
DIGEST

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Abramson

HB No. 618

Abstract: Provides for the limitation of the effect of an admission of liability in an oilfield remediation suit and provides that such admissions are admissible in evidence.

Proposed law provides that if any party admits liability for environmental damage in an action for remediation of an oilfield site, the party may elect to limit the admission of liability to responsibility for implementing the most feasible plan to evaluate, and if necessary, to remediate all or a portion of the contamination.

Proposed law provides that if an admission is limited to a party's responsibility for implementing the most feasible plan, the admission shall not be construed as an admission of liability for damages pursuant to present law nor shall such an admission result in any waiver of any rights or defenses of the admitting party.

Proposed law requires the court to refer a matter to DNR within 30 days of an admission of responsibility for a determination of the most feasible plan to evaluate or remediate environmental damage.

Proposed law provides that an admission of responsibility and the plan approved by the department shall be admissible as evidence in any action in accordance with present law C.E. Arts. 702 through 705 and C.C.P. Art. 1425.

Proposed law provides that a party admitting responsibility shall be required to deposit with the department funds to cover the cost of the department's review of the plan, including the cost of holding a public hearing.

Present law (R.S. 30:29.1(E)(1)) provides for the party submitting evidence to be reimbursed the costs associated with submission of the evidence.

Proposed law provides that a party admitting responsibility shall reimburse the plaintiff the costs which the court deems recoverable under present law within 30 days of the department's filing of the plan.

(Adds C.C.P. Art. 1563)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill.

1. Added provision requiring court to refer matters to DNR within 30 days of an admission of responsibility for a determination of the most feasible plan to evaluate or remediate environmental damage.
2. Made an admission of responsibility admissible as evidence in any action.
3. Required the party admitting responsibility to fund the department's review of the plan, including the cost of holding a public hearing.
4. Required a party admitting responsibility to reimburse the plaintiff those costs which the court determines are recoverable under R.S. 30:29(E)(1) within 30 days of the department filing the plan.

House Floor Amendments to the engrossed bill.

1. Added provision specifying that an admission of responsibility and the plan approved by the department shall be admissible in accordance with C.E. Arts. 702 through 705 and C.C.P. Art. 1425.