SENATE FLOOR AMENDMENTS
2022 Regular Session
Amendments proposed by Senator Hewitt to Engrossed House Bill No. 165 by Representative Zeringue

1 AMENDMENT NO. 1

On page 1, at the beginning of line 3, change "41:1733(D)" to "41:1732(C), 1733(D), and 1734"

4 AMENDMENT NO. 2

On page 1, at the beginning line 5, insert "to provide for the powers and duties of the secretary of the Department of Natural Resources; to provide for rules and regulations;"

7 AMENDMENT NO. 3

On page 2, line 14, change "41:1733(D) is" to "41:1732(C), 1733(D), and 1734 are"

9 AMENDMENT NO. 4

On page 2, between lines 14 and 15, insert:

"§1732. Lease authority and royalties

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C. Any lease granted under the provisions of this Chapter shall require a decommissioning plan for the end of the facility's expected life or upon circumstance that would require closure of the facility. The decommissioning plan shall include the estimated cost of site closure and remediation that includes removing the wind energy production facility along with any necessary infrastructure facilities and restoring the property to as near as reasonably possible to the condition of the property prior to the commencement of construction of the facility. Additionally, the leases shall be subject to the same decommissioning rules and regulations as oil and gas and sulphur facilities under provided by the provisions of Subpart Q of Part 250 of Chapter II of Part 585 of Subchapter B of Chapter V of Title 30 of the Code of Federal Regulations (30CFR 250.1700 585.900 et seq.) to the extent they are not inconsistent with the provisions of this Section or any rules or regulations promulgated pursuant to this Chapter.

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27 AMENDMENT NO. 5

On page 2, after line 28, insert:

"§1734. Powers and duties of the secretary of the Department of Natural Resources

A. The secretary of the Department of Natural Resources shall promulgate rules and regulations pursuant to the Administrative Procedure Act to implement the provisions of this Chapter and to institute reasonable fees for services performed by the department. The rules and regulations shall include all provisions necessary to accomplish the intent of the legislature as stated in this Chapter; and shall provide for the following:

(1) Criteria for setting the annual rent or royalty amounts for leases executed pursuant to this Chapter.

(2) Criteria for setting a primary term for leases and the necessary wind energy production or other actions by the lessee to continue the lease beyond the primary term. The rules and regulations shall also provide for the release of acreage at the end of the primary term on that portion of the lease where none of the necessary wind energy production or other actions occur.

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This set of amendment(s) was prepared by Tyler S. McCloud.
(3) Requirements for financial security to ensure proper closure of the site pursuant to the decommissioning plan.

(4) Requirements for determining that if no responsible party can be located or such party has failed or is financially unable to undertake decommissioning required by the lease and that no energy has been produced from the facility from wind for two years. These requirements shall include notice to the last operator of record.

B. The secretary may expend sums payable to the department from the financial security required by the rules and regulation promulgated pursuant to this Section and enter into contracts for the purpose of restoration of wind energy sites pursuant to the terms of the lease or when the secretary has determined there is no responsible party pursuant to this Section. Restoration of a wind energy site includes removing the wind energy production facility along with any necessary infrastructure facilities and restoring the property to as near as reasonably possible to the condition of the property prior to the commencement of construction of the facility.

Section 3. The rules and regulations provided for in R.S. 41:1734(A)(1) through (4) as amended by this Act shall be promulgated by the secretary on or before January 1, 2023."