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**HOUSE COMMITTEE AMENDMENTS**

2026 Regular Session

Amendments proposed by House Committee on Natural Resources and Environment to  
Original House Bill No. 1191 by Representative Jacob Landry

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1 AMENDMENT NO. 1

2 On page 2, line 11, after "voluntary" and before "evaluation" delete "pre-litigation"

3 AMENDMENT NO. 2

4 On page 2, delete lines 12 through 14 in their entirety and insert the following:

5 "(7) "Operator of interest" means any current operator of record for the site  
6 as reflected in department records at the time the notice is filed, or the most recent  
7 solvent prior operator of record if the current operator of record is bankrupt or  
8 insolvent, or any registered operator in good standing with the department that has  
9 acquired either a lease or other right to discover and produce minerals from the site  
10 or a bona fide option to acquire such a lease.

11 (a) No person or entity shall initiate or participate in the certificate of  
12 compliance process for the purpose of generating, obtaining, or preserving  
13 environmental data or sampling results for use as evidence in any pending or  
14 anticipated litigation or administrative proceeding to which that person is a party and  
15 in which conditions at the site are at issue, other than in a proceeding in which a  
16 certificate of compliance itself is asserted as an affirmative defense following its  
17 issuance.

18 (b) For purposes of this Section, "operator of interest" does not include a  
19 royalty owner, overriding royalty interest owner, or any other person whose interest  
20 in the site is limited to a financial or production interest and who does not bear direct  
21 operational responsibility for the site as operator of record or as a lessee under  
22 applicable law. The exclusion of the owner of an interest, including any working  
23 interest owners, from this definition does not affect any rights or obligations such  
24 owners may have under applicable law."

25 AMENDMENT NO. 3

26 On page 3, delete lines 3 through 5 in their entirety

27 AMENDMENT NO. 4

28 On page 4, delete lines 27 through 29 in their entirety and on page 5, delete lines 1 through  
29 8 in their entirety and insert the following:

30 "(8)(a) Within sixty days after the close of the review period, including any  
31 extension thereof, the department shall issue to the requesting parties one of the  
32 following determinations:

33 (i) A full or partial certificate of compliance, where the department has  
34 evaluated the site and determined that the site, or the applicable portion thereof, is  
35 in compliance with applicable law.

36 (ii) A report of environmental noncompliance, where the department  
37 determines that one or more environmental media at the site contain contamination  
38 exceeding applicable law. A report of environmental noncompliance shall describe  
39 with particularity each item of substantive noncompliance identified, the  
40 environmental media affected, the analytical data supporting each finding, and the  
41 corrective actions required to achieve compliance. Upon issuance of a report of  
42 environmental noncompliance, the corrective action period shall commence in  
43 accordance with Subsection D of this Section.

1           (iii) A notice of administrative deficiency, where the department determines  
 2 that the site does not present contamination of environmental media above applicable  
 3 regulatory standards, but that one or more administrative, operational, or  
 4 recordkeeping requirements under applicable law have not been satisfied. A notice  
 5 of administrative deficiency shall not constitute a report of noncompliance for  
 6 purposes of this Section, shall not trigger the corrective action period under  
 7 Subsection D of this Section, and shall not give rise to any inference or presumption  
 8 of environmental liability with respect to the site. Administrative deficiencies  
 9 identified in a notice pursuant to this Item shall be addressed through the  
 10 department's regulatory and enforcement authority pursuant to this Subtitle and shall  
 11 not affect the admissibility or preclusive effect of any certificate of compliance  
 12 issued as to environmental conditions at the site.

13           (b) Notwithstanding any outstanding administrative deficiencies that may be  
 14 addressed pursuant to Item (B)(8)(a)(iii) of this Section, where environmental  
 15 sampling and testing conducted during the review period demonstrates that all  
 16 sampled environmental media at the site meet the requirements of applicable law, the  
 17 department shall at minimum issue a partial certificate of compliance as to the  
 18 environmental conditions of those media. The existence of an outstanding notice of  
 19 administrative deficiency shall not delay, condition, or preclude the issuance of such  
 20 a certificate and the certificate shall carry the full preclusive effect described in  
 21 Subsection C of this Section as to environmental damage and property damage  
 22 claims relating to pre-certification conditions of those media.

23           (9) All data, information, communications, analyses, and documentation  
 24 generated or exchanged between the requesting parties and the department during the  
 25 evaluation process established by this Subsection, other than a certificate, partial  
 26 certificate, and a final report of environmental noncompliance, shall be confidential,  
 27 shall not be subject to the Public Records Law, R.S. 44:1 et seq., and shall not be  
 28 disclosed, used as evidence, or otherwise relied upon in any judicial or administrative  
 29 proceeding by a person other than a requesting party, the department, or any of their  
 30 respective successors or assigns. The requesting parties may, by mutual written  
 31 agreement, waive confidentiality as to any specific document or communication."

32 AMENDMENT NO. 5

33 On page 6, line 7, after "applicable" delete the remainder of the line and on line 8, delete  
 34 "Order No. 29-B," and insert "law"

35 AMENDMENT NO. 6

36 On page 6, line 10, after "court" and before "conduct" change "may" to "shall"

37 AMENDMENT NO. 7

38 On page 6, between lines 25 and 26, insert the following:

39           "(6) Notwithstanding any provision of this Section to the contrary, no report  
 40 of environmental noncompliance may be used in any judicial proceeding against a  
 41 prior operator or lessee that is not a requesting party and that only held an interest  
 42 in the site prior to the joint written notice to the department."

43 AMENDMENT NO. 8

44 On page 7, line 1, after "law" delete the remainder of the line and on line 2, delete "limited  
 45 to RECAP and Statewide Order No. 29-B"

46 AMENDMENT NO. 9

47 On page 7, delete lines 5 through 11 in their entirety and insert the following:

1           "(2) All data, environmental sampling results, testing reports, operational  
 2 records, correspondence, and other documentation generated, submitted to,  
 3 exchanged with, or reviewed by the department, the requesting parties, or their  
 4 agents or consultants on or after the commencement date of the corrective action  
 5 period in connection with the evaluation of the site shall be confidential, shall not be  
 6 subject to the Public Records Law, R.S. 44:1 et seq., and shall not be disclosed or  
 7 used as evidence in any judicial or administrative proceeding by a person who is not  
 8 a requesting party, the department, or any of their respective successors or assigns.  
 9 Nothing in this Paragraph shall apply to a final report of environmental  
 10 noncompliance. The requesting parties may, by mutual written agreement, waive  
 11 confidentiality as to any specific document or communication."

12 AMENDMENT NO. 10

13 On page 8, line 2, after "noncompliance." delete the remainder of the line and delete lines  
 14 3 through 5 in their entirety.

15 AMENDMENT NO. 11

16 On page 8, line 22, after "law" delete the remainder of the line

17 AMENDMENT NO. 12

18 On page 9, line 13, after "applicable" delete "regulatory requirements" and insert "law"

19 AMENDMENT NO. 13

20 On page 10, between lines 4 and 5, insert the following:

21           "H. Effect on operator succession and post-certification acquisition.  
 22           (1) Notwithstanding any other provision of law to the contrary, a person who  
 23 acquires a mineral lease, operating interest, or other right to conduct exploration and  
 24 production activities at a site for which a certificate of compliance has been issued  
 25 pursuant to this Section shall not, by virtue of that acquisition alone, become  
 26 responsible for or assume any obligation with respect to environmental damage or  
 27 property damage arising from pre-certification site conditions. Such acquisition shall  
 28 not subject the acquiring party to liability in solido with any prior operator, lessee,  
 29 or working interest owner for pre-certification conditions, nor shall it constitute a  
 30 basis for proceeding against the acquiring party as the operator of record for  
 31 pre-certification conditions. The acquiring party's regulatory and civil liability shall  
 32 be limited to site conditions arising from its own operations conducted after the date  
 33 of the certificate of compliance.  
 34           (2) A certificate of compliance issued pursuant to this Section constitutes  
 35 conclusive documentation of the baseline environmental conditions at the site as of  
 36 the date of certification. In any subsequent judicial or administrative proceeding,  
 37 contamination or damage identified after the date of the certificate shall be presumed  
 38 to constitute post-certification conditions and shall not be deemed indistinguishable  
 39 from pre-certification conditions absent clear and convincing evidence to the  
 40 contrary. This presumption shall apply in favor of any operator who acquires an  
 41 interest in the site on or after the date of the certificate and against any claim seeking  
 42 to hold that operator responsible for pre-certification conditions on the basis that  
 43 post-certification and pre-certification damage cannot be distinguished.  
 44           (3) Nothing in this Subsection shall limit the liability of any person for  
 45 environmental damage or property damage caused by that person's own  
 46 post-certification operations, nor shall it limit the enforcement authority of the  
 47 department or any other governmental entity with respect to post-certification site  
 48 conditions. Nothing in this Subsection shall be construed to release any prior  
 49 operator from liability to a subsequent operator or to the surface owner for  
 50 pre-certification conditions."

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 AMENDMENT NO. 14

2 On page 10, at the beginning of line 5, change "H." to "I."

3 AMENDMENT NO. 15

4 On page 10, at the end of line 6, insert the following:

5 "For purposes of determining if any site or portion thereof is in compliance with  
6 applicable law or regulatory standards as contemplated by this Section, the  
7 department shall use and apply the Risk Evaluation and Corrective Action Program  
8 (RECAP) and may use other exceptions to Statewide Order No. 29-B, LAC  
9 43:XIX.101 et seq."

10 AMENDMENT NO. 16

11 On page 10, at the beginning of line 7, change "I." to "J."