

1 (g) are hereby amended and reenacted and R.S. 30:84(A)(9) and (10) and (B) are hereby
2 enacted to read as follows:

3 §3. Definitions

4 Unless the context otherwise requires, the words defined in this Section have
5 the following meaning when found in this Subtitle

6 * * *

7 (7) "Gas" means all natural gas, including casinghead gas, and all other
8 hydrocarbons not defined as oil in Paragraph ~~(7)~~ **(12)** of this Section.

9 * * *

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

11 * * *

12 C. The secretary has authority to make, after notice and hearings as provided
13 in this Chapter, any reasonable rules, regulations, and orders that are necessary from
14 time to time in the proper administration and enforcement of this Chapter, including
15 rules, regulations, or orders for the following purposes:

16 * * *

17 (14) To require interested persons to place uniform meters of a type approved
18 by the secretary wherever the secretary designates on all pipelines, gathering
19 systems, barge terminals, loading racks, refineries, or other places necessary or
20 proper to prevent waste and the transportation of illegally produced oil or gas. These
21 meters shall be under the supervision and control of the department ~~of conservation~~.
22 It shall be a violation of this Chapter, subject to the penalties provided in R.S. 30:18,
23 for any person to refuse to attach or install a meter when ordered to do so by the
24 secretary, or in any way to tamper with the meters so as to produce a false or
25 inaccurate reading, or to have any device through which the oil or gas can be passed
26 around the meter, unless expressly authorized by written permit of the secretary.

27 * * *

28 D. The secretary may make, after notice and public hearing as provided in
29 this Chapter, any reasonable rules, regulations, and orders that are necessary:

1 (1) To require that all pipelines, all wells, and all associated structures,
2 including any fittings, tie-overs, appliances, and equipment, which are constructed
3 on state water bottoms pursuant to the grant of a right-of-way by the secretary of the
4 Department of Conservation and Energy or the issuance of a lease by the State
5 Mineral and Energy Board shall conform to the following provisions:

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

11 * * *

12 (5) To provide that the ~~office of conservation~~ **department** shall conduct such
13 inspections as the secretary may deem necessary or appropriate in carrying out the
14 provisions of this Subsection.

15 * * *

16 G. The Department of Conservation and Energy, through the secretary, shall
17 implement the provisions of Subsections D, E, and F of this Section as to interstate
18 pipelines insofar as those requirements may be consistent with the regulations for
19 interstate pipelines adopted by the United States Department of Transportation. In
20 such event, the ~~office~~ **department** shall further implement the provisions of
21 Subsections D, E, and F of this Section insofar as those requirements may be
22 consistent with the regulations for interstate pipelines adopted by the United States
23 Department of Energy.

24 * * *

25 I. The secretary shall make, after notice and public hearing as provided in this
26 Chapter, any reasonable rules, regulations, and orders that are necessary to control
27 the offsite disposal at commercial facilities of drilling mud, saltwater and other
28 related nonhazardous wastes generated by the drilling and production of oil and gas
29 wells. Such regulations shall contain provisions identifying the waste materials to be

1 regulated. Such regulations shall at a minimum require:

2 * * *

3 (2) At least thirty days prior to filing such application with the ~~office~~
4 **department**, the applicant shall publish a notice of intent to file the application,
5 which notice shall contain sufficient information to identify the applicant, the
6 proposed site at which disposal operations will occur, the nature and content of the
7 waste streams to be disposed of, and the method of disposal to be used. Such notice
8 shall be published on three separate days in the official journal of the parish in which
9 the proposed facility will be located, and in the official journal of the state, not less
10 than one quarter of a page in size and printed in boldface type.

11 * * *

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

13 * * *

14 C.(1) Without any way modifying the authority granted to the secretary in
15 R.S. 30:9(B) to establish a drilling unit or units for a pool and in addition to the
16 authority conferred in Subsection B of this Section:

17 (a) The secretary ~~of the office of conservation~~ upon the application of any
18 interested party, also is authorized and empowered to enter an order requiring the
19 unit operation of any pool or a combination of two pools in the same field,
20 productive of oil or gas, or both, in connection with the institution and operation of
21 systems of pressure maintenance by the injection of gas, water, or any other
22 extraneous substance, or in connection with any program of secondary or tertiary
23 recovery; and

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

28 (2) In connection with such an order of unit operation, the secretary ~~of the~~
29 ~~office of conservation~~ shall have the right to unitize, pool, and consolidate all

1 separately owned tracts and other property ownerships. Any order for such a unit
 2 operation shall be issued only after notice and hearing and shall be based on all of
 3 the following findings:

4 * * *

5 (6) No order of the secretary entered pursuant hereto shall have the effect of
 6 enlarging, displacing, varying, altering, or in anywise whatsoever modifying or
 7 changing contracts in existence on ~~the effective date of this Act~~ **August 15, 1984**
 8 concerning the unitization of any pool (reservoir) or pools (reservoirs) or field (as
 9 defined in the contract) for the production of oil, gas, brine, or any combination
 10 thereof.

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

23 * * *

24 §5.1. Deep pool order; ultra deep structure units; application; procedure; allocation
 25 of costs; rules and regulations

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

27 (1) In order to prevent waste and to avoid the drilling of unnecessary wells,
 28 and to encourage the development of deep oil and gas pools in Louisiana, the
 29 secretary ~~of conservation~~ is authorized, as provided in this Subsection, to establish

1 a single unit to be served by one or more wells for a deep pool and to adopt a
2 development plan for such deep unit.

3 * * *

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

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

12 * * *

13 §6.1. Declaration of emergency

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

21 * * *

22 C. When an emergency situation is declared, the ~~department~~ **secretary** is
23 authorized to undertake the containment and abatement of the pollution source and
24 pollutants and may retain personnel or contract for these purposes with persons who
25 shall operate under his direction. All contracts let by the ~~department~~ **secretary** to
26 respond to a declared emergency shall be exempt from the provisions of Chapter 10
27 of Title 38 of the Louisiana Revised Statutes of 1950 and the Louisiana Procurement
28 Code. However, the ~~department~~ **secretary** may employ an informal bidding
29 procedure by which bids are solicited from at least three bidders and may order the

1 operator of record or owner to undertake the containment, abatement, or cleanup of
 2 such pollution source and pollutants. Failure to comply with his order shall be a
 3 violation of this Title and shall be punishable as provided in this Title. The
 4 department shall submit an annual report to the House Committee on Natural
 5 Resources and Environment and Senate Committee on Natural Resources listing the
 6 number and type of emergencies declared within the previous year.

7 * * *

8 §23. Underground storage of liquid or gaseous hydrocarbons or both, carbon
 9 dioxide, hydrogen, nitrogen, ammonia, compressed air, or noble
 10 gases not otherwise prohibited by law

11 * * *

12 D.(1)

* * *

13 (2) Upon presentation of the findings and determination by the secretary to
 14 the committees on natural resources of the Senate and House of Representatives and
 15 approval by said committees of any such projects, the secretary shall ~~authorize the~~
 16 ~~secretary to~~ initiate such procedures as the secretary deems necessary within the
 17 scope of his authority under Chapter 7 of this Title and the constraints of this Section
 18 to accomplish the purposes hereof.

19 * * *

20 §26. Applications and notification of completeness

21 A. Notwithstanding any other law to the contrary, the secretary of the
 22 Department of Conservation and Energy shall, after notification by the department
 23 to the applicant that the application is complete, grant or deny all applications for all
 24 permits, licenses, registrations, or compliance in this or any other Title within sixty
 25 days. The notification of completeness shall be issued within fourteen days,
 26 exclusive of holidays, by the department. If the application is not complete the
 27 department shall notify the applicant in writing of the deficiencies which cause the
 28 application not to be complete. If the secretary ~~or the secretary~~ does not grant the
 29 application, the secretary ~~or the secretary~~ shall provide written reasons for his

1 decision to deny, and copies of the decision shall be provided to all parties. The
2 secretary ~~and the secretary~~ may delegate the power to grant permits, licenses,
3 registrations, variances, or compliance schedules to an assistant.

4 B. If the secretary does not grant or deny the application within the time
5 period provided for in this Section, the applicant may file a rule as provided for in
6 R.S. 49:978.

7 * * *

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

9 A. The legislature hereby finds and declares that Article IX, Section 1 of the
10 Constitution of Louisiana mandates that the natural resources and the environment
11 of the state, including ground water, are to be protected, conserved, and replenished
12 insofar as possible and consistent with the health, safety, and welfare of the people
13 and further mandates that the legislature enact laws to implement this policy. It is the
14 duty of the legislature to set forth procedures to ensure that damage to the
15 environment is evaluated and if necessary remediated to a standard that protects the
16 public interest. To this end, this Section provides the procedure for judicial
17 resolution of claims for environmental damage to property arising from activities
18 subject to the jurisdiction of the Department of Conservation and Energy, ~~office of~~
19 ~~conservation~~. The provisions of this Section shall be implemented upon receipt of
20 timely notice as required by Paragraph (B)(1) of this Section. The provisions of this
21 Section shall not be construed to impede or limit provisions under private contracts
22 imposing remediation obligations in excess of the requirements of the department or
23 limit the right of a party to a private contract to enforce any contract provision in a
24 court of proper jurisdiction.

25 * * *

26 I. For the purposes of this Section, the following terms shall have the
27 following meanings:

28 * * *

29 (4) "Most feasible plan" means the most reasonable plan which addresses

1 environmental damage in conformity with the requirements of Article IX, Section
 2 1 of the Constitution of Louisiana to protect the environment, public health, safety
 3 and welfare, and is in compliance with the specific relevant and applicable standards
 4 and regulations promulgated by a state agency in accordance with the Administrative
 5 Procedure Act in effect at the time the most feasible plan to evaluate or if necessary
 6 remediate environmental damage resulting from oilfield or exploration and
 7 production operations or waste **is approved or structured.**

* * *

9 §73. Definitions

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

12 (1) "Commissioner" means the secretary of the Department of Conservation
 13 and Energy or his authorized representatives from the injection and mining division
 14 ~~of that office.~~

* * *

16 §74. Abandoned oilfield waste sites; notification; clean up

17 A.(1) * * *

18 (3)(a) Prior to any sheriff's sale or public auction of any property related to
 19 the operation of oil and gas wells, the person seeking such sale shall notify the
 20 secretary of such sale not less than thirty days prior to such sale. Such sale shall not
 21 occur unless the secretary consents thereto in writing, and the sale shall include the
 22 wellbore unless specifically excluded from the sale. In the event the wellbore is not
 23 specifically excluded from the sale as provided herein, the sheriff or person seeking
 24 such a sale shall cause to be included in the notice of the sale and in the sale
 25 instrument a statement or notice that the purchaser shall be required to file the
 26 appropriate documents with the department to become operator of record of the
 27 subject well pursuant to the provisions of R.S. ~~30:204~~ **30:28.**

28 (b) The secretary may, if he deems it appropriate to ~~insure~~ **ensure** the proper
 29 plugging and abandonment of the wells and closure of the associated oilfield pits,

1 retain a first lien and privilege on such property, which lien and privilege shall
 2 follow such property into the hands of third persons whether such persons are in
 3 good or bad faith. The secretary shall record a notice of such lien with the clerk of
 4 court in the parish in which the property is located and in which the sale is to occur.
 5 The lien and privilege may be enforced against any person in possession of the
 6 property in the same manner as a lien provided under the Louisiana Oil Well Lien
 7 Act.

8 * * *

9 B. Any failure or refusal by an owner or operator or responsible person to
 10 undertake such action as ordered by the secretary to take samples, monitor, contain,
 11 or clean up an abandoned oilfield waste site shall be a violation of this Chapter, and
 12 the ~~commission~~ **department**, in order to prevent damage to public health, the
 13 environment, or an oil or gas strata, may immediately declare the site abandoned,
 14 notwithstanding the provisions of R.S. 30:75, and commence appropriate
 15 proceedings under this Chapter, including the recovery of penalties, revocation of
 16 any permit, closure of the site, or any combination thereof.

17 * * *

18 §84. Powers of the secretary

19 A. The powers of the secretary shall include without limitation the power to
 20 do the following:

21 * * *

22 ~~D. The powers provided for in this Section shall be in addition to and shall~~
 23 ~~not limit the powers conferred on the secretary in other provisions of this Subtitle or~~
 24 ~~by any other provisions of any state or federal law or regulation.~~

25 ~~§85. Powers of the secretary~~

26 ~~A. The powers of the assistant secretary shall include without limitation the~~
 27 ~~power to do the following, subject to the supervision of the secretary:~~

28 ~~(1) Adopt and promulgate rules and regulations implementing the~~
 29 ~~administration of this Part.~~

1 fishermen's gear compensation, by the secretary of the office of coastal management
2 and, for purposes of underwater obstruction, by the secretary of the Department of
3 Conservation and Energy.

4 * * *

5 §101.5. Powers of the secretary

6 A. The powers of the secretary shall include without limitation the power to
7 do the following:

8 (1) Administer general oversight of expenditures or commitments to make
9 expenditures from the dedicated fund account for the identification, inventory, and
10 removal of underwater obstructions as he deems necessary and appropriate.

11 (2) Maintain all supervisory and fiscal responsibility imposed under the
12 provisions of this Part.

13 (3) Perform such other specific functions as may be enumerated or
14 envisioned by the provisions of this Part.

15 ~~B. The powers provided for in this Section shall be in addition to and shall~~
16 ~~not limit the powers conferred on the secretary in other provisions of this Title or by~~
17 ~~any other provisions of any state or federal law or regulation.~~

18 §101.6. Powers of the secretary

19 ~~A. The powers of the secretary shall include without limitation the power to~~
20 ~~do the following:~~

21 ~~(1)~~ **(4)** Negotiate and execute contracts, upon such terms as he may agree
22 upon for underwater obstruction identification, inventory, and removal, and other
23 services necessary to meet the purpose of this Part.

24 ~~(2)~~ **(5)** Publish an annual list of underwater obstruction sites, to include an
25 inventory of the type, size and depth of the obstruction, and any other relevant
26 information which would aid navigation and commercial fishing in the vicinity of
27 the obstruction.

28 ~~(3)~~ **(6)** Prepare, evaluate, and approve an annual priority list for underwater
29 obstruction removal.

1 remain owned by the state shall be immediately forwarded to the state treasurer for
2 deposit into the state treasury. After complying with the provisions of Article VII,
3 Section 9(B) of the Constitution of Louisiana relative to the Bond Security and
4 Redemption Fund, the state treasurer shall remit the funds as follows:

5 * * *

6 §149.1. Storage of carbon dioxide; distribution of funds; state agency property

7 A. Upon commencement of Class VI injection operations for the geologic
8 storage of carbon dioxide beneath any land or water bottoms owned by a state
9 agency, whether owned in a public or private capacity, any injection-based revenue
10 collected by the state agency, or by the office of ~~mineral~~ **state** resources on behalf
11 of that agency, shall be immediately forwarded to the state treasurer for deposit into
12 the state treasury. After complying with the provisions of Article VII, Section 9(B)
13 of the Constitution of Louisiana relative to the Bond Security and Redemption Fund,
14 the state treasurer shall remit the funds as provided in this Section.

15 * * *

16 E. The state agency, or the office of ~~mineral~~ **state** resources on behalf of that
17 agency, shall submit a monthly report to the Department of the Treasury and the
18 relevant parish governing authority itemizing the prior month's collections from
19 injection operations for each storage facility.

20 * * *

21 §150. Louisiana Royalty Relief Dry Hole Credit Program; requirements; conditions;
22 limitations; expiration

23 * * *

24 B. The requirements for the royalty relief dry hole credit are as follows:

25 * * *

26 (4) The well must reach the target qualifying depth, be logged by suitable
27 geophysical techniques for presentation to and verification by the office of ~~mineral~~
28 **state** resources, and not be commercially productive of oil or gas.

29 (5) The geophysical well information for the dry hole is released to the office

1 of ~~mineral~~ **state** resources for public use.

2 * * *

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

18 * * *

19 D. If a dry hole credit is offered as provided in this Section, the Department
20 of Conservation and Energy, office of ~~mineral~~ **state** resources, shall certify
21 qualification for the royalty relief dry hole credit and provide forms and procedures
22 relative to certification. Application and obtaining certification as a well qualified
23 to receive the royalty relief dry hole credit shall be completed prior to drilling of the
24 qualifying well.

25 * * *

26 F. To utilize the royalty relief dry hole credit:

27 (1) Application shall be made to the office of ~~mineral~~ **state** resources for
28 approval to utilize the credit and designate the royalty obligation to which the credit
29 will be applied.

* * *

(3) The royalty relief dry hole credit must be utilized within four years from the date the credit is issued by the office of ~~mineral~~ **state** resources, except for extensions of the credit as authorized in Subsection C herein.

* * *

§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:

* * *

(2) Equip, drill, and operate wells or mines for the production of minerals. If a party is found to be equipping, drilling, or operating wells or mines for the production of minerals and the office of ~~mineral~~ **state** resources finds that it is in the best interest of the state, the office may allow that party to continue such activity under the oversight of the office. Further, the office may collect from that party, after deduction of reasonable costs of drilling, equipping, and operating wells, the value of production from those wells. Revenues collected under the provisions of this Paragraph shall be credited to the Mineral and Energy Operation Fund in the state treasury.

* * *

(4) * * *

(b) The office of ~~mineral~~ **state** resources, on behalf of the mineral board, shall administer all operating agreements. After deposit of all revenues collected to the Bond Security and Redemption Fund, an amount equal to twenty-five percent of the revenues collected from any operating agreement entered into after August 15, 1997, shall be credited to the Mineral and Energy Operation Fund for appropriation to the Department of Conservation and Energy.

* * *

(e) Upon a two-thirds vote of the members of the State Mineral and Energy Board and after notification to the governing authority of the affected parish, which

1 may be made by electronic mail to the parish president, police jury president, or
 2 mayor-president, depending on the form of parish government, and a public hearing
 3 conducted by a hearing officer appointed by the secretary for the office of ~~mineral~~
 4 **state** resources in each affected parish pursuant to R.S. 30:6, enter into operating
 5 agreements whereby the state receives a share of revenues from the storage of oil,
 6 natural gas, liquid or liquefied hydrocarbons, or carbon dioxide, in whole or in part,
 7 as may be agreed upon by the parties, and assumes all or a portion of the risk of the
 8 cost of the activity in those situations where the board determines it is in the best
 9 interest of the state either in equity or in the promotion of conservation to do so, such
 10 as but not limited to the following illustrations:

11 * * *

12 §209.2. Storage of carbon dioxide; distribution of funds; sovereign state lands

13 * * *

14 B. Any revenues collected by the office of ~~mineral~~ **state** resources pursuant
 15 to any contractual agreement for the storage of carbon dioxide beneath public lands
 16 as defined in R.S. 41:1701 and dried lake beds that were formerly navigable and
 17 remain owned by the state shall be immediately forwarded to the state treasurer for
 18 deposit into the state treasury. After complying with the provisions of Article VII,
 19 Section 9(B) of the Constitution of Louisiana relative to the Bond Security and
 20 Redemption Fund, the state treasurer shall remit the funds as follows:

21 * * *

22 §209.3. Storage of carbon dioxide; distribution of funds; state agency property

23 A. Upon commencement of Class VI injection operations for the geologic
 24 storage of carbon dioxide beneath any land or water bottoms owned by a state
 25 agency, whether owned in a public or private capacity, any injection-based revenue
 26 collected by the state agency, or by the office of ~~mineral~~ **state** resources on behalf
 27 of that agency, shall be immediately forwarded to the state treasurer for deposit into
 28 the state treasury. After complying with the provisions of Article VII, Section 9(B)
 29 of the Constitution of Louisiana relative to the Bond Security and Redemption Fund,

1 the state treasurer shall remit the funds as provided in this Section.

2 * * *

3 E. The state agency, or the office of ~~mineral~~ **state** resources on behalf of that
4 agency, shall submit a monthly report to the Department of the Treasury and the
5 relevant parish governing authority itemizing the prior month's collections from
6 injection operations for each storage facility.

7 * * *

8 §548. Exercise of powers

9 The secretary ~~of conservation~~ shall exercise his powers so as to provide,
10 under the priorities hereinafter set forth, to the maximum extent practicable, for:

11 * * *

12 §917. Inspections and monitoring

13 * * *

14 F. After the state has assumed exclusive jurisdiction of surface coal mining
15 operations as provided in Section 503 of P.L. 95-87, and as long as the state retains
16 such jurisdiction, then no employee of the department performing any function or
17 duty under this Chapter shall have a direct or indirect financial interest in any surface
18 coal mining operation. Whoever knowingly violates the provisions of this Subsection
19 shall, upon conviction, be punished by a fine of not more than two-thousand five
20 hundred dollars, or by imprisonment of not more than one year, or by both. The
21 secretary shall by regulation establish methods by which the provisions of this
22 Subsection will be monitored and enforced by the secretary, including appropriate
23 provisions for the filing by such employees in the review of statements and
24 supplements thereto concerning any financial interest which may be effected by this
25 Subsection. This Subsection shall not be given effect (1) if the Secretary of the
26 Interior does not require the inclusion of similar provisions in state laws as a
27 condition for approval by the Secretary of the Interior of state programs of regulation
28 of surface coal mining and reclamation operations pursuant to Section 503 of P.L.
29 95-87 or (2) if any such requirement of the Secretary of the Interior is declared

1 or operated by that storage operator. The secretary of the Department of
 2 Conservation and Energy shall certify ~~to the secretary~~ **in writing** the date on which
 3 the balance in the fund for a storage operator equals or exceeds ten million dollars.
 4 The fund fees shall not be collected or required to be paid on or after the first day of
 5 the second month following the certification, except that the secretary shall resume
 6 collecting the fees upon receipt of a certification from the secretary of the
 7 Department of Conservation and Energy that, based on the expenditures or
 8 commitments to expend monies, the fund has fallen below eight million dollars for
 9 that storage operator.

10 Section 2. R.S. 36:357(A) and 358(B) are hereby amended and reenacted to read as
 11 follows:

12 §357. Leadership

13 A. Each office within the Department of Conservation and Energy, except the
 14 executive office of the secretary and the office of administration shall be under the
 15 immediate supervision and direction of a director who shall be appointed by the
 16 secretary, **subject to Senate confirmation**, and shall be an unclassified employee.

17 The secretary may issue a directive clearly identifying each director and specifically
 18 delegating the authority of such director.

19 * * *

20 §358. Offices; purposes and functions

21 * * *

22 B. The ~~office of the~~ executive office of the secretary shall be responsible for
 23 assisting the secretary in the exercise of the functions and duties established in law
 24 of the secretary. Among the divisions included within the executive office of the
 25 secretary shall be the office of the natural resources commission to be headed by the
 26 deputy secretary and the office of legal services to be headed by an attorney
 27 designated by the secretary.

28 * * *

29 Section 3. R.S. 30:4(O)(3) is hereby repealed.

1 Section 4. The Louisiana State Law Institute is hereby directed to change all
2 references to the commissioner of conservation whose duties and powers were transferred
3 to the secretary of the Department of Conservation and Energy pursuant to Act No. 458 of
4 the 2025 Regular Session from "commissioner of conservation" to "secretary of the
5 Department of Conservation and Energy" and "commissioner" to "secretary" throughout the
6 Louisiana Revised Statutes of 1950.

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 379 Original

2026 Regular Session

Hensgens

Present law establishes the Dept. of Conservation and Energy (C&E) and provides for jurisdiction, duties, and powers of the department and the secretary. Provides for the office of mineral resources.

Proposed law retains present law and changes the office of mineral resources to the office of state resources and other technical corrections.

Effective August 1, 2026.

(Amends R.S. 30:3(7), 4(C)(14), (D)(1)(a) and (5), (G), and (I)(2), 5(C)(1), (C)(2) (intro para), and (6), and (D)(1), 5.1(A)(1) and (B)(1), 6.1(A) and (C), 23(D)(2), 26, 29(A), (I)(4), 73(1), 74(A)(3) and (B), 98.3(B), 101.2(A), 101.5, 135, 149(B), 149.1(A) and (E), 150(B)(4) and (5), (C)(1), (D), (F)(1) and (3), 209(2) and (4)(b) and (e), 209.2(B), 209.3(A) and (E), 548(intro para), 917(F), 1110(C)(1)(f) and (g), and R.S. 36:357(A) and 358(B); adds R.S. 30:84(A)(9) and (10) and (B); repeals R.S. 30:4(O)(3))