construed to impede or limit provisions under private
18 contracts imposing remediation obligations in excess of the requirements of the
19 department or limit the right of a party to a private contract to enforce any
20 contract provision in a court of proper jurisdiction.

21 B. This Section shall be applicable to any suit filed on or after January
22 1, 2026, in connection with environmental damage to property arising from
23 activities subject to the jurisdiction of the Department of Conservation and
24 Energy.

25 C. The department is hereby authorized to adopt rules and regulations
26 in accordance with the Administrative Procedure Act to provide for the efficient
27 administration of this Part.

28 §30.1. Definitions

29 For the purposes of this Section, the following terms shall have the

1 following meanings:

2 (1) "Contamination" shall mean the introduction or presence of
3 substances or contaminants into a usable groundwater aquifer, an underground
4 source of drinking water (USDW) or soil in such quantities as to render them
5 unsuitable for their reasonably intended purposes.

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

11 (3) "Evaluation or remediation" shall include but not be limited to
12 investigation, testing, monitoring, containment, prevention, or abatement.

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

21 (5) "Oilfield site "or "exploration and production (E&P) site" means any
22 location or any portion thereof on which oil or gas exploration, development, or
23 production activities have occurred, including wells, equipment, tanks, flow
24 lines or impoundments used for the purposes of the drilling, workover,
25 production, primary separation, disposal, transportation or storage of E&P
26 wastes, crude oil and natural gas processing, transportation or storage of a
27 common production stream of crude oil, natural gas, coal seam natural gas, or
28 geothermal energy prior to a custody transfer or a sales point. In general, this
29 definition would apply to all exploration and production operations located on

1 the same lease, unit or field.

2 (6) "Timely notice" means written notice sent by certified mail, return
3 receipt requested.

4 (7) "Department" means the Department of Conservation and Energy,
5 or any successor agency.

6 (8) "Review Panel" means a three member review panel convened in
7 accordance with the provisions of 30:30.2 through 30.4 to review the incident
8 of contamination and recommend a remediation plan.

9 (9) "Party" means both the "Landowner" and "Operator" of the "E&P
10 site" and location of the alleged "Contamination" involved in the dispute at
11 issue. Any use of the singular shall be interpreted to include the plural and the
12 plural the singular.

13 (10) "Landowner" means the owner of the surface rights and the owner
14 of the mineral rights of the immovable property where the alleged
15 "contamination" is located. Any use of the singular shall be interpreted to
16 include the plural and the plural the singular.

17 (11) "Operator" means the current and past operator of record with the
18 Department for the E&P site associated with the alleged Contamination at issue
19 in the dispute, along with the working interest owner for the E&P site. Any use
20 of the singular shall be interpreted to include the plural and the plural the
21 singular.

22 §30.2. Review panel; membership; selection; convening

23 A. Upon any dispute between a landowner and an operator regarding the
24 appropriate response to alleged contamination, the operator shall, at the earliest
25 opportunity, send timely notice to the Department of Conservation and Energy,
26 office of the secretary, and to any affected landowner of the alleged
27 contamination, a description of the contamination and the alleged
28 environmental damage, a description of the property alleged to have been
29 damaged, and the operator's immediate efforts to stop and remediate the

1 contamination. Said notice shall also be accompanied by notice via electronic
2 means where practicable. The operator shall provide the names and addresses
3 of any known landowners, as well as the operator's name and address, in its
4 notice to the department.

5 B. The operator shall act reasonably and prudently to execute immediate
6 remediation procedures to stop any ongoing contamination while the process
7 described in this Section is pending, and shall document his efforts for inclusion
8 in the process.

9 C. In the event that a lawsuit subject to La. R.S. 30:30 et seq. is filed
10 prior to completion of the regulatory evaluation and report or remediation plan
11 development process described in this Section, such suit shall be stayed pending
12 the completion of the regulatory evaluation and report or remediation plan
13 development process described in this Section.

14 D. In the event that no lawsuit has been filed prior to notification of the
15 department, prescription for private claims arising from the contamination
16 shall be suspended from the date timely notice is sent to the department and
17 affected landowners until ninety days after the decision of the review panel is
18 mailed in accordance with R.S. 30:30.3. The review panel shall retain exclusive
19 jurisdiction over the controversy until its final remediation plan, or decision of
20 compliance with regulatory obligations, is mailed to all parties pursuant to R.S.
21 30:30.3.

22 E. Upon receipt of timely notice, the department shall convene a review
23 panel consisting of three members in accordance with the following procedures.

24 F. The panel shall consist of three individuals with generalized expertise
25 in environmental evaluation and remediation who are appropriately licensed
26 and certificated.

27 G. Within fifteen days of the receipt of notice by the department, the
28 department shall provide notice via certified mail that a panel is being formed
29 and advising the landowners collectively and the operators collectively that they

1 shall each nominate one member of the panel within thirty days. If, for any
2 reason, a party fails to select a member in accordance with this Section, the
3 department shall choose at random a member on behalf of the party within
4 fifteen days.

5 H. Within ten days of appointment by a party or set of parties, the
6 department shall notify the panel member of his appointment. After the second
7 panel member is appointed, the department shall immediately advise both
8 members that they shall, within fifteen days, consult and agree upon a third
9 member of the panel.

10 I. Upon the appointment and notification of the third panel member, the
11 panel shall be deemed convened, and the department shall notify the parties.

12 J. There shall be a chairperson of every review panel, who shall be an
13 employee or contractor of the department with experience in evaluation and
14 remediation of oilfield sites. The chairperson shall serve to advise the panel and
15 shall not vote on the evaluation or restoration plan.

16 K. An advisory attorney shall be appointed to assist the chairperson and
17 the panel with any legal issues, and the attorney shall not vote on the evaluation
18 or remediation plan. The advisory attorney shall be an employee or contracted
19 attorney of the department as designated by the secretary.

20 L. Upon finalization, each review panel shall be approved by the State
21 Mineral and Energy Board as sufficient to meet the requirements of this Part
22 prior to the panel entering its duties.

23 M. Prior to entering their duties, each member of the review panel shall
24 subscribe before a notary public the following oath:

25 "I, (name) do solemnly swear/affirm that I will faithfully perform the
26 duties of review panel member to the best of my ability and without partiality
27 or favoritism of any kind. I acknowledge that I represent neither side and that
28 it is my lawful duty to serve with complete impartiality and to render a decision
29 in accordance with law and the evidence."

1 **§30.3. Review panel; procedure**

2 **A. All evidence submitted to the review panel shall be in written form**
3 **only, including depositions if appropriate. The department may utilize its**
4 **subpoena power in R.S. 30:8 at the request of a party.**

5 **B. Each party shall submit a delineation of the areas of interest for**
6 **evaluation and remediation. The evaluation and remediation plan of the panel**
7 **shall be limited to the combined areas identified by the parties. Further, each**
8 **party shall submit any evidence they possess regarding responsibility for the**
9 **contamination and environmental damage at issue.**

10 **C. Should the panel deem it necessary, it may consult with persons with**
11 **specialized areas of expertise, either within or outside the department, on issues**
12 **relating to regulatory responsibility and the evaluation or remediation**
13 **procedures necessary within the area of interest. Should the panel deem it**
14 **necessary, it may seek factual information, reports, and expert opinions from**
15 **the parties on issues relating to regulatory responsibility and the evaluation or**
16 **remediation procedures necessary within the area of interest.**

17 **D. The review panel shall review all evidence submitted by the parties**
18 **within a reasonable time. When the panel determines it necessary, the review**
19 **panel shall draft an evaluation plan which will be used to determine: (1)**
20 **whether contamination exists, (2) causation, and (3) who is the regulatorily**
21 **responsible party or parties in accordance with adopted regulatory obligations.**
22 **The evaluation plan shall also include a scheduling order with deadlines by**
23 **which the evaluation work and resulting analysis shall be completed and reports**
24 **of the same submitted to the panel. The evaluation plan shall require split**
25 **sampling and allow both the operator(s) and landowner(s) to submit a report**
26 **setting forth the findings and their analysis of the results. If following receipt of**
27 **these reports and underlying data, the review panel determines causation of**
28 **contamination and who is the responsible party or parties, the review panel**
29 **shall develop a remediation plan to regulatory standards based on the evidence.**

1 If the review panel instead determines that there is no contamination or no
2 responsible party exists, then the review panel shall draft a report to that effect
3 including the basis for its decision and forward the report to the appropriate
4 agencies in accordance with Subsection F for their review and either approval
5 or comment. Regulatory responsibility shall be determined in accordance with
6 adopted regulatory obligations and shall not be based upon contractual
7 obligations whereby any operator agrees to take on the liability of another
8 operator, such as through indemnification or otherwise.

9 E. Any disputes that arise during the course of the review panel's work
10 shall be resolved by the secretary or his designee.

11 F. The review panel, in consultation with the chairperson and the
12 attorney advisor, shall prepare and render an order. The order, along with any
13 remediation plan developed by the panel, shall either state that previous
14 remediation efforts are sufficient to fulfill regulatory requirements or that
15 further remediation is necessary. If further remediation is found to be necessary
16 by the review panel, the remediation plan shall include all further necessary
17 remediation to fulfill regulatory requirements, along with the anticipated cost
18 of remediation efforts as well as an approved remediation cost estimate. The
19 review panel shall, within five days of rendering an order, send copies of the
20 order and any remediation plan via certified mail to the following:

21 (1) All parties to the review panel.

22 (2) The secretary of the Department of Conservation and Energy.

23 (3) The secretary of the Department of Environmental Quality.

24 (4) The commissioner of Agriculture.

25 (5) The secretary of the Department of Wildlife and Fisheries.

26 G. Upon receipt of a report of no contamination or responsible party or
27 receipt of the remediation plan, the applicable state agencies shall review the
28 report or plan solely for the purposes of determining compliance with its laws
29 and regulations and issue any comments to the review panel within thirty days

1 via certified mail. If the agencies approve the report or plan, the agency shall
2 approve it via signature by the agency's secretary or his designee. If any agency
3 does not approve of the report or plan, the agency shall submit its comments in
4 writing to the review panel within thirty days of receipt. If an agency does not
5 approve the plan, the panel shall incorporate the agency's comments and
6 resubmit the report or plan with revisions to each agency in Subsection F of this
7 Section. This process shall continue until all agencies listed in Subsection F of
8 this Section approve the plan. Along with their approval all agencies listed in
9 Subsection F of this Section shall include an estimate, if any, of the cost in
10 overseeing implementation of the approved plan and an invoice for their costs
11 in reviewing the report or plan, as well as, in the case of the Department of
12 Conservation and Energy, the costs of staffing the review panel.

13 H. Upon approval of a remediation plan by all agencies in Subsection F
14 of this Section, the responsible party shall deposit the approved remediation
15 cost estimate amount along with any invoiced amount by the departments listed
16 in Subsection F into an account managed by the Natural Resources Trust
17 Authority to be disbursed at the direction of the authority for remediation work
18 in accordance with the remediation plan.

19 §30.4 Appeals, Admissibility, Testimony

20 A. There shall be no suspensive appeal. The implementation of the final
21 regulatory plan may be enjoined in a separate proceeding if the requirements
22 of the Code of Civil Procedure with respect to injunctions are met, including the
23 provision of appropriate security.

24 B.(1) Any appeal of the final regulatory plan or order shall be filed as a
25 hearing request with the division of administrative law (DAL) in accordance
26 with R.S. 49:991 et seq. Said request shall be filed with sixty days from final
27 regulatory or plan issuance to the parties.

28 (2) Within thirty days after service of the request for hearing or within
29 further time allowed by the hearing officer, the department shall transmit to the

1 DAL the original or a certified copy of the entire record of the proceeding under
2 review. By stipulation of all parties to the review proceedings, the record may
3 be shortened. A party unreasonably refusing to stipulate to limit the record may
4 be taxed by the DAL for the additional costs. The DAL may require or permit
5 subsequent corrections or additions to the record.

6 (3) The review shall be confined to the record. In cases of alleged
7 irregularities in procedure before the department not shown in the record,
8 proof thereon may be taken in the hearing. The hearing officer, upon request,
9 shall hear oral argument and receive written briefs.

10 (4) The hearing officer may affirm the decision of the secretary or
11 remand the case for further proceedings. The hearing officer may reverse or
12 modify the decision if substantial rights of the appellant have been prejudiced
13 because the administrative findings, inferences, conclusions, or decisions are
14 any of the following:

15 (a) In violation of constitutional or statutory provisions.
16 (b) In excess of the statutory authority of the agency.
17 (c) Made upon unlawful procedure.
18 (d) Affected by other error of law.
19 (e) Arbitrary or capricious, or characterized by abuse of discretion or
20 clearly unwarranted exercise of discretion.

21 (f) Manifestly erroneous in view of the reliable, probative, and,
22 substantial evidence on the whole record.

23 (5) Any person aggrieved by the ruling of the hearing officer, including
24 the department, shall have the right of judicial appeal directly to the First
25 Circuit Court of Appeals.

26 C. Any member of the review panel, or the attorney chairperson,
27 department, agency, or any department or agency staff who either assists the
28 review panel in its work or reviewed the panel remediation plan, approved such
29 plan, or commented on such plan shall have absolute immunity from civil

liability for all communications, findings, opinions and conclusions made in the course and scope of duties prescribed by this Part.

D. The written record of the review panel, approved remediation plan, and report shall be admissible in any subsequent court proceedings as evidence of the state's regulatory action and approved remediation plan and shall be res judicata concerning the regulatory requirements of remediation within the area of interest delineated by the parties.

E. The testimony of any member of the review panel, the attorney chairperson and their staff and any member of the department or agencies listed in Subsection A of this Section shall be inadmissible in court in any court proceeding arising out of the contamination or operations at issue in the process outlined in R.S. 30:30 through 30.4 of this Subtitle.

* * *

§82. Definitions

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

* * *

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

* * *

§83.1. Authorization of bonds

* * *

B.(1)

* * *

(3) The secretary, the undersecretary, and the Natural Resources Trust Authority are hereby authorized to execute loan, reimbursement, investment, and

1 bond purchase agreements, and all documents as may be necessary or desirable to
2 carry out the provisions of this Section and are further authorized to take any and all
3 further actions and execute and deliver all other documents as may be necessary in
4 connection with the issuance of any bonds, notes, certificates, reimbursement
5 obligations, or other evidences of indebtedness referred to in this Section. The
6 provisions of R.S. 9:2347(J) **and R.S. 39:112(G)** shall not apply to bonds or any
7 contractual obligation, including the pledge of state funds, to be undertaken or
8 incurred in connection therewith.

9 * * *

10 **§98.1. Legislative Declaration; Purpose**

11 **The legislature declares that the management, protection, and**
12 **development of water resources in the state are essential for public welfare,**
13 **economic prosperity, and environmental sustainability. To fulfill these**
14 **objectives, it is necessary to provide a framework for comprehensive water**
15 **resource management, balancing environmental needs with human and**
16 **economic activities. Accordingly, the legislature grants broad authority to the**
17 **Department of Conservation and Energy to administer, manage, and regulate**
18 **water resource dependent activities within the state.**

19 **§98.2. Definitions**

20 **The department shall define through rules adopted in accordance with**
21 **the Administrative Procedure Act necessary terms relevant to the management,**
22 **use, conservation, and protection of water resources.**

23 **§98.3. Powers of the Department of Conservation and Energy**

24 **A. In carrying out the provisions of this Chapter, the Department of**
25 **Conservation and Energy is empowered but not limited to do the following:**

26 **(1) Make reasonable rules and regulations for the purpose of carrying**
27 **out the provisions of this Chapter as well as for the proper drilling and**
28 **abandonment of wells and holes, excluding oil and gas wells.**

29 **(2) Prepare required forms and establish other procedures to govern the**

1 submission of applications, reports, and other information authorized to be sent
2 to the office as required by this Chapter.

3 (3) Deposit all fees in a special fund in the office of the state treasurer to
4 be used for the implementation of this Chapter.

5 (4) Upon presenting valid identification as an inspector for the office,
6 enter upon and be given access at reasonable times and under reasonable
7 conditions to any premises for the purposes of inspecting water wells.

8 B. If the office finds that compliance with all the requirements of this
9 Chapter would result in undue hardship, an exemption from any one or more
10 of such requirements may be granted by the office to the extent necessary to
11 ameliorate such undue hardship and to the extent such exemption can be
12 granted without impairing the intent and purpose of this Chapter.

13 §98.4. Groundwater districts; water resource management

14 A. The department may designate aquifer-specific groundwater districts
15 based on rules and regulations adopted by the department.

16 B. The department may do all things necessary to prevent waste of
17 groundwater resources, and to prevent or alleviate damaging or potentially
18 damaging subsidence of the land surface caused by withdrawal of groundwater.
19 The department shall have authority to do, as required, the following within a
20 district designated by the department:

21 (1) To hold hearings.

22 (2) To require permits for the drilling or construction of all wells drilled
23 after July 31, 1974, having a capacity in excess of fifty thousand gallons per day.

24 (3) To require registration of all wells showing the date drilled, the name
25 of the driller, if available, and the current ownership together with such other
26 information as the department may reasonably require to permit it to
27 accomplish the purposes of this legislation. No charge shall be assessed for such
28 registration.

29 (4) To require that all users of groundwater register with the department

1 showing the number, location, and capacity of wells owned or operated by them
2 or solely for their benefit and designating the beneficial use or uses of that
3 groundwater. The department shall classify each user as an industrial user or
4 as a commercial, rural or municipal user of groundwater upon the basis of such
5 information. The department shall have authority in its discretion to require
6 periodical renewals of registrations to determine alterations in uses of water.
7 Such registrations may be required on an annual basis or such greater periods
8 of time as the department may deem appropriate.

9 (5) To establish standards for the construction of wells that would come
10 under the jurisdiction of this part drilled after July 31, 1974.

11 (6) To specify spacing of wells drilled after July 31, 1974, in limited areas
12 upon a showing that the water quality, quantity of withdrawal or subsidence in
13 such area threatens the public interest.

14 (7) To require well owners who are users, well owners providing water
15 to other users, and users of groundwater who are not well owners to keep and
16 furnish, on request, information necessary to carry out the provisions of this
17 Part pertinent to wells, drawdowns, grouting, casing sizes, property descriptions
18 and other pertinent information reasonably required by the department,
19 provided that as to wells in existence on the effective date of this Part such
20 information is available.

21 (8) To collect data; to make investigations and inspections; to examine
22 properties, papers, books, and records relevant to groundwater use or
23 conservation; to examine, survey, check test, and gauge all water wells; to
24 require well owners who are users or well owners providing water to other
25 users, at their own expense, to meter wells to permit accurate determination of
26 rates of use. Metering may be required on a continuous or periodic basis, and
27 the department may require approval by it of metering devices; to provide for
28 the keeping of records and making of reports by owners of water wells
29 providing water to users, and users of groundwater.

1 (9) To require that authorized representative of the department be
2 enabled to enter property at reasonable times and under reasonable conditions
3 to inspect wells, perform tests and examine records.

4 (10) To establish standards for the control of existing and future flowing
5 wells and the sealing of abandoned wells.

6 (11) To require that all abandoned wells be reported and sealed in
7 accordance with such standards.

8 (12) To establish groundwater use priorities, under conditions supported
9 by research data, which indicate depletion of water subject to this Part.

10 (13) To assess the following:

11 (a) A charge against all users within the district based upon the annual
12 rate of use of each user sufficient to meet costs and expenses of operation. Such
13 charges must be uniform as to all users, being assessed on the basis of units of
14 water used, whether a cubic, acre-foot, or other unit be used, and without
15 distinctions or graduations as to total amounts of water produced by individual
16 users or classes of users, except that no charge shall be made against the
17 quantity of water pumped from the Mississippi River alluvial aquifer. Further,
18 such charges shall be assessed and income therefrom used only to defray the
19 costs and expenses of operation of the district assessing them.

20 (b) Costs for capital expenditures assessed to users based on either
21 annual flows or specific costs for wells to individual users based on capital, debt
22 service, and operation and maintenance costs. Costs may include specific
23 systems and technologies to allow for remote monitoring of flows, water levels,
24 water quality, and other parameters considered necessary by the department
25 to conserve and protect groundwater resources and may include but are not
26 limited to monitoring wells, scavenger wells, reclaimed water systems, pressure
27 differential systems, water treatment systems, and other subsurface systems
28 related to the protection of the aquifers.

29 (c) Late fees for nonpayment of monthly or quarterly invoices not to

1 exceed twenty-five dollars per month or one and one-half percent per day of the
2 balance due, whichever is greater, calculated beginning thirty days after the due
3 date.

4 (d) Application fees not to exceed two thousand dollars for each
5 application submitted for a new or upgraded well.

6 (14) To cooperate with and enter into contracts or cooperative
7 agreements with other governmental units and agencies of this state, with
8 governments and agencies of other states and of the United States, and with
9 private agencies or other groundwater conservation districts for the
10 achievement of the purposes of this Part.

11 (15) To receive grants and enter into contracts for groundwater resource
12 development.

13 (16) To conduct studies and investigations of all problems concerning
14 groundwater resources of the district.

15 (17) To take all necessary steps to prevent intrusion of salt water or any
16 other form of pollutant into any aquifer or aquifers, including the powers to
17 operate withdrawal wells for the extraction of salt water or water affected by
18 any pollutant and to dispose of such water by injection or otherwise; to operate
19 injection wells to create freshwater barriers against salt water intrusion or the
20 intrusion of any other pollutant; and to control pumping rates by users in any
21 area threatened by intrusion of salt water or other form of pollutant.

22 (18) Within affected areas, to limit rates of production of water from any
23 aquifer or aquifers, after detailed research, considering both recharge and
24 withdrawal data, when the quality or quantity of the supply of water afforded
25 by such aquifer or aquifers is in danger for any reason or where the danger of
26 damaging subsidence exists.

27 (19) To use and permit the use of any of its property or facilities for
28 recreational purposes and to operate thereon such concessions as may be
29 appropriate to such recreational use or uses as long as such activities do not

1 increase the net operating expenses to the district.

2 (20) To sue and be sued as a body corporate.

3 (21) To hire such personnel and retain such consultants as shall be
4 reasonably necessary to the performance of its functions. Personnel from other
5 agencies shall be used wherever practical and possible.

6 (22) To advise and consult with the commissioner of conservation and the
7 Water Resources Commission on matters that impact water resources within
8 the department's jurisdiction.

9 C. No order limiting rates of production as authorized in Subsection A
10 of this Section shall have the effect of in any way denying to any owner of the
11 land or any other person holding rights to water derivative from any landowner
12 a reasonable opportunity to produce and beneficially use his just and equitable
13 share of the groundwater supply affected by an order limiting rates of
14 production.

15 D. Anything herein to the contrary notwithstanding, the department
16 shall have no regulatory power over and no authority to assess pumping charges
17 for a well or wells with a total depth of less than four hundred feet or wells in
18 the Mississippi River alluvial aquifer; or wells from which the production is
19 used exclusively for bona fide agricultural or horticultural purposes or for
20 domestic use of persons resident upon the same premises and capable of
21 producing not more than fifty thousand gallons per day in the aggregate.

22 E. The department shall have authority to make, after notice and hearing
23 and to enforce reasonable rules, regulations, or orders necessary from time to
24 time to achieve the purposes and powers as outlined in this Part, and such rules,
25 regulations and orders shall be effective and enforceable immediately upon
26 promulgation in the official journal of each parish affected.

27 F.(1) The department shall not require users to undertake the
28 installation of additional metering devices or prescribe new requirements
29 thereof if the user's installation of metering devices meets all of the following

criteria:

(a) Demonstrates compliance with the user's obligation to meter.

(b) Measures flow data at least hourly for each well, for each stratum from which the well draws, and reports the data to the department monthly.

(c) Ensures proper operation of the metering device through installation, calibration, validation, and maintenance practices that are consistent with the accepted capability of that type of metering device. Calibration of each metering device shall be performed at least once per year by a qualified source, which is a person or entity that has received formal training or has practical field experience in the calibration of that type of metering device.

(d) Adheres to accepted scientific practices to safeguard the accuracy and reliability of measurements of the volume of monitored withdrawals.

(e) Measures flows with a maximum deviation of less than five percent from true withdrawal rates throughout the range of expected withdrawal volumes.

(2) The department shall have authority to audit the performance of flow measurement devices installed and maintained by users. Audits of the flow measurement devices of all users other than nuclear electric generating stations may include temporary installation of a flow measurement device and other necessary equipment by the department, at the department's expense, in order to verify performance of a user-installed flow measurement device. Each user-installed flow measurement device may be audited once per calendar year.

G. The department is hereby vested with the authority and responsibility for the comprehensive management, conservation, and protection of the state's water resources.

H. The department shall adopt rules and regulations necessary to implement and enforce this Chapter, encompassing all water resource management activities currently regulated, authorized, or practiced within the state, including but not limited to:

1 (1) Regulation and permitting of surface and groundwater usage.

2 (2) Identification and protection of water recharge areas.

3 (3) Monitoring and evaluation of water quality and quantity.

4 (4) Planning and coordinating water resource development projects.

5 (5) Implementing conservation measures and best practices for water
6 resource sustainability.

7 (6) Establishing fees for permits, compliance monitoring, and other
8 regulatory activities.

9 §98.5. Comprehensive water resource plan

10 A. The department, utilizing the Natural Resources Commission, shall
11 develop, implement, and periodically update a comprehensive statewide water
12 resource management plan, addressing current and future water demands,
13 conservation strategies, infrastructure needs, environmental impacts, and
14 sustainable water management practices.

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

18 §98.6. Enforcement and compliance

19 The department shall have authority to:

20 A. Conduct inspections and investigations necessary for compliance and
21 enforcement of rules adopted under this Chapter.

22 B. Issue notices of violation, compliance orders, and penalties consistent
23 with established regulations.

24 C. Collaborate with federal, state, and local agencies to ensure
25 coordinated enforcement efforts.

26 §98.7. Administrative review and appeals

27 Any party adversely affected by a decision or action of the department
28 under this Chapter shall be entitled to an administrative hearing in accordance
29 with rules adopted pursuant to the Administrative Procedure Act. Judicial

review shall be available following the exhaustion of administrative remedies as provided by law.

§98.8. Immunity from liability

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

§98.9. Cooperation with other agencies

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

§98.10. Funding and financial assistance

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

§98.11. Severability

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

* * *

§124.1. Confidential information

Information submitted to the Board or the Office of Mineral Resources as part of a bid or proposal for the right to explore, develop, or utilize public property may be deemed confidential and withheld from public disclosure by the Board or Office of Mineral Resources if disclosure of such information would be reasonably likely to:

A. Reveal technical, operational, or financial details to be used in the bid or proposal; and

B. Give any advantage to a competitor.

Information withheld pursuant to this provision shall be subject to disclosure in accordance with Public Records Law upon conclusion of the competitive evaluation process and a final board determination regarding bid or proposal.

* * *

§136.3. Mineral and Energy Operation Fund

* * *

B. Out of the funds remaining in the Bond Security and Redemption Fund, after a sufficient amount is allocated from that fund to pay all obligations secured by the full faith and credit of the state which become due and payable within any fiscal year as required by Article VII, Section 9(B) of the Constitution of Louisiana, the treasurer in each fiscal year shall pay into the fund revenues and amounts from the following sources:

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

* * *

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

C. Monies in the fund shall be invested by the state treasurer in the same manner as monies in the state general fund. Interest earned on investment of monies in the fund shall be credited to the ~~state general~~ fund.

D. The monies in the fund shall be appropriated by the legislature to the

Department of Energy and Natural Resources to be used solely for the administration and regulation of minerals, ground water, and related conservation and energy activities. Additionally, monies deposited into the fund pursuant to Paragraph (B)(5) of this Section shall be used solely for the administration and regulation of solar power generation facilities.

* * *

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

A. Any agency may by resolution direct the State Mineral and Energy Board to lease or otherwise contract for the exploration, development, or use of its land ~~in the manner provided in Subpart A of this Part.~~ The bonus money, if any, received ~~for the lease~~ pursuant to any such contract shall be transmitted by the State Mineral and Energy Board to the agency. After the execution of the original ~~lease contract~~, all rights and authority in connection therewith shall be vested in the agency to the same extent as if the agency had itself ~~leased the land~~ administered and executed the contract.

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

* * *

§209. State Mineral and Energy Board; authority

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

* * *

(6) Notwithstanding any other provision of law to the contrary, the State Mineral and Energy Board is hereby authorized to enter into operating agreements for the usus or fructus of state resources under the department's

jurisdiction, or other arrangements to fulfill the purposes and functions of the office of mineral resources pursuant to R.S. 36:358(E), and to adopt, promulgate, amend, or repeal all rules and regulations necessary to implement, administer, and enforce any such agreements.

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

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

* * *

§503. Definitions

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" means the assistant secretary of the office of conservation of the Department of Energy and Natural Resources.~~

(2) "Commissioner" means the commissioner of conservation of the state of Louisiana, which shall be the secretary of the Department of Conservation and

Energy.

* * *

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

* * *

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

* * *

§2454. Definitions

In this Chapter:

* * *

(33) "Secretary" means the secretary of the Department of Conservation and Energy.

§2455. Office of the Louisiana oil spill coordinator

The office of the Louisiana oil spill coordinator is hereby created within the Department of ~~Public Safety and Corrections, public safety services~~ **Conservation and Energy**, and shall exercise the powers and duties set forth in this Chapter or otherwise provided by law. The office shall be administered by the coordinator who shall be ~~appointed by the governor, subject to Senate confirmation~~ **a director**

the office of ~~land and water, the Oilfield Site Restoration Commission~~ **permitting and compliance, the office of state resources**, and other offices as shall be created by law.

~~(2) Whenever the secretary determines that the administration of the functions of the department may be more efficiently performed by eliminating, merging, or consolidating existing offices or establishing new offices, the secretary shall present a plan therefor to the legislature for its approval by statute. In addition, beginning January 15, 2026, and thereafter in the same year as the sunset of the Department of Energy and Natural Resources, the secretary shall recommend to the Senate Committee on Natural Resources and the House Committee on Natural Resources and Environment to either terminate or continue the boards and commissions provided for in this Chapter. Any recommendation to terminate a board or commission shall include a plan to eliminate, merge, or consolidate the functions and responsibilities of that board or commission.~~

§351.1 Natural Resources Commission; creation composition; purposes and functions

A. The Natural Resources Commission is hereby reconstituted within the Department of Conservation and Energy. The commission shall not have authority to grant or deny permits, to take enforcement action, or to take other action which has traditionally been within the sole jurisdiction of the department.

B. The Natural Resources Commission shall be composed of the following individuals, who shall not have the ability to serve by proxy or designee:

(1)The secretary of the Department of Conservation and Energy.

(2) The secretary of Louisiana Economic Development.

(3)The secretary of the Department of Environmental Quality.

(4)The secretary of the Department of Revenue.

(5) The secretary of the Department of Wildlife and Fisheries.

1 (6) The executive secretary of the Louisiana Public Service Commission.

2 (7) One individual, appointed by the governor, who shall represent
3 statewide flood control interests. This individual shall be one of the following:

4 (a) The secretary of the Department of Transportation and Development.

5 (b) The executive director of the Coordinated Use of Resources for
6 Recreation, Economy, Navigation, and Transportation Authority.

7 (c) The executive director of the Coastal Protection and Restoration
8 Authority.

9 (d) The chief resilience officer.

10 C. The department shall staff the commission and may engage the
11 legislative auditor for reports requested by legislature or commission. The
12 commission shall meet four times per year, preferably quarterly. The
13 commission will facilitate strategic alignment and coordination amongst
14 members. The commission shall coordinate with the legislative auditor to
15 provide investigative oversight to the commission.

16 D. The commission shall:

17 (1) Serve as primary coordination body for water management planning,
18 statewide flood protection, and develop a process for its centralization striving
19 for uniformity.

20 (2) Develop a process in which agencies coordinate intergovernmental
21 responses.

22 (3) Develop a process in responding to legislative study requests,
23 including their prioritization.

24 (4) Engage legislative auditor for staffing on matters related to
25 investigation, reporting, and review of the executive branch.

26 (5) Develop a process to identify, review, receive, clarify and act on
27 matters of agency overlap, including independent agencies and political
28 subdivisions.

29 E. The commission shall meet on the first Wednesday of March, June,

September, and December of each year. In the event of a state declared emergency or holiday, the meeting shall be held on the next working day. The date may be changed by unanimous agreement of the members in writing.

* * *

§353. Secretary of ~~natural resources~~ conservation and energy

There shall be a secretary of ~~natural resources~~ conservation and energy, who shall be appointed by the governor with consent of the Senate and who shall serve at the pleasure of the governor at a salary fixed by the governor, which salary shall not exceed the amount approved for the position by the legislature while in session. The secretary shall serve as the executive head and chief administrative officer of the Department of Conservation and Energy ~~and Natural Resources~~ and shall have the responsibility for the policies of the department except as otherwise provided by this Title and for the administration, control, and operation of the functions, programs, and affairs of the department, provided that the secretary shall perform his functions under the general control and supervision of the governor. ~~The secretary shall be an ex-officio member of the State Mineral and Energy Board~~ The secretary shall also assume all duties and functions of the commissioner of conservation as set forth in law.

§354. Powers and duties of secretary of conservation and energy ~~and natural resources~~

A. In addition to the functions, powers, and duties otherwise vested in the secretary by law, the secretary shall:

* * *

(13) Contract, if the secretary so desires, or, if the secretary deems necessary, designate one of the offices within the department or its assistant secretary, under the secretary's supervision, to do so, with private or public research organizations for the purchase, out of funds available to the Department of Conservation and Energy ~~and Natural Resources~~, of services in scientific, economic, and technological research, including but not limited to surveys, studies, and experiments with a view toward

1 protecting and replenishing the natural resources of the state under the jurisdiction
2 of the Department of **Conservation and** Energy ~~and Natural Resources~~, toward
3 preventing the waste, wasteful use, and wasteful utilization thereof, except as defined
4 in R.S. 30:3, toward preventing the use of the natural resources in such a manner and
5 in such quantities as will threaten with premature exhaustion, extinction, and
6 destruction of the supply of these resources in the state, and toward the energy policy
7 of this state, and to prepare and implement plans and programs in relation thereto.

8 * * *

9 (15) Set priorities for program funds as provided in R.S. 30:2483 **and declare**
10 **emergencies pursuant to R.S. 30:6.1.**

11 * * *

12 B. The secretary shall have authority to:

13 (1)(a) * * *

14 (b) All of the above are to be accomplished in accordance with applicable
15 civil service laws, rules, and regulations, and with policies and rules of the
16 Department of **Conservation and** Energy ~~and Natural Resources~~, and all are subject
17 to budgetary control and applicable laws.

18 (2) Appoint, subject to gubernatorial ~~approval~~ **disapproval**, advisory
19 councils, boards, and commissions necessary in the administration of the department
20 or for providing expertise within the department's jurisdiction, except as otherwise
21 provided by law or by executive order.

22 * * *

23 (4) Contract upon terms as the secretary may agree upon, for legal, financial,
24 engineering, and other professional services necessary or expedient in the conduct
25 of the affairs of the Department of **Conservation and** Energy ~~and Natural Resources~~
26 under the provisions of this Chapter.

27 * * *

28 (6) Represent, or designate an assistant secretary to represent, the state in all
29 matters involving or affecting the interest of the state and its residents relative to

1 energy and natural resources within the jurisdiction of the Department of
2 Conservation and ~~Energy and Natural Resources~~ before all federal agencies,
3 offices, and officials, and congressional committees, and in all judicial actions
4 arising out of the proceedings of the agencies, offices, and committees or in relation
5 thereto. Those employed or contracted with as provided by this Section shall be
6 entitled to represent the state and the secretary and to appear in the courts and before
7 agencies of this state or the agencies, officials, and courts of the United States and
8 of other states to carry out the purposes of this Chapter.

9 * * *

10 (8) Obtain from the federal government and its agencies, the offices of the
11 Department of Conservation and ~~Energy and Natural Resources~~, and other state
12 agencies any information and data collected by the entities relating to energy, natural
13 resources, or the environment, upon mutually agreeable terms and conditions or as
14 required by law; however, information and data subject to nondisclosure under R.S.
15 44:4 shall maintain that status while in the custody of the secretary.

16 * * *

17 (10) Establish in ~~his office~~ the department a capacity for policy analysis,
18 development of information and statistics, and generation of economic information
19 relating to the natural resources and environmental affairs of the state.

20 * * *

21 (12) Delegate his duties and responsibilities to other personnel within the
22 department as necessary for the efficient administration of the department and
23 its programs.

24 (13) Do such other things not inconsistent with law, as are necessary to
25 perform properly the functions vested in him.

26 (14) Issue directives, acting through an initiative of the deputy secretary
27 and upon certification by the undersecretary, that establish immediate agency
28 policy effective upon issuance. Such orders shall remain in effect unless and
29 until they are superseded by subsequent directive or subjected to additional

administrative rulemaking through the Louisiana Administrative Procedure Act, including but not limited to the processes for emergency rulemaking or potpourri notices, if and when the secretary deems further formal rulemaking necessary. These directives, which do not constitute "adjudications" within the meaning of federal or state administrative law, shall serve as statements of policy that the department may apply to its programs and operations forthwith.

* * *

354.1. Authorization for Administrative Reorganization and Delegation of Functions, Authority of Secretary

A. The purpose of this Section is to streamline and modernize the operations of the department, provide flexibility to the department to respond to changing conditions, and ensure the continuity of effective administration.

B. Where consistent with this Title and other applicable laws, the secretary is hereby authorized to:

(1) Reorganize, consolidate, create, merge or abolish divisions, offices, bureaus, sections, or other administrative units within the department as deemed necessary for the efficient, economical, and effective performance of its functions.

(2) Delegate any function or duty vested in the secretary by law to any subordinate officer or employee within the department. Delegation may be rescinded by the secretary at any time.

C. The secretary shall follow the following procedures for reorganization under this Section:

(1) Where contemplated reorganization materially affects the procedural rights of the public or substantively changes the department's administrative processes, the secretary shall follow the provisions of the administrative procedure act to implement such changes, but for any provision of this Title.

(2) Where contemplated reorganization is internal, ministerial, or otherwise a minor reorganization that does not materially affect the procedural

1 rights of the public or substantively change the department's administrative
2 processes, the reorganization shall be effective upon a written order by the
3 secretary. Such order shall be filed with the secretary of state and shall also be
4 transmitted to the governor, the House Committee on Natural Resources and
5 the Senate Natural Resources Committee for informational purposes.

6 D. No provision of this Section shall be construed to limit or circumvent
7 any rights of protections afforded to employees of the department under
8 applicable state civil service rules or any other provisions of law. Any workforce
9 adjustments made pursuant to any reorganization under this Section shall
10 comply with the due process requirements set forth in applicable state civil
11 service rules and law.

12 E. The secretary shall submit an annual report to the House Committee
13 on Natural Resources and the Senate Natural Resources Committee detailing
14 the nature, purpose, and results of any major reorganization undertaken in the
15 preceding year, including any administrative consolidations, transfers of
16 authority, or delegation changes that materially affect the public's procedural
17 rights or the department's administrative processes.

18 F. If any provision or item of this Section, or the application thereof, is
19 held invalid, such invalidity shall not affect other provisions, items, or
20 applications which can be given effect without the invalid provision or item, and
21 to this end, the provisions of this Section are hereby declared severable.

22 §355. Deputy secretary

23 A. There ~~may~~ **shall** be a deputy secretary of the department, who shall be
24 appointed by the secretary with consent of the Senate and who shall serve at the
25 pleasure of the secretary at a salary fixed by the secretary, which salary shall not
26 exceed the amount approved for such position by the legislature while in session.
27 ~~The duties and functions of the deputy secretary shall be determined and assigned~~
28 ~~by the secretary. If appointed, he~~ **He** shall serve as acting secretary in the absence of
29 the secretary.

1 **B. The deputy secretary shall, in addition to any authorities established**
2 **elsewhere in law:**

3 **(1) Oversee the office of natural resources commission, performing all**
4 **functions, including the authority to employ, appoint, remove, assign, and**
5 **promote such personnel as is necessary for the efficient administration of this**
6 **office and its programs and the performance of its powers, duties, functions,**
7 **and responsibilities, in accordance with applicable civil service laws, rules, and**
8 **regulations, and with policies and rules of the department, all subject to**
9 **budgetary control and applicable laws.**

10 **(2) Perform other duties as requested or delegated by the secretary.**
11 §356. Undersecretary; functions; office of ~~management and finance~~ **administration**

12 A.**(1)** There shall be an undersecretary of the Department of **Conservation**
13 **and** Energy and Natural Resources, who shall be appointed by the governor with
14 consent of the Senate and who shall serve at the pleasure of the governor at a salary
15 fixed by the governor, which salary shall not exceed the amount approved for the
16 position by the legislature while in session.

17 **(2)** The undersecretary shall be directly responsible to and shall perform his
18 functions under the supervision and control of the secretary **but for this Subsection,**
19 **and shall otherwise be vested with the authority provided in the Section.**

20 B. The undersecretary shall direct and be responsible for the functions of the
21 office of ~~management and finance~~ **administration** and the Louisiana Natural
22 Resources Trust Authority within the Department of **Conservation and** Energy and
23 ~~Natural Resources~~. In this capacity, the undersecretary shall be responsible for **the**
24 **following:**

25 **(1) All departmental** accounting and ~~budget~~ **budgetary oversight,**
26 **including systems of internal** control; **and financial compliance.**

27 **(2) procurement** **Procurement** and contract management;.

28 **(3) Information technology and** data processing; ~~management.~~

29 **(4) Management** and program analysis; ~~personnel.~~

1 ~~(5) Personnel~~ management, ~~and grants.~~

2 **(6) Grants** management for the department and all of its offices, including
3 all agencies transferred to the Department of **Conservation and** Energy ~~and Natural~~
4 ~~Resources~~, except as otherwise specifically provided in this Title. The undersecretary
5 shall employ, appoint, remove, assign, and promote personnel as is necessary for the
6 efficient administration of the office of ~~management and finance~~ **administration** and
7 the Louisiana Natural Resources Trust Authority and the performance of their
8 powers, duties, functions, and responsibilities, in accordance with applicable civil
9 service laws, rules, and regulations, and with policies and rules of the department,
10 all subject to budgetary control and applicable laws. The undersecretary shall
11 exercise all powers and authority granted to him in this Title subject to the overall
12 direction and control of the secretary.

13 C.~~(1)~~ The duties and functions of the office of ~~management and finance~~
14 **administration** and of the undersecretary shall be as provided in this Section, and
15 these duties and functions shall not be subject to change by the secretary, except that
16 the undersecretary shall perform such additional duties and functions as are assigned
17 by the secretary. **The undersecretary shall:**

18 **(a) Ensure robust internal-control mechanisms to safeguard**
19 **departmental assets and promote compliance with financial, administrative, and**
20 **regulatory requirements. This responsibility shall include developing and**
21 **enforcing written policies and procedures for the prevention and detection of**
22 **fraud, waste, and abuse, as well as for proper budgeting, accounting, and**
23 **reporting practices.**

24 **(b) Coordinate and oversee auditing, both internal and external, to**
25 **evaluate the department's fiscal integrity and operational compliance. This shall**
26 **include the authority to:**

27 **(i) Initiate or recommend financial, performance, and compliance audits**
28 **of divisions, programs, or processes within the department.**

29 **(ii) Collaborate with the legislative auditor or any external auditor**

authorized by law, ensuring prompt access to records and cooperation by departmental staff.

(iii) Review and respond to audit findings, develop corrective-action plans, and monitor their implementation to resolve deficiencies.

(c) Regularly report to the secretary on the department's financial status, the results of any internal or external audits, and identified risks or potential areas of concern. In connection therewith, the undersecretary shall recommend policies, practices, or remedial actions necessary to enhance accountability and protect the department's resources.

(d) Have the authority to investigate personnel matters within the department, including allegations of misconduct, inefficiency, or violations of department policies, and to recommend to the secretary appropriate disciplinary action, consistent with civil service laws, rules, and regulations.

(e) Have the authority to utilize the services of contracted third-party firms to assist in the administration and management of this Section.

(2) With express permission from the commissioner of administration, this Subsection may be exempt from R.S. 39:1551 et seq.

§356.1. Louisiana Natural Resources Trust Authority; establishment; powers

* * *

B. The authority's powers shall also include the following:

* * *

(6) Bonding, financing, or otherwise acting as a State Energy Financing Institution pursuant to federal law, to fund or assist in funding a plant or facility demonstrating technological advances of new methods and procedures and prototype application for the exploration, development, production, transportation, conversion, and use of energy resources, or other programs which may become available under the Loan Programs Office of the U.S. Department of Energy, or any successor office or agency.

* * *

1 **D. The authority may invest funds under its control in accordance with**
2 **the provisions of R.S. 33:2955.**

3 §357. Assistant secretaries **Leadership**

4 A. Each office within the Department Energy and Natural Resources, except
5 the office of management and finance, shall be under the immediate supervision and
6 direction of an assistant secretary. The assistant secretary of each office shall be
7 appointed by the governor with the consent of the Senate and shall serve at the
8 pleasure of the governor. Each assistant secretary shall be paid a salary which shall
9 be fixed by the governor, which salary shall not exceed the salary approved for the
10 position by the legislature while in session. The commissioner of conservation shall
11 serve as the assistant secretary for the office of conservation and shall be selected in
12 accordance with law.

13 B. The duties and functions of each office and its assistant secretary shall be
14 determined by the secretary, and all of such duties and functions shall be exercised
15 under the direct supervision and control of the secretary.

16 C. Each assistant **of Conservation and Energy, except the executive office**
17 **of the secretary and the office of administration, which shall be under the**
18 **supervision of the undersecretary, shall be under the immediate supervision and**
19 **direction of a director who shall be appointed by the secretary and shall be an**
20 **unclassified employee. The secretary may issue a directive clearly identifying**
21 **each director and specifically delegating the authority of such director.**

22 **B. The** secretary shall employ, appoint, remove, assign, and promote **from**
23 **any funding sources authorizing administrative costs** such personnel as is
24 necessary for the efficient administration of his office and its programs and the
25 performance of its powers, duties, functions, and responsibilities, in accordance with
26 applicable civil service laws, rules, and regulations, and with policies and rules of
27 the department, all subject to budgetary control and applicable laws.

28 D. Each assistant secretary shall exercise all powers and authority granted to
29 him in this Title subject to the overall direction and control of the secretary **this**

1 **Part. In addition to any other powers, duties, functions, and responsibilities**
2 **defined by the secretary.**

3 §358. Offices; purposes and functions

4 A. The purposes for which the offices of the Department of **Conservation**
5 **and Energy and Natural Resources** are created shall be as set forth in this Section.

6 B. The office of coastal management shall perform the functions of the state
7 relative to the coastal zone management program **secretary shall be responsible for**
8 **assisting the secretary in the exercise of the functions and duties established in**
9 **law of the secretary. Among the divisions included within the executive office**
10 **of the secretary shall be the office of natural resources commission to be headed**
11 **by the deputy secretary and the office of legal services to be headed by an**
12 **attorney designated by the secretary.**

13 **(1) The office of the natural resources commission may provide any**
14 **necessary direct support to the natural resources commission. In addition, the**
15 **office of the natural resources commission shall provide intergovernmental**
16 **affairs and communications support to the commission and the department.**

17 **(2) The office of legal services shall provide general legal support for the**
18 **department and its offices, including specialized support for state lands,**
19 **minerals, and water resources, and shall oversee and administer the Saltwater**
20 **and Oil Assessment Process as set forth in law.**

21 C. The office of conservation, in accordance with law, shall exercise the
22 functions of the state with respect to the regulation, conservation, permitting,
23 compliance, and use of the natural resources of the state which are not specifically
24 within the jurisdiction of other state departments or agencies. Its functions shall
25 include but not be limited to the conservation of the oil and gas resources of the state
26 and matters pertaining thereto; the promotion and encouragement of exploration,
27 production, and refining efforts for oil, intrastate gas, and other hydrocarbons; the
28 control and allocation of energy supplies and distribution; the lease or construction
29 and operation of intrastate pipeline systems; the implementation and enforcement of

1 ~~any emergency gas shortage allocation plan and the setting of priorities; the~~
2 ~~regulation of the minimum sale price of intrastate natural gas; and the management~~
3 ~~of ground water resources, all in accordance with applicable laws.~~ **administration**
4 **shall be responsible for accounting and budget control, procurement and**
5 **contract management, data processing, management and program analysis,**
6 **information technology and geographic information systems, strategic planning,**
7 **and personnel management for the department and all of its offices, including**
8 **the Natural Resources Trust Authority.**

9 D.(+) **The office of permitting and compliance shall perform all**
10 **permitting and compliance functions within the jurisdiction of the department**
11 **consistent with law, including Act No. 548 of the 2006 Regular Session of the**
12 **Legislature.**

13 **E.** The office of mineral resources shall ~~perform~~:

14 **(1) Perform** the functions of the state relating to the lease of **or other**
15 **contracts for the use of** lands and water bottoms of the state for the development
16 and production of minerals, oil, and gas, **storage, and other energy related**
17 **activities** and supervision of such mineral leases **and other agreements**, in
18 accordance with the law, including but not restricted to the exercise of the option of
19 the state to receive in kind the portion due to the state as royalty of any minerals
20 produced and severed from leased premises, and shall receive, administer, and
21 control royalties **and other storage and energy related payments** due ~~in kind~~ to the
22 state in accordance with state law.

23 (2) Work in cooperation with the Center for Energy Studies to maintain
24 current surface and subsurface geological surveys of the state, or otherwise at the
25 discretion of the ~~assistant secretary of the office of mineral resources~~ or his designee;
26 conduct geological mapping; prepare geological hazards assessments and resource
27 inventories; and conduct process investigations and related studies.

28 **(3) Provide for the administration of state water bottom management,**
29 **the issuance of energy-related rights of way on state water bottoms and state**

lands, and energy-related leasing of state water bottoms and state lands as further set forth in law, including agreements related to the subsurface and above-ground storage of minerals, gasses, and products on state water bottoms or lands and receipt, administration, and control of payments due to the state under these agreements in accordance with state law.

(4) Provide for the administration of groundwater, surface water, and other water resources for quantity purposes, unless otherwise designated by the secretary following adequate review set forth by rule.

~~E.F.~~ The office of enforcement shall be responsible for the inspection of the regulated community and the enforcement of laws and regulations within the jurisdiction of the department consistent with Act No. 548 of the 2006 Regular Session of the Legislature.

~~F.G.~~ The office of energy shall organize, plan, supervise, direct, administer, execute, and be responsible for the functions and programs relating to the deployment and operation of alternative energy infrastructure in this state in a manner that results in affordable and reliable energy. The office of energy shall also work in cooperation with the Center for Energy Studies to create and carry out a central, comprehensive, and unified energy data and information program which will collect, evaluate, assemble, analyze, and disseminate data and information which is relevant to energy resource reserves, energy production, demand, and technology, and related economic and statistical information, or which is relevant to the adequacy of energy resources to meet demands in the near and longer term future of the state.

~~G. The office of land and water shall be responsible for the following:~~

~~(1) The administration of state water bottom management, the issuance of energy-related rights of way on state water bottoms and state lands, and energy-related leasing of state water bottoms and state lands as further set forth in law.~~

~~(2) The administration of groundwater, surface water, and other water resources for quantity purposes, unless otherwise designated by the secretary following adequate review set forth by rule.~~

1 Section 3. R.S. 38:3098(A), (B), and (E), and 3098.1(4) are hereby amended and
2 reenacted and R.S. 38:3098(G) are enacted to read as follows:

3 §3098. Licensing of water well and other drillers

4 A. Every person, firm, or corporation engaged or desiring to engage in the
5 business of drilling water wells for underground water, drilling monitoring wells,
6 geotechnical bore holes, heat pump wells, cathodic protection holes, and/or seismic
7 shot holes, as well as reworking water wells, or plugging and abandoning wells or
8 bore holes, excluding oil and gas wells, in the state of Louisiana shall file an
9 application with the ~~office~~ **Louisiana State Licensing Board for Contractors** for
10 a drilling license, using forms prepared by the ~~office~~ **board**, setting out qualifications
11 therefor and such other information including any examination, oral or written, as
12 may be required by the ~~office~~ **board**. The fees for such license and renewal shall be
13 as follows:

14 * * *

15 B. All licenses shall expire on June thirtieth of each year, and shall not be
16 transferable, and shall be renewable annually, upon completion of six hours of
17 continuing education as approved by the ~~office~~ **board** and upon payment of the
18 required fee.

19 * * *

20 E. A license may be renewed and shall be renewable without examination for
21 the ensuing year by making an application not later than the expiration date and
22 paying the applicable fee. Such application shall have the effect of extending the
23 validity of the current license until the new license is received or the applicant is
24 notified by the ~~department~~ **board** that the license has been refused. On application
25 made after June thirtieth of each year, the license will be renewed only upon
26 payment of the applicable fee, plus a penalty of five dollars for each month the
27 application is delinquent. Delinquency in excess of one year may, in the discretion
28 of the advisory committee, be deemed as a waiver of the driller's right for renewal;
29 and if he should apply thereafter, the ~~department~~ **board** may require that he be

considered as a new applicant, including the requirement for examination.

* * *

G. Except in the case of revocation, any license previously issued by the Department of Conservation and Energy, or any successor agency, shall remain valid until expiration.

§3098.1. Qualifications for license

In order to be licensed as a drilling contractor, as provided in R.S. 38:3098, in the state of Louisiana, the applicant must possess the following qualifications:

* * *

(4) Demonstrate to the satisfaction of the ~~office~~ **Louisiana State Licensing Board for Contractors** a reasonable knowledge of this Chapter and the rules and regulations adopted by the ~~office~~ **board and the Department of Conservation and Energy** under the provisions of this Chapter.

Section 4. R.S. 39:1367(E)(2)(b)(xi) is hereby enacted to read as follows:

§1367. State debt; limitations

* * *

E. As used in this Section, the following terms shall have the following meanings ascribed to them unless the context clearly indicates otherwise:

* * *

(2)(a)

* * *

(b) "Net state tax supported debt" shall not mean:

* * *

(xi) Any bond, note, or other evidence of indebtedness issued pursuant to R.S. 30:83.1 et seq. or any bonds issued to refund such bonds, notes, or evidence of indebtedness.

Section 5. R.S. 45:251(3) and 252 are hereby amended and reenacted and R.S. 45:351(4) is hereby enacted to read as follows:

§251. Common carrier, petroleum, pipe line defined

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

* * *

(3) "Pipe line" includes:

~~(a) the~~ **The** real estate, rights of way, pipe in line, telephone and telegraph lines or other communication systems, **and** tank facilities as herein designated, ~~and~~ necessary **or integral to the pipe line transportation function and necessary** for the proper conduct of its business as a **the subject common carrier's business as a common** carrier.

~~(b) all~~ **All** fixtures, equipment and personal property of every kind owned, controlled, operated, used or managed, in connection with, or to facilitate the transportation, distribution and delivery of petroleum through lines constructed of pipe.

(4) "Secretarial review" means a review by the secretary of the Department of Conservation and Energy pursuant to R.S. 45:252. The secretary shall simultaneously consider all of the following:

(a) Connectivity.

(b) Necessity.

(c) Physical placement.

(d) Past and present ownership, including changes in corporate structure.

(e) Regulatory history, including prior determinations or orders by any relevant agency.

(f) Operational characteristics, including but not limited to product type or alternative routes.

(g) Whether the property is truly necessary or integral to the pipeline transportation function and necessary for the proper conduct of the business.

(h) Any indication that the property or its owner does not meet the statutory definition of a common carrier.

§252. Pipe lines declared common carriers; control by public service commission

All pipe lines through which petroleum is conveyed from one point in this state to another point in the state are declared to be common carriers as defined in R.S. 45:251 and are placed under the control of and subject to regulation by the Louisiana Public Service Commission.

(1) A pipe line whose classification as a common carrier is in dispute, including but not limited to tank facilities with smaller pipes, metering equipment, storage tanks, and truck unloading facilities, shall be excluded, unless the Department of Conservation and Energy, following party demand for secretarial review, provides written consent to include the pipe line. No facility shall be deemed part of the "pipe line" absent such written consent when there is a bona fide dispute concerning its status under this Subchapter.

(2) The classification of a facility does not need to be in dispute for the commission to request a secretarial review.

Section 6. R.S. 56:432.1(C)(2), 700.13(B), and 700.14(B) are hereby amended and reenacted to read as follows:

§432.1. Oyster Lease Acquisition and Compensation Program

* * *

C. A leaseholder whose lease is acquired in whole or in part may seek an administrative hearing through the Coastal Protection and Restoration Authority as to whether the acquisition due to the impact of dredging, direct placement of dredged or other materials, or other work or activities necessary for the construction or maintenance of a project for integrated coastal protection is proper or whether the compensation issued by the Coastal Protection and Restoration Authority satisfies the rules or regulations of that department. A leaseholder whose lease is not acquired but which was impacted by dredging, direct placement of dredged or other materials, or other work or activities necessary for the construction or maintenance of a project for integrated coastal protection has occurred, may also seek an administrative

hearing through the Coastal Protection and Restoration Authority to determine if acquisition of the acreage would be proper. Adjudication under this Section shall be conducted in accordance with the following:

* * *

(2) Adjudication under this Section shall be conducted in accordance with Chapter 13-B of Title 49 of the Louisiana Revised Statutes of 1950 and pursuant to the rules and regulations promulgated by the Department of **Conservation and Energy** ~~and Natural Resources~~ after consideration of recommendations by the Louisiana Oyster Task Force. The administrative law judge shall consider any reasonably confirmable data or information provided to that department by the leaseholder or any other person on or before the date of the administrative review.

* * *

§700.13. Establishment of the board

* * *

B. The board shall include five members consisting of one member nominated by the Louisiana Oyster Dealers and Growers Association, one member nominated by the Louisiana Oyster Task Force, two members nominated jointly by the Louisiana Independent Oil and Gas Association, Louisiana Mid-Continent Oil and Gas Association and the Louisiana Landowners Association, and one member, selected by the other four members of the board, who is a practicing administrative law judge. **A quorum of the board shall consist of at least three members. To maintain concordance with the purposes of this Part as articulated in R.S. 56:700.10, at least one member nominated by each of the two industries referenced therein shall be necessary for a quorum.**

* * *

§700.14. Rules and regulations

* * *

B. In the formulation of regulations pursuant to this Part, the secretary, in conjunction with the board, shall establish a procedure whereby an oyster fisherman

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

* * *

Section 7. R.S. 17:200 through 220, R.S. 30:2458 and 2470 through 2474, and R.S. 38:3071 through 3084, 3087.131 through 3087.138, and 3097.4 are hereby repealed.

Section 8. The Louisiana Law Institute is hereby directed to replace all references to "Department of Energy and Natural Resources" in state law with "Department of Conservation and Energy".

Section 9. The Louisiana Law Institute is hereby directed to renumber the paragraphs in R.S. 30:503.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

DIGEST

SB 193 Original

2025 Regular Session

Hensgens

Present law establishes the Department of Conservation and Energy, managed by a commissioner, with jurisdiction over state natural resources.

Proposed law renames the department to the Department of Conservation and Energy and replaces the position of commissioner with a secretary, appointed by the governor, and establishes new offices within the department, including the offices of permitting and compliance, enforcement, and state resources.

Proposed law revises terminology, providing updates to definitions for terms, and it further clarifies regulatory oversight responsibilities, requiring detailed individual well production reporting.

Proposed law significantly enhances permitting requirements for commercial waste disposal wells, including mandatory public hearings and substantial public notices in official journals.

Proposed law outlines comprehensive guidelines regarding construction, maintenance, and abandonment of pipelines and associated structures on state water bottoms, with specific provisions to mitigate environmental hazards and obstructions to navigation.

Proposed law introduces detailed remediation procedures for environmental damage associated with oilfield operations, establishing a review panel for evaluating contamination disputes and remediation obligations. The process includes suspending prescription on claims and providing immunity for panel members from civil liability.

Proposed law expands financial security requirements for well permits, mandating operators to provide adequate bonding to ensure site restoration and plugging of abandoned wells.

Proposed law authorizes comprehensive water resource management, granting the department broad regulatory powers over the use, conservation, and protection of state water

resources.

Proposed law provides mechanisms for appeals related to remediation decisions, detailing processes involving the division of administrative law and specifying admissibility standards for review panel findings in court proceedings.

Effective August 1, 2025.

(Amends R.S. 30:1(A), (B), and (C), 3(3), (6), (7), (9), and (18), 4(C)(16)(b) and R.S. 30:4(D)(intro para) and (D)(1)(a), (b), (d), (e), (f), and (g), (2), (3)(a) and (b) and (5), and (T); adds R.S. 30:4(c)(21), 29(N), 30-30.4, 98.1-98.11, 124.1, 136.3 (B)(6), 209 (6), and 2454 (33); repeals R.S. 17:200-220, R.S. 30:2458 and 2470-2474, and R.S. 38:3071-3084, 3087.131-138, and 3097.4)