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## DIGEST

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HB 1191 Engrossed

2026 Regular Session

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**Abstract:** Creates a voluntary certification of compliance process for surface owners and oil and gas operators regarding environmental damage at oilfield and exploration and production sites.

Proposed law creates a process for surface owners and operators to jointly obtain certificates of compliance regarding environmental damage at oilfield sites and exploration and production sites.

Proposed law provides definitions.

Proposed law establishes a process for the joint submission of written notice to the Dept. of Conservation and Energy by the surface owner and operator to initiate the certificate process.

Proposed law provides for a departmental review period, during which sites are inspected and evaluated pursuant to environmental damage standards under present law and corrective actions identified. Further provides that the requesting parties may submit data to the department during the review period.

Proposed law provides that after the review period, the department must issue one of the following to the requesting parties:

- (1) A full or partial certificate of compliance.
- (2) A report of environmental noncompliance.
- (3) A notice of administrative deficiency.

Proposed law provides that the issuance of a certificate of compliance will foreclose future claims and administrative actions regarding site conditions existing prior to the certificate of compliance.

Proposed law authorizes the filing of a certificate of compliance as admissible evidence in a claim for environmental damage and as an affirmative defense to certain claims and requires the court to consider the validity of the certificate as a threshold determination in the case.

Proposed law provides that the issuance of a report of environmental noncompliance triggers a corrective action period to address issues of noncompliance identified in the report and establishes timelines for the corrective action period. Further authorizes a stay of judicial proceedings during

the corrective action period.

Proposed law provides that a notice of administrative deficiency is to be issued where there is no corrective action required for the site to be in compliance with present law remediation standards, but one or more administrative, operational, or recordkeeping requirements under present law have not been met. Further provides for the procedures and effects of a notice of administrative deficiency.

Proposed law provides for confidentiality and a public records exception for data and documents related to the evaluation and corrective action periods, but provides that certificates of compliance and final reports of environmental noncompliance are not subject to this confidentiality. Further provides that the requesting parties may waive confidentiality for any particular document or communication.

Proposed law authorizes the departments to promulgate rules to implement the certificate of compliance process, to establish fees for the evaluation and certification process, and to establish standards for site evaluations.

Proposed law establishes the proper venue for claims involving certificates of compliance as the 19th Judicial District Court.

Proposed law provides for a voluntary waiver of non-regulatory remediation standards that the surface owner may otherwise benefit from and specifies the process required to make such a waiver.

Proposed law emphasizes that this is a voluntary process.

Proposed law provides that if certificates of compliance and voluntary waivers are recorded in the appropriate conveyance records, they will be binding on third parties.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 30:29.3)

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Natural Resources and Environment to the original bill:

1. Remove the Department of Environmental Quality from participation in the certificate of compliance process.
2. Clarify that the certificate of compliance process is not a pre-litigation process.
3. Remove definitions of "Departments", "RECAP" and "Statewide Order 29-B" and add a definition for "operator in interest".

4. Authorize the Department of Conservation and Energy to issue notices of administrative deficiency and provide procedures and effects related to such notices in addition to certificates of compliance and reports of environmental noncompliance.
5. Simplify references to law and regulations applicable to remediation of sites.
6. Make a court hearing regarding the validity of a certificate mandatory rather than permissive where a certificate is used as an affirmative defense in a suit.
7. Add a provision prohibiting the use of reports of environmental noncompliance in lawsuits against prior operators or lessees.
8. Add a provision for confidentiality and a public records exception for information and documentation generated or exchanged between the requesting parties and the Department of Conservation and Energy during the evaluation process, in addition to the confidentiality applicable to the corrective action process, which may be waived by the requesting parties and which does not apply to any certificate of compliance or a final report of environmental noncompliance.
9. Remove the requirement that a final report of noncompliance include certain unresolved of noncompliance and be admissible in related proceedings.
10. Add provision regarding the effect of a certificate of compliance on subsequent operators and acquisitions and the establishment of baseline environmental conditions at the site.
11. Clarify that the certificate of compliance process does not affect the liability of any person for environmental damage that they cause after certification or release any prior operator from liability to a surface owner or subsequent operator for pre-certification conditions.
12. Make technical changes.