
DIGEST

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HB 899 Original

2026 Regular Session

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Abstract: Creates the La. Noncoal Surface Mining Law and provides for operations, fees, oversight, and penalties.

Proposed law creates the La. Noncoal Surface Mining Law to provide for reclamation and conservation of land disturbed by surface mining operations, to encourage the productive use of this land after mining, to encourage the protection of natural resources, and to protect property values. The Dept. of Conservation and Energy has exclusive jurisdiction over proposed law. The secretary has rulemaking, investigatory, and administrative authority.

Proposed law prohibits other governmental entities, including local governing authorities, from enacting any laws or ordinances over noncoal surface mine reclamation and conservation.

Proposed law applies to commercial operators and governmental agencies engaged in mining of minerals by surface mining methods. Excludes pipeline and oil and gas operations and noncommercial activities of political subdivisions.

Proposed law provides that the permit fees, penalties, and other revenues are placed in the general fund and may be expended pursuant to appropriation by the legislature. Specifies that monies used by the secretary for reclamation are subject to the Public Bid Law.

Proposed law provides that operators must be permitted by the dept. prior to operation. Requires the permit application be accompanied by a five-year plan of reclamation. Requires that subsequent five-year plans be submitted at least six months prior to the end of the previous five-year plan.

Proposed law provides for a \$1,000 fee for the permit, payable every five years. Specifies the fee will support the cost of regulation and the reclamation of previously abandoned lands. Specifies that permits are not transferable without approval. Specifies that the fee for an amended application or to modify the plan may not exceed \$500. Prohibits the additional fee to administer an approved transfer from not exceeding \$500.

Proposed law requires the affected area to be restored to a condition capable of supporting the intended post-mining use within 36 months from the completion of grading in accordance with the five-year plan. Provides a timetable for completing the reclamation process; one year after the completion of mining to begin grading, and revegetation at the first appropriate time after completion of grading.

Proposed law provides that post-mining land uses include forestry, pastureland, recreation, developed water resources, fish and wildlife habitat, cropland, residential, industrial/commercial, or other use approved by the secretary.

Proposed law requires reclamation, treatment, or containment of refuse and the grading of piles, ridges, and peaks; authorizes the construction of earthen dams to create lakes; requires the covering of the exposed face of a mineral seam; requires the grading of the banks of pits or depressions to stabilize them; and requires the use of soil stabilization practices to prevent erosion and provide sediment control, including revegetation.

Proposed law requires the operator to annually submit a report detailing the mining and reclamation activities during the previous period which is to include maps of the affected areas and descriptive narratives to show the extent of reclamation accomplished.

Proposed law authorizes the department to release the operator from further reclamation obligations if he has completed the requirements of the five-year plan and has achieved results appropriate to the land use for which the areas were reclaimed. He must be released within 30 days of completion.

Proposed law establishes a fee of 3 cents per ton on the sale of minerals that were surface mined. Specifies this fee is imposed on owners of the mined minerals at the time of the sale. Provides that the owner's portion of the fee is withheld by the severer, who reports and pays the fee. Specifies that the fee operates as a lien and privilege on all affected property of the taxpayer in this state.

Proposed law authorizes the department to conduct on-site inspections to determine if the operations are in compliance. Authorizes proceedings brought against an operator to recover damages and expenses for failing to comply to be brought in the parish where the violation occurred or in East Baton Rouge Parish.

Proposed law provides for a notice of violations and a right to a hearing. If there are violations, authorizes the department to impose civil penalties and order corrective work. Limits the civil penalties to up to \$1,000 for each day of violations. Requires appeals of an order for civil penalties be brought in the 19th JDC (East Baton Rouge).

Proposed law declares that unpermitted mining operation is a misdemeanor punishable by a fine of not less than \$50 nor more than \$1,000 and that each day of operations is a separate offense.

Proposed law provides for a procedure for designating an area as unsuitable for noncoal surface mining. Authorizes any person having an interest which may be adversely affected to petition the department to make such a determination. Within 60 days, the secretary may deny the petition or hold a public hearing in the affected area after appropriate notice. Within 10 days, the secretary must publish a legal notice describing the petition and the affected lands in the official journal of each parish affected. Allows any person to intervene. Within 30 days of the hearing, the secretary shall issue a written decision. Specifies if there is a stipulated agreement prior to the hearing and the request is withdrawn, the hearing may not be held.

Proposed law exempts the following: (1) Political subdivisions engaged in noncommercial activities. The proposed law does not apply to lands or water bottoms under the jurisdiction of the Department of Wildlife and Fisheries. (2) Excavation, grading, forming, or removal of minerals by an owner for construction or maintenance of an access road to his property or other on-site construction, except the operation must be conducted in an environmentally acceptable manner. (3) Operations conducted to provide fill material from borrow pits for government financed public works construction activities if there are contractual requirements for the reclamation of the pits.

Proposed law provides that information submitted by the operators concerning trade secrets or privileged information is not available for public inspection.

Proposed law provides that final decisions by the office are subject to judicial review in accordance with the Administrative Procedure Act.

(Adds R.S. 30:971-989)