
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by J. W. Wiley.

DIGEST

Proposed law provides that the present law will not be construed to create any cause of action or to impose additional implied obligations under the Louisiana Mineral Code or arising out of a mineral lease.

Present law provides that 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 standards of the contamination that resulted in the environmental damage.

Proposed law requires the party who admits liability or who is found to be liable to give notice of the admission or finding of liability to the department. Upon receipt of such notice, the department shall notify all current and past operators of record by certified mail, return receipt requested, of the admission or finding of liability. Further provides that the notice of admission or finding of liability sent to the department shall be a public record and shall be posted in the office of the secretary. Such record and posting shall constitute public notice.

Proposed law allows any interested party to review any submitted plans and to submit comments, input, or additional plans to the department.

Proposed law provides that any party may elect to limit an admission of liability for environmental damage to responsibility for implementing the most feasible plan to evaluate, and if necessary, remediate all or a portion of the contamination that is the subject of the litigation to applicable regulatory standards. Further provides that if such 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 under present law, nor shall such an admission result in any waiver of any rights or defenses of the admitting party.

Proposed law provides that an admission of responsibility for implementing the most feasible plan and the plan approved by the department shall be admissible as evidence in any action.

Proposed law provides that within 30 days of the department's issuance of the notice required in the proposed law, the court shall refer the matter to the department. Further provides that the court shall order the party admitting liability or whom the finder of fact determines is legally responsible for the environmental damage to develop a plan or submittal for the evaluation or remediation to applicable standards of the contamination that resulted in the environmental damage.

Proposed law provides that the applicable standards in approving a plan will be the "applicable regulatory standards".

Proposed law provides that present law shall not be construed to limit the rights of private litigants 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 present law.

Effective August 1, 2012.

(Amends R.S. 30:29(A), (C)(1) and (3), and (H))