

HOUSE COMMITTEE AMENDMENTS

2025 Regular Session

Amendments proposed by House Committee on Natural Resources and Environment to
Reengrossed Senate Bill No. 244 by Senator Hensgens

AMENDMENT NO. 1

Delete Amendment Nos. 11, 29, 30, and 33 by the House Committee on Natural Resources
and Environment (#3360)

AMENDMENT NO. 2

Delete Amendment No. 2 by the House Committee on Natural Resources and Environment
(#3521)

AMENDMENT NO. 3

On page 2, delete line 7 in its entirety and insert "introductory paragraph of (I)(1)(a), (d), and
(g), and (J), 29(A), (B)(1), (C)(1) and (3)(a) and (5) and (6)(b) and (c), (D)(1) through (3),
(E)(1), (F), (H)(1), (I)(2) and (4), and (M)(1)(introductory paragraph) and (c), 41, 42, 44,"

AMENDMENT NO. 4

On page 2, line 12, after "(H)," and before "88(B)" insert "87(A) and (F)(1)(a)(introductory
paragraph) and (b)(introductory paragraph) as enacted by Section 1 of Act 16 of the 2024
Third Extraordinary Session of the Legislature of Louisiana,"

AMENDMENT NO. 5

On page 3, line 11, after "921," and before "(14)," change "1102(B), 1103(10)," to "1102,
1103(3), (10),"

AMENDMENT NO. 6

On page 3, line 13, after "and (F)," and before "1108(A)(1)," insert "1107(B),"

AMENDMENT NO. 7

On page 3, line 16, after "and (I)," and before "2200," insert "1115,"

AMENDMENT NO. 8

On page 3, line 29, after "21.1," and before "86(I)" insert "29(N),"

AMENDMENT NO. 9

On page 4, line 1, after "through" and before "124.1," change "98.11," to "98.13,"

AMENDMENT NO. 10

On page 4, at the end of line 2, delete "and"

AMENDMENT NO. 11

On page 4, line 3, after "and (D)," and before "R.S. 38:3098(G)," insert "and 600,"

1 AMENDMENT NO. 12

2 On page 4, at the end of line 4, insert "Part III of Chapter 2 of Subtitle I of Title 30 of the
3 Revised Statutes of Louisiana, comprised of R.S. 30:186 through 188, 1104(F),"

4 AMENDMENT NO. 13

5 On page 4, line 19, after "procedures;" and before "and to provide" insert "to provide for the
6 issuance of certificates of public convenience and necessity; to provide for carbon dioxide
7 sequestration policy; to provide for notice; to provide for remediation; to provide for an
8 administrative process for resolution of disputes within the department's jurisdiction; to
9 provide for oilfield site restoration;"

10 AMENDMENT NO. 14

11 On page 5, line 12, after "(J)," and before "41" delete "29(A) and (B)(1),"

12 AMENDMENT NO. 15

13 On page 5, line 16, after "(H)," and before "88(B)" insert "87(A) and (F)(1)(a)(introductory
14 paragraph) and (b)(introductory paragraph) as enacted by Section 1 of Act 16 of the 2024
15 Third Extraordinary Session of the Legislature of Louisiana,"

16 AMENDMENT NO. 16

17 On page 6, line 8, after "paragraph of" and before "(B)," change "R.S. 30:905.3(A)(1)," to
18 "905.3(A)(1)"

19 AMENDMENT NO. 17

20 On page 6, at the beginning of line 14, change "1102(B), 1103(10)," to "1102, 1103(3),
21 (10),"

22 AMENDMENT NO. 18

23 On page 6, line 15, after "and (F)," and before "1108(A)(1)" insert "1107(B),"

24 AMENDMENT NO. 19

25 On page 6, line 18, after "and (I)," and before "2200," insert "1115,"

26 AMENDMENT NO. 20

27 On page 6, line 21, after "comprised of" and before "124.1," delete "98.1, through 98.11"
28 and insert "98.1 through 98.13"

29 AMENDMENT NO. 21

30 On page 6, line 26, after "jurisdiction" delete the remainder of the line

31 AMENDMENT NO. 22

32 On page 71, delete lines 5 through 29 in their entirety

33 AMENDMENT NO. 23

34 On page 83, between lines 27 and 28, insert the following:

35 "§87. Oilfield site restoration fees

A. There is hereby imposed on crude petroleum produced from producing wells in this state a fee on each barrel of oil and condensate as provided in this Section, **payable upon the initial disposition of each barrel of oil and condensate.** The fee is in addition to any tax imposed pursuant to Title 47 of the Louisiana Revised Statutes of 1950. The provisions of Chapters 17 and 18 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950 shall apply to the administration, collection, and enforcement of the fee imposed in this Section, and the penalties provided by that code shall apply to any person who fails to pay or report the fee. Proceeds from the fee, including any penalties collected in connection with the fee, shall be deposited into the Oilfield Site Restoration Fund. B. There is hereby imposed on gas produced from producing wells in this state a fee for each thousand cubic feet as provided in this Section. The fee is in addition to any tax imposed pursuant to Title 47 of the Louisiana Revised Statutes of 1950. The provisions of R.S. 47:1 et seq. shall apply to the administration, collection, and enforcement of the fee, and the penalties provided by that Title shall apply to any person who fails to pay or report the fee. Proceeds from the fee, including any penalties collected in connection with the fee, shall be deposited into the Oilfield Site Restoration Fund.

* * *

F. The site restoration fee shall be the following:
(1) Full rate production shall include all production from oil or gas wells except for production from reduced rate production wells as set forth in R.S. 47:633(7).

(a) **For crude oil and condensate, the fee shall be based on the oil price on July first of each year for the ensuing twelve months based upon the Light Louisiana Sweet First Purchase Price per barrel of crude oil monthly average published by the United States Energy Information Administration for the preceding January first through December thirty-first available as of April first.** The amount of the fee for a well that produces crude oil and condensate shall be as follows:

* * *

(b) **For natural gas and casing head gas, the fee shall be based on the natural gas price on July first of each year for the ensuing twelve months based upon the Henry Hub Natural Gas Spot Price average monthly price in dollars per million BTU published by the United States Energy Information Administration for the preceding January first through December thirty-first available as of April first.** For natural gas and casing head gas, the fee shall be as follows:

* * *

AMENDMENT NO. 24

On page 96, line 9, after "**this**" and before "**drilled**" change "**part**" to "**Part**"

AMENDMENT NO. 25

On page 101, between lines 10 and 11, insert the following:

"§98.12. Public water supply prioritization
Notwithstanding any other provision of law to the contrary, in carrying out its authorities established by this Part the department shall prioritize and protect the sustainability of public water supplies in its management and regulatory decisions, consistent with the policy established in R.S. 38:3097.6. In exercising its authority under this Part, the department shall ensure that no regulatory or permitting action undermines or adversely impacts the availability or quality of water necessary for public water supply systems."

AMENDMENT NO. 26

On page 101, at the beginning of line 11, change "**§98.11**" to "**§98.13**"

AMENDMENT NO. 27

On page 106, delete line 28 in its entirety and insert "**A. Information submitted to the board, the office of mineral resources, or the office of state resources**"

AMENDMENT NO. 28

On page 107, line 2, after "**the**" delete "**Board or office of mineral resources**" and insert "**board or office**"

AMENDMENT NO. 29

On page 107, at the beginning of line 4, change "**A.**" to "**(1)**"

AMENDMENT NO. 30

On page 107, at the beginning of line 6, change "**B.**" to "**(2)**"

AMENDMENT NO. 31

On page 107, at the beginning of line 7, delete "**Information**" and insert "**B. Unless otherwise exempt from public release in accordance with the Public Records Law, information**"

AMENDMENT NO. 32

On page 107, line 8, after "**disclosure**" delete "**in accordance with Public Records Law**"

AMENDMENT NO. 33

On page 107, delete line 11 in its entirety and insert the following:

"C. The board, the office of mineral resources, or the office of state resources may promulgate rules or regulations establishing procedures for the submission, designation, handling, and protection of information designated as confidential pursuant to this Section."

AMENDMENT NO. 34

On page 166, delete line 25 in its entirety and insert the following in lieu thereof:

"A. It is declared to be in the public interest for a public purpose and the policy of Louisiana that:

(1) ~~The geologic storage of carbon dioxide will benefit the citizens of the state and the state's environment by reducing greenhouse gas emissions.~~

(2) Carbon dioxide is a valuable commodity to the citizens of the state.

(3) ~~Geologic storage of carbon dioxide may allow for the orderly withdrawal as appropriate or necessary, thereby allowing carbon dioxide to be available for commercial, industrial, or other uses, including the use of carbon dioxide for enhanced recovery of oil and gas.~~

~~(4)~~**(2)** It is the public policy of Louisiana and the purpose of this Chapter to provide for a coordinated statewide program related to the storage of carbon dioxide and to also fulfill the state's primary responsibility for assuring compliance with the federal Safe Drinking Water Act, including any amendments thereto related to the underground injection of carbon dioxide."

AMENDMENT NO. 35

On page 167, between lines 4 and 5, insert the following:

~~"(3) "Commissioner" has the same meaning as provided in R.S. 30:3~~
~~**"Common carrier" means a transporter of carbon dioxide by pipeline for**~~
~~**storage where there exists a reasonable probability that the pipeline will serve**~~
~~**the public by transporting carbon dioxide for storage for one or more third**~~
~~**parties.**~~

* * *

AMENDMENT NO. 36

On page 170, delete lines 4 through 11 in their entirety

AMENDMENT NO. 37

On page 170, between lines 12 and 13, insert the following:

"§1107. Certificates of public convenience and necessity; certificate of completion
of injection operations

* * *

B. The ~~commissioner shall~~ secretary may issue a certificate of public
convenience and necessity to ~~each a~~ transporter of carbon dioxide applying therefor,
whether or not such transporter is also the storage operator, for the laying,
maintaining, and operating of a pipeline for the transportation of carbon dioxide to
a storage facility, and such rights necessary and incidental thereto if, after a public
hearing pursuant to the provisions of R.S. 30:6, the ~~commissioner~~ secretary
determines that it is or will be in the present or future public interest to do so: and
finds one of the following:

(1) The applicant requires the use of expropriation due solely to the
presence of absentee owners that cannot be located after a reasonable attempt
to do so.

(2) The applicant is or intends to operate as a common carrier.

* * *

AMENDMENT NO. 38

On page 177, between lines 10 and 11, insert the following:

"§1115. Notifications regarding applications

A. No public or private legal entity shall engage in, nor shall any
government agency permit, activity associated with carbon capture, use, or
sequestration unrelated to enhanced oil and gas recovery, without first having
delivered advance written notice via United States Postal Service certified mail
to any person or persons owning or having any interest, including mineral
rights, in property whose planned use includes such activities. Every applicant
for a Class VI permit or a Class V permit related to a geologic sequestration
project shall comply with the following:

~~A.(1)~~ (1) Within thirty days of receiving notice of an application for a Class VI
injection well being In order for an application for a Class VI permit to be
deemed administratively complete, the owner or operator shall make a good faith
effort to provide notice of the submission of the application via United States
certified mail to all of the following located within the surface or subsurface
extent of the area of review delineated in the permit application:

~~(1)(a)~~ (a) The last operator of record for any oil or gas well located within the
area of review delineated in the application.

~~(2)(b)~~ (b) Any person known to the applicant after reasonable search that,
including owners and operators, acting on behalf of the person, that presently has the
right to drill into and produce from a pool and to appropriate production either for
himself or others within the predicted or modeled carbon dioxide plume, as that term
is defined in administrative rules and regulations providing for Class VI injection
wells: All mineral interest owners known to the applicant after a reasonable

search, including owners in interest, mineral servitude owners, mineral lessees, and operators acting on behalf of such mineral interest owners.

(c) All surface owners.

~~B.(2) Within ten days of filing an application with the commissioner for a Class V stratigraphic test well~~ In order for an application for a Class V stratigraphic test well permit to be considered complete, the owner or operator shall make a good faith effort to provide notice of the submission of the application via United States certified mail to all of the following located within five hundred feet of the proposed well:

~~(1)(a) The last operator of record for any oil or gas well located within five hundred feet of the proposed Class V stratigraphic test well location.~~

~~(2)(b) Any person known to the applicant after reasonable search, including owners and operators, acting on behalf of the person, that presently has the right to drill into and produce from a pool and to appropriate production either for himself or others within five hundred feet of the proposed Class V stratigraphic test well location~~ All mineral interest owners known to the applicant after a reasonable search, including owners in interest, mineral servitude owners, mineral lessees, and operators acting on behalf of such mineral interest owners.

(c) All surface owners.

(3) Notice to all surface owners as required by this Section may be satisfied by notifying all persons shown on the parish assessor's rolls as the current owner of the surface rights for the land included within the applicable area of required notice.

B. The department shall also publish on its website a notice of each application for a Class VI permit or Class V permit related to a carbon dioxide sequestration project.

* * *

AMENDMENT NO. 39

On page 178, between lines 7 and 8, insert the following:

"Section 2. R.S. 30:29(A), (B)(1), (C)(1) and (3)(a) and (5) and (6)(b) and (c), (D)(1) through (3), (E)(1), (F), (H)(1), (I)(2) and (4), and (M)(1)(introductory paragraph) and (c) are hereby amended and reenacted and R.S. 30:29(C)(6)(d) and (N) are hereby enacted to read as follows:

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

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

B.(1) Notwithstanding any law to the contrary, immediately upon the filing or amendment of any litigation or pleading making a judicial demand arising from or alleging environmental damage, including actions based in whole or in part on R.S. 30:16 or 26, the provisions of this Section shall apply, and the party filing same shall provide timely notice to the state of Louisiana through the Department of

Energy and Natural Resources, commissioner of conservation and the attorney general. The litigation shall be stayed with respect to any judicial demand until thirty days after notice is issued and return receipt is filed with the court.

* * *

C.(1) If at any time ~~during the proceeding~~ a party admits liability for environmental damage or the finder of fact determines that environmental damage exists and determines the party or parties who caused the damage or who are otherwise legally responsible therefor, the court shall order the party or parties who admit responsibility or whom the court finds legally responsible for the damage to develop a plan or submittal for the evaluation or remediation to applicable regulatory standards of the contamination that resulted in the environmental damage. The court shall order that the plan be developed and submitted to the department ~~and the court~~ within ~~a time that the court determines is reasonable and shall allow~~ one hundred eighty days from the first date a party admits responsibility or one hundred eighty days of the date the court finds a party legally responsible, whichever occurs later. ~~the~~ The plaintiff or any other party ~~at least~~ shall have thirty days from the date each plan or submittal was ~~made~~ submitted to the department ~~and the court~~ to review the plan or submittal and ~~to provide to the department and the court a~~ with an alternate plan, comment comments, or input in response thereto to the plan or plans submitted. The court may extend the time for filing any plan or comments for good cause shown. The department shall consider any plan, comment, or response provided timely by any party. The department shall submit to the court a schedule of estimated costs for review of the plans or submittals of the parties by the department and ~~the court~~ shall require the party admitting responsibility or the party found legally responsible by the court to deposit in the registry of the court sufficient funds to pay the cost of the department's review of the plans or submittals. Any plan or submittal shall include an estimation of cost to implement the plan.

* * *

(3)(a) The department shall use and apply the applicable regulatory standards including but not limited to the Risk Evaluation and Corrective Action Program (RECAP) and may use other exceptions to LAC 43:XIX.1 et seq., otherwise identified as Statewide Order No. 29-B, in approving or structuring a plan that the department determines to be the most feasible plan to evaluate or remediate the environmental damage. In any action governed by the provisions of this Section, the department shall consult with the landowner to consider exceptions, including RECAP, but shall not be required to obtain landowner consent.

* * *

(5) The court shall adopt the plan approved by the department as the most feasible plan, unless a party proves by a ~~preponderance of the~~ clear and convincing evidence that another timely submitted plan was provided to the department pursuant to this Subsection is a more feasible plan to adequately protect the environment and the public health, safety, and welfare. The court shall enter a judgment adopting a the most feasible plan with written reasons assigned. Upon adoption of a plan, the court shall order the party or parties admitting responsibility or the party or parties found legally responsible by the court to fund the implementation of the plan. The trial on the merits shall be stayed from the filing of a limited admission until the court adopts the most feasible plan.

(6)

* * *

(b) Any appeal under this Section of a judgment adopting the most feasible plan shall be taken to the Court of Appeals for the First Circuit. The appeal of a judgment adopting the most feasible plan ~~a de novo review~~ and shall be heard with preference and on an expedited basis.

(c) The appellate court may affirm the trial court's adoption of a the most feasible plan or may adopt a most feasible plan in conformity with this Section and shall issue written reasons for its decision.

(d) In the absence of an express contractual provision providing for remediation to original condition or some other specific remediation standard,

a party's legal responsibility is satisfied by meeting the standards set forth in applicable regulatory standards.

D.(1) Whether or not the department or the attorney general intervenes, and except as provided in Subsection H of this Section, all damages or payments in any civil action, including interest thereon, awarded for the evaluation or remediation of environmental damage shall be paid exclusively into the registry of the court in an interest-bearing account with the interest accruing to the account for ~~clean-up~~ **evaluation or remediation.**

(2) The court may allow any funds to be paid into the registry of the court to be paid in increments as necessary to fund the evaluation or remediation and implementation of ~~any~~ **the most feasible** plan or submittal adopted by the court **under Paragraph (C)(5) of this Section.** In any instance in which the court allows the funds to be paid in increments, whether or not an appeal is taken, the court shall require the posting of a bond for the implementation of the **most feasible** plan in such amount as provided by and in accordance with the procedures set forth for the posting of suspensive appeal bonds. Any such bond shall be valid through completion of the remediation. **In lieu of paying funds into the registry of the court, the responsible party may at its option pay directly the cost of implementing the most feasible plan and post bond in an amount equal to the total cost of the most feasible plan as provided by and in accordance with the procedures set forth for the posting of suspensive appeal bonds. If a responsible party directly pays the cost of implementing the most feasible plan, then the responsible party shall provide to the district court a summary of costs paid each quarter until the earlier of when the most feasible plan is fully implemented or the district court orders that no further summaries are required.**

(3) The court shall issue such orders as may be necessary to ensure that any such funds are actually expended in a manner consistent with the adopted ~~and~~ **most feasible** plan for the evaluation or remediation of the environmental damage for which the award or payment is made.

* * *

E.(1) In any civil action in which a party is responsible for ~~damages or payments for the evaluation or remediation of~~ environmental damage, a party providing evidence, in whole or in part, upon which the judgment is based shall be entitled to recover from the party or parties ~~admitting responsibility or the party or parties~~ found legally responsible by the court, ~~in addition to any other amounts to which the party may be entitled;~~ all costs attributable to producing that portion of the evidence that directly relates to the establishment of environmental damage, including, but not limited to, expert witness fees, environmental evaluation, investigation, and testing, the cost of developing a plan of **evaluation or remediation, and reasonable attorney fees incurred in the trial court and the department. Upon adoption of the most feasible plan by the trial court, a party admitting responsibility or a party found to be legally responsible for environmental damage shall not be responsible for any further attorney fees or costs including but not limited to expert witness fees, environmental evaluation, monitoring, investigation, and testing. Upon a finding by the court that a defendant did not cause or is otherwise not legally responsible for the alleged environmental damage, that defendant shall be entitled to recover from the plaintiff reasonable attorney fees and all costs including expert witness fees, environmental evaluation, monitoring, investigation, and testing if that defendant is found at trial not to have caused or is otherwise not legally responsible for the alleged environmental damage.**

* * *

F. The court and the department shall retain oversight to ensure compliance with the plan. The party or parties admitting responsibility or the party or parties found legally responsible ~~by the court~~ shall file progress reports periodically as the court or the department may require.

* * *

H.(1) This Section shall not preclude an owner of land from pursuing a judicial remedy or receiving a judicial award for private claims suffered as a result of environmental damage, except as otherwise provided in this Section. Any award granted in connection with the judgment for additional remediation in excess of the requirements of the feasible plan adopted by the court ~~is not required to~~ shall not be paid into the registry of the court. Any award granted in connection with the judgment for damages awarded to fund the most feasible plan shall be paid into the registry of the court.

* * *

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

* * *

(2) "Environmental damage" shall mean any actual or potential impact, damage, or injury to environmental media caused by actual or potential contamination resulting from activities associated with oilfield sites or exploration and production sites. Environmental media shall ~~include but not be limited to~~ mean soil, surface water, ground water, or sediment.

* * *

(4) ~~"Feasible Plan~~ Most feasible plan" means the most reasonable plan which addresses environmental damage in conformity with the requirements of Article IX, Section 1 of the Constitution of Louisiana to protect the environment, public health, safety and welfare, and is in compliance with the specific relevant and applicable standards and regulations promulgated by a state agency in accordance with the Administrative Procedure Act in effect at the time of ~~clean-up~~ the most feasible plan to ~~evaluate or if necessary~~ remediate contamination ~~environmental damage~~ resulting from oilfield or exploration and production operations or waste.

* * *

M.(1) In an action governed by the provisions of this Section, and notwithstanding any provision contained in this Section to the contrary, damages, including without limitation, remediation and nonremediation damages, may be awarded only for the following:

* * *

(c) ~~The cost of evaluating, correcting or repairing environmental damage upon a showing that such damage was caused by unreasonable or excessive operations based on rules, regulations, lease terms and implied lease obligations arising by operation of law, or standards applicable at the time of the activity complained of, provided that such damage is not duplicative of damages awarded under Subparagraph (a) or (b) of this Paragraph.~~ Economic loss damages may be recovered if proven by a preponderance of the evidence. All other nonremediation damages shall be limited no less than the fair market value and no more than three hundred percent of the fair market value, as determined by the court, of the property impacted by environmental damage.

* * *

N. Any provision of any sale, transfer, or assignment of all or part of the rights to any oil and gas mineral lease, mineral servitude, surface lease, predial lease, or use servitude which requires the purchaser, transferee, or assignee to defend against or indemnify the seller, transferor, or assignor for remediation of soil, sediment, groundwater, or provisions of this Subsection shall be null, void, and unenforceable. The provisions of this Subsection shall apply to any remediation obligations imposed by any statute, law, or regulation, including but not limited to R.S. 30:29 and to the State and Local Coastal Zone Resources Management Act of 1978 (R.S. 49:214.21 et seq.) and regulations thereunder, applicable to any "oilfield site" or "exploration and production (E&P) site" as defined in R.S. 30:29(I)(5), and applicable to any uses of an oilfield site or exploration and production site. The provisions of this Subsection shall also be applicable to any claims for injunctive relief under R.S. 30:16. The provisions of this Subsection shall apply both retrospectively and prospectively, but if retrospective application of this Paragraph, generally or to any person or circumstance, is held to be invalid, unenforceable, or unconstitutional, then this

1 entire Paragraph including its prospective application shall be invalid and
2 unenforceable."

3 AMENDMENT NO. 40

4 On page 178, at the beginning of line 8, change "Section 2." to "Section 3."

6 AMENDMENT NO. 41

7 On page 178, at the beginning of line 24, change "Section 3." to "Section 4."

8 AMENDMENT NO. 42

9 On page 178, line 27, after "and (D)" and before "are hereby" insert a comma "," and insert
10 "and 600"

11 AMENDMENT NO. 43

12 On page 196, between lines 7 and 8, insert the following:

13 "* * *

14 §600. Administrative process for resolution of disputes

15 A. It is the intent of the legislature to establish a voluntary
16 administrative process to provide an alternative means of resolving disputes
17 arising from activities under the jurisdiction of the Department of Conservation
18 and Energy. This process may be utilized upon mutual agreement of all parties
19 involved as an alternative to any other administrative or judicial processes
20 provided by law.

21 B. Procedural requirements.

22 (1) The administrative process shall initiate upon the submission of
23 written requests by all involved parties to the secretary of the Department of
24 Conservation and Energy. The secretary may deny the request at his discretion,
25 but notice of such denial shall be sent to all parties at the addresses provided in
26 the written requests. If the secretary does not deny the request to utilize the
27 administrative process, then the secretary shall forward to all parties an
28 agreement setting forth the details of the process, how the hearing master's
29 costs shall be paid, and other details of the process along with the retired judges
30 list provided for in Paragraph (2) of this Subsection. The administrative process
31 shall not proceed until all parties have signed the agreement and the secretary
32 appoints a hearing officer as set forth in Paragraph (2) of this Subsection.

33 (2) Upon receipt of the agreement signed by the parties, the secretary
34 shall appoint a hearing master as follows:

35 (a) Qualified hearing masters shall be retired judges included in the
36 retired judges list maintained by the Louisiana Supreme Court, licensed to
37 practice law in the state, and in good standing with the Louisiana State Bar
38 Association. They shall not have conflicts or relationships that could
39 compromise impartiality, and they shall disclose any potential conflicts upon
40 discovery.

41 (b) Preference shall be given to retired judges with expertise in
42 administrative law, regulatory compliance, environmental matters, or relevant
43 industry practices. The department may maintain and update a list of preferred
44 candidates meeting these criteria.

45 (c) The parties shall jointly select a hearing master from the provided
46 list within ten days. If agreement on selecting the hearing officer is not reached
47 within fifteen days, the parties shall alternately strike names from the list until
48 only one candidate remains, who shall be appointed by the secretary, subject to
49 their availability. If unavailable, the process shall be repeated until an
50 appointment is finalized.

C. Scope. The parties may mutually define the scope of matters subject to resolution through this administrative process, provided those matters involve activities that are within the jurisdiction and authority of the department as provided by law.

D. Recordation. The signed agreement to utilize this administrative process shall be recorded in the conveyance records of the parish where the regulated activity or disputed issue occurred. If the activity or issue is located in more than one parish, then the agreement shall be recorded in the conveyance records of all parishes where it is located.

E. Decision and remedies.

(1) The hearing master may grant any appropriate remedy or combination of remedies permissible under applicable law, including but not limited to monetary damages, injunctive relief, or specific performance.

(2) The hearing master shall issue a draft decision and provide copies via certified mail to the parties and the department for their review and comments, which shall be provided to the hearing master, other parties, and the department within thirty days.

(3) Any decision issued by the hearing master is final unless a review is requested by any party. A review, if requested, shall be conducted en banc by a panel of three hearing masters selected by the secretary.

F. Publication. All final decisions and the rationale therefor shall be published on the department's website within thirty days of issuance.

G. Preemption. Unless all parties agree otherwise at the time they request the administrative process, any pre-existing and duly recorded contractual agreements or leases governing the relationship between the parties shall supersede this administrative process. A settlement agreed to by the parties after initiation of the administrative process but prior to the final decision of the hearing master shall supersede the administrative process as to the parties to the settlement.

H. Rulemaking authority. The department shall promulgate rules as necessary to implement the provisions of this Section."

AMENDMENT NO. 44

On page 196, at the beginning of line 8, change "Section 4." to "Section 5."

AMENDMENT NO. 45

On page 208, at the beginning of line 18, change "Section 5." to "Section 6."

AMENDMENT NO. 46

On page 209, at the beginning of line 2, change "Section 6." to "Section 7."

AMENDMENT NO. 47

On page 209, at the beginning of line 14, change "Section 7." to "Section 8."

AMENDMENT NO. 48

On page 211, at the beginning of line 1, change "Section 8." to "Section 9."

AMENDMENT NO. 49

On page 211, at the beginning of line 8, change "Section 9." to "Section 10."

AMENDMENT NO. 50

1 On page 212, delete line 25 in its entirety and insert "Section 11. R.S. 17:200 through 220,
2 R.S. 30:4(N), 29(M)(1)(d), 85(D)(11), 86(F), Part III of Chapter 2 of Subtitle I of Title 30
3 of the Revised Statutes of Louisiana, comprised of R.S. 30:186 through 188, 1104(F), 2458,
4 and 2470"

5 AMENDMENT NO. 51

6 On page 212, at the beginning of line 27, change "Section 11." to "Section 12."

7 AMENDMENT NO. 52

8 On page 213, at the beginning of line 1, change "Section 12." to "Section 13."

9 AMENDMENT NO. 53

10 On page 213, after line 3, insert the following:

11 "Section 14. In the event the Act which originated as House Bill No. 605 of the 2025
12 Regular Session becomes law, the Louisiana State Law Institute shall redesignate R.S.
13 30:21.1 as enacted by Section 1 of that Act as R.S. 30:4(Q)(1)(b), which shall supersede R.S.
14 30:4(Q)(1)(b) as enacted by Section 1 of this Act.

15 Section 15. The provisions of R.S. 30:29 in existence prior to the enactment of
16 Section 2 of this Act shall apply to any case in which the lawsuit for damages has been filed
17 within twenty-six months of the effective date of Section 2 of this Act. All lawsuits which
18 arise out of conduct that occurs on or after the effective date of Section 2 of this Act shall
19 be governed by R.S. 30:29 as amended by this Act.

20 Section 16.(A) Sections 2, 15, and 16 of this Act shall become effective upon
21 signature of the governor or, if not signed by the governor, upon expiration of the time for
22 bills to become law without signature by the governor, as provided by Article III, Section
23 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved
24 by the legislature, this Act shall become effective on the day following such approval.

25 (B) All remaining Sections of this Act shall become effective on October 1, 2025."