ENROLLED

Regular Session, 2011

HOUSE CONCURRENT RESOLUTION NO. 167

BY REPRESENTATIVE ST. GERMAIN

A CONCURRENT RESOLUTION

To urge and request the secretary of the Department of Natural Resources or his designee who is employed by a state agency, in consultation with the office of conservation, the attorney general, and the Department of Environmental Quality, to study the remediation of "legacy" and orphaned exploration and production oilfield sites and to report to the House Committee on Natural Resources and Environment and the Senate Committee on Natural Resources no later than February 1, 2012.

WHEREAS, it is the constitutional duty of state government, including the legislature and the executive branch, to protect, conserve, and replenish the state's natural resources, including air and water, and the healthful, scenic, historic, and esthetic quality of the environment insofar as possible and consistent with the health, safety, and welfare of the citizens in environmental matters; and

WHEREAS, since what is recognized as the birth of the oil and gas industry in the state with the first oil discovery near Jennings in commercial quantities in 1901, energy production occurring inland and offshore is a significant economic and security interest for the state and for the country; and

WHEREAS, from the early beginnings of the oil and gas industry to the present day, environmental protection has come into being and grown as to see the passage of several pieces of landmark legislation and to become a duty of state government in the 1974 Louisiana Constitution; and

WHEREAS, exploration and production activities have been conducted, produced, and closed or orphaned under varying evolving practices and standards over the history of the industry; and

WHEREAS, the legislature enacted Act No. 312 of the 2006 Regular Session of the Legislature aimed at addressing the issue of the proliferation of legal actions to remediate legacy exploration and production sites by ensuring that awards for environmental damages

from these suits are in fact used to remediate the sites while protecting landowners' rights; and

WHEREAS, during the committee debate of House Bill No. 563 in the current session which sought to amend provisions enacted by Act No. 312, members of the committee expressed interest in examining the totality of the legacy oilfield site issue.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby urge and request the secretary of the Department of Natural Resources or his designee who is employed by a state agency, in consultation with the office of conservation, the attorney general, and the Department of Environmental Quality, to study the remediation of "legacy" and orphaned exploration and production oilfield sites and to report to the House Committee on Natural Resources and Environment and the Senate Committee on Natural Resources no later than February 1, 2012.

BE IT FURTHER RESOLVED that, in addition to any other issues the secretary or his designee may deem relevant, the study shall include the following issues:

(1) Timely remediation of legacy and orphan exploration and production sites which are the subject of legal action.

(2) Remediation of legacy and orphan exploration and production sites in other states.

(3) The rights and protections for landowners and operators in legal actions to remediate legacy and orphan exploration and production sites, particularly the process the office of conservation uses to evaluate such sites, administrative remedies, judicial jurisdiction, award or settlement limits, private versus state damages, allocation of responsibility, and prescription.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the secretary of the Department of Natural Resources, the commissioner of conservation, the attorney general, and the secretary of the Department of Environmental Quality.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE