
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

1 AMENDMENT NO. 1

2 On page 1, at the beginning of line 16, change "departments" to "department"

3 AMENDMENT NO. 2

4 On page 1, at the beginning of line 19, change "departments" to "department's"

5 AMENDMENT NO. 3

6 On page 2, delete lines 3 and 4 in their entirety

7 AMENDMENT NO. 4

8 On page 2, at the beginning of line 5, change "(4)" to "(3)"

9 AMENDMENT NO. 5

10 On page 2, at the beginning of line 7, change "(5)" to "(4)"

11 AMENDMENT NO. 6

12 On page 2, at the beginning of line 9, change "(6)" to "(5)"

13 AMENDMENT NO. 7

14 On page 2, line 10, after "with the" and before "pursuant" change "departments" to
15 "department"

16 AMENDMENT NO. 8

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

18 AMENDMENT NO. 9

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

20 "(6) "Operator of interest" means the most recent solvent prior operator of
21 record or any registered operator in good standing with the department that has
22 acquired either a lease or other right to discover and produce minerals from the site
23 or a bona fide option to acquire such a lease.

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

31 (b) For purposes of this Section, "operator of interest" does not include a
32 royalty owner, overriding royalty interest owner, or any other person whose interest
33 in the site is limited to a financial or production interest and who does not bear direct
34 operational responsibility for the site as operator of record or as a lessee under

1 applicable law. The exclusion of the owner of an interest, including any working
2 interest owners, from this definition does not affect any rights or obligations such
3 owners may have under applicable law."

4 AMENDMENT NO. 10

5 On page 2, at the beginning of line 15, change "(8)" to "(7)"

6 AMENDMENT NO. 11

7 On page 2, line 19, after "the" and before "and" change "departments" to "department"

8 AMENDMENT NO. 12

9 On page 2, at the beginning of line 23, change "(9)" to "(8)"

10 AMENDMENT NO. 13

11 On page 2, at the beginning of line 24, change "departments" to "department's"

12 AMENDMENT NO. 14

13 On page 2, at the beginning of line 27, change "(10)" to "(9)"

14 AMENDMENT NO. 15

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

16 AMENDMENT NO. 16

17 On page 3, line 8, after "with the" and before the period "." change "departments" to
18 "department"

19 AMENDMENT NO. 17

20 On page 3, line 20, after "the" and before "rules" delete "departments promulgate" and insert
21 "department promulgates"

22 AMENDMENT NO. 18

23 On page 3, at the end of line 23, after "the" delete "secretaries of both departments." and
24 insert "secretary."

25 AMENDMENT NO. 19

26 On page 3, at the beginning of line 28, change "departments" to "department"

27 AMENDMENT NO. 20

28 On page 3, at the beginning of line 29, change "departments" to "department"

29 AMENDMENT NO. 21

30 On page 4, line 3, after "the" and before the semicolon ";" change "departments" to
31 "department"

32 AMENDMENT NO. 22

33 On page 4, at the end of line 4, change "departments." to "department."

1 AMENDMENT NO. 23

2 On page 4, line 5, after "the" and before "pursuant" change "departments" to "department"

3 AMENDMENT NO. 24

4 On page 4, line 8, after "of the" and before "shall" change "departments" to "department"

5 AMENDMENT NO. 25

6 On page 4, line 11, after "The" and before "may" change "departments" to "department" and
7 at the end of the line change "they" to "it"

8 AMENDMENT NO. 26

9 On page 4, at the beginning of line 12, change "deem" to "deems"

10 AMENDMENT NO. 27

11 On page 4, at the beginning of line 17, change "departments" to "department"

12 AMENDMENT NO. 28

13 On page 4, line 20, after "the" and before "under" delete "departments otherwise have" and
14 insert "department otherwise has"

15 AMENDMENT NO. 29

16 On page 4, line 21, after "The" and before "may" change "departments" to "department"

17 AMENDMENT NO. 30

18 On page 4, line 24, after "and the" and before "shall" change "departments" to "department"

19 AMENDMENT NO. 31

20 On page 4, line 25, after "If the" and before "not" delete "departments do" and insert
21 "department does"

22 AMENDMENT NO. 32

23 On page 4, delete lines 27 through 29 in their entirety and on page 5, delete lines 1 through
24 8 in their entirety and insert the following:

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

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

31 (ii) A report of environmental noncompliance, where the department
32 determines that one or more environmental media at the site contain contamination
33 exceeding applicable law. A report of environmental noncompliance shall describe
34 with particularity each item of substantive noncompliance identified, the
35 environmental media affected, the analytical data supporting each finding, and the
36 corrective actions required to achieve compliance. Upon issuance of a report of
37 environmental noncompliance, the corrective action period shall commence in
38 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. 33

33 On page 5, line 11, after "the" and before "or" change "departments" to "department"

34 AMENDMENT NO. 34

35 On page 5, line 13, after "preclude the" and before "from" change "departments" to
 36 "department"

37 AMENDMENT NO. 35

38 On page 5, line 15, after "The" and before "may" change "departments" to "department"

39 AMENDMENT NO. 36

40 On page 6, line 6, after "conditions" and before "and" delete the comma " ,"

41 AMENDMENT NO. 37

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

44 AMENDMENT NO. 38

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

1 AMENDMENT NO. 39

2 On page 6, line 18, after "by" and before "shall" delete "Subsection (C)(2)(b)" and insert
3 "Subparagraph (2)(b) of this Subsection"

4 AMENDMENT NO. 40

5 On page 6, line 21, after "by" and before the comma "," delete "Subsection (G)(1)" and insert
6 "Paragraph (G)(1) of this Section"

7 AMENDMENT NO. 41

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

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

13 AMENDMENT NO. 42

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

16 AMENDMENT NO. 43

17 On page 7, line 3, after "by the" and before "at" change "departments" to "department"

18 AMENDMENT NO. 44

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

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

31 AMENDMENT NO. 45

32 On page 7, line 18, after "the" change "departments." to "department."

33 AMENDMENT NO. 46

34 On page 7, line 19, after "the" and before "pursuant" change "departments" to "department"

35 AMENDMENT NO. 47

36 On page 7, line 21, after "without the" and before "having" change "departments" to
37 "department"

1 AMENDMENT NO. 48

2 On page 7, line 23, after "The" and before "shall" change "departments" to "department"

3 AMENDMENT NO. 49

4 On page 7, line 25, after "that the" and before "shall" change "departments" to "department"

5 AMENDMENT NO. 50

6 On page 8, at the beginning of line 1, change "departments" to "department"

7 AMENDMENT NO. 51

8 On page 8, line 2, after "noncompliance." delete the remainder of the line and delete lines
9 3 through 5 in their entirety.

10 AMENDMENT NO. 52

11 On page 8, line 13, after "The" and before "authorized" delete "departments are" and insert
12 "department is"

13 AMENDMENT NO. 53

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

15 AMENDMENT NO. 54

16 On page 8, at the end of line 25, delete "Department of Conservation and Energy." and insert
17 "department."

18 AMENDMENT NO. 55

19 On page 8, line 28, after "the" and before "rules" delete "departments promulgate" and insert
20 "department promulgates"

21 AMENDMENT NO. 56

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

23 AMENDMENT NO. 57

24 On page 9, line 22, after "with the" and before "as part" change "departments" to
25 "department"

26 AMENDMENT NO. 58

27 On page 9, line 23, after "the" and before "at" change "departments" to "department"

28 AMENDMENT NO. 59

29 On page 9, line 27, after "with the" and before the period "." change "departments" to
30 "department"

31 AMENDMENT NO. 60

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

1 "H. Effect on operator succession and post-certification acquisition.

2 (1) Notwithstanding any other provision of law to the contrary, a person who
 3 acquires a mineral lease, operating interest, or other right to conduct exploration and
 4 production activities at a site for which a certificate of compliance has been issued
 5 pursuant to this Section shall not, by virtue of that acquisition alone, become
 6 responsible for or assume any obligation with respect to environmental damage or
 7 property damage arising from pre-certification site conditions. Such acquisition shall
 8 not subject the acquiring party to liability in solido with any prior operator, lessee,
 9 or working interest owner for pre-certification conditions, nor shall it constitute a
 10 basis for proceeding against the acquiring party as the operator of record for
 11 pre-certification conditions. The acquiring party's regulatory and civil liability shall
 12 be limited to site conditions arising from its own operations conducted after the date
 13 of the certificate of compliance.

14 (2) A certificate of compliance issued pursuant to this Section constitutes
 15 conclusive documentation of the baseline environmental conditions at the site as of
 16 the date of certification. In any subsequent judicial or administrative proceeding,
 17 contamination or damage identified after the date of the certificate shall be presumed
 18 to constitute post-certification conditions and shall not be deemed indistinguishable
 19 from pre-certification conditions absent clear and convincing evidence to the
 20 contrary. This presumption shall apply in favor of any operator who acquires an
 21 interest in the site on or after the date of the certificate and against any claim seeking
 22 to hold that operator responsible for pre-certification conditions on the basis that
 23 post-certification and pre-certification damage cannot be distinguished.

24 (3) Nothing in this Subsection shall limit the liability of any person for
 25 environmental damage or property damage caused by that person's own
 26 post-certification operations, nor shall it limit the enforcement authority of the
 27 department or any other governmental entity with respect to post-certification site
 28 conditions. Nothing in this Subsection shall be construed to release any prior
 29 operator from liability to a subsequent operator or to the surface owner for
 30 pre-certification conditions."

31 AMENDMENT NO. 61

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

33 AMENDMENT NO. 62

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

35 "For purposes of determining if any site or portion thereof is in compliance with
 36 applicable law or regulatory standards as contemplated by this Section, the
 37 department shall use and apply the Risk Evaluation and Corrective Action Program
 38 (RECAP) and may use other exceptions to Statewide Order No. 29-B, LAC
 39 43:XIX.101 et seq."

40 AMENDMENT NO. 63

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