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**SENATE COMMITTEE AMENDMENTS**

2025 Regular Session

Substitute for Original Senate Bill No. 193 by Senator Hensgens as proposed by Senate Committee on Natural Resources.

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**This document reflects the content of a substitute bill but is not in a bill form; page numbers in this document DO NOT correspond to page numbers in the substitute bill itself.**

To amend and reenact R.S. 30:1(A), (B), and (C), 3(3), (6), (7), (9), and (18), 4(A), (B), introductory paragraph of (C), (C)(1)(a)(v) and (b), (14), (16)(b), (17)(a) and (b), introductory paragraph of (D), (D)(1), (2), (3)(a) and (b), and (5), (E), (F), (G), (H), introductory paragraph of (I), (I)(1), (3), (4), (5), (9), and (11), (K), introductory paragraph of (L)(1), introductory paragraph of (M), (M)(3), introductory paragraph of (6) and (6)(b), (N)(1), introductory paragraph of (4), (4)(a), and (5), (O)(1) and (2), (P), (Q), introductory paragraph of (R), and (T), introductory paragraph of R.S. 30:4.1(B), 4.1(B)(1) and (2), (C), (D), (E), (F)(1), (I), and (K), 4.2, 4.3, 5(A), (B), (C)(1)(a) and (b), introductory paragraph of (2), (2)(d), (4), and (6), and (D)(1) and the introductory paragraph of (2), 5.1(A)(1), (2), introductory paragraph of (3), (3)(e), (5), (6), (7), (8), and (9), (B)(1), (2), and introductory paragraph of (3), (5), (7), (9), (10), (12), and (13), 5.2(A), (B), introductory paragraph of (C), (E), (F), (G), and (H), 6, 6.1(A), (B), (C), (D)(1), and (F), 8(A)(1), (2), (3), and (4), and (B), introductory paragraph of 9(A), (B), (C), and (D), 10(A)(1), (2)(a)(i), (b)(ii)(ii), introductory paragraph of (vi), (vi)(bb), (c), (d), and (f), and (3), (B), and (C)(7), 10.1(B)(1), (3), (4), and (5), 11.1, 12(A), (B)(1), (2), (3), (4), introductory paragraph of (5), and (5)(f), and (C), 13, 14, 15, 18(A)(1), (2), (3), (4), (5), (6)(a)(i) and (ii), (b), (c)(i)(ff), (ii), (iii), (d), and (e), and (B), 20(A) and (D), 21(A) and (B)(1), (a), (b), (c), the introductory paragraph of (d) and (e), and (2)(a) and (b), the introductory paragraph of 22(B) and (C), (D), and (E), introductory paragraph of 23(B), (C), and (D), 23.1(A), 25(A)(2), (3), (5), (6), and (7), (D), (E), and (F), 26(A), 27(A), (D), and (F), 28(A), (C), introductory paragraph of (D), (D)(2), (3), (5), (6), and (7), (F), (G), (H), introductory paragraph of (I)(1)(a), (d), and (g), and (J), 29(A) and (B)(1), 41, 42, 44, 45, 48, introductory paragraph of 61, 73(1), 74(A) and (B), 79(A), (B), and (C), 82(1), (7), (11), and (14), 83(A)(5) and (7), 83.1(B)(3), 85(A)(1), (2), and (3) and (C), 86(A)(2), (D)(8), (9), and (10), (E)(6) and (7), (F), (G), and (H), 88(B), (C),

(D), (E), (F), (I), and introductory paragraph of (J), 88.1(A)(3) and (4), (C), (D), (E), (G), and (H), 88.2(C), introductory paragraph of (E), (E)(1), and (F), 89(A), (B), introductory paragraph of (C), (C)(2) and (3), and (D), 90(C), introductory paragraph of (D), (D)(1) and (4), and (E)(4), introductory paragraph of R.S. 30:91(A), 91(A)(1), (B)(1), (2)(a) and (c), (3), and (4), and (D), 92(A) and (C), introductory paragraph of R.S. 30:93(A), 94(A), introductory paragraph of (B)(1), (2)(b), and (3), and (C), 95(B), (C), and (D), 101.2(A), 101.3(2), 101.4, 101.5(A)(2), introductory paragraph of 101.6(A) and (B), 101.7(A), 101.8, introductory paragraph of 101.9(D)(1) and (2), 101.10(A) and introductory paragraph of (B), 101.13(A) and (B)(2), and (C)(4), 101.14(A) and (B), introductory paragraph of R.S. 30:103.1(A), 125, 127.1(C)(10) and (11), and (D), 129(B)(1)(a), 135, 136.3(B)(1), (C) and (D), 143(D)(2) and (3), 148.8, 148.9(A)(1) and (2), 153, 172, 209(4)(e), 209.1(A) and (B)(1), 413(A) and (B), 414(A), 502(D), 503(1), (2), (4), (6), and (8), 504, the introductory paragraph of 521(A) and 521(C), 524, 525, introductory paragraph of R.S. 30:541 and 541(2), 544(A) and (B), introductory paragraph of 546(A), (A)(5), (B), and (C), introductory paragraph of R.S. 30:548, 551, 557(A), (B), (C), (D), (E)(1), (F), and (G), 558(A), (B), (D), (F), (G), and (H), 559(A) and (C), 560(B), (C), and (D), 561(A), (B), and (C), 571, introductory paragraph of 572(1), (1)(f), (h), and (i), 603(A), (B), (C), (D), (E), and (G), 604, 681.1(5), (8), and (9), 681.2(2) and (3), 702(1), (2)(b), and (5), 703, 704(B), (C), (D), and (E), 705(A) and (B), 706, 707, 722, 723(A), (F), and (H), 731(1), 732, 802, 904(2), (4), (7), (9), (12), (20), 905(A), introductory paragraph of (B), (B)(2), (8), and (9), and (C), 905.1(A) and (B)(2), introductory paragraph of 905.3(A)(1), (B), (C), (E)(1), and (F), 906.1, 907(A) and introductory paragraph of (B), (B)(9), (11), (12), (13)(b), (15), (17), and (18), (C)(1), (D), (F), and (G), 908(A)(12) and (B), 915(B)(7), (9), (10)(f), (12), introductory paragraph of (15), (15)(e), (20), (22)(e), (25), introductory paragraph of (C)(2), (2)(d), introductory paragraph of (3), and (4), (D)(3) and (4), (E)(1), (4), and (5), 917(A)(1), introductory paragraph of (2), (2)(d), (3), (B), (D), (E), (F), and (G), 921, 1102(B), 1103(10), (14), and (15), introductory paragraph of 1104(A), 1104(A)(3), (9), (10), (B), introductory paragraph of (C), (D), (E), and (F), 1108(A)(1), (B), and (D), introductory paragraph of 1109(A)(1), 1109(C), (D), (E), (F), and (G), 1110(A),

(B)(1), introductory paragraph of (C), introductory paragraph of (C)(1), (1)(b), (f), (g), and (h), (2), and (3), introductory paragraph of (G), (H), and (I), 2200, 2455, introductory paragraph of R.S. 30:2456(A), R.S. 31:115(C)(1)(b), R.S. 36:351, 352, 353, 354(A)(7), (10), (13), and (15), (B)(1)(b), (2), (4), (6), (8), (10), and (12), 355, 356, 357, 358, the introductory paragraphs of 359(A) and (B), (B)(1), and (C), R.S. 38:3072(A), the introductory paragraph of 3076(A), 3076(A)(24) and (C), 3087.132(A), 3087.136(4), 3087.138, 3092(2) and (4), 3093, 3094(A)(1) through (4), the introductory paragraph of 3094(B), (B)(7), the introductory paragraph of 3094(C), and (C)(1), 3097.1(C), 3097.2(1), (4), (7), and (9), 3097.3(A) and (B), the introductory paragraphs of 3097.3(C) and (C)(4)(a), (C)(4)(a)(v) and (b), and (8), (D), (E), (F)(1), the introductory paragraphs of (2), (d), and (f), and (G), 3097.6(A), the introductory paragraphs of 3097.6(B) and (B)(3), 3097.7(B) and (D)(2), 3097.8(A) and (C), the introductory paragraph of (A), 3098(B) and (E), and 3098.1(4), R.S. 44:4.1(B)(19), R.S. 45:252, R.S. 49:214.29(B), R.S. 56:432.1(C)(2), 700.13(B), and 700.14(B), to enact R.S. 30:3(21) and (22), 4(C)(21), (D)(6), 21.1, 86(I) and (J), 93(C), 98.1 through 98.11, 124.1, 136.3(B)(6), 209(6), 2454(33), R.S. 36:351.1, 354(B)(13) and (14), 354.1, 356.1(B)(6) and (7) and (D), 359(D), R.S. 38:3098(G), R.S. 39:1367(E)(2)(b)(xi), and R.S. 45:251(4) and to repeal R.S. 17:200 through 220, R.S. 30:85(D)(11), 2458, and 2470 through 2474, and R.S. 38:3097.4 and 3098.6(A)(1), relative to the Department of Energy and Natural Resources; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 30:1(A), (B), and (C), 3(3), (6), (7), (9), and (18), 4(A), (B), introductory paragraph of (C), (C)(1)(a)(v) and (b), (14), (16)(b), (17)(a) and (b), introductory paragraph of (D), (D)(1), (2), (3)(a) and (b), and (5), (E), (F), (G), (H), introductory paragraph of (I), (I)(1), (3), (4), (5), (9), and (11), (K), introductory paragraph of (L)(1), introductory paragraph of (M), (M)(3), introductory paragraph of (6) and (6)(b), (N)(1), introductory paragraph of (4), (4)(a), and (5), (O)(1) and (2), (P), (Q), introductory paragraph of (R), and (T), introductory paragraph of R.S. 30:4.1(B), 4.1(B)(1) and (2), (C), (D), (E), (F)(1), (I), and (K), 4.2, 4.3, 5(A), (B), (C)(1)(a) and (b), introductory paragraph of (2), (2)(d), (4), and (6), and (D)(1) and introductory paragraph of (2), 5.1(A)(1), (2),

introductory paragraph of (3), (3)(e), (5), (6), (7), (8), and (9), (B)(1), (2), and introductory paragraph of (3), (5), (7), (9), (10), (12), and (13), 5.2(A), (B), introductory paragraph of (C), (E), (F), (G), and (H), 6, 6.1(A), (B), (C), (D)(1), and (F), 8(A)(1), (2), (3), and (4), and (B), introductory paragraph of 9(A), (B), (C), and (D), 10(A)(1), (2)(a)(i), (b)(ii)(ii), introductory paragraph of (vi), (vi)(bb), (c), (d), and (f), and (3), (B), and (C)(7), 10.1(B)(1), (3), (4), and (5), 11.1, 12(A), (B)(1), (2), (3), (4), introductory paragraph of (5), and (5)(f), and (C), 13, 14, 15, 18(A)(1), (2), (3), (4), (5), (6)(a)(i) and (ii), (b), (c)(i)(ff), (ii), (iii), (d), and (e), and (B), 20(A) and (D), 21(A) and (B)(1)(a), (b), (c), introductory paragraph of (d) and (e), and (2)(a) and (b), introductory paragraph of 22(B) and (C), (D), and (E), introductory paragraph of 23(B), (C), and (D), 23.1(A), 25(A)(2), (3), (5), (6), and (7), (D), (E), and (F), 26(A), 27(A), (D), and (F), 28(A), (C), introductory paragraph of (D), (D)(2), (3), (5), (6), and (7), (F), (G), (H), introductory paragraph of (I)(1)(a), (d), and (g), and (J), 29(A) and (B)(1), 41, 42, 44, 45, 48, introductory paragraph of 61, 73(1), 74(A) and (B), 79(A), (B), and (C), 82(1), (7), (11), and (14), 83(A)(5) and (7), 83.1(B)(3), 85(A)(1), (2), and (3), and (C), 86(A)(2), (D)(8), (9), and (10), (E)(6) and (7), (F), (G), and (H), 88(B), (C), (D), (E), (F), (I), and introductory paragraph of (J), 88.1(A)(3) and (4), (C), (D), (E), (G), and (H), 88.2(C), introductory paragraph of (E), (E)(1), and (F), 89(A), (B), introductory paragraph of (C), (C)(2) and (3), and (D), 90(C), introductory paragraph of (D), (D)(1) and (4), and (E)(4), introductory paragraph of R.S. 30:91(A), 91(A)(1), (B)(1), (2)(a) and (c), (3), and (4), and (D), 92(A) and (C), introductory paragraph of R.S. 30:93(A), 94(A), introductory paragraph of (B)(1), (2)(b), and (3), and (C), 95(B), (C), and (D), 101.2(A), 101.3(2), 101.4, 101.5(A)(2), introductory paragraph of 101.6(A) and (B), 101.7(A), 101.8, introductory paragraph of 101.9(D), (D)(1) and (2), 101.10(A) and introductory paragraph of (B), 101.13(A) and (B)(2), and (C)(4), 101.14(A) and (B), introductory paragraph of R.S. 30:103.1(A), 125, 127.1(C)(10) and (11), and (D), 129(B)(1)(a), 135, 136.3(B)(1), (C) and (D), 143(D)(2) and (3), 148.8, 148.9(A)(1) and (2), 153, 172, 209(4)(e), 209.1(A) and (B)(1), 413(A) and (B), 414(A), 502(D), 503(1), (2), (4), (6), and (8), 504, the introductory paragraph of 521(A) and 521(C), 524, 525, introductory paragraph of R.S. 30:541 and 541(2), 544(A) and (B), introductory paragraph of 546(A), (A)(5), (B), and (C), introductory paragraph of R.S. 30:548, 551, 557(A), (B), (C), (D), (E)(1), (F), and (G), 558(A), (B), (D), (F), (G), and (H), 559(A) and (C), 560(B), (C), and (D), 561(A), (B), and (C), 571,

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§1. Department established; appointment of commissioners; term; vacancies; jurisdiction; salary

A. There is established the state Department of Conservation **and Energy**, hereinafter referred to in this Subtitle as the department. The department shall be directed and controlled by a ~~commissioner of conservation~~ **secretary**, who shall be appointed by the governor, with the consent of the Senate, ~~for a term of four years.~~ ~~In case of vacancy for any cause the governor shall, with consent of the Senate, fill the office by appointment for the unexpired term.~~

B. ~~Notwithstanding the provisions of any other law to the contrary, the salary of the commissioner of conservation shall be fixed by the governor~~ **All natural resources of the state not within the jurisdiction of other state departments or agencies are within the jurisdiction of the department.**

C. All natural resources of the state not within the jurisdiction of other state departments or agencies are within the jurisdiction of the department. The Department shall manage all natural resources within its jurisdiction through the following offices:

(1) The office of permitting and compliance shall oversee all portions of state law within the jurisdiction of the department which relate to the issuance of permits and compliance with legal and regulatory requirements as further detailed by order of the secretary in accordance with R.S. 36:354.1.

(2) The office of enforcement shall oversee all portions of state law within the jurisdiction of the department which relate to penalties and enforcement of violations as further detailed by order of the secretary in accordance with R.S. 36:354.1.

(3) The office of state resources shall oversee all portions of state law within the jurisdiction of the department which relate to management of the state's natural resources, including but not limited to mineral and energy leasing, management of groundwater resources, and energy-related management of state lands and water bottoms as further detailed by order of the secretary in accordance with R.S. 36:354.1.

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§3. Definitions

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(3) "Commissioner" means the Commissioner of Conservation of the State of Louisiana "Department" means the Louisiana Department of Conservation and Energy, or any successor agency.

\* \* \*

(6) "Illegal gas" means gas which has been produced within the state from any well in excess of the amount allowed by any rule, regulation, or order of the commissioner department, as distinguished from gas produced within the state not in excess of the amount so allowed by any rule, regulation, or order, which is "legal gas."

(7) "Illegal oil" means oil which has been produced within the state from any well in excess of the amount allowed by any rule, regulation, or order of the ~~commissioner~~ **department**, as distinguished from oil produced within the state not in excess of the amount so allowed by any rule, regulation, or order, which is "legal oil."

\* \* \*

(9) "Multiple mineral development area" means an area designated by the ~~commissioner~~ **department** for the management and development of various concurrent surface and sub-surface mineral or resource production or extraction operations, including exploratory activities, for the purpose of efficient and effective development of minerals or resources in the area without unreasonable interference.

\* \* \*

(18) "Tender" means a permit or certificate of clearance for the transportation of oil, gas, or products, approved and issued or registered under the authority of the ~~commissioner~~ **department**.

\* \* \*

**(21) "Expedited processing" shall mean that the Department of Conservation and Energy completes its review and renders a final agency decision, whether approval, denial, or other final action, within the timeline or number of business days published or otherwise communicated or identified by the department in writing.**

**(22) "Employee" includes any personnel, classified and unclassified, and third-party contracts, including any individual or entity retained by the department to assist in the performance of duties related to expedited review.**

§4. Jurisdiction, duties, and powers of the ~~assistant~~ secretary; rules and regulations

A. The ~~commissioner~~ **secretary** has jurisdiction and authority over all persons and property necessary to enforce effectively the provisions of this Chapter and all other laws relating to the conservation of oil or gas.

B. The ~~commissioner~~ **secretary** shall make such inquiries as he thinks proper to determine whether or not waste, over which he has jurisdiction, exists or is imminent. In the exercise of this power the ~~commissioner~~ **secretary** has the authority

to collect data; to make investigations and inspections; to examine properties, leases, papers, books, and records; to examine, survey, check, test, and gauge oil and gas wells, tanks, refineries, and modes of transportation; to hold hearings; to provide for the keeping of records and the making of reports; to require the submission of an emergency phone number by which the operator may be contacted in case of an emergency; and to take any action as reasonably appears to him to be necessary to enforce this Chapter.

C. The ~~commissioner~~ secretary has authority to make, after notice and hearings as provided in this Chapter, any reasonable rules, regulations, and orders that are necessary from time to time in the proper administration and enforcement of this Chapter, including rules, regulations, or orders for the following purposes:

- (1)(a)(i)                   \*       \*       \*
- \*       \*       \*

(v) To allow for transferrable plugging credits in lieu of the bond with security required by Subsection R of this Section in order to promote the plugging of orphaned oilfield sites and oilfield sites that have been inactive for at least five years. A plugging credit shall be issued for the plugging of orphaned oilfield sites and oilfield sites that have been inactive for at least five years, with the specific requirements and procedures for issuance, transfer, and acceptance of such credits to be developed by the ~~commissioner~~ secretary. The regulations shall, at a minimum, provide criteria under which plugging credits may be earned, and require approval by the ~~commissioner~~ secretary for the earning, using, banking, or selling of the plugging credits.

(b) Only an owner as defined in R.S. 30:3(8) shall be held or deemed responsible for the performance of any actions required by the ~~commissioner~~ secretary.

\*       \*       \*

(14) To require interested persons to place uniform meters of a type approved by the ~~commissioner~~ secretary wherever the ~~commissioner~~ secretary designates on all pipelines, gathering systems, barge terminals, loading racks, refineries, or other places necessary or proper to prevent waste and the transportation of illegally

produced oil or gas. These meters shall be under the supervision and control of the department of conservation. It shall be a violation of this Chapter, subject to the penalties provided in R.S. 30:18, for any person to refuse to attach or install a meter when ordered to do so by the ~~commissioner~~ secretary, or in any way to tamper with the meters so as to produce a false or inaccurate reading, or to have any device through which the oil or gas can be passed around the meter, unless expressly authorized by written permit of the ~~commissioner~~ secretary.

\* \* \*

(16)(a)

\* \* \*

(b) Provided that before a permit to operate a new commercial operations' waste disposal well may be granted, a public hearing shall be held on the application for a permit, and shall fix the date, time, and place therefor. The operator or owner, prior to such public hearing, shall give public notice on three separate days within a period of thirty days prior to the public hearing, with at least five days between each publication of the notice, both in the official state journal and in the official journal of the parish in which the well is to be located, that application for a permit for a new commercial operations' waste disposal well has been made and that a public hearing on the matter will be held on the date and at the time and place which shall be stated in the public notice. The ~~assistant~~ secretary shall prescribe the form of the advertisement. In addition, the applicant for a permit shall place an advertisement in the same newspapers but not in the classified advertisement or public notice section of the newspapers, in a form which shall be not less than one-half page in size and printed in bold face type; which shall inform the public that application for a permit has been made for a new commercial operations' waste disposal well and that a public hearing, at which all interested persons are charged to be present and to present their views and which shall state the date, time, and place at which the meeting will be held. The content of both the public notice and the one-half page announcement or advertisement also shall include the name of the owner or operator; location of the proposed well, materials to be disposed in the well, a statement that comments may be sent to the ~~assistant commissioner of the Office~~

~~of Conservation **secretary** prior to the public meeting, and the mailing address of the assistant secretary.~~

"Commercial operations" as defined in this Section pertains to those who dispose of waste materials off the site where produced by others. "Waste materials" is defined as any material, excluding drilling muds, produced waters and crude oil residues, for which no use or reuse is intended and which is to be discarded.

\* \* \*

(17)(a) To regulate the construction design and operation of pipelines transmitting carbon dioxide to serve secondary and tertiary recovery projects for increasing the ultimate recovery of oil or gas, including the issuance of certificates of public convenience and necessity for pipelines serving such projects approved hereunder.

(b) No person shall exercise the right of expropriation under the laws of this state in connection with the construction or operation of such a carbon dioxide pipeline until the enhanced recovery project has been approved by the ~~commissioner~~ **secretary** and a certificate of public convenience and necessity for the pipeline has been issued. If the enhanced recovery project is located in another state or jurisdiction, the ~~commissioner's~~ **secretary's** approval shall consist of confirmation that the applicable regulatory authority of that state or jurisdiction has approved or authorized the injection of carbon dioxide in association with such project.

\* \* \*

**(21) To require reporting of the production of oil, gas, and condensate on an individual well-basis.**

D. The ~~assistant secretary shall~~ **may** make, after notice and public hearing as provided in this Chapter, any reasonable rules, regulations, and orders that are necessary:

(1) To require that all pipelines, ~~excluding field transmission, flow, and gathering lines;~~ all wells, and all associated structures, including any fittings, tie-overs, appliances, and equipment, which are constructed on state water bottoms pursuant to the grant of a right-of-way by the secretary of the Department of Energy

and Natural Resources or the issuance of a lease by the State Mineral and Energy Board shall conform to the following provisions:

(a) The owner or operator of a pipeline constructed on a right-of-way granted on state water bottoms shall be responsible for burying the line to a depth consistent with regulations promulgated by the office of conservation and for maintaining it at said depth to the extent feasible and practical, as determined by the ~~assistant~~ secretary, taking into account the changes wrought by natural forces.

(b) Upon abandonment of a pipeline, well, or associated structure, the owner or operator thereof shall be responsible for removing any related object above the mudline which may unduly interfere with other uses of state waters or water bottoms, including navigation or fishing, or shall adequately mark it **any such objects above the mudline** for the duration of the obstruction according to regulations of the United States Coast Guard and regulations promulgated by the ~~assistant~~ secretary. If necessary for environmental reasons or to prevent undue interference with other uses of state waters or water bottoms, the owner of an abandoned buried pipeline, well, or associated structure; an abandoned pipeline, well, or associated structure; or portions thereof shall cause removal of that which constitutes an obstruction or hazard to navigation or fishing, as determined necessary by the ~~assistant~~ secretary ~~after a public hearing~~.

(c) If an inspection by the ~~office of conservation~~ **department** discloses an exposed pipeline, the owner thereof shall be required to rebury the line at its original depth, to the extent feasible and practical, to remove the pipeline, or to install and maintain for the duration of the line adequate marking in accordance with rules and regulations of the United States Coast Guard, United States Corps of Engineers, and the ~~office of conservation~~ **Department of Conservation and Energy**. The appropriate course for such remedial action shall be made by the ~~commissioner~~ **secretary** after a public hearing taking into account environmental issues and other issues.

(d) If determined by the governor and the secretary of the Department of Energy and Natural Resources to be in the best interests of the state, the owner or operator of a pipeline, well, or associated structure shall not be required to have it

removed but shall be required to adequately mark it **any object above the mudline** for the duration of the obstruction according to regulations of the Coast Guard and of the ~~assistant~~ secretary.

(e) At regular intervals subsequent to the abandonment of any pipeline, well, or associated structure constructed on a right-of-way or lease established on state waterbottoms, the owner or operator of such facility ~~shall~~ **may** cause and be responsible for inspection of that property if the ~~assistant~~ secretary requires it to ensure compliance with applicable rules and regulations of state and federal agencies. The ~~assistant~~ secretary ~~shall~~ **may** require an inspection if he determines that the public interest requires that an inspection is necessary.

(f) A person shall not construct any pipeline, well, or associated structure on a right-of-way or lease established on state waterbottoms unless he has obtained a permit from the ~~assistant~~ secretary prior to the initiation of construction.

(g) An owner or operator of any pipeline, well, or associated structure constructed on state water bottoms pursuant to a right-of-way or lease shall report to the ~~assistant~~ secretary any activities, incidents, developments, or accidents creating an obstruction to navigation or fishing, and any permanent abandonments.

(2) To require that all field transmissions, flow, and gathering lines constructed on state water bottoms pursuant to the grant of a right-of-way by the secretary of the Department of Energy and Natural Resources or the issuance of a lease by the State Mineral and Energy Board shall meet all requirements of the United States Army Corps of Engineers for burial and shall be located, installed, marked, and maintained in a proper manner, to be approved by the ~~assistant~~ secretary, so as to minimize undue interference with persons making other uses of state waters or water bottoms, including mariners and fishermen.

(3) To require that all equipment, machinery, and materials associated with the construction, operation, maintenance, or abandonment of all pipelines, including field transmission, flow, and gathering lines; all wells; and all associated structures, which are constructed on state water bottoms pursuant to the grant of a right-of-way by the secretary of the Department of Energy and Natural Resources or the issuance

of a lease by the State Mineral and Energy Board shall conform to the following provisions:

(a)(i) The owner or operator of a pipeline, well, or associated structure constructed on a right-of-way or lease upon state waterbottoms shall cause and be responsible for inspection of that property if the ~~assistant~~ secretary requires it to determine whether any equipment, machinery, or material associated with activity on the lease or right-of-way, including sunken boats and barges, has been discarded or abandoned above the mudline. The ~~assistant~~ secretary shall require an inspection if he determines that the public interest requires that an inspection is necessary.

(ii) If the inspection reveals any equipment, machinery, or material above the mudline, the owner shall be responsible for its removal to avoid its constituting an obstruction which may unduly interfere with other uses, including navigation or fishing. However, the ~~assistant~~ secretary may by rule grant exceptions or variances from this requirement if the location of the equipment, machinery, or material would cause removal to be extraordinarily onerous or impractical. Moreover, removal shall not be required if ~~the governor and~~ the secretary of the Department of Energy and Natural Resources determine that in the best interests of the state removal shall not be required. However, the owner shall be required to mark it **the equipment, machinery, or material above the mudline** for the duration of the obstruction according to regulations of the Coast Guard and the ~~assistant~~ secretary.

(b) The owner or operator of any pipeline, well, or associated structure shall promptly notify and report to the ~~assistant~~ secretary concerning any discarded or abandoned equipment, machinery, or materials, including sunken barges and boats, known to be remaining on state waterbottoms as a result of activities conducted pursuant to a state right-of-way or lease. He shall also report to the ~~assistant~~ secretary the removal of any such equipment, machinery, or materials.

\* \* \*

(5) To provide that the office of conservation shall conduct such inspections as the ~~assistant~~ secretary may deem necessary or appropriate in carrying out the provisions of this Subsection.

**(6) To provide appropriate procedure, including public notice, comment, and hearing requirements, for implementation of this Subsection.**

E. The ~~commissioner~~ **secretary** shall make, after notice and public hearing as provided in this Chapter, any reasonable rules, regulations, and orders that are necessary to require that all other pipelines not covered by Subsection D of this Section, together with any fittings, tie-overs, appliances, and equipment, which are constructed in this state shall be buried, maintained, or removed from the right-of-way or lease according to the following provisions:

(1) Pipelines in active use and those not in active use but whose owner anticipates reuse shall be buried to a depth consistent with regulations promulgated by the ~~office of conservation~~ **department** and shall be maintained during the course of the useful and active life of the lines at a depth determined by the ~~commissioner~~ **secretary** to be substantially equivalent to the original depth of burial. The ~~commissioner~~ **secretary** may by rule grant such exceptions or variances from this provision as may be necessary for pipelines buried under navigable streams or water bottoms as provided for in Subsection D of this Section.

(2) When a pipeline is abandoned, the ~~commissioner~~ **secretary** shall make a preliminary investigation to determine if the line, or any portion thereof, constitutes an obstruction which may unduly interfere with other uses of state waters or water bottoms, or if allowed to remain in its present state will constitute such an obstruction. If the initial determination of the ~~commissioner~~ **secretary** is that corrective action or removal of the pipeline, or any portion thereof, is necessary to eliminate or prevent the obstruction and if the owner of the pipeline does not agree with the ~~commissioner's~~ **secretary's** determination and to abide by it, the ~~commissioner~~ **secretary** shall call a public hearing for the purpose of determining finally what action, if any, he will require the owner of the pipeline to take.

(3) Field transmission, flow and gathering lines shall be installed, located, marked, maintained, and removed after abandonment in a proper manner, to be approved by the ~~commissioner~~ **secretary**, so as to minimize undue interference with persons, including mariners and fishermen, making other uses of state waters or water bottoms.

F. For the purposes of Subsection E, the word "pipeline" shall mean all intrastate pipelines used in the transportation of oil and gas, including by-products and waste therefrom, but shall not include field transmission, flow, and gathering lines, except as provided in Subsection (E)(3). The ~~commissioner~~ secretary shall require each pipeline operator to employ in his periodic inspection of the line, which shall be not less than once each year, a procedure to determine the depth of cover over the line and to report such information to the ~~commissioner~~ secretary; however, the ~~commissioner~~ secretary may by rule grant such exceptions or variances from this requirement as may be necessary for pipelines buried or installed in locations where such a requirement would be extraordinarily onerous or impractical. The ~~commissioner~~ secretary shall further require the owners of all pipelines in the state to notify the ~~office of conservation~~ department of the abandonment of said pipeline or non-use of said pipeline for a period of six months or more.

G. The ~~office of conservation of the~~ Department of Energy and Natural Resources, through the ~~commissioner~~ secretary, shall implement the provisions of Subsections D, E, and F of this Section as to interstate pipelines insofar as those requirements may be consistent with the regulations for interstate pipelines adopted by the United States Department of Transportation. In such event, the office shall further implement the provisions of Subsections D, E, and F of this Section insofar as those requirements may be consistent with the regulations for interstate pipelines adopted by the United States Department of Energy.

H. Any pipeline owner required to construct a levee, dam, or weir in connection with a pipeline, shall maintain that levee, dam, or weir in a condition as near as practicable to its original condition, however, the ~~commissioner~~ secretary may grant such exceptions or variances from this requirement if he determines that maintenance of the dam, levee, or weir no longer serves the purposes intended and will not serve to protect the environment of the area. The ~~commissioner~~ secretary may require the owner to inspect the levee, dam, or weir on a periodic basis and to file reports of such inspections. The ~~commissioner~~ secretary may order the removal or alteration of any such dam, levee, or weir when he determines that such action is

necessary to avoid undue interference with persons making other uses of state waters or water bottoms.

I. The ~~commissioner~~ **secretary** shall make, after notice and public hearing as provided in this Chapter, any reasonable rules, regulations, and orders that are necessary to control the offsite disposal at commercial facilities of drilling mud, saltwater and other related nonhazardous wastes generated by the drilling and production of oil and gas wells. Such regulations shall contain provisions identifying the waste materials to be regulated. Such regulations shall at a minimum require:

(1) Every person who intends to open and operate a new offsite commercial facility for the disposal of nonhazardous wastes produced in oil and gas drilling operations, shall file an application, with the ~~office of conservation~~ **department** for a permit to conduct such operation.

\* \* \*

(3) Upon notice to the applicant by the ~~office of conservation~~ **department** that the application is complete, the applicant shall file with the local governing authority of the parish in which the proposed facility is to be located, six copies of the complete application.

(4) Upon acceptance of the application as complete, the ~~office of conservation~~ **department** shall publish in the next available issue of the Louisiana Register, a notice of the filing and the location, date and time of a public hearing to be held in the affected parish, which hearing shall not be less than thirty days from the date of notice in the Register. The applicant shall publish a substantially similar notice in the official journal of the parish affected on three separate days at least fifteen days prior to the date set by the ~~office of conservation~~ **department** for such public hearing. Such notice shall be not less than one quarter page in size in boldface type.

(5) The public hearing shall be fact-finding in nature and shall not be subject to the procedural requirements of the Louisiana Administrative Procedure Act relative to rule making or adjudication, provided that the ~~office of conservation~~ **department** shall allow any interested person to present testimony, facts or evidence related to the application, and shall make a record of the hearing.

\* \* \*

(9) The closure of all commercial offsite disposal facilities in a manner approved by the ~~commissioner~~ secretary to insure protection of the public and the environment.

\* \* \*

(11) Evidence of financial responsibility acceptable to the ~~commissioner~~ secretary for any liability for damages which may be caused by the escape or discharge of waste materials from a commercial offsite disposal facility.

\* \* \*

K. The ~~commissioner~~ secretary shall not authorize or issue any permit which allows the use or withdrawal of three million gallons or more of ground water per day from the Chicot aquifer that shall be injected into the subsurface in a parish whose population is more than seventy thousand and less than seventy-five thousand.

L.(1) The ~~commissioner~~ secretary shall make, after notice and hearings as provided in this Chapter, any reasonable rules, regulations, and orders that are necessary to require the operator of a well, which utilizes the application of fluids with force or pressure in order to create artificial fractures in the formation for the purpose of improving the capacity to produce hydrocarbons, to report no later than twenty days following the completion of hydraulic fracturing stimulation operations and in a manner determined by the ~~commissioner~~ secretary the following:

\* \* \*

M. The ~~commissioner~~ secretary shall make, after notice and hearing as provided in this Chapter, any reasonable rules, regulations, and orders that are necessary to control the drilling, operating, and plugging of solution mining injection wells, the permitting of such wells, and the resulting solution mined cavern. Such rules and regulations shall be adopted pursuant to the Administrative Procedure Act and shall provide for, but not be limited to the following:

\* \* \*

(3) Notification by the operator to the ~~office of conservation~~ department of a solution mining injection well inactivity or conclusion of mining operations.

\* \* \*

(6) Permit requirements that include the following:

\* \* \*

(b) Reimbursement to the state or any political subdivision of the state for reasonable and extraordinary costs incurred in responding to or mitigating a disaster or emergency due to a violation of this Subsection or any rule, regulation, or order promulgated or issued pursuant to this Subsection. The costs shall be subject to approval by the director of the Governor's Office of Homeland Security and Emergency Preparedness prior to being submitted to the ~~permittee~~ **permittee** for reimbursement. The payments shall not be construed as an admission of responsibility or liability for the emergency or disaster. The Department of Energy and Natural Resources, ~~office of conservation~~, is hereby authorized to adopt rules and regulations in accordance with the Administrative Procedure Act to collect reimbursement under this Section.

\* \* \*

N.(1) The Cross-Unit Well Study Commission is hereby created within the Department of Energy and Natural Resources, ~~office of conservation~~. The commission shall study the legal implications of the prescription of nonuse in relation to the drilling of any well located closer than three hundred thirty feet from the property boundary of a drilling unit or lease.

\* \* \*

(4) The Cross-Unit Well Study Commission shall consist of members comprised as follows:

(a) The ~~commissioner of conservation~~ **secretary**, who shall serve as the chairman.

\* \* \*

(5) The chairman shall hold the first public meeting of the commission on or before September 1, 2014, at the headquarters of the Department of Energy and Natural Resources, ~~office of conservation~~. After the first meeting, the commission shall hold monthly public meetings at the headquarters of the Department of Energy and Natural Resources, ~~office of conservation~~.

\* \* \*

O.(1) No permit to drill or operate a new solution-mined cavern, or expand or convert an existing solution-mined cavern in Iberia Parish may be issued until after a public hearing is held no earlier than August 15, 2015, on the application for the permit. The ~~commissioner~~ secretary shall promulgate rules and regulations to provide for such public hearings and shall fix the date, time, and place therefor. The operator or owner, prior to such a public hearing, shall give public notice on three separate days within a period of thirty days prior to the public hearing, with at least five days between each publication notice, both in the official state journal and in the official journal of the parish in which the well is to be located.

(2) At least thirty days prior to such public hearing on a permit to expand or convert an existing solution-mined cavern or to drill and operate a new solution-mined cavern in Iberia Parish, the permit applicant shall submit a report to the ~~commissioner of conservation~~ secretary, to Save Lake Peigneur, Inc., and to the governing authority of Iberia Parish. The report shall provide a baseline analysis of groundwater levels and salt content in the nearby groundwater wells that can be accessed for such analysis; a plan to monitor groundwater levels and salt water content for the duration of the activity for the creation of cavern storage should a permit be granted; a geologic analysis by a qualified third party geologist that examines the integrity of the salt dome; and the results of an analysis of testing that attempts to determine the source and composition of intermittent foaming or bubbling appearing in Lake Peigneur.

\* \* \*

P. The ~~commissioner of conservation~~ secretary has the authority to promulgate rules and regulations under the Administrative Procedure Act to regulate the location, construction, operation, and maintenance of a liquefied natural gas facility within the state.

Q.**(1)(a)** The ~~commissioner~~ secretary is authorized to develop and implement a program to expedite the processing or review of permits, modifications, licenses, registrations, plans, proposals, exceptions, or variances and related correspondence for applicants who may request such services. In addition to any applicable fees charged pursuant to ~~this Subtitle~~ state law, including but not limited to R.S.

**30:21.1**, a fee for an expedited review shall be charged to each applicant equal to the cost of every overtime hour, or portion thereof, an employee or contractor works processing the expedited review and an amount not exceeding twenty percent for administrative costs. However, the administrative fee shall not be less than five hundred dollars. The overtime rate shall not exceed the maximum per hour overtime salary, calculated at one and one-half times the hourly wage and including associated related benefits, of a civil service employee of the ~~office of conservation~~ **department**.

(b) The ~~commissioner~~ **secretary** shall adopt rules and regulations in accordance with the Administrative Procedure Act to implement the provisions of this Subsection. The rules shall ~~require the applicant to provide public notice when an expedited review is granted.~~ **at a minimum, specify:**

**(i) The procedure for requesting expedited processing.**

**(ii) The expedited timelines or ranges of business days within which final decisions shall be rendered, which shall be published on the department's website or otherwise be provided to applicants.**

**(iii) All required documentation including but not limited to required forms, cost statements, schedules, and any other documentation needed pursuant to this Section.**

**(iv) Document keeping requirements including but not limited to where documents may be stored, which documents shall be made available for inspection upon forty-eight hours notice, and markings to be placed on information that is exempted from public records as proprietary or confidential. The department shall notify the applicant of any public records request pursuant to this Subparagraph and provide up to three business days for the applicant to review records prior to any release.**

**(v) The method by which an applicant shall provide any public notice required upon being granted expedited processing.**

**(2) An applicant for the issuance, review, or approval of any permit, modification, license, registration, plan, proposal, exception, or variance under the jurisdiction of the department may request expedited processing.**

**(3) The secretary may decline or revoke any request for expedited processing with written reasons subject to reconsideration for up to ten calendar days.**

**(4) The expedited processing timeline commences upon:**

**(a) The date of receipt by the department of the application, together with the request for expedited processing.**

**(b) If the application is already under review, the date upon which the secretary grants the request for expedited processing.**

**(5) Processing shall be deemed complete when the final decision is transmitted in writing to the applicant or when the department provides notice that a decision is ready.**

**(6) The First Circuit Court of Appeal shall have original jurisdiction over any judicial review of any order, rule, or regulation promulgated by the department, or any act done or threatened under this Section. Judicial review pursuant to this Paragraph shall be subject to the provisions of R.S. 30:12.**

\* \* \*

R. The ~~commissioner~~ **secretary** shall make, after notice and public hearings as provided in this Chapter, any rules, regulations, and orders that are necessary to require reasonable bond with security for the performance of the duty to plug each dry and abandoned well and the closure and to perform the site cleanup required by Item (C)(1)(a)(iv) of this Section. The rules, regulations, and orders may classify based on location of the well and shall provide for the following exceptions from the reasonable bond and security requirement:

\* \* \*

T. In addition to the requirements set forth in Subsection R of this Section, an organization seeking to enter into a cooperative endeavor agreement with the ~~assistant~~ secretary to assist with plugging orphaned wells, in order to alleviate the burden on operators in meeting financial security requirements, shall include in the cooperative endeavor agreement a provision that allows full access to their operations and financial records for the purpose of any audit conducted by the legislative auditor.

## §4.1. Underground injection control

\* \* \*

B. The ~~assistant secretary of the office of conservation of the Department of Energy and Natural Resources, hereafter referred to as the "assistant secretary"~~, shall have authority to make, after notice and hearings as provided in this Chapter, any reasonable rules, regulations, and orders that are necessary from time to time in the proper administration and enforcement of this Section, including but not limited to rules, regulations, or orders for the following purposes:

(1) To regulate, by rules, the drilling, casing, cementing, disposal interval, monitoring, plugging, and permitting of disposal wells which are used to inject hazardous waste products in the subsurface, and to regulate all surface and storage waste facilities incidental to oil and gas exploration and production, in such a manner as to prevent the escape of such hazardous waste product into a fresh groundwater aquifer or into oil or gas strata; may require the plugging of each abandoned well or each well which is of no further use and the closure of associated pits, the removal of equipment, structures, and trash, and the general site cleanup of such abandoned or unused well sites; and may require reasonable bond with security for the performance of the duty to plug each abandoned well or each well which is of no further use and to perform the site cleanup required by this Section. Only an owner as defined in R.S. 30:3(8) shall be held or deemed responsible for the performance of any actions required by the ~~commissioner~~ **secretary**.

(2) To require by rule that before a permit to operate a new commercial operations' hazardous waste disposal well may be granted, a public hearing shall be held on the application for a permit, and shall fix the date, time, and place therefor. The operator or owner, prior to such public hearing, shall give public notice on three separate days within a period of thirty days prior to the public hearing, with at least five days between each publication of the notice, both in the official state journal and in the official journal of the parish in which the well is to be located, that application for a permit for a new commercial operations' hazardous waste disposal well has been made and that a public hearing on the matter will be held on the date and at the time and place which shall be stated in the public notice. The ~~assistant~~ secretary shall

prescribe the form of the advertisement. In addition, the applicant for a permit shall place an advertisement in the same newspapers, but not in the classified advertisement or public notice section of the newspapers, in a form which shall be not less than one-half page in size and printed in bold face type; which shall inform the public that application for a permit has been made for a new commercial operations' hazardous waste disposal well and that a public hearing, at which all interested persons are charged to be present and to present their views and which shall state the date, time, and place at which the meeting will be held. The content of both the public notice and the one-half page announcement or advertisement also shall include the name of the owner or operator, location of the proposed well, materials to be disposed in the well, a statement that comments may be sent to the ~~assistant commissioner of the Office of Conservation~~ secretary prior to the public meeting, ~~and the mailing address of the assistant secretary.~~

\* \* \*

C.(1) No person shall inject, pump, dispose, or in any manner allow the escape of any hazardous waste into any well or underground strata by way of an injection well without obtaining a permit from the ~~assistant~~ secretary or in violation of any permit issued by the ~~assistant~~ secretary; or violate any rule, regulation, or order of the ~~assistant~~ secretary issued under the authority of this Section.

(2) The ~~assistant~~ secretary shall not issue any new permit for a previously unpermitted Class I well for the disposal of hazardous waste as defined in the comprehensive state hazardous waste control program, provided for in R.S. 30:2175, which previously produced or was drilled for the purpose of producing oil or gas, whether oil or gas was actually produced therein. Where a new permit has been issued for such a Class I well for disposal of hazardous waste, the ~~assistant~~ secretary shall immediately proceed to revoke such permit, giving notice and upon request, an opportunity for the parties to be heard, and set a schedule for the abandonment and closure of the well, in accordance with rules and regulations of the office of conservation. No later than November 15, 1985, the ~~assistant~~ secretary shall order the cessation of injection and issue an order for closure which shall be completed within one hundred twenty days of the order.

D. Whenever the ~~assistant~~ secretary or an authorized representative of the ~~assistant~~ secretary determines that a violation of any requirement of this Section has occurred or is about to occur, the ~~assistant~~ secretary or the authorized representative of the ~~assistant~~ secretary shall either issue an order requiring compliance within a specified time period or shall commence a civil action for appropriate relief, including a temporary or permanent injunction.

E. Requirements of compliance orders. Any order issued under this Section shall state with reasonable specificity the nature of the violation and specify a time for compliance and, in the event of noncompliance, assess a civil penalty, if any, which the ~~assistant~~ secretary determines is reasonable, taking into account the seriousness of the violation and any good faith efforts to comply with the applicable requirements.

F. Penalties. (1) Except as otherwise provided by law, any person to whom a compliance order or a cease and desist order is issued and who fails to take corrective action within the time specified and said order or any person found by the ~~assistant~~ secretary to be in violation of any requirement of this Section, may be liable for a civil penalty, to be assessed by the ~~assistant~~ secretary or court, of not more than twenty-five thousand dollars for each day of the continued noncompliance or violation. The ~~assistant~~ secretary in order to enforce the provisions of this Section may suspend or revoke any permit, compliance order, license, or variance which has been issued to said person.

\* \* \*

I. Settlement of suits. Except as otherwise provided herein, the ~~assistant~~ secretary, with the concurrence of the attorney general, may settle or resolve as he may deem advantageous to the state any suits, disputes, or claims for any penalty under any provisions of this Section or the regulations or permit license terms and conditions applicable thereto.

\* \* \*

K. The ~~commissioner~~ secretary shall not authorize or issue any permit which allows the use or withdrawal of three million gallons or more of ground water per

day from the Chicot aquifer that shall be injected into the subsurface in a parish whose population is more than seventy thousand and less than seventy-five thousand.

#### §4.2. Effective enforcement of wildlife and fisheries laws

The ~~assistant~~ secretary shall make, after notice and public hearing as provided in this Chapter, any reasonable rules, regulations, and orders which are necessary to prohibit the operators of oil and gas wells from performing any acts on lands subject to a drilling permit which may preclude agents of the Department of Wildlife and Fisheries from effectively enforcing any of the provisions of Title 56 of the Louisiana Revised Statutes of 1950. The ~~assistant~~ secretary shall revoke any permit granted to an operator and deny any application for a permit to drill any well by an operator found to be in violation of the rules provided for in this Section.

#### §4.3. Financial security

A. As required by R.S. 30:4, an applicant for a permit to drill or to amend a permit to drill for change of operator shall provide financial security as provided in this Section in a form acceptable to the ~~commissioner~~ secretary. For an application for a permit to drill, the security shall be provided within thirty days of the completion date or from the date the operator is notified that financial security is required. For an application to amend a permit to drill for a change of operator, the security shall be provided as required by this Section or by establishing a site-specific trust account in accordance with R.S. 30:88 prior to the operator change.

B.(1) Except as provided in Paragraph (2) of this Subsection, the amount of the financial security shall be provided for in rules and regulations promulgated by the ~~commissioner~~ secretary in accordance with the Administrative Procedure Act. The amounts may be on an individual-well or multiple-well basis and may be categorized based on the well's location.

(2) For an individual well located on land of a depth equal to or less than three thousand feet, the financial security required shall be two dollars per foot. However, the ~~commissioner~~ secretary may increase the financial security by rules and regulations promulgated after September 1, 2017, in accordance with the Administrative Procedure Act.

C. Financial security shall not be required for the following wells:

(1) Any well declared to be orphaned by the ~~commissioner~~ secretary and subsequently transferred to another operator.

(2) Any well to be drilled by an operator who has an agreement with the ~~office of conservation~~ department to plug a well that has been declared to be orphaned by the ~~commissioner~~ secretary and that orphaned well is similar to the proposed well in terms of depth and location.

§5. Permission to convert gas into carbon black; recycling gas; unit operations

A. In order to prevent waste of natural gas, the ~~commissioner~~ secretary may grant to bona fide applicants permits for the building and operation of plants and to burn natural gas into carbon black for the period of time fixed by the ~~commissioner~~ secretary in the permit, not to exceed twenty-five years and subject to the provisions of the laws of the state and the rules and regulations of the department. It shall be a violation of this Chapter for any person to build or operate a new plant, for these purposes without the permit required by this Section.

B. In order to prevent waste and to avoid the drilling of unnecessary wells, the ~~commissioner~~ secretary shall, after notice and upon hearing, and his determination of feasibility, require the re-cycling of gas in any pool or portion of a pool productive of gas from which condensate or distillate may be separated or natural gasoline extracted, and promulgate rules to unitize separate ownership and to regulate production of the gas and reintroduction of the gas into productive formations after separation of condensate or distillate, or extraction of natural gasoline, from the gas.

C.(1) Without any way modifying the authority granted to the ~~assistant secretary of the office of conservation~~ in R.S. 30:9(B) to establish a drilling unit or units for a pool and in addition to the authority conferred in Subsection B of this Section:

(a) The ~~assistant~~ secretary of the office of conservation upon the application of any interested party, also is authorized and empowered to enter an order requiring the unit operation of any pool or a combination of two pools in the same field, productive of oil or gas, or both, in connection with the institution and operation of systems of pressure maintenance by the injection of gas, water, or any other

extraneous substance, or in connection with any program of secondary or tertiary recovery; and

(b) The ~~assistant~~ secretary of the office of conservation is further authorized and empowered to require the unit operation of a single pool in any situation where the ultimate recovery can be increased and waste and the drilling of unnecessary wells can be prevented by such a unit operation.

(2) In connection with such an order of unit operation, the ~~assistant~~ secretary of the office of conservation shall have the right to unitize, pool, and consolidate all separately owned tracts and other property ownerships. Any order for such a unit operation shall be issued only after notice and hearing and shall be based on all of the following findings:

\* \* \*

(d) At least three-fourths of the owners and three-fourths of the royalty owners, as to a particular interest, as hereinafter defined, such three-fourths to be in interest as determined under Subparagraph (c) of this Paragraph, shall have approved the plan and terms of unit operation, such approval to be evidenced by a written contract or contracts covering the terms and operation of the unitization signed and executed by the three-fourths in interest of the owners and three-fourths in interest of the royalty owners and filed with the ~~assistant~~ secretary of the office of conservation on or before the day set for the hearing. Notwithstanding any other provision of this Subparagraph to the contrary, with respect to an order for unit operation for the production of brine, such approval shall only be required from at least three-fourths of the owners as to the particular interest, such approval to be evidenced by a written contract or contracts covering the terms and operation of the unitization signed and executed by the three-fourths in interest of the owners and filed with the ~~assistant~~ secretary of the office of conservation on or before the day set for the hearing.

\* \* \*

(4) Upon application and after notice and a public hearing and consideration of all available geological and engineering evidence, the ~~Assistant Secretary of the Office of Conservation~~ **secretary**, to the extent required by such evidence, may

revise any reservoirwide unit or units heretofore created by the ~~Assistant Secretary~~  
of the Office of Conservation secretary.

\* \* \*

(6) No order of the ~~commissioner~~ secretary entered pursuant hereto shall have the effect of enlarging, displacing, varying, altering, or in anywise whatsoever modifying or changing contracts in existence on the effective date of this Act concerning the unitization of any pool (reservoir) or pools (reservoirs) or field (as defined in the contract) for the production of oil, gas, brine, or any combination thereof.

D.(1) In order to prevent waste and increase the ultimate recovery of oil or gas, or both, the ~~assistant~~ secretary of the office of conservation, upon the application of any interested owner, and only after notice and a public hearing, is authorized to approve a cyclic injection project for the operation of a well by the method of enhanced recovery known as cyclic injection, without the formation of a unit under Subsection C of this Section or under any other provisions of this Chapter. No operator shall utilize cyclic injection without first securing the ~~assistant~~ secretary's approval pursuant to this Subsection. For the purposes of this Subsection, "cyclic injection" is hereby defined as a single-well process in which a production well is injected with a substance for the purpose of enhanced recovery. After a shut-in period, the well is returned to production. This procedure may be performed repeatedly on one or more wells in a reservoir.

(2) Prior to approving any cyclic injection project the ~~assistant~~ secretary must find that the project will not drain any area of the reservoir different from that being drained by the project well prior to initiation of the project, and that the project will not otherwise adversely affect other owners having rights in the same reservoir in which the applicant proposed to conduct cyclic injection. If the ~~assistant~~ secretary does not make these findings required in the preceding sentence, he shall not approve the cyclic injection project, and it shall not be conducted, unless:

\* \* \*

§5.1. Deep pool order; ultra deep structure units; application; procedure; allocation  
of costs; rules and regulations

A. The following shall be applicable to deep pool units:

(1) In order to prevent waste and to avoid the drilling of unnecessary wells, and to encourage the development of deep oil and gas pools in Louisiana, the ~~commissioner~~ secretary of conservation is authorized, as provided in this Subsection, to establish a single unit to be served by one or more wells for a deep pool and to adopt a development plan for such deep unit.

(2) Without in any way modifying the authority granted to the ~~commissioner~~ secretary in R.S. 30:9(B) to establish a drilling unit or units for a pool and in addition to the authority conferred in R.S. 30:5, the ~~commissioner~~ secretary upon the application of any interested party may enter an order requiring the unit operation of any deep pool when such unit operation will promote the development of such deep pools, prevent waste, and avoid the drilling of unnecessary wells.

(3) In connection with such order, the ~~commissioner~~ secretary shall have the right to establish a unit for a deep pool and to unitize, force pool, and consolidate all separately owned tracts and other property ownerships within such unit. Any order creating a unit for a deep pool shall be issued only after notice and public hearing and shall be based on findings that:

\* \* \*

(e) The plan of development for the unit is reasonable. The plan shall be revised only if approved by the ~~commissioner~~ secretary after notice and public hearing.

\* \* \*

(5) No order shall be issued by the ~~commissioner~~ secretary unless interested parties have been provided a reasonable opportunity to review and evaluate all data submitted by the applicant to the ~~commissioner~~ secretary to establish the limits of the deep pool, including seismic data.

(6) The order creating the unit shall designate a unit operator and shall also make provision for the proportionate allocation to the owners (lessees or owners of unleased interests) of the costs and expenses of the unit operation, which allocation shall be in the same proportion that the separately owned tracts share in unit production. The cost of capital investment in wells and physical equipment and

intangible drilling costs, in the absence of voluntary agreement among the owners to the contrary, shall be shared in like proportion. However, no such owner who has not consented to the unitization shall be required to contribute to the costs or expenses of the unit operation or to the cost of capital investment in wells and physical equipment and intangible drilling costs except out of the proceeds of production accruing to the interest of such owner out of production from such unit operation. In the event of a dispute relative to the calculation of unit well costs or depreciated unit well costs, the ~~commissioner~~ secretary shall determine the proper costs after notice to all interested owners and public hearing thereon.

(7) Upon application and after notice and public hearing and consideration of all available geological and engineering evidence, the ~~commissioner~~ secretary, to the extent required by such evidence, may create, revise, or dissolve any unit provided for under this Subsection or modify any provision of any order issued hereunder. Any such order shall provide for the allocation of unit production on a just and equitable basis to each separately owned tract within the unit.

(8) The ~~commissioner~~ secretary shall prescribe, issue, amend, and rescind such orders, rules, and regulations as he may find necessary or appropriate to carry out the provisions of this Subsection.

(9) While this Subsection authorizes the initial creation of a single unit to be served by one or more wells, nothing herein shall be construed as limiting the authority of the ~~commissioner~~ secretary to approve the drilling of alternate unit wells on drilling units established pursuant to R.S. 30:9(B).

B. The following shall be applicable to ultra deep structure units:

(1) In order to prevent waste and to avoid the drilling of unnecessary wells, and to encourage the development of ultra deep oil and gas structures in Louisiana, the ~~commissioner~~ secretary of conservation is authorized, as provided in this Subsection, to establish a single unit to be served by one or more wells for an ultra deep structure and to adopt a plan of development for such ultra deep structure unit. For purposes of this statute, a "structure" is defined as a unique geologic feature that potentially traps hydrocarbons in one or more pools or zones.

(2) Without in any way modifying the authority granted to the ~~commissioner~~ secretary by R.S. 30:9(B) to establish a drilling unit or units for a pool and in addition to the authority conferred by R.S. 30:5 and 5.2, the ~~commissioner~~ secretary, upon the application of any interested party, may enter an order requiring the unit operation of any ultra deep structure when such unit operation will promote the development of such ultra deep structure, prevent waste, and avoid the drilling of unnecessary wells.

(3) In connection with such order, the ~~commissioner~~ secretary shall have the right to establish a unit no greater than nine thousand acres for an ultra deep structure and to unitize, force pool, and consolidate all separately owned tracts and other property ownerships within such unit. Any order creating a unit for an ultra deep structure shall be issued only after notice and public hearing and shall be based on findings that:

\* \* \*

(5) Upon application of any landowner or other interested party, or at the ~~commissioner's~~ secretary's discretion, the plan of development may be revised by the ~~commissioner~~ secretary after notice and public hearing for good cause.

\* \* \*

(7) No order creating a unit for an ultra deep structure shall be issued by the ~~commissioner~~ secretary unless interested parties have been provided a reasonable opportunity to review and evaluate all data, including seismic data, submitted by the applicant to the ~~commissioner~~ secretary to establish the limits of the deep structure.

\* \* \*

(9) The initial well and each subsequent well proposed or drilled pursuant to the plan of development shall be deemed a unit well. The provisions of R.S. 30:10(A)(2) shall be applicable to ultra deep structure units, including the applicable risk charge. In the event of a dispute relative to the calculation of unit well costs or depreciated unit well costs, the ~~commissioner~~ secretary shall determine the proper costs after notice to all interested owners and public hearing thereon.

(10) Upon application by any landowner or other interested party, or at the ~~commissioner's~~ secretary's discretion, and after notice and public hearing and

consideration of available geological, engineering, and other relevant evidence, the ~~commissioner~~ secretary, to the extent required by such evidence, may by order create, revise, confirm, or dissolve any unit provided for under this Subsection or modify any provision of any order issued hereunder. Any such order shall provide for the allocation of unit production on a just and equitable basis to each separately owned tract within the unit. The applicant shall, in all cases, have the burden of proof that the existing unit or order should be revised, confirmed, dissolved, or amended in the manner proposed in the application. If the ~~commissioner~~ secretary determines that the unit operator has not substantially complied with the plan of development, the unit operator shall be required to show cause why the unit should not be reduced in size.

\* \* \*

(12) The ~~commissioner~~ secretary shall prescribe, issue, amend, and rescind such orders, rules, and regulations as he may find necessary or appropriate to carry out the provisions of this Subsection.

(13) While the provisions of this Subsection authorize the initial creation of a single unit to be served by one or more wells, nothing herein shall be construed as limiting the authority of the ~~commissioner~~ secretary to approve the drilling of alternate unit wells on drilling units established pursuant to R.S. 30:9(B).

§5.2. Coal seam natural gas producing areas order; application; procedure;  
allocation of costs; rules and regulations

A. In order to prevent waste and to avoid the drilling of unnecessary wells and to encourage the development of coal seam natural gas producing areas in Louisiana, the ~~commissioner of conservation~~ secretary is authorized, as provided in this Section, to establish a single unit to be served by one or more wells for a coal seam natural gas producing area.

B. Without in any way modifying the authority granted to the ~~commissioner~~ secretary in R.S. 30:9(B) to establish a drilling unit or units for a pool and in addition to the authority conferred in R.S. 30:5, the ~~commissioner~~ secretary, upon the application of any interested party, may enter an order requiring the unit operation of any coal seam natural gas producing area when such unit operation will

promote the development of such coal seam natural gas producing area, prevent waste, and avoid the drilling of unnecessary wells.

C. In connection with such order, the ~~commissioner~~ secretary shall have the right to establish a unit for a coal seam natural gas producing area and to unitize, force pool, and consolidate all separately owned tracts and other property ownerships within such unit. Any order creating a unit for a coal seam natural gas producing area shall be issued only after notice and a public hearing and shall be based on findings that:

\* \* \*

E. No order shall be issued by the ~~commissioner~~ secretary unless interested parties have been provided a reasonable opportunity to review and evaluate all data submitted by the applicant to the ~~commissioner~~ secretary to establish the limits of the coal seam natural gas producing area.

F. The order creating the unit shall designate a unit operator and shall also make provision for the proportionate allocation to the owners (lessees or owners of unleased interests) of the costs and expenses of the unit operation, which allocation shall be in the same proportion that the separately owned tracts share in unit production. The cost of capital investment in wells and physical equipment and intangible drilling costs, in the absence of voluntary agreement among the owners to the contrary, shall be shared in like proportion. However, no such owner who has not consented to the unitization shall be required to contribute to the costs or expenses of the unit operation or to the cost of capital investment in wells and physical equipment and intangible drilling costs except out of the proceeds of production accruing to the interest of such owner out of production from such unit operation. In the event of a dispute relative to the calculation of unit well costs or depreciated unit well costs, the ~~commissioner~~ secretary shall determine the proper costs after notice to all interested owners and a public hearing thereon.

G. Upon application and after notice and a public hearing and consideration of all new available geological and engineering evidence, the ~~commissioner~~ secretary, to the extent required by such evidence, may create, revise, or dissolve any unit provided for under this Section or modify any provision of any order issued

pursuant to this Section. Any such order shall provide for the allocation of unit production on a just and equitable basis to each separately owned tract within the unit.

H. The ~~commissioner~~ secretary shall prescribe, issue, amend, and rescind such orders, rules, and regulations as he may find necessary or appropriate to carry out the provisions of the Section.

§6. Hearings; notice; rules of procedure; emergency; service of process; public records; request for hearings; orders and compliance orders

A. The ~~commissioner~~ secretary shall prescribe the rules of order or procedure in hearings or other proceedings before him under this Chapter.

B. No rule, regulation, order, or change, renewal, or extension thereof, shall, in the absence of an emergency, be made by the ~~commissioner~~ secretary under the provisions of this Chapter except after a public hearing upon at least ten days' notice given in the manner and form prescribed by him. This hearing shall be held at a time and place and in the manner prescribed by the ~~commissioner~~ secretary. The ~~commissioner~~ secretary, in his discretion, may designate a member of his staff to conduct public hearings on his behalf. Any person having an interest in the subject matter of the hearing shall be entitled to be heard. Whenever any application shall be made to the ~~commissioner of conservation~~ secretary for creation, revision, or modification of any unit or units for production of oil or gas, or for adoption of any plan for spacing of wells or for cycling of gas, pressure maintenance or restoration, or other plan of secondary recovery, the applicant shall be required to file with the application two copies of a map of such unit or units or well spacing pattern or two explanations of such plan of cycling, pressure maintenance or restoration, or other secondary recovery program and at least thirty days' notice shall be given of the hearings to be held thereon, in the manner prescribed by the ~~commissioner of conservation~~ secretary and a copy of such plat or explanation of program shall remain on file in the ~~office of conservation~~ department in Baton Rouge and in the office of the district manager of the conservation district in which the property is located, and be open for public inspection, at least thirty days prior to such hearing.

C. If the ~~commissioner~~ secretary finds an existing emergency which in his judgment requires the making, changing, renewal, or extension of a rule, regulation, or order without first having a hearing, the emergency rule, regulation, or order shall have the same validity as if a hearing had been held after due notice. The emergency rule, regulation, or order shall remain in force no longer than fifteen days from its effective date. In any event, it shall expire when the rule, regulation, or order made after notice and hearing with respect to the same subject matter becomes effective.

D. Should the ~~commissioner~~ secretary elect to give notice by personal service, it may be made by any officer authorized to serve process or any agent of the ~~commissioner~~ secretary in the same manner as is provided by law for the service of citation in civil actions in the district courts. Proof of the service by an agent shall be by the affidavit of the person making it.

E. All rules, regulations, and orders made by the ~~commissioner~~ secretary shall be in writing and shall be entered in full by him in a book kept for that purpose. This book shall be a public record and shall be open for inspection at all times during reasonable office hours. A copy of a rule, regulation, or order, certified by the ~~commissioner~~ secretary, shall be received in evidence in all courts of this state with the same effect as the original.

F. Any interested person has the right to have the ~~commissioner~~ secretary call a hearing for the purpose of taking action in respect to a matter within the jurisdiction of the ~~commissioner~~ secretary by making a request therefor in writing. Upon receiving the request the ~~commissioner~~ secretary shall promptly call a hearing. After the hearing, and with all convenient speed and in any event within thirty days after the conclusion of the hearing the ~~commissioner~~ secretary shall take whatever action he deems appropriate with regard to the subject matter. In the event of failure or refusal of the ~~commissioner~~ secretary to issue an order within the period of thirty days, he may be compelled to do so by mandamus at the suit of any interested person.

G. Notwithstanding the provisions of Subsections B and C to the contrary, the ~~commissioner~~ secretary, upon determining that a violation of this Chapter or the regulations adopted hereunder has occurred, may impose a civil penalty as provided

in this Chapter. Additionally, upon determining that a violation of this Chapter or the regulations adopted hereunder has occurred, the ~~commissioner~~ secretary may issue an order requiring compliance. Any such order issued shall state, with reasonable specificity, the nature of the violation, any cessation of activities or affirmative operations required to achieve compliance, and a time limit within which compliance with the order must be achieved. Noncompliance with any such order to comply shall constitute a violation of this Chapter, and the ~~commissioner~~ secretary may impose a civil penalty for such violation. Any person subjected to a civil penalty shall have the right to a public hearing if requested in writing, which written request shall suspend the imposition of the penalty until final action is taken by the ~~commissioner~~ secretary after hearing.

H. When an application for any permit to construct or drill a Class V or Class VI well related to the geologic sequestration of carbon dioxide becomes complete, the ~~commissioner~~ secretary shall notify the governing authority of any parish included in the permit application. The notice to the governing authority of the parish shall be made no later than the date on which public notice is issued in accordance with applicable law or regulations. Notice may be made by electronic mail to the parish president, police jury president, or mayor-president, depending on the form of parish government.

#### §6.1. Declaration of emergency

A. Notwithstanding any other provision of this Title, upon receipt of evidence that there is an incident occurring or threatening to occur imminently at an oilfield site or other facility, structure, or pipeline under the ~~commissioner's~~ department's jurisdiction pursuant to R.S. 30:1 et seq., which is of such magnitude as to require immediate action to prevent substantial or irreparable damage to the environment or a serious threat to life or safety based on recognized criteria, standards or industry practices, the ~~commissioner~~ department may declare in writing that an emergency exists.

B. Upon declaration of an emergency, the ~~commissioner~~ department shall notify the operator of record. Notification shall be made by telephone at the emergency number on file in the ~~commissioner~~ department, telegraph, facsimile,

or personal appearance. If the operator cannot be contacted for notification within twenty-four hours or if the operator of record fails to begin abatement procedures within twenty-four hours after notice by the ~~commissioner~~ **department**, the ~~commissioner~~ **department** shall begin the emergency procedures provided for in this Section. Refusal on the part of the operator to begin abatement procedures after notification by the ~~commissioner~~ **department** shall constitute a failure or refusal to comply with the provisions of this Title and rules, regulations, and orders issued thereunder.

C. When an emergency situation is declared, the ~~commissioner~~ **department** is authorized to undertake the containment and abatement of the pollution source and pollutants and may retain personnel or contract for these purposes with persons who shall operate under his direction. All contracts let by the ~~commissioner~~ **department** to respond to a declared emergency shall be exempt from the provisions of Chapter 10 of Title 38 of the Louisiana Revised Statutes of 1950 and the Louisiana Procurement Code. However, the ~~commissioner~~ **department** may employ an informal bidding procedure by which bids are solicited from at least three bidders: **He and** may order the operator of record or owner to undertake the containment, abatement, or cleanup of such pollution source and pollutants. Failure to comply with his order shall be a violation of this Title and shall be punishable as provided in this Title. The ~~commissioner~~ **department** shall submit an annual report to the House Committee on Natural Resources and Environment and Senate Committee on Natural Resources listing the number and type of emergencies declared within the previous year.

D.(1) The ~~commissioner~~ **department** may issue permits, variances, or other orders as necessary to respond to the emergency, which shall be effective immediately upon issuance, and any request for hearing, appeal, or request for review shall not suspend the implementation of the action ordered. The term of any such emergency action shall be limited to the time necessary to address the emergency conditions.

\* \* \*

F. In responding to an emergency, the ~~commissioner~~ **department** may utilize any funds allowable under federal law or state law or any funds which have been appropriated for such purposes, including but not limited to the Oilfield Site Restoration Fund pursuant to R.S. 30:80 et seq. Recovery of costs expended shall be in accordance with the statutes, rules, and regulations applicable to the source of funds.

\* \* \*

§8. Subpoenas, and production of records; service; excuses for disobedience; enforcement of subpoenas

A. The ~~commissioner~~ **secretary** may subpoena witnesses and require their attendance and the giving of testimony before him. He may require the production of any books, papers, or records material to the questions lawfully before him.

(1) Subpoenas shall be served by any agent of the department of ~~conservation~~, by the sheriff, or by any other officer authorized by law to serve process in this state.

(2) No person shall be excused from attending and testifying or producing books, papers, or records, or from obeying the subpoena of the ~~commissioner~~ **secretary** or of a court of record on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to penalty or forfeiture.

(3) Nothing contained in this Subsection shall be construed as requiring any person to produce books, papers, or records, or to testify in response to any inquiry not pertinent to some question lawfully before the ~~commissioner~~ **secretary** or court for determination.

(4) No natural person shall be subjected to criminal prosecution or to any penalty or forfeiture on account of anything concerning which he may be required to testify or produce evidence before the ~~commissioner~~ **secretary** or a court.

\* \* \*

B. In the case of failure or refusal of a person to comply with a subpoena issued by the ~~commissioner~~ **secretary**, or in the case of the refusal of a witness to testify or answer as to a matter regarding which he may be lawfully interrogated, any district court on the application of the ~~commissioner~~ **secretary** may, in term time or

in vacation, issue an attachment for the person to compel him to comply with the subpoena and to attend before the ~~commissioner~~ secretary with the desired documents and to give his testimony upon whatever matters are lawfully required.

The court may punish for contempt those disobeying its orders as in the case of disobedience of a subpoena issued by the court or refusal to testify therein.

§9. Production from pool; drilling units; equitable share; rules and regulations

A. Whether or not the total production from a pool be limited or prorated, no rule, regulation, or order of the ~~commissioner~~ secretary shall in terms or effect:

\* \* \*

B. For the prevention of waste and to avoid the drilling of unnecessary wells, the ~~commissioner~~ secretary shall establish a drilling unit or units for each pool, except for those pools which, prior to July 31, 1940, had been developed to an extent and where conditions exist making it impracticable or unreasonable to use a drilling unit at the present stage of development. A drilling unit, as contemplated herein, means the maximum area which may be efficiently and economically drained by the well or wells designated to serve the drilling unit as the unit well, substitute unit well, or alternate unit well. This unit shall constitute a developed area as long as a well is located thereon which is capable of producing oil, gas, or brine in paying quantities.

C. Each well permitted to be drilled upon a drilling unit hereafter established shall be drilled at the location designated by the ~~commissioner of conservation~~ secretary, after public hearing, in the order creating the unit. The ~~commissioner of conservation~~ secretary shall consider all available geological and engineering evidence and shall provide for the unit well to be located at the optimum position in the drilling unit for the most efficient and economic drainage of such unit with such exceptions as may be reasonably necessary where topographical conditions exist that would make such a location of the unit well unduly burdensome or where the designated unit well was drilled or commenced prior to the creation of the drilling unit; provided, however, the ~~commissioner of conservation~~ secretary shall fix the well location for each drilling unit so that the producer thereof shall be allowed to

produce no more than his just and equitable share of the oil and gas in the pool, as this share is set forth in this Section.

D. Subject to the reasonable necessities for the prevention of waste, and to reasonable adjustment because of structural position, a producer's just and equitable share of the oil, gas, or brine in the pool, also referred to as a tract's just and equitable share, is that part of the authorized production of the pool, whether it be the total which could be produced without any restriction on the amount of production or whether it be an amount less than that which the pool could produce if no restriction on amount were imposed, which is substantially in the proportion that the quantity of recoverable oil, gas, or brine in the developed area of his tract or tracts in the pool bears to the recoverable oil, gas, or brine in the total developed area of the pool, insofar as these amounts can be practically ascertained. To that end, the rules, regulations, and orders of the ~~commissioner~~ secretary shall be such as will prevent or minimize reasonably avoidable net drainage from each developed area, that is, drainage not equalized by counter drainage, and will give to each producer the opportunity to use his just and equitable share of the production. In determining each producer's just and equitable share of the production authorized for the pool, the ~~commissioner~~ secretary is authorized to give due consideration to the productivity of the well or wells located thereon, as determined by flow tests, bottom hole pressure tests, or any other practical method of testing wells and producing structures, and to consider other factors and geological and engineering tests and data as may be determined by the ~~commissioner~~ secretary to be pertinent or relevant to ascertaining each producer's just and equitable share of the production of the field or pool.

\* \* \*

§10. Agreements for drilling units; pooling interests; terms and conditions; expenses

A. When two or more separately owned tracts of land are embraced within a drilling unit which has been established by the ~~commissioner~~ secretary as provided in R.S. 30:9(B), the owners may validly agree by separate contract to pool, drill, and produce their interests and to develop their lands as a drilling unit.

(1) Where the owners have not agreed by separate contract to pool, drill, and produce their interests, the ~~commissioner~~ secretary shall require them to do so and to develop their lands as a drilling unit, if he finds it to be necessary to prevent waste or to avoid drilling unnecessary wells.

\* \* \*

(2) In the event a drilling unit is formed by a pooling order by the ~~commissioner~~ secretary and absent any agreement or contract between owners as provided in this Section, then the cost of development and operation of the pooled unit chargeable to the owners therein shall be determined and recovered as provided herein.

(a)(i) Any owner drilling, intending to drill, or who has drilled a unit well, a substitute unit well, an alternate unit well, or a cross-unit well on any drilling unit heretofore or hereafter created by the ~~commissioner~~ secretary, may, by registered mail, return receipt requested, or other form of guaranteed delivery and notification method, not including electronic communication or mail, notify all other owners in the unit of the drilling or the intent to drill and give each owner an opportunity to elect to participate in the risk and expense of such well. Such notice shall be called a "risk charge notice" and shall contain:

\* \* \*

(b)(i) \* \* \*

(ii)(aa) \* \* \*

(ii) No change or division of the ownership of a nonparticipating owner who is receiving a portion of the proceeds from the sale or other disposition of production from the drilling owner shall be binding upon the drilling owner for the purpose of paying to the nonparticipating owner for the benefit of its lessor royalty owner or overriding royalty owner, under Subitems (aa) and (bb) of this Item, until such new nonparticipating owner acquiring any interest has furnished the drilling owner, at the drilling owner's address as reflected in the records maintained by the ~~office of conservation~~ department, with a certified copy of the instrument or instruments, constituting the chain of title from the original nonparticipating owner.

\* \* \*

(vi) The notice to be provided by the drilling owner to the other owners in the unit pursuant to Item (iv) of this Subparagraph shall contain:

\* \* \*

(bb) A copy of the order of the ~~commissioner~~ secretary creating the drilling unit to which the subsequent unit operation relates.

\* \* \*

(c) Should a drilling unit be created by order of the ~~commissioner~~ secretary around a well already drilled or drilling and including one or more tracts as to which the owner or owners thereof had not participated in the risk and expense of drilling such well, then the provisions of this Subsection for notice, election, and participation shall be applicable as if a well were being proposed by the owner who drilled or was drilling such well; however, the cost of drilling, testing, completing, equipping, and operating the well allocable to each tract included in the unit shall be reduced in the same proportion as the recoverable reserves in the unitized pool have been recovered by prior production, if any, in which said tract or tracts did not participate prior to determining the share of cost allocable to such tract or tracts.

(d)(i) Should a drilling unit be revised by order of the ~~commissioner~~ secretary so as to include an additional tract or tracts, then the provisions of this Subsection for notice, election, and participation shall be applicable to such added tract or tracts and the owner thereof as if a well were being proposed by the owner who had drilled the well; however, the cost of drilling, testing, completing, equipping, and operating the unit well shall be reduced in the same proportion as the recoverable reserves in the unitized pool have been recovered by prior production, if any, in which said tract or tracts did not participate prior to determining the share of cost allocable to the subsequently included tract or tracts.

(ii) Should a drilling unit be revised by order of the ~~commissioner~~ secretary as to exclude a tract or tracts, the cost of drilling, testing, completing, equipping, and operating the unit well shall be reduced in the same proportion as the recoverable reserves in the unitized pool have been recovered by prior production to determine the share of cost allocable to the subsequently excluded tract or tracts.

\* \* \*

(f) In the event of a dispute relative to the calculation of unit well costs or depreciated unit well costs, the ~~commissioner~~ secretary shall determine the proper costs after notice to all interested owners and a public hearing thereon.

\* \* \*

(3) If there is included in any unit created by the ~~commissioner~~ of ~~conservation~~ secretary one or more unleased interests for which the party or parties entitled to market production therefrom have not made arrangements to separately sell or otherwise dispose of the share of such production attributable to such tract, and the unit operator sells or otherwise disposes of such unit production, then the unit operator shall pay to such party or parties such tract's pro rata share of the proceeds of the sale or other disposition of production within one hundred eighty days of such sale or other disposition.

B. Should the owners of separate tracts embraced within a drilling unit fail to agree upon the pooling of the tracts and the drilling of a well on the unit, and should it be established by final and unappealable judgment of court that the ~~commissioner~~ secretary is without authority to require pooling as provided for in Subsection A of this Section, then, subject to all other applicable provisions of this Chapter, the owner of each tract embraced within the drilling unit may drill thereon. The allowable production therefrom shall be such proportion of the allowable for the full unit as the area of the separately owned tract bears to the full drilling unit.

C. For purposes of this Section, the following definitions shall apply:

\* \* \*

(7) "Unitized interval" means the subsurface interval defined in the ~~office of~~ ~~conservation~~ department order creating the unit or units that the existing wellbore is serving as a unit well, alternate unit well, substitute unit well, or cross-unit well.

§10.1. Authority of governor with advice of the ~~commissioner of conservation~~ secretary to enter unitization agreements affecting the production from state and federal waterbottoms

\* \* \*

B. Unit Agreement. (1) In accordance with the terms of such Offshore Production Agreement or any act of the United States Congress providing with

respect thereto, the governor or his designee is authorized to enter into agreements for the unit operations of all or any portion or portions of any common potentially hydrocarbon bearing area underlying the federal and state boundary offshore if reasonably necessary to prevent waste, protect correlative rights, or avoid the drilling of unnecessary wells.

\* \* \*

(3) Upon a determination by the governor that a common potentially hydrocarbon bearing area may underlie the federal and state boundary offshore, all or any portion or portions of which the governor has reason to believe may be appropriate for unit operations, the governor shall direct the ~~commissioner of conservation~~ **secretary** to call a hearing for the purpose of receiving evidence from affected state or federal lessees or from any other interested persons. The ~~commissioner~~ **secretary** shall, after a review of all testimony and evidence, transmit to the governor an advisory opinion containing such information and recommendations as may be requested by the governor. The advisory opinion shall be deemed confidential and shall be exempt from the provisions of R.S. 44:1 et seq., in accordance with the provisions of R.S. 44:4(8) and 4.1(B).

(4) After a final unit agreement by the state of Louisiana and the United States or by final decision of an arbitrator or court of competent jurisdiction, or otherwise, the ~~commissioner~~ **secretary** shall, if directed by the governor, issue an order ratifying the terms of the agreement or final decision. In the event that a reservoir-wide unit is created, the ~~commissioner~~ **secretary** is exempt from the requirements of R.S. 30:5(B) and (C) in issuing such order. Neither the agreement nor any order issued pursuant to it shall be subject to the provisions of R.S. 30:12.

(5) The ~~commissioner~~ **secretary** shall have full authority to enforce the unit agreement and order in the same manner as any other order issued under the provisions of this Chapter, and to issue such additional rules, regulations, or orders as may be necessary to accomplish the purposes of this Section.

#### §11.1. Filing and recording of orders creating drilling or production units

Within thirty days after the issuance thereof, the ~~commissioner of conservation~~ **secretary** of the state of Louisiana shall cause to be filed and recorded

in the conveyance records of the parish or parishes in which the immovable property affected thereby is situated certified copies of all orders and amendments thereof creating drilling or production units.

§12. Court review and injunction; venue; procedure; burden of proof

A. (1) A person who is aggrieved by any law of this state with respect to conservation of oil or gas, or both, or by a provision of this Chapter, or by a rule, regulation, or order made by the ~~assistant~~ secretary ~~of the office of conservation~~ hereunder, or by an act done or threatened hereunder, and who has exhausted his administrative remedy, may obtain court review by a suit for injunction or judicial review against the ~~assistant~~ secretary as defendant.

(2) Suit for review shall be instituted in the district court of the parish in which the principal office of the ~~assistant~~ secretary is located and must be brought within sixty days of the administrative action that is the subject of the suit. In cases of judicial review of adjudication proceedings, the sixty days shall begin to run after mailing of notice of the final decision or order, or if a rehearing is requested within sixty days after the decision thereon.

B.(1) Judicial review of adjudication proceedings before the ~~assistant~~ secretary may be obtained whether or not the plaintiff has applied for a rehearing. A preliminary, procedural, or intermediate action or ruling by the ~~assistant~~ secretary is immediately reviewable if review of the final decision of the ~~assistant~~ secretary would not provide an adequate remedy and would inflict irreparable injury.

(2) Within thirty days after service of the petition or within further time allowed by the court, the ~~assistant~~ secretary shall transmit to the reviewing court the original or a certified copy of the entire record of the proceeding under review. By stipulation of all parties to the review proceedings, the record may be shortened. A party unreasonably refusing to stipulate to limit the record may be taxed by the court for the additional costs. The court may require or permit subsequent corrections or additions to the record.

(3) If, before the date set for hearing, application is made to the court for leave to present additional evidence, and it is shown to the satisfaction of the court that the additional evidence is material and that there were good reasons for failure

to present it in the proceeding before the ~~assistant~~ secretary, the court may order that the additional evidence be taken before the ~~assistant~~ secretary upon conditions determined by the court. The ~~assistant~~ secretary may modify his findings and decision by reason of the additional evidence and shall file that evidence and any modifications, new findings, or decisions with the reviewing court.

(4) The review shall be conducted by the court without a jury and shall be confined to the record. In cases of alleged irregularities in procedure before the ~~assistant~~ secretary not shown in the record, proof thereon may be taken in the court. The court, upon request, shall hear oral argument and receive written briefs.

(5) The court may affirm the decision of the ~~assistant~~ secretary or remand the case for further proceedings. The court may reverse or modify the decision if substantial rights of the appellant have been prejudiced because the administrative findings, inferences, conclusions, or decisions are:

\* \* \*

(f) Manifestly erroneous in view of the reliable, probative, and, substantial evidence on the whole record. In the application of the rule, where the ~~assistant~~ secretary has the opportunity to judge the credibility of witnesses by first-hand observation of demeanor on the witness stand and the reviewing court does not, due regard shall be given to the ~~assistant~~ secretary's determination on credibility issues.

C.(1) Any suit for an injunction brought under this Section shall be tried summarily, and the attorney representing the ~~assistant~~ secretary may have the case set for trial after ten days' notice to the plaintiff or his attorney of record.

(2) The burden of proof shall be upon the plaintiff, and all pertinent evidence with respect to the validity or reasonableness of the order of the ~~assistant~~ secretary complained of shall be admissible. The law, the provision of this Chapter, or the rule, regulation, or order complained of shall be taken as prima facie valid. This presumption shall not be overcome in connection with any application for injunctive relief, including a temporary restraining order, by verified petition or affidavit of or in behalf of the applicant.

\* \* \*

§13. Temporary restraining order or injunction; notice and hearing; bond

A. No temporary restraining order or injunction shall be granted against the ~~commissioner of conservation~~ secretary, the attorney general, or any agent, employee, or representative of the ~~commissioner~~ secretary restraining the ~~commissioner~~ secretary, or any of his agents, employees, or representatives, or the attorney general, from enforcing a statute of this state relating to conservation of oil and gas, or any of the provisions of this Chapter, or any rule, regulation, or order made hereunder, except after due notice to the ~~commissioner~~ secretary, and to all other defendants, and after a hearing. It shall be clearly shown to the court that the act done or threatened is without sanction of law, or that the provisions of this Chapter, or the rule, regulation, or order complained of, is invalid, and that, if enforced against the complaining party, will cause an irreparable injury. The nature and extent of the probable invalidity of the law, or provision of this Chapter, or of any rule, regulation, or order thereunder involved in the suit, shall be recited in the order or decree granting the temporary relief, as well as a clear statement of the probable damage relied upon by the court as justifying temporary injunctive relief.

B. No temporary injunction against the ~~commissioner~~ secretary, or the department of ~~conservation~~, or its agents, employees, or representatives, or the attorney general, shall become effective until the plaintiff shall execute a bond in an amount and upon such conditions as the court directs.

§14. Suit by ~~commissioner~~ secretary for violation of law; venue; relief obtainable

A. Whenever it appears that a person is violating or is threatening to violate a law of this state with respect to the conservation of oil or gas, or both, or a provision of this Chapter, or a rule, regulation, or order made thereunder, the ~~commissioner~~ secretary shall bring suit to restrain that person from continuing the violation or from carrying out the threat.

B. Venue shall be in the district court in the parish of the residence of any one of the defendants or in the parish where the violation is alleged to have occurred or is threatened.

C. In this suit, the ~~commissioner~~ secretary may obtain injunctions, prohibitory and mandatory, including temporary restraining orders and preliminary injunctions, as the facts warrant, including, when appropriate, injunctions restraining

a person from moving or disposing of illegal oil, illegal gas, or an illegal product. Any or all of these illegal commodities may, in the court's discretion, be ordered impounded or placed under the control of an agent appointed by the court.

§15. Appeal

In proceedings brought under authority of, or for the purpose of contesting the validity of, a provision of this Chapter, or of an oil or gas conservation law of this state, or of a rule, regulation, or order issued thereunder, appeals may be taken in accordance with the general laws relating to appeals. In appeals from judgments or decrees in suits to contest the validity of a provision of this Chapter, or a rule or regulation of the ~~commissioner~~ **secretary** hereunder, the appeals when docketed in the proper appellate court shall be placed on the preference docket of the court and may be advanced as the court directs.

\* \* \*

§18. Penalties for violation of ~~Chapter~~; venue

A.(1) Whoever violates a provision of this ~~Chapter~~ **Title**, or a rule, regulation, or order of the ~~commissioner~~ **department** made hereunder, shall be subject to a civil penalty of not more than five thousand dollars a day for each day of violation and for each act of violation.

(2) Whoever knowingly and willfully violates a provision of this ~~Chapter~~ **Subtitle**, or a rule, regulation, or order of the ~~commissioner~~ **department** made hereunder **pursuant to this Subtitle**, shall be deemed guilty of a misdemeanor and, upon conviction by a court of competent jurisdiction, shall be fined not more than five thousand dollars for each day of violation and for each act of violation, if a penalty for the violation is not otherwise provided in this ~~Chapter~~ **Subtitle**.

(3) Notwithstanding any provisions of this Section to the contrary, whoever violates the provisions of R.S. 30:4(C)(16) or the rules, regulations or orders of the ~~commissioner~~ **department** made thereunder, and who is disposing or has disposed of hazardous wastes identified and designated as such by the department under the provisions of R.S. 30:2173 may be liable for a civil penalty of not more than twenty-five thousand dollars for each day of violation and for each act of violation.

(4) Whoever willfully and knowingly violates the provisions of R.S. 30:4(C)(16) or the rules, regulations and orders of the ~~commissioner~~ department made thereunder in the disposal of hazardous wastes identified and designated as such by the department under the provisions of R.S. 30:2173 shall be fined not more than twenty-five thousand dollars per day of violation and costs of prosecution or imprisoned for not more than one year, or both, and in such instances the prosecution may be instituted by the district attorney having criminal jurisdiction.

(5) Any purchaser of oil and gas from any owner who violates a provision of this ~~Chapter Title~~, or a rule, regulation, or order of the ~~commissioner~~ department, may be ordered by the ~~commissioner~~ department to hold in escrow any monies allocated to such owners. Monies allocated to royalty owners and overriding royalty owners shall not be affected by this Paragraph.

(6)(a)(i) Notwithstanding any provision of this Section to the contrary, any person found to be in violation of any provision of this ~~Chapter Subtitle~~ related to the drilling or use of underground caverns for hydrocarbon storage or solution mining, or any requirement, rule, regulation, or order related thereto, may be liable for a civil penalty, to be assessed by the ~~commissioner~~ department or the court, of not more than the cost to the state of any response action made necessary by such violation that is not voluntarily paid by the violator, and a penalty of not more than thirty-two thousand five hundred dollars for each day of violation. However, such person may be liable for an additional penalty of not more than one million dollars when any such violation is done intentionally, willfully, or knowingly and either results in a discharge or disposal that causes irreparable or severe damage to the environment or involves the discharge of a substance which endangers human life or health.

(ii) If the penalty assessed by the ~~commissioner~~ department is upheld in full or in part, the ~~commissioner~~ department shall be entitled to legal interest as provided in R.S. 9:3500 from the date of imposition of the penalty until paid.

\* \* \*

(b) Any person to whom a compliance order or a cease and desist order is issued pursuant to this ~~Chapter Subtitle~~ who fails to take corrective action within the

time specified in said order shall be liable for a civil penalty to be assessed by the **commissioner department** or the court of not more than fifty thousand dollars for each day of continued violation or noncompliance.

(c)(i) In determining whether or not a civil penalty is to be assessed and in determining the amount of the penalty or the amount agreed upon in compromise, the following factors shall be considered:

\* \* \*

(ff) Whether the noncompliance or violation and the surrounding circumstances were immediately reported to the **commissioner department** and whether the violation or noncompliance was concealed or if there was an attempt to conceal by the person charged.

\* \* \*

(ii) The **commissioner department** may supplement such criteria by rule. In the event that the order with which the person failed to comply was an emergency cease and desist order, no penalty shall be assessed if it appears upon later hearing that said order was issued without reasonable cause.

(iii) The **commissioner department** by rule may establish classifications or levels of violations and the appropriate enforcement response.

(d) After submission for a penalty determination at a hearing, the **commissioner department** shall provide an opportunity for relevant and material public comment relative to any penalty that may be imposed.

(e) If the penalty assessed by the **commissioner department** is upheld in full or in part, the **commissioner department** shall be entitled to legal interest as provided in R.S. 9:3500 from the date of imposition of the penalty until paid. If any penalty assessed by the **commissioner department** under the provisions of this Paragraph is vacated or reduced as the result of an appeal of the assessment, the court shall award to the respondent legal interest as provided in R.S. 9:3500 on the amount required to be refunded by the **commissioner department**.

B. Whoever knowingly and willfully aids or abets a person in the violation of a law of this state relating to the conservation of oil or gas, or the violation of a provision of this **Chapter Title**, or any rule, regulation, or order made thereunder,

shall be subject to the same penalties provided herein in this Section for the principal violator.

§20. Illegal gas, etc., contraband; seizure and sale; procedure; disposition of proceeds

A. In addition to other remedies and penalties, all illegal oil, illegal gas, or illegal products, shall, except under the circumstances stated herein, be contraband and shall be seized and sold, and the proceeds applied as herein provided. The sale shall not take place unless the court shall find, in the proceeding provided for in this Subsection, that the commodity is contraband. Whenever the ~~commissioner~~ secretary believes that illegal oil, illegal gas, or illegal product is subject to seizure and sale, he shall, through the attorney general, bring a civil action in rem in the district court of the parish where the commodity is found. Or the action may be maintained in connection with any suit or reconventional demand for injunction or for penalty relating to any prohibited transaction involving the illegal oil, illegal gas, or illegal product. Any person in interest who shows himself to be adversely affected by the seizure and sale shall have the right to intervene in the suit to protect his rights.

\* \* \*

D. The court may direct the sheriff to deliver the custody of any contraband seized by him to a sequestrator who shall act as the agent of the court and shall give bond with surety as the court directs conditioned that he will faithfully conserve the contraband which comes into his custody and possession in accordance with the orders of the court. The court may appoint an agent of the ~~commissioner~~ secretary as sequestrator.

\* \* \*

§21. Fees and charges of the ~~commissioner of conservation~~ secretary; revisions; exceptions; collections; Oil and Gas Regulatory Dedicated Fund Account; creation; amounts; requirements

A. The ~~commissioner of conservation of the office of conservation~~ secretary shall periodically review the fees collected by his office, and, in addition to other

statutory authorization, may revise such fees pursuant to the rulemaking provisions of the Administrative Procedure Act.

B.(1)(a) There shall be an annual fee payable to the ~~office of conservation~~ **department**, in a form and schedule prescribed by the ~~office of conservation~~ **department**, by oil and gas operators on capable oil wells and capable gas wells based on a tiered system to establish parity on a dollar amount between the wells. The tiered system shall be established annually by rule on capable oil and capable gas production, including nonexempt wells reporting zero production during the annual base period, such that the amount generated does not exceed three million six hundred seventy-five thousand dollars for each fiscal year beginning with Fiscal Year 2015-2016. Incapable oil, stripper oil, incapable gas well gas, and incapable oil well gas shall be exempt from the fee. For the purposes of this Subsection, "capable oil" means crude oil and condensate not classified as incapable oil or stripper oil by the Department of Revenue. "Capable gas" means natural and casing head gas not classified as incapable gas well gas or incapable oil well gas by the Department of Revenue.

(b) There shall be an annual fee payable to the ~~office of conservation~~ **department**, in a form and schedule prescribed by the ~~office of conservation~~ **department**, on Class I wells in an amount not to exceed one million dollars for Fiscal Year 2015-2016 and thereafter.

(c) There shall be an annual regulatory fee payable to the ~~office of conservation~~ **department**, in a form and schedule prescribed by the ~~office of conservation~~ **department**, on Class II wells, Class III wells, storage wells, Type A facilities, and Type B facilities in an amount not to exceed two million one hundred eighty-seven thousand five hundred dollars for Fiscal Year 2015-2016 and thereafter. No fee shall be imposed on a Class II well of an operator who is also an operator of a stripper crude oil well or incapable gas well certified pursuant to R.S. 47:633 by the severance tax division of the Department of Revenue and located in the same field as such Class II well.

(d) There shall be an application fee payable to the ~~office of conservation~~ **department**, in a form and schedule prescribed by the ~~office of conservation~~ **department**,

department, by industries under the jurisdiction of the ~~office of conservation~~ department. In addition to any other fee that is on the schedule on July 1, 2015, the ~~commissioner~~ secretary may collect the following fees:

\* \* \*

(e) For the purposes of this Paragraph, exploration and production waste shall not include produced brine, produced water, or salvageable hydrocarbons bound for permitted salvage oil operators. There shall be a monthly fee payable to the ~~office of conservation~~ department of two cents per barrel of exploration and production waste delivered, as reported on a form prescribed by the department to collect commercial facilities monthly report of waste receipts, from the original generator of the waste to the following facilities:

(i) ~~office of conservation~~ department-permitted off-site commercial facilities.

(ii) Transfer stations permitted by the ~~office of conservation~~ department for waste transfer to out-of-state treatment or disposal facilities.

(iii) Any other legally permitted Louisiana off-site waste storage, treatment, or disposal facilities also approved by the ~~office of conservation~~ department for the receipt of exploration and production waste.

(2)(a) There is hereby established a special statutorily dedicated fund account in the state treasury to be known as the Oil and Gas Regulatory Dedicated Fund Account, hereafter referred to as the "account". After deposit in the Bond Security and Redemption Fund and after a sufficient amount is allocated from that fund to pay all the obligations secured by the full faith and credit of the state that become due and payable within each fiscal year, the treasurer shall pay into the account an amount equal to the monies generated from collection of the fees provided for in this Title, R.S. 40:1749.11 et seq., or Title 47 of the Louisiana Revised Statutes of 1950, the rules and regulations promulgated thereunder, any fines and civil penalties or any other provision of law relative to fees, fines, or civil penalties attributable to the ~~office of conservation~~ department, and fifty percent of any annual assessment paid by an operator who chooses not to plug a well classified as inactive with the remainder being deposited into the Oilfield Site Restoration Fund.

(b) Monies deposited into the account shall be categorized as fees and self-generated revenue for the sole purpose of reporting related to the executive budget, supporting documents, and general appropriation bills. The monies credited to the account shall be appropriated by the legislature and dedicated solely to the use of the ~~office of conservation~~ **department** for the regulation of the oil and gas industry and other industries under the jurisdiction of the ~~office of conservation~~ **department** and shall be used solely for the purposes of that program. Any monies remaining in the account at the end of any fiscal year shall remain with the account and shall not revert to the state general fund. All interest or earnings of the account shall be credited to the account. All fees and self-generated revenue remaining on deposit for the ~~office of conservation~~ **department** at the end of any fiscal year shall be deposited into the account. The amount appropriated from the account to the ~~office of conservation~~ **department** shall be subject to appropriation by the legislature.

\* \* \*

**§21.1. Natural Resources Financial Security Fund**

**A.(1) There is hereby created, in the state treasury, a special fund to be known as the Natural Resources Financial Security Fund, hereinafter referred to as the "fund". The fund shall be used exclusively to support the Department of Conservation and Energy in administering, managing, and responding to financial security obligations related to oil and gas, injection and mining, surface mining, solar, wind, or any other natural resource or energy-related regulatory program for which financial security or financial assurance are required by law or regulation.**

**(2) Out of the funds remaining in the Bond Security and Redemption Fund, after a sufficient amount is allocated from that fund to pay all the obligations secured by the full faith and credit of the state that become due and payable within each fiscal year, the treasurer shall pay into Natural Resources Financial Security Fund an amount equal to the revenues generated from collection of the payments provided for in Subsection C of the Section.**

(3) The funds received shall be placed in the Natural Resources Financial Security Fund in the custody of the state treasurer to be used only in accordance with this Part and shall not be placed in the general fund. The funds provided to the trust authority pursuant to this Section shall at all times be and remain the property of the trust authority. The monies in this fund shall be used solely as provided in this Section and only in the amount appropriated by the legislature. All unexpended and unencumbered monies remaining in this fund at the end of the fiscal year shall remain in the fund. Except for the pledge of the revenues provided in R.S. 30:83.1, it is the intent of the legislature that this fund and its increments shall remain intact and inviolate. Any interest or earnings of the fund shall be credited only to the fund.

B. The fund shall be administered by the Natural Resources Trust Authority in consultation with the Mineral and Energy Board.

C. The fund shall consist of:

(1) Annual payments, premiums, or fees collected from operators participating in financial security programs administered by the Natural Resources Trust Authority;

(2) Appropriations, donations, grants, or other public or private sources received for the purposes of the fund:

(3) Investment earnings on monies in the fund:

(4) Any other funds lawfully designated for deposit into the fund.

D. Monies in the fund shall be used solely for the following purposes:

(1) To restore regulated sites for which financial security payments have been collected under programs administered by the department.

(2) To reimburse other funds, including the Oilfield Site Restoration Fund, for costs incurred in addressing obligations covered by financial security programs.

(3) To provide a financial backstop for unfunded or underfunded regulatory obligations related to covered operators.

(4) To cover administrative and program costs associated with managing financial security instruments, including but not limited to risk assessment,

compliance monitoring, rulemaking, legal services, actuarial evaluations, and reporting.

(5) Upon certification by the Natural Resources Trust Authority that plugging or remediation has occurred for a site covered for which the department has collected financial security, the state treasurer is authorized and directed to transfer from the Natural Resources Financial Security Fund to the Oilfield Site Restoration Fund the amount necessary to reimburse related expenditures.

E. Effective July 1, 2026, all financial security instruments, including but not limited to bonds, letters of credit, insurance products, cash deposits, site-specific trust accounts, and guarantees currently held or managed under the Oilfield Site Restoration Fund pursuant to R.S. 30:86-88 or any related provision, shall be transferred to and administered under the Natural Resources Financial Security Fund. The Natural Resources Trust Authority, in consultation with the state treasurer, shall implement the transfer of instruments and associated records in a manner that preserves financial integrity and ensures continuity of obligations.

\* \* \*

§22. Underground storage of natural gas, liquid hydrocarbons, and carbon dioxide

\* \* \*

B. Prior to the use of any underground reservoir for the storage of natural gas and prior to the exercise of eminent domain by any person, firm, or corporation having such right under laws of the state of Louisiana, and as a condition precedent to such use or to the exercise of such rights of eminent domain, the ~~commissioner~~ secretary, after public hearing pursuant to the provisions of R.S. 30:6, shall have found all of the following:

\* \* \*

C. Prior to the use of any underground reservoir for the storage of liquid hydrocarbons or carbon dioxide, the ~~commissioner~~ secretary, after public hearing pursuant to the provisions of R.S. 30:6, shall have found all of the following:

\* \* \*

D. The ~~commissioner~~ secretary shall determine with respect to any such underground reservoir proposed to be used as a storage reservoir, whether or not such reservoir is fully depleted of the original commercially recoverable natural gas, condensate, or liquid hydrocarbon content therein. If the ~~commissioner~~ secretary finds that such reservoir has not been fully depleted, the ~~commissioner~~ secretary shall determine the amount of the remaining commercially recoverable natural gas, condensate, or liquid hydrocarbon content of such reservoir.

E. The ~~commissioner~~ secretary may issue any necessary order providing that all natural gas, liquid hydrocarbons, or carbon dioxide which has previously been reduced to possession and which is subsequently injected into an underground storage reservoir shall at all times be deemed the property of the injector, his successors and assigns; and in no event shall such gas, liquid hydrocarbons, or carbon dioxide be subject to the right of the owner of the surface of the lands or of any mineral interest therein under which such underground storage reservoir shall lie or be adjacent to or of any person other than the injector, his successors, and assigns to produce, take, reduce to possession, waste, or otherwise interfere with or exercise any control thereover, provided that the injector, his successors, and assigns shall have no right to gas or liquid hydrocarbons in any stratum or portion thereof not determined by the ~~commissioner~~ secretary to constitute an approved underground storage reservoir. The ~~commissioner~~ secretary shall issue such orders, rules, and regulations as may be necessary for the purpose of protecting any such underground storage reservoir, strata, or formations against pollution or against the escape of natural gas, liquid hydrocarbons, or carbon dioxide therefrom, including such necessary rules and regulations as may pertain to the drilling into or through such underground storage reservoir.

§23. Underground storage of liquid or gaseous hydrocarbons or both, carbon dioxide, hydrogen, nitrogen, ammonia, compressed air, or noble gases not otherwise prohibited by law

\* \* \*

B. Except as to liquid or gas hydrocarbon, carbon dioxide, hydrogen, nitrogen, ammonia, compressed air, or noble gas storage projects begun before the

effective date of this Section, and prior to authorizing the use of any salt dome cavity for the storage of liquid or gaseous hydrocarbons or carbon dioxide, the ~~assistant~~ secretary, after public hearing pursuant to the provisions of R.S. 30:6, shall have found all of the following:

\* \* \*

C. After having made the findings required in Subsection B of this Section, the ~~commissioner~~ secretary shall transmit a copy of the application, together with his findings, to the natural resources committees of the Senate and House of Representatives. These committees, meeting jointly, shall consider the facts surrounding the application and the findings of the ~~commissioner~~ secretary and may hold public hearings thereon. Based upon its deliberations, the committees, acting jointly, may submit a report and recommendations to the ~~commissioner~~ secretary within fifteen days after receipt of the application. After consideration of any recommendations so made, the ~~commissioner~~ secretary may issue all necessary orders providing that liquid or gaseous hydrocarbons, carbon dioxide, hydrogen, nitrogen, ammonia, compressed air, or noble gases not otherwise prohibited by law, previously reduced to possession and which are subsequently injected and stored in a salt dome cavity, shall at all times be deemed the property of the injector, his successors, or assigns, subject to the provisions of any contract between the owner or owners of the solid mineral or land overlying the area affected as determined by the ~~commissioner of conservation~~ secretary; and providing further that in no event shall the owner of the surface of the lands or water bottoms or of any mineral interest under or adjacent to which such salt dome cavity may lie, or any other person, be entitled to any right or claim in or to such liquid or gaseous hydrocarbons, carbon dioxide, hydrogen, nitrogen, ammonia, compressed air, or noble gases not otherwise prohibited by law stored therein, including the right to produce, take, reduce to possession, waste, or otherwise interfere with or exercise any control thereover. The ~~commissioner~~ secretary shall issue necessary orders, rules, and regulations for the protection from pollution of any salt dome cavity used for storage of liquid or gaseous hydrocarbons, carbon dioxide, hydrogen, nitrogen, ammonia, compressed air, or noble gases not otherwise prohibited by law, or any adjacent strata or

formation; and such rules and regulations as may be necessary pertaining to surface storage facilities for the protection of the environment, drilling into any salt dome for the creation of cavities, and equipping of same for the injection, storage, and withdrawal of liquid or gaseous hydrocarbons, carbon dioxide, hydrogen, nitrogen, ammonia, compressed air, or noble gases not otherwise prohibited by law. Subject to the exception provided in Subsection B of this Section, the ~~commissioner~~ secretary shall not allow the use of any salt dome in the state of Louisiana for the purposes mentioned herein until such time as he has prepared and promulgated the regulations required herein according to the Administrative Procedure Act, R.S. 49:950 et seq. In addition, the ~~commissioner~~ secretary shall issue necessary orders, rules, and regulations for the protection of the rights of owners of parts of the salt dome which are adjacent to any part thereof sought to be used for the storage of liquid or gaseous hydrocarbons, carbon dioxide, hydrogen, nitrogen, ammonia, compressed air, or noble gases not otherwise prohibited by law.

D.(1) In furtherance of the development of comprehensive energy policy for the state, the secretary of the Department of Energy and Natural Resources shall determine the feasibility of initiating projects, by the state or by contract on behalf of the state, for the storage of emergency supplies of state-owned oil and gas, carbon dioxide, hydrogen, nitrogen, ammonia, compressed air, or noble gas not otherwise prohibited by law. The determination shall include consideration of the techniques, costs, quantities of oil and gas, carbon dioxide, hydrogen, nitrogen, ammonia, compressed air, or noble gas not otherwise prohibited by law available for such purpose and priorities for allocation in time of emergency.

(2) Upon presentation of the findings and determination by the secretary to the committees on natural resources of the Senate and House of Representatives and approval by said committees of any such projects, the secretary shall authorize the ~~commissioner of conservation~~ secretary to initiate such procedures as the ~~commissioner~~ secretary deems necessary within the scope of his authority under Chapter 7 of this Title and the constraints of this Section to accomplish the purposes hereof.

§23.1. Recordation of notice of solution mined cavern

A. The owner or operator of a solution mined cavern shall record the survey plat of the well location for the solution mining injection well in the mortgage and conveyance records of the parish in which the property is located. Such notice shall be made in a form approved by the ~~commissioner~~ secretary and within the time specified by the ~~commissioner~~ secretary. If an owner or operator fails or refuses to record such notice, the ~~commissioner~~ secretary may, if he determines that the public interest requires, and after due notice and an opportunity for a hearing has been given to the owner and operator, cause such notice to be recorded. The clerk of court shall forward to the ~~office of conservation~~ department a copy of each notice recorded by an owner or operator in accordance with this Subsection.

\* \* \*

§25. Closure of production pits in the wetlands

A.(1) \* \* \*

(2) Each production pit located within the inland tidal waters, lakes bounded by the Gulf of Mexico, and saltwater marshes shall be closed by January 1, 1993. The Department of Energy and Natural Resources ~~through the office of conservation~~ shall adopt rules to enforce the provisions of this Section and may issue compliance orders, cease and desist orders, and other orders as are necessary to enforce the requirements of this Section and the rules of the department.

(3) The exemptions and exceptions for production pits located within the inland tidal waters, lakes bounded by the Gulf of Mexico, and saltwater marshes provided for by the rules of the Department of Energy and Natural Resources, ~~office of conservation~~ in Statewide Order No. 29-B, Section XV, Paragraph 2.2(K) and (M) are hereby declared null, void, and without effect. After June 30, 1989, no new production pits shall be constructed within the inland tidal waters, lakes bounded by the Gulf of Mexico, and saltwater marshes.

\* \* \*

(5) The ~~commissioner of conservation~~ secretary may grant an extension of time within which to close production pits, not to exceed two years from January 1, 1993, provided that there is a clear showing that the production pit for which the extension is sought is being operated in such a manner so as to assure the protection

of soil, surface water, wildlife, aquatic life, and vegetation. The department ~~through the office of conservation~~ in consultation with the Department of Environmental Quality shall adopt rules and regulations regarding the operating standards which must be followed in order to qualify for such extension of time to close said production pit in accordance with the provisions of this Section no later than April 1, 1990.

(6) The ~~commissioner~~ secretary may grant an exemption from the closure requirements of this Section for any onshore terminal pit in existence on June 30, 1989, provided that there is a clear showing that such pit is being operated in such a manner so as to assure the protection of soil, surface water, wildlife, aquatic life, and vegetation. The ~~commissioner~~ secretary in consultation with the Department of Environmental Quality shall adopt rules and regulations regarding the operating standards of such onshore terminal pits which must be followed in order to qualify for such exemption no later than April 1, 1990.

(7) No permit or approval from any agency, department, or authority other than the Department of Energy and Natural Resources, ~~office of conservation~~ shall be required or sought in connection with any activity mandated by, arising out of, or resulting from the requirements of this Section.

\* \* \*

D. Civil penalties may be imposed only by a ruling of the ~~commissioner~~ secretary pursuant to an adjudicatory hearing held in accordance with the Administrative Procedure Act, R.S. 49:950 et seq. In determining the amount of the fine to be imposed upon a violator, the ~~commissioner~~ secretary may consider the nature of the violation, the economic benefit of the violation to the violator, previous violations, any damage or harm caused by the violation, the degree of compliance, and whether the violator has acted in good faith.

E. The ~~commissioner~~ secretary may institute civil proceedings in the Nineteenth Judicial District Court to enforce its rulings. In the event judgment is rendered in said court affirming the civil penalties assessed, the court shall also award to the department reasonable attorney fees and judicial interest on said civil penalties from the date of its assessment by the department until paid and all costs.

F. The ~~commissioner~~ secretary may institute civil proceedings in the Nineteenth Judicial District Court seeking injunctive relief to restrain and prevent violations of the provisions of this Part or of the rules and regulations adopted under the provisions of this Part. If the court grants the injunctive relief sought by the department it shall also award reasonable attorney fees and costs to the department.

\* \* \*

§26. Applications and notification of completeness

A. Notwithstanding any other law to the contrary, the secretary of the Department of Energy and Natural Resources ~~and the commissioner of conservation~~ shall, after notification by the department to the applicant that the application is complete, grant or deny all applications for all permits, licenses, registrations, or compliance in this or any other Title within sixty days. The notification of completeness shall be issued within fourteen days, exclusive of holidays, by the department. If the application is not complete the department shall notify the applicant in writing of the deficiencies which cause the application not to be complete. If the secretary or the ~~commissioner~~ secretary does not grant the application, the secretary or the ~~commissioner~~ secretary shall provide written reasons for his decision to deny, and copies of the decision shall be provided to all parties. The secretary and the ~~commissioner~~ secretary may delegate the power to grant permits, licenses, registrations, variances, or compliance schedules to an assistant.

\* \* \*

§27. Authorization to enter lands of another

A. When the consent of a property owner has not been otherwise obtained, the issuance of a work order or compliance order by the ~~commissioner of conservation~~ secretary or his agents shall constitute sufficient authorization for the operator, agents of the operator, or persons acting on behalf of the operator to enter the lands of another person, whether or not such operator or persons hold a valid lease regarding such property, for the purposes of conducting site assessments, site restoration, pit closure, plugging and abandonment operations, or any other matter covered by said work order or compliance order issued under the provisions of Title

30 of the Louisiana Revised Statutes of 1950, or regulations adopted thereunder. The entering of the lands of another under the provisions of this Section shall be subject to the following:

\* \* \*

D. Failure of the holder of the work order or compliance order to seek relief before a court of competent jurisdiction shall not affect that parties' duties and obligations under said Title 30 or the rules, regulations, and orders of the ~~office of conservation~~ **department**, nor shall it constitute a defense to any civil penalty issued due to noncompliance with the orders of the ~~commissioner of conservation~~ **secretary**.

\* \* \*

F. No party to whom a work order or compliance order is issued shall be deemed to be a public employee or an agent of the ~~office of conservation~~ **department**.

\* \* \*

§28. Drilling permits; issuance; fees; location plat; notice and hearing; funds from drilling permit fees

A. No well or test well may be drilled in search of minerals without first obtaining a permit from the ~~commissioner of conservation~~ **secretary**, and the ~~commissioner~~ **secretary** shall collect for each such well or test well a drilling permit fee. The ~~commissioner~~ **secretary** shall periodically review the fees collected by his office for drilling permits and may revise such fees pursuant to the rulemaking provisions of the Administrative Procedure Act.

\* \* \*

C. For each drilling permit that must be altered, amended, or changed after its initial issuance, the ~~commissioner~~ **secretary** shall collect an amendment fee which shall be set pursuant to the Administrative Procedure Act, except for unit well nomenclature. An assignment or contract of sale that reflects an assumption of liability for oil and gas wells requires an amended permit. Any person who assumes such liability shall apply for an amended permit within thirty days of the assumption of liability.

D. The ~~commissioner of conservation~~ **secretary** shall not issue a permit to drill a well or a test well pursuant to Subsection A, B, or C of this Section until the provisions of this Subsection have been satisfied:

\* \* \*

(2) The ~~commissioner of conservation~~ **secretary** shall review the location plat and make a determination as to whether any residential or commercial structure or area of review for a carbon dioxide storage facility not owned by the applicant, his lessor, or other predecessor in interest is situated within a five-hundred-foot radius of the proposed drilling site. For purposes of this Section, "carbon dioxide storage facility" shall include any current or proposed project for which a Class VI permit has been applied or issued, and "area of review" shall have the same meaning as that term is defined in administrative rules regarding Class VI injection wells.

(3) Upon a determination by the ~~commissioner~~ **secretary** that a residential or commercial structure or area of review for a carbon dioxide storage facility is located within five hundred feet of the proposed drilling site, the ~~commissioner~~ **secretary** shall convey that information, together with written notice of a public hearing thereon, by means of an official notice delivered by first class mail to any person owning a residential or commercial structure within a five-hundred-foot radius of the proposed site, to the operator of a carbon dioxide storage facility whose area of review is within a five-hundred-foot radius of the proposed site, and to the local governing authority in whose jurisdiction the property is located.

\* \* \*

(5) The ~~commissioner~~ **secretary** shall hold a public hearing, if one is requested, on the issues concerning the proposed drilling, affording residential and commercial property owners and local government representatives the opportunity to be heard in regard thereto.

(6) No permit for drilling a well or test well shall be issued by the ~~commissioner~~ **secretary** until after the conclusion of the public hearing and after consideration by the ~~commissioner~~ **secretary** of the comments and information presented at that hearing.

(7) If the ~~commissioner~~ secretary, in his review of the location plat required by Paragraph (2) of this Subsection, determines that no residential or commercial structure or area of review for a carbon dioxide storage facility not owned by the applicant, his lessor, or other predecessor in interest falls within five hundred feet of the proposed well site, the ~~commissioner~~ secretary shall issue the permit required for such drilling in accordance with the provisions of Subsections A, B, C, and F of this Section and any rules and regulations issued thereunder.

\* \* \*

F. The issuance of the permit by the ~~commissioner of conservation~~ secretary shall be sufficient authorization to the holder of the permit to enter upon the property covered by the permit and to drill in search of minerals thereon. No other agency or political subdivision of the state shall have the authority, and they are hereby expressly forbidden, to prohibit or in any way interfere with the drilling of a well or test well in search of minerals by the holder of such a permit.

G. The ~~commissioner~~ secretary shall promulgate rules, regulations, and orders necessary to require certification of water quality by the operator for surface water used in conjunction with oil and gas drilling operations before drilling begins which ensure ground water aquifer safety.

H. Subject to the provisions contained in Article VII, Section 9 of the Constitution of Louisiana, all funds collected under the provisions of this Section shall be paid by the ~~office of conservation~~ department into the state treasury and shall be credited to the Bond Security and Redemption Fund.

I.(1) The ~~commissioner~~ secretary, in accordance with the Administrative Procedure Act, shall promulgate rules, regulations, and orders necessary to require an operator, agent, or assigns, to provide a single notice to the surface owner of lands on which drilling operations are to be conducted. For the purposes of this Subsection, such notice shall be referred to as the "pre-entry notice". The rules, regulations, and orders to be promulgated pursuant to this Subsection shall include the following:

(a) The pre-entry notice shall be sent to the surface owner no less than thirty days prior to construction operations of a drilling location on the property by the operator for the purpose of commencing drilling operations on the well described in

the pre-entry notice. Such notice shall be provided in the form required by the ~~commissioner~~ secretary. No subsequent notice to the surface owner shall be required.

\* \* \*

(d) Upon application, the ~~commissioner~~ secretary may, without notice or hearing, waive the pre-entry notice or reduce the thirty-day requirement for such notice in the event the thirty-day delay would result in the loss or termination of a mineral lease, or in the event of such other emergency circumstances as the ~~commissioner~~ secretary may deem appropriate for such waiver.

\* \* \*

(g) Such other matters as the ~~commissioner~~ secretary may deem necessary or appropriate to implement the one time pre-entry notice required by this Subsection.

\* \* \*

J. No later than thirty days after the issuance of an amended permit to transfer a well to another operator, the ~~commissioner~~ secretary shall require that the operator identify on a form approved by the ~~commissioner~~ secretary the surface owner of lands on which the well site is located. "Surface owner" shall mean the person shown in the assessor's rolls of the parish as the current owner of the surface rights for the land on which the well site is located.

§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 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, 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.

\* \* \*

#### §41. Production of gas in excess of market demands, proportionate production

In order to conserve the natural gas in the state, whenever the full production from any common source of supply of natural gas is in excess of the market demand, then any person having the right to produce gas from the common source of supply, may take therefrom only such proportion of the natural gas that may be marketed without waste, as the natural flow of the well or wells owned or controlled by the person bears to the total natural flow of the common source of supply having due regard to the acreage drained by each well, so as to prevent the person from securing an unfair proportion of the gas therefrom. The ~~commissioner of conservation of Louisiana~~ **secretary of the Department of Conservation and Energy** may by proper order, permit the taking of a greater amount whenever he deems it reasonable or equitable.

#### §42. Right to purchase gas

Every person, engaged in the business of purchasing and selling natural gas in this state, shall be a common purchaser thereof, and shall purchase all of the natural gas which may be offered for sale which may be brought in pipes and connecting lines by the owner or proposed seller to its trunk lines, at the sellers'

expense, or to its gathering lines, without discrimination in favor of one producer as against another, or in favor of any one source of supply as against another save as authorized by the ~~commissioner of conservation~~ secretary after due notice and hearing. If a person is unable to purchase all the gas offered, then he shall purchase natural gas from each producer ratably, and each common purchaser of gas shall have the same right to purchase the production of a gas well that is not being utilized under the conditions of this Section. In the event the owner of the well refuses to sell, the common purchaser shall have the same rights of action against the owner as the seller has against the common purchaser who refuses to buy, and the seller refusing to sell shall be subject to the same penalties as are provided against the common purchaser who refuses to buy. This Section shall not affect in any way a municipal corporation engaged in buying and selling natural gas.

\* \* \*

§44. Gas to be measured by meter

All gas produced from the deposits of this state when sold shall be measured by meter and the ~~commissioner of conservation~~ secretary shall, upon notice and hearing, relieve any common purchaser from purchasing gas of an inferior quality or grade, and the ~~commissioner~~ secretary shall from time to time make such regulations for delivery, metering and equitable purchase and taking as conditions may necessitate.

§45. ~~Commissioner of conservation~~ Secretary to enforce Part

The ~~commissioner of conservation~~ secretary shall see that the provisions of this Part are fully and properly complied with and the district attorney in whose district a violation takes place shall, on application, bring suit if necessary to enforce the provisions of this Part. Any injunction which may be necessary shall be furnished without bond.

\* \* \*

§48. Average specific gravity; average flowing temperature; field rules

A. The ~~commissioner of conservation~~ secretary is hereby authorized and empowered, in the absence of the availability of satisfactory actual data based upon observed or recorded specific gravity and flowing temperature determinations, to

determine the average specific gravity, and average flowing temperature of the gas at the point of measurement, as produced in each oil or gas field or pool in Louisiana, which after being so determined shall be used to calculate the standard cubic foot.

B. If for any reason the ~~commissioner of conservation~~ secretary has not so determined such average specific gravity and average flowing temperature of the gas produced in any oil or gas field or pool in Louisiana, the average specific gravity shall be assumed to be six-tenths and the average flowing temperature shall be assumed to be sixty degrees Fahrenheit.

C. In the event that the ~~commissioner of conservation~~ secretary finds the necessity therefor upon the request of any interested party, the ~~commissioner of conservation~~ secretary shall give notice and hold a public hearing before making such determinations. Promptly upon such determination the ~~commissioner of conservation~~ secretary shall make and publish such finding and promulgate such reasonable field rules as may be necessary to effectuate the provisions of this Part.

D. Any person, association of persons, or corporation shall be permitted to use the findings and field rules of the ~~commissioner of conservation~~ secretary for all purposes under this Part, but if such findings or field rules are not so used in determining volumes under this Part, the volumes so otherwise determined shall be corrected to the basis of the "standard cubic foot of gas" as defined in R.S. 30:47. Nothing herein shall ever prevent the use of actual recorded values and actual test data where available, for all purposes under this Part, and the ~~commissioner of conservation~~ secretary has been informed in writing of the intent so to use actual recorded values and actual test date.

\* \* \*

§61. Exploitation of natural resources by ~~commissioner~~ secretary or employees prohibited

Neither the ~~commissioner of conservation~~ secretary nor any salaried officer or employee of the department shall be or become:

\* \* \*

§73. Definitions

As used in this Part, the following terms shall have the meaning ascribed to them in this Section, unless the context or use clearly indicates otherwise:

(1) "commissioner" means the ~~commissioner of the office of conservation~~ secretary of the Department of Energy and Natural Resources or his authorized representatives from the injection and mining division of that office.

\* \* \*

§74. Abandoned oilfield waste sites; notification; clean up

A.(1) Whenever any responsible person, owner, or operator of any abandoned waste site obtains information that indicates that oilfield waste is spilling, discharging, or otherwise escaping into, or on any land or water without appropriate authorization or permit, or is being treated, stored, handled, or disposed of in a manner contrary to applicable regulations of the ~~commissioner~~ secretary, such person shall notify the ~~office of conservation~~ department in accordance with regulations to be adopted.

(2) Upon receipt of the information required to be provided in Paragraph (1) of this Subsection, the ~~commissioner~~ secretary may order any responsible owner, operator, or person to take samples, monitor, or take action at the abandoned waste site to ascertain the nature and extent of any waste or discharge, or hazard. The ~~commissioner~~ secretary, upon failure or refusal by the responsible person, operator, or owner to comply with the orders, may undertake such activities and investigate the abandoned waste site, take samples to be analyzed, and may expend monies available for these purposes.

(3)(a) Prior to any sheriff's sale or public auction of any property related to the operation of oil and gas wells, the person seeking such sale shall notify the ~~commissioner~~ secretary of such sale not less than thirty days prior to such sale. Such sale shall not occur unless the ~~commissioner~~ secretary consents thereto in writing, and the sale shall include the wellbore unless specifically excluded from the sale. In the event the wellbore is not specifically excluded from the sale as provided herein, the sheriff or person seeking such a sale shall cause to be included in the notice of the sale and in the sale instrument a statement or notice that the purchaser shall be required to file the appropriate documents with the ~~office of conservation~~

**department** to become operator of record of the subject well pursuant to the provisions of R.S. 30:204.

(b) The ~~commissioner~~ **secretary** may, if he deems it appropriate to insure the proper plugging and abandonment of the wells and closure of the associated oilfield pits, retain a first lien and privilege on such property, which lien and privilege shall follow such property into the hands of third persons whether such persons are in good or bad faith. The ~~commissioner~~ **secretary** shall record a notice of such lien with the clerk of court in the parish in which the property is located and in which the sale is to occur. The lien and privilege may be enforced against any person in possession of the property in the same manner as a lien provided under the Louisiana Oil Well Lien Act.

(4) Failure to notify the ~~commissioner~~ **secretary** as provided in Paragraph (3) of this Subsection shall render the person seeking such a sale and the purchaser liable, in solido, to the ~~office of conservation~~ **department** for the fair market value of the property at the time of such seizure and sale.

B. Any failure or refusal by an owner or operator or responsible person to undertake such action as ordered by the ~~commissioner~~ **secretary** to take samples, monitor, contain, or clean up an abandoned oilfield waste site shall be a violation of this Chapter, and the commission, in order to prevent damage to public health, the environment, or an oil or gas strata, may immediately declare the site abandoned, notwithstanding the provisions of R.S. 30:75, and commence appropriate proceedings under this Chapter, including the recovery of penalties, revocation of any permit, closure of the site, or any combination thereof.

\* \* \*

§79. Recordation of notice of abandoned oilfield waste sites by landowner

A. In addition to the notice required under R.S. 30:74, any landowner who has notified the ~~office of conservation~~ **department** that his property contains an abandoned oilfield waste site or who owns property which has been identified by the ~~commissioner~~ **secretary** as an abandoned oilfield waste site pursuant to R.S. 30:75 shall cause notice of the identification of the location of the abandoned oilfield waste site to be recorded in the mortgage and conveyance records of the parish in which

the property is located. Such notice shall be made in a form approved by the ~~commissioner~~ secretary and within the time specified by the ~~commissioner~~ secretary. If a landowner fails or refuses to record such notice, the ~~commissioner~~ secretary may, if he determines that the public interest requires, and after due notice and an opportunity for a hearing has been given to a landowner, cause such notice to be recorded.

B.(1) If any person wishes to remove such notice, he shall notify the ~~commissioner~~ secretary prior to requesting the removal from the clerk of court in the parish where the property is located. The request shall specify the facts supporting removal of the notice, including any evidence that the oilfield waste no longer poses a potential threat to health or the environment. Upon finding that the oilfield waste no longer poses a potential threat to health or the environment, the ~~commissioner~~ secretary shall approve removal of the notice.

(2) If approval is granted by the ~~commissioner~~ secretary, the request may be made by affidavit to the clerk of court for the removal of the notice and it shall be removed. Within ten days after removal, the clerk of court shall send a notice of the removal to the ~~commissioner~~ secretary. If the ~~commissioner~~ secretary objects to the removal of such notice, or fails to make a final determination upon the request within ninety days, the person desiring to have the notice removed may petition the court in the parish where the property is located for removal of the notice and after a contradictory hearing between the landowner, the clerk of court, and the ~~commissioner~~ secretary or his designee, the court may grant such relief upon adequate proof by the petitioner that the property no longer contains the oilfield waste which may pose a potential threat to health or to the environment.

C. This Section shall not apply to any commercial operation which is operating under a permit issued by the ~~commissioner~~ secretary until such time as such notice is required by an order of the ~~commissioner~~ secretary, by a permit, or by rule or regulation applicable to such operation.

\* \* \*

§82. Definitions

As used in this Part, the following terms shall have the meanings ascribed to them in this Section, unless the context or use clearly indicates otherwise:

(1) "~~Assistant~~ secretary" means the ~~assistant~~ secretary of ~~the office of conservation within~~ the Department of Energy and Natural Resources or his authorized representatives.

\* \* \*

(7) "Nonproducing oilfield site" means an oilfield site which is not a producing oilfield site and which has not been declared an orphaned oilfield site by the ~~assistant~~ secretary.

\* \* \*

(11) "Responsible party" means the operator of record according to the ~~office of conservation~~ **department** records, who last operated the property on which the oilfield site is located at the time the site is about to be abandoned, ceases operation, or becomes an unusable oilfield site, and that operator's partners and working interest owners of that oilfield site. A working interest owner is the owner of a mineral right who is under an obligation to share in the costs of drilling or producing a well on the oilfield site.

\* \* \*

(14) "Site restoration" means any and all oilfield site restoration activities required of a responsible party of an oil or gas property by regulations adopted by the ~~office of conservation~~ **department** pursuant to this Subtitle, including without limitation plugging of oil and gas wells, pit closure, site remediation, and removal of oilfield equipment.

\* \* \*

§83. Oilfield site restoration; administration by the Department of Energy and Natural Resources

A. The Natural Resources Trust Authority, under the direction of the secretary and subject to oversight by the State Mineral and Energy Board pursuant to R.S. 36:356.1, is authorized to perform the following functions related to oilfield site restoration:

\* \* \*

(5) Review administration of site restoration activities and review the adequacy of site restoration assessments and reopen the funding needs and arrangements for site-specific trust accounts every four years. However, unless the oilfield site is transferred from one party to another after the adoption of a standard for evaluation, site-specific trust accounts established prior to the adoption of a standard for evaluation by the Department of Energy and Natural Resources, ~~office of conservation~~ shall not be reassessed if the operator of record provides to the office on an annual basis, utilizing the methodology in use at the time that the site-specific trust account was established, proof that the security is adequate to ensure proper closure of the wells upon completion of activity.

\* \* \*

(7) Perform any function authorized by this Part or which is consistent with its purpose and not otherwise assigned by this Part to the secretary ~~or assistant secretary~~.

\* \* \*

§83.1. Authorization of bonds

\* \* \*

B.(1)

\* \* \*

(3) The secretary, the undersecretary, and the Natural Resources Trust Authority are hereby authorized to execute loan, reimbursement, investment, and bond purchase agreements, and all documents as may be necessary or desirable to carry out the provisions of this Section and are further authorized to take any and all further actions and execute and deliver all other documents as may be necessary in connection with the issuance of any bonds, notes, certificates, reimbursement obligations, or other evidences of indebtedness referred to in this Section. The provisions of R.S. 9:2347(J) **and R.S. 39:112(G)** shall not apply to bonds or any contractual obligation, including the pledge of state funds, to be undertaken or incurred in connection therewith.

\* \* \*

§85. Powers of the ~~assistant~~ secretary

A. The powers of the assistant secretary shall include without limitation the power to do the following, subject to the supervision of the secretary:

(1) Adopt and promulgate rules and regulations implementing the administration of this Part.

(2) Perform such specific functions as may be enumerated by the provisions of this Part.

(3) The ~~assistant~~ secretary shall perform all regulatory functions imposed by this Part.

\* \* \*

C. The aforementioned powers shall be in addition to and shall not limit the powers conferred on the ~~assistant~~ secretary in other provisions in this Title or any other pertinent provision of any state or federal law or regulation.

§86. Oilfield Site Restoration Fund

A.(1) \* \* \*

(2) Out of the funds remaining in the Bond Security and Redemption Fund, after a sufficient amount is allocated from that fund to pay all the obligations secured by the full faith and credit of the state that become due and payable within each fiscal year, the treasurer shall pay into the Oilfield Site Restoration Fund an amount equal to the revenues generated from collection of the fees provided for in Subsection D of this Section. ~~The treasurer shall also transfer into the Oilfield Site Restoration Fund the amount of thirty million dollars in federal funding from the first federal funds received by the state for which oilfield site restoration or plugging orphan wells is an allowable use, as determined by the Joint Legislative Committee on the Budget.~~ Such funds shall constitute a special custodial trust fund which shall be administered by the Natural Resources Trust Authority, which shall make disbursements from the fund solely in accordance with the purposes and uses authorized by this Part.

\* \* \*

D. The following monies shall be placed into the Oilfield Site Restoration Fund:

\* \* \*

(8) Any sums collected from financial security instruments required by rules and regulations adopted by the ~~assistant~~ secretary pursuant to R.S. 30:4(R) and 4.3. However, the monies collected from each financial security instrument tied to a specific well or wells shall not be used for any oilfield sites other than those for which the financial security was provided.

(9) ~~The sum of thirty million dollars from the first federal funds received by the state for which oilfield site restoration or plugging orphan wells is an allowable use, as determined by the Joint Legislative Committee on the Budget~~ **Monies paid to the department pursuant to a site restoration contribution agreement entered into pursuant to R.S. 30:93(C).**

(10) ~~Monies from federal appropriations or any federal grant program established by the United States Congress for the purpose of restoring orphan oilfield sites.~~

~~(11)~~ Any other source of funding for which restoring orphan oilfield sites is an allowable use, as determined by the Joint Legislative Committee on the Budget.

E. Except as otherwise provided in this Section, the monies in the fund may be disbursed and expended pursuant to the authority and direction of the secretary or the Natural Resources Trust Authority for the following purposes and uses:

\* \* \*

(6) Upon approval of the trust authority, up to five hundred thousand dollars per fiscal year for the ~~office of conservation~~ **department** to act alone, or in conjunction with the voluntarily participating parties, for the assessment and restoration of commercial oilfield waste disposal facilities used for the storage, treatment, or disposal of non-hazardous oilfield waste for a fee or other consideration, which were abandoned, leaving no financially responsible owner, operator, or bonding company, in accordance with the plan of closure as required in the permit, or if the permit did not provide a plan of closure, a plan approved by the trust authority; however, a responsible person shall not be released from his duty or liability, if any, imposed by this Section.

(7) ~~Except for the costs of administration of this Part by the Department of Energy and Natural Resources not exceeding the limitations set by the United States Congress or administering federal agency for the federal funds appropriated or granted, the monies deposited into the fund pursuant to Paragraphs (D)(9), (10), and (11) of this Section shall be used only for the purposes of assessing and restoring orphan oilfield sites. Notwithstanding any other requirements in this Part, the monies may be expended by the secretary through a contract entered into under any competitive process authorized by Title 38 or 39 of the Louisiana Revised Statutes of 1950. The contract may be awarded to any qualified party whether or not the party is on the approved list of contractors acceptable to conduct site assessment and restoration by the trust authority.~~ **Upon approval of the trust authority, expenditures consistent with a site restoration contribution agreement entered into pursuant to R.S. 30:03(C).**

F. In addition to the disbursements and expenditures authorized by Subsection E of this Section, not less than one million dollars or twenty percent of the amount appropriated to the fund, whichever is less, annually shall be used to plug orphaned wells drilled to a depth less than three thousand feet in the Shreveport District and the Monroe District of the ~~office of conservation~~ **Department of Conservation and Energy** beginning Fiscal Year 2016-2017 and through the end of Fiscal Year 2021-2022. However, these monies are subject to being disbursed and expended for any costs associated with response to any emergency as provided in R.S. 30:6.1.

G. Upon declaration of an emergency as defined in R.S. 30:6.1, the ~~assistant~~ secretary shall notify the trust authority and the State Mineral and Energy Board of the declared emergency. Upon notification, the trust authority, in consultation with the State Mineral and Energy Board, may direct that no monies in the fund be disbursed or spent for response activity related to the emergency declaration.

H. At the direction of the secretary or the Natural Resources Trust Authority, ~~federal monies dedicated pursuant to Paragraph (D)(9) or (10) of this Section~~ **monies from federal appropriations or any federal grant program established by the United States Congress for the purpose of restoring orphan oilfield sites** shall be

placed into the department's federal funds account instead of the Oilfield Site Restoration Fund, but such money shall otherwise be subject to the same requirements applicable to money identified in Paragraph (D)(9) or (10) of this Section. Except for administrative costs not exceeding federal limits as set by Congress or the administering federal agency, all such federal monies shall be used exclusively for orphan oilfield site assessment and restoration, including plugging of orphan wells.

I. Notwithstanding any other provision of this Part, such monies from the Oilfield Site Restoration Fund may be expended by the secretary through contracts entered into under any competitive process authorized by Title 38 or 39 of the Louisiana Revised Statutes of 1950.

J. Notwithstanding any provision of law to the contrary, for any oilfield site restoration project funded in whole or in part with monies from the Oilfield Site Restoration Fund, federal funds, or a combination of such funds, and delivered using the construction management at risk method as authorized in R.S. 38:2225.2.4, the contractor selected under the construction management at risk process shall not be required to be included on any pre-approved list of contractors acceptable to conduct site assessment and site restoration.

\* \* \*

§88. Oilfield site trust accounts

\* \* \*

B. In the event the parties to a transfer elect to establish a site-specific trust account under this Section, the ~~assistant~~ secretary shall require an oilfield site restoration assessment to be made to determine the site restoration requirements existing at the time of the transfer, or at the time the site-specific trust account is established. The oilfield site restoration assessment shall be conducted by approved site assessment contractors appearing on a list approved by the trust authority or acceptable to the trust authority. The oilfield site restoration assessment shall specifically detail site restoration needs and shall provide an estimate of the site restoration costs needed to restore the oilfield site based on the conditions existing at the time of transfer, or at the time the site-specific trust account is established.

C. The party or parties to the transfer shall, based upon the site restoration assessment, propose a funding schedule which will provide for the site-specific trust account. The funding schedule shall consider the uniqueness of each transfer, acquiring party, and oilfield site. Funding of the site-specific trust account shall include some contribution to the account at the time of transfer and at least quarterly payments to the account. Cash or bonds in a form and of a type acceptable to the ~~assistant~~ secretary, or any combination thereof, may also be considered for funding. The ~~assistant~~ secretary shall monitor each trust account to assure that it is being properly funded. The funds in each trust account shall remain the property of the trust authority.

D. The ~~assistant~~ secretary may approve the site-specific trust account for an oilfield site upon review of the assessment and the site-specific trust account that has been proposed for that oilfield site as provided in the regulations. Such approval shall not be unreasonably withheld.

E. When transfers of oilfield sites occur subsequent to the formation of site-specific trust accounts but prior to the end of their economic life, the ~~assistant~~ secretary and the acquiring party shall, in the manner provided for in this Section, again redetermine cost and agree upon a funding schedule. The balance of any site-specific trust account at the time of subsequent transfer shall remain with the oilfield site and shall be a factor in the redetermination.

F. Once the ~~assistant~~ secretary has approved the site-specific trust account, and the account is fully funded, the party transferring the oilfield site and all prior owners, operators, and working interest owners shall not thereafter be held liable by the state for any site restoration costs or actions associated with the transferred oilfield site. The party acquiring the oilfield site shall thereafter be the responsible party for the purposes of this Part.

\* \* \*

I. Subject to agreement between the ~~assistant~~ secretary, the seller and the purchaser of an oilfield site sold prior to August 15, 1993, a site-specific trust account can be established or transferred to the state.

J. For unusable oilfield sites, after site restoration has been completed and approved by the ~~assistant~~ secretary, funds from a site-specific trust account shall be disbursed as follows:

\* \* \*

§88.1. Oilfield site trust accounts for orphaned wells

A. Orphan wells. (1) \* \* \*

(3) Upon full funding of the associated site-specific trust account in accordance with a plan approved by the ~~assistant~~ secretary as provided in this Section, all monies remaining in the account shall be credited in full to the state treasury as provided by R.S. 47:645(B).

(4) When the conditions of this Subsection are met relative to the funding of the site-specific trust account, the ~~assistant~~ secretary shall not require additional financial security for the well associated with that site-specific trust account.

\* \* \*

C. Site restoration assessment. When establishing a site-specific trust account under this Section, the ~~assistant~~ secretary shall require an oilfield site restoration assessment to be made to determine the site restoration requirements existing at the time the site-specific trust account is established. The oilfield site restoration assessment shall be conducted by approved site assessment contractors appearing on a list approved by the trust authority or acceptable to the trust authority. The oilfield site restoration assessment shall specifically detail the site's restoration needs and shall provide an estimate of the restoration costs needed to restore the oilfield site based on the conditions existing at the time the site-specific trust account is established.

D. Trust account monitoring. The ~~assistant~~ secretary shall monitor each trust account to assure that it is being properly funded. The funds in each trust account shall remain the property of the trust authority. In the event that the site-specific trust account is not funded through the payment of the severance tax due the state for a period of greater than six months from the date of first production following designation of the well as part of an orphaned oilfield site, the ~~assistant~~ secretary

shall require financial security in accordance with the ~~office of conservation's~~ **department's** rules and regulations.

E. Transfers of oilfield sites. When transfers of oilfield sites occur subsequent to the formation of site-specific trust accounts pursuant to this Section but prior to the end of the oilfield site's economic life, the ~~assistant~~ secretary and the acquiring party shall, in the manner provided in this Section, redetermine cost. The balance of any site-specific trust account at the time of transfer shall remain associated with the oilfield site and shall be a factor in the redetermination.

\* \* \*

G. Unusable oilfield sites. For unusable oilfield sites, after site restoration has been completed and approved by the ~~assistant~~ secretary, funds from a site-specific trust account shall be disbursed as follows:

\* \* \*

H. Rules, regulations, and orders. The ~~assistant~~ secretary shall make, after notice and public hearings as provided in this Chapter, any reasonable rules, regulations, and orders that are necessary to implement this Section.

§88.2. Orphan well rework program

\* \* \*

C. Trust account monitoring. The ~~assistant~~ secretary shall monitor each trust account to assure that it is being properly funded. The funds in each trust account shall remain the property of the trust authority. If the site-specific trust account is not funded through the payment of amounts equal to the severance tax that would otherwise be due the state for a period of greater than six months from the date of first production following designation of the well as part of an orphaned oilfield site, the ~~assistant~~ secretary shall require financial security in accordance with this Subtitle and the rules and regulations adopted pursuant to this Subtitle including the exceptions provided in R.S. 30:4(R).

\* \* \*

E. Unusable oilfield sites. For unusable oilfield sites, after site restoration has been completed and approved by the ~~assistant~~ secretary, funds from a site-specific trust account shall be disbursed as follows:

(1) If the site restoration has been completed by the operator of record on file with the ~~assistant~~ secretary, the balance of the funds existing in the site-specific trust account shall be remitted to that operator of record.

\* \* \*

F. Rules, regulations, and orders. The ~~assistant~~ secretary shall promulgate, after notice and public hearings as provided in this Chapter, any reasonable rules, regulations, and orders that are necessary to implement this Section.

§89. Non-orphan site restoration

A. After due notice and hearing and upon certification from the ~~assistant~~ secretary that a responsible party has failed to undertake site restoration of an unusable oilfield site, the secretary ~~or assistant secretary~~ is authorized to disburse such funds as are necessary for site restoration from the site-specific trust account.

B. The ~~assistant~~ secretary, upon notice and hearing, pursuant to rules adopted by the ~~assistant~~ secretary in accordance with the Administrative Procedure Act, may declare an oilfield site to be an unusable oilfield site. Upon failure of a responsible party to undertake site restoration as ordered by the ~~assistant~~ secretary, the secretary ~~or assistant secretary~~ is authorized to disburse such funds as are necessary for site restoration from the site-specific trust account.

C. For sites restored pursuant to Subsections A and B of this Section, after site restoration has been completed and approved by the ~~assistant~~ secretary, funds from the site-specific trust account will be disbursed as follows:

\* \* \*

(2) If the funds in the site-specific trust account are depleted prior to the payment of all site restoration costs, the department is authorized to collect the remainder of site restoration costs from the responsible party or ensure that the responsible party completes the site restoration to the satisfaction of the ~~assistant~~ secretary.

(3) If the funds in the site-specific trust account are depleted prior to the payment of all site restoration costs, and if the ~~assistant~~ secretary subsequently declares that oilfield site to be an orphaned oilfield site and upon approval of the

trust authority, the Oilfield Site Restoration Fund shall contribute the balance of the restoration costs for that orphaned oilfield site.

D. If a responsible party fails or is unable to restore a site and there is no site-specific trust account, the ~~assistant~~ secretary shall declare the site orphaned in accordance with R.S. 30:91(B).

§90. Natural Resources Trust Authority annual report to the legislature

\* \* \*

C. The ~~assistant~~ secretary shall furnish the trust authority with semiannual reports that review the efforts of the ~~assistant~~ secretary to assure proper and timely cleanup, closure, and restoration of oilfield sites.

D. The ~~assistant~~ secretary's semiannual reports shall include:

- (1) The number of wells plugged by the ~~assistant~~ secretary.

\* \* \*

(4) The status of enforcement proceedings for all sites in violation of the ~~assistant~~ secretary's rules and the time period during which the sites have been in violation, including the status of the ~~assistant~~ secretary's attempts to recover reimbursement for restoration costs.

E. The trust authority's annual report to the legislature shall include:

\* \* \*

(4) The status of enforcement proceedings for all sites in violation of the ~~assistant~~ secretary's rules and the time period during which the sites have been in violation, including the status of the ~~assistant~~ secretary's attempts to recover reimbursement for restoration costs.

\* \* \*

§91. Orphaned oilfield sites

A. A site may be declared to be an orphaned oilfield site by the ~~assistant~~ secretary upon a finding that:

- (1) No responsible party can be located, or such party has failed or is financially unable to undertake actions ordered by the ~~assistant~~ secretary; and

\* \* \*

B.(1) Prior to declaring a site to be an orphaned oilfield site, the ~~assistant~~ secretary shall seek to notify the last operator of record, at his last known address contained in the department records, of the site that is to be declared orphaned and shall publish a notice in the Louisiana Register that the oilfield site is to be declared orphaned. Additionally, the ~~assistant~~ secretary shall seek to notify the surface owner of the site, at the address provided by the operator pursuant to R.S. 30:28(J), that the site is to be declared orphaned. Failure of the ~~assistant~~ secretary to notify the surface owner of the site shall not invalidate the decision to declare a site orphaned. If resolution of a factual dispute is requested by any owner or operator, the ~~assistant~~ secretary shall hold a fact-finding hearing prior to declaring the site orphaned and the ~~assistant~~ secretary shall make any fact determination necessary to resolve the dispute.

(2)(a) In the event that a site is being declared orphaned, the ~~assistant~~ secretary shall retain a first lien and privilege upon such property superior to any existing mortgages, privileges, or liens of any kind, type, or nature whatsoever. The ~~assistant~~ secretary shall record a notice of such lien with the clerk of court in the parish where the site is located. The ~~assistant~~ secretary shall notify all other lienholders of record who have acquired a privilege, lien, or mortgage upon the property contained within a well site, in writing by registered mail, return receipt requested, that he is declaring the site orphaned. If the salvage value of property at the site exceeds the cost of plugging and abandoning the well site in accordance with this Part, any excess funds shall be paid to other lienholders by rank. Any other excess funds from salvage shall be paid into the fund.

\* \* \*

(c) In the event that a lienholder is not properly notified as provided in this Paragraph, any claim by the holder or holders against the trust authority, Department of Energy and Natural Resources, ~~office of conservation~~, or the contractors for the value of the salvaged property shall be limited to the actual cash value of the salvaged property at the time of salvage.

(3) Sale or removal of property from an oilfield site which has been declared orphaned without the written consent of the ~~assistant~~ secretary is prohibited. The

secretary shall have a claim against the person or persons who have sold or removed such property for the fair market value of the property sold or removed, and the lien and privilege provided herein shall follow such property into the hands of third persons whether such persons are in good or bad faith.

(4) Conducting operations on an oilfield site which has been declared orphaned without the written consent of the ~~assistant~~ secretary is prohibited.

\* \* \*

D. In the event that the ~~commissioner~~ secretary declares an emergency as provided in R.S. 30:6.1, the provisions regarding notice to the operator as provided therein shall be applicable to declaring the site orphaned.

§92. Orphan site restoration

A. The secretary is hereby authorized to expend sums from the fund and enter into contracts for the purpose of site restoration on any site declared to be an orphaned oilfield site. The ~~assistant~~ secretary may conduct site restoration, expend sums from the fund, and enter into contracts for the purpose of site restoration to respond to an emergency as provided in R.S. 30:6.1.

\* \* \*

C. A contract for site assessment or site restoration shall require a formal bid process. All contracts shall be exempt from the provisions of the Public Bid Law and the Louisiana Procurement Code; however, before this exemption from the Public Bid Law and the Louisiana Procurement Code can be effective, the ~~assistant~~ secretary shall promulgate rules in accordance with the Administrative Procedure Act to set forth the procedures, which, to the extent practicable, shall be in substantial compliance with the Public Bid Law and shall require a formal bid process. A project which the ~~assistant~~ secretary has declared in writing to be an emergency may employ a written and thoroughly documented informal bidding procedure in which bids are solicited from at least three bidders. All such contracts shall be reviewed prior to execution by the ~~assistant~~ secretary, and all informally bid contracts shall be reviewed by the secretary. Notwithstanding any other requirements in this Part, any monies deposited pursuant to R.S. 30:86(D)(9) or (10) may be

expended by the secretary through a contract entered into under any competitive process authorized by Title 38 or 39 of the Louisiana Revised Statutes of 1950.

§93. Recovery of site restoration costs; emergency costs

A. If the ~~assistant secretary~~ **department** undertakes restoration of an orphaned oilfield site under this Part or responds to any emergency as provided in R.S. 30:6.1, the secretary shall seek to recover all costs incurred by the secretary, ~~assistant secretary~~, penalties, and other relief from any party who has operated or held a working interest in such site, or who is required by law, rules adopted by the department, or a valid order of the ~~assistant secretary~~ **department** to control, clean up, close, or restore the oilfield sites or other facilities, structures, or pipelines under the ~~commissioner's~~ **secretary's** jurisdiction pursuant to R.S. 30:1 et seq. in accordance with the following:

\* \* \*

**C. The secretary may enter into a site restoration contribution agreement prior to undertaking restoration of an orphaned oilfield site under this Part. In such agreement the secretary shall accept and agree to specific levels of monetary or other contribution towards the cost of restoring an orphaned oilfield site by a party or parties who have operated or held a working interest in such orphaned oilfield site. Upon entering into a site restoration contribution agreement and following final payment by a party to the department of the contribution amount agreed to therein, the party shall be deemed to have met their obligations under this Part and the secretary shall have no right to recover costs incurred by the secretary, penalties, or other relief as contemplated in this Section. Any party who has operated or held a working interest in an orphaned oilfield site covered by a site restoration contribution agreement but has either failed to enter into such agreement or failed to pay the department the agreed upon amount shall be liable for cost recovery pursuant to this Section. The secretary shall have no right of action to seek recovery of the costs contributed to restoration of an orphaned oilfield site by another party pursuant to a site restoration contribution agreement. Site restoration contribution agreements may include provisions resolving**

**regulatory compliance and compliance with obligations set forth in a state lease, operating agreement, right of way, servitude or other contract associated with the orphaned oilfield site at issue.**

\* \* \*

§94. Penalties

A. Failure of a responsible party to comply with its obligation under this Part may cause that responsible party to lose all rights of an operator under this Subtitle in the state of Louisiana. The ~~assistant~~ secretary may cancel forthwith any allowables and deny any permits until restitution is received by cashier's check for costs incurred by the ~~assistant~~ secretary under this Part. Costs shall include without limitation restoration costs, legal expenses, and interest. The fund shall be reimbursed for any expenditures made on behalf of the oilfield site.

B.(1) The ~~assistant~~ secretary may withhold any permit application under this Subtitle to the following:

\* \* \*

(2) An individual or entity has committed a violation of Statewide Order 29-B if any one of the following has occurred:

\* \* \*

(b) The ~~assistant~~ secretary and the individual or entity have entered into an agreed order relating to the alleged violation and the individual or entity is not in compliance or on a schedule for compliance with such order.

(3) The ~~assistant~~ secretary shall not deny the permit application if:

\* \* \*

C. In addition to the foregoing, any person found by the ~~assistant~~ secretary to be in violation of any requirement of this Part, may be liable for a civil penalty, to be assessed by the ~~assistant~~ secretary or court, of not more than twenty-five thousand dollars for each day of the continued noncompliance.

\* \* \*

§95. No inference of liability on the part of the state

\* \* \*

B. The secretary, ~~assistant secretary~~, the trust authority, or their agents, on proper identification, may enter the land of another for purposes of site assessment or restoration.

C. The trust authority, the secretary, ~~and the assistant secretary~~, and their agents, are not liable for any damages arising from an act or omission if the act or omission is part of a good faith effort to carry out the purpose of this Part.

D. No party contracting with the Department of Energy and Natural Resources, ~~office of conservation~~, or the trust authority under the provisions of this Part shall be deemed to be a public employee or an employee otherwise subject to the provisions of Parts I through IV of Chapter 15 of Title 42 of the Louisiana Revised Statutes of 1950.

\* \* \*

**§98.1. Legislative Declaration; Purpose**

**The legislature declares that the management, protection, and development of water resources in the state are essential for public welfare, economic prosperity, and environmental sustainability. To fulfill these objectives, it is necessary to provide a framework for comprehensive water resource management, balancing environmental needs with human and economic activities. Accordingly, the legislature grants broad authority to the Department of Conservation and Energy to administer, manage, and regulate water resource dependent activities within the state.**

**§98.2. Definitions**

**The department shall define through rules adopted in accordance with the Administrative Procedure Act necessary terms relevant to the management, use, conservation, and protection of water resources.**

**§98.3. Powers of the Department of Conservation and Energy**

**A. In carrying out the provisions of this Chapter, the Department of Conservation and Energy is empowered but not limited to do the following:**

**(1) Make reasonable rules and regulations for the purpose of carrying out the provisions of this Chapter as well as for the proper drilling and abandonment of wells and holes, excluding oil and gas wells.**

(2) Prepare required forms and establish other procedures to govern the submission of applications, reports, and other information authorized to be sent to the office as required by this Chapter.

(3) Deposit all fees into the Mineral and Energy Operation Fund to be used for the implementation of this Chapter.

(4) Upon presenting valid identification as an inspector for the office, enter upon and be given access at reasonable times and under reasonable conditions to any premises for the purposes of inspecting water wells.

B. If the office finds that compliance with all the requirements of this Chapter would result in undue hardship, an exemption from any one or more of such requirements may be granted by the office to the extent necessary to ameliorate such undue hardship and to the extent such exemption can be granted without impairing the intent and purpose of this Chapter.

§98.4. Groundwater districts; water resource management

A.(1) The department may designate aquifer-specific groundwater districts based on rules and regulations adopted by the department.

(2) To ensure an orderly transition, the secretary may by written notice, which he shall publish in the Louisiana State Register, adopt and continue in effect any rules, regulations, orders, permits, directives and any other requirements of the Capital Area Groundwater Conservation District and the Sparta Groundwater Commission that were effective on or before the effective date of this Act until they are changed in accordance with law.

B. The department may do all things necessary to prevent waste of groundwater resources, and to prevent or alleviate damaging or potentially damaging subsidence of the land surface caused by withdrawal of groundwater. The department shall have authority to do, as required, the following within a district designated by the department:

(1) To hold hearings.

(2) To require permits for the drilling or construction of all wells drilled after July 31, 1974, having a capacity in excess of fifty thousand gallons per day.

(3) To require registration of all wells showing the date drilled, the name of the driller, if available, and the current ownership together with such other information as the department may reasonably require to permit it to accomplish the purposes of this legislation. No charge shall be assessed for such registration.

(4) To require that all users of groundwater register with the department showing the number, location, and capacity of wells owned or operated by them or solely for their benefit and designating the beneficial use or uses of that groundwater. The department shall classify each user as an industrial user or as a commercial, rural or municipal user of groundwater upon the basis of such information. The department shall have authority in its discretion to require periodical renewals of registrations to determine alterations in uses of water. Such registrations may be required on an annual basis or such greater periods of time as the department may deem appropriate.

(5) To establish standards for the construction of wells that would come under the jurisdiction of this part drilled after July 31, 1974.

(6) To specify spacing of wells drilled after July 31, 1974, in limited areas upon a showing that the water quality, quantity of withdrawal or subsidence in such area threatens the public interest.

(7) To require well owners who are users, well owners providing water to other users, and users of groundwater who are not well owners to keep and furnish, on request, information necessary to carry out the provisions of this Part pertinent to wells, drawdowns, grouting, casing sizes, property descriptions and other pertinent information reasonably required by the department, provided that as to wells in existence on the effective date of this Part such information is available.

(8) To collect data; to make investigations and inspections; to examine properties, papers, books, and records relevant to groundwater use or conservation; to examine, survey, check test, and gauge all water wells; to require well owners who are users or well owners providing water to other users, at their own expense, to meter wells to permit accurate determination of

rates of use. Metering may be required on a continuous or periodic basis, and the department may require approval by it of metering devices; to provide for the keeping of records and making of reports by owners of water wells providing water to users, and users of groundwater.

(9) To require that an authorized representative of the department be enabled to enter property at reasonable times and under reasonable conditions to inspect wells, perform tests and examine records.

(10) To establish standards for the control of existing and future flowing wells and the sealing of abandoned wells.

(11) To require that all abandoned wells be reported and sealed in accordance with such standards.

(12) To establish groundwater use priorities, under conditions supported by research data, which indicate depletion of water subject to this Part.

(13) To cooperate with and enter into contracts or cooperative agreements with other governmental units and agencies of this state, with governments and agencies of other states and of the United States, and with private agencies or other groundwater conservation districts for the achievement of the purposes of this Part.

(14) To receive grants and enter into contracts for groundwater resource development.

(15) To conduct studies and investigations of all problems concerning groundwater resources of the district.

(16) To take all necessary steps to prevent intrusion of salt water or any other form of pollutant into any aquifer or aquifers, including the powers to operate withdrawal wells for the extraction of salt water or water affected by any pollutant and to dispose of such water by injection or otherwise; to operate injection wells to create freshwater barriers against salt water intrusion or the intrusion of any other pollutant; and to control pumping rates by users in any area threatened by intrusion of salt water or other form of pollutant.

(17) Within affected areas, to limit rates of production of water from any aquifer or aquifers, after detailed research, considering both recharge and

withdrawal data, when the quality or quantity of the supply of water afforded by such aquifer or aquifers is in danger for any reason or where the danger of damaging subsidence exists.

(18) To use and permit the use of any of its property or facilities for recreational purposes and to operate thereon such concessions as may be appropriate to such recreational use or uses as long as such activities do not increase the net operating expenses to the district.

(19) To sue and be sued as a body corporate.

(20) To hire such personnel and retain such consultants as shall be reasonably necessary to the performance of its functions. Personnel from other agencies shall be used wherever practical and possible.

(21) To advise and consult with the commissioner of conservation and the Water Resources Commission on matters that impact water resources within the department's jurisdiction.

C. No order limiting rates of production as authorized in Subsection A of this Section shall have the effect of in any way denying to any owner of the land or any other person holding rights to water derivative from any landowner a reasonable opportunity to produce and beneficially use his just and equitable share of the groundwater supply affected by an order limiting rates of production.

D. Anything herein to the contrary notwithstanding, the department shall have no regulatory power over and no authority to assess pumping charges for a well or wells with a total depth of less than four hundred feet or wells in the Mississippi River alluvial aquifer; or wells from which the production is used exclusively for bona fide agricultural or horticultural purposes or for domestic use of persons resident upon the same premises and capable of producing not more than fifty thousand gallons per day in the aggregate.

E. The department shall have authority to make, after notice and hearing and to enforce reasonable rules, regulations, or orders necessary from time to time to achieve the purposes and powers as outlined in this Part, and such rules,

regulations and orders shall be effective and enforceable immediately upon promulgation in the official journal of each parish affected.

F.(1) The department shall not require users to undertake the installation of additional metering devices or prescribe new requirements thereof if the user's installation of metering devices meets all of the following criteria:

(a) Demonstrates compliance with the user's obligation to meter.

(b) Measures flow data at least hourly for each well, for each stratum from which the well draws, and reports the data to the department monthly.

(c) Ensures proper operation of the metering device through installation, calibration, validation, and maintenance practices that are consistent with the accepted capability of that type of metering device. Calibration of each metering device shall be performed at least once per year by a qualified source, which is a person or entity that has received formal training or has practical field experience in the calibration of that type of metering device.

(d) Adheres to accepted scientific practices to safeguard the accuracy and reliability of measurements of the volume of monitored withdrawals.

(e) Measures flows with a maximum deviation of less than five percent from true withdrawal rates throughout the range of expected withdrawal volumes.

(2) The department shall have authority to audit the performance of flow measurement devices installed and maintained by users. Audits of the flow measurement devices of all users other than nuclear electric generating stations may include temporary installation of a flow measurement device and other necessary equipment by the department, at the department's expense, in order to verify performance of a user-installed flow measurement device. Each user-installed flow measurement device may be audited once per calendar year.

G. The department is hereby vested with the authority and responsibility for the comprehensive management, conservation, and protection of the state's water resources.

H. The department shall adopt rules and regulations necessary to implement and enforce this Chapter, encompassing all water resource management activities currently regulated, authorized, or practiced within the state, including but not limited to:

- (1) Regulation and permitting of surface and groundwater usage.
- (2) Identification and protection of water recharge areas.
- (3) Monitoring and evaluation of water quality and quantity.
- (4) Planning and coordinating water resource development projects.
- (5) Implementing conservation measures and best practices for water resource sustainability.

§98.5. Comprehensive water resource plan

A. The department, utilizing the Natural Resources Commission, shall develop, implement, and periodically update a comprehensive statewide water resource management plan, addressing current and future water demands, conservation strategies, infrastructure needs, environmental impacts, and sustainable water management practices.

B. The comprehensive plan shall be developed through a transparent public process, including stakeholder input, interagency collaboration, and review by the Natural Resources Commission.

§98.6. Enforcement and compliance

The department shall have authority to:

A. Conduct inspections and investigations necessary for compliance and enforcement of rules adopted under this Chapter.

B. Issue notices of violation, compliance orders, and penalties consistent with established regulations.

C. Collaborate with federal, state, and local agencies to ensure coordinated enforcement efforts.

§98.7. Administrative review and appeals

Any party adversely affected by a decision or action of the department under this Chapter shall be entitled to an administrative hearing in accordance with rules adopted pursuant to the Administrative Procedure Act. Judicial

review shall be available following the exhaustion of administrative remedies as provided by law.

**§98.8. Immunity from liability**

The department and its officers, employees, agents, and designated representatives acting in the discharge of their duties under this Chapter shall be immune from civil liability for actions taken in good faith in compliance with established rules and regulations.

**§98.9. Cooperation with other agencies**

The department is authorized to collaborate and enter into agreements with local, state, federal, and private entities to facilitate efficient and effective water resource management and conservation efforts.

**§98.10. Funding and financial assistance**

The department may seek, receive, and administer funding, grants, and financial assistance from federal, state, local, and private sources to implement the objectives of this Chapter.

**§98.11. Severability**

If any provision of this Chapter or its application is held invalid, the invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application, and to this end, the provisions of this Chapter are severable.

\* \* \*

§101.2. Policy and purpose

A. The legislature finds and declares that it is in the public interest and within the police power of this state to establish a fishermen's gear compensation and underwater obstruction removal program and a fishermen's gear compensation and underwater obstruction removal dedicated fund account to provide for the proper and timely identification, inventory, and removal of underwater obstructions that are a hazard to navigation and commercial fishing in the state, and to compensate commercial fishermen for damage to their fishing gear from the underwater obstructions. The program and fund account shall be administered, for purposes of fishermen's gear compensation, by the ~~assistant~~ secretary of the office of coastal

management and, for purposes of underwater obstruction, by the ~~assistant~~ secretary of the ~~office of conservation, both with the~~ Department of energy and Natural Resources.

\* \* \*

§101.3. Definitions

As used in this Part, the following terms shall have the meanings ascribed to them in this Section, unless the context or use clearly indicates otherwise:

\* \* \*

(2) "~~assistant~~ secretary" means the ~~assistant~~ secretary of the ~~office of conservation within the~~ Department of Energy and Natural Resources or his authorized representatives.

\* \* \*

§101.4. Fishermen's Gear Compensation and Underwater Obstruction Removal Program

A. The Fishermen's Gear Compensation and Underwater Obstruction Removal Program is hereby created within the office of the secretary of the Department of energy and Natural Resources and shall be administered, for purposes of fishermen's gear compensation, by the assistant secretary of the office of coastal management and, for purposes of underwater obstruction, by the ~~assistant~~ secretary of the ~~office of conservation~~.

B. The ~~assistant~~ secretary shall adopt rules and regulations, in accordance with the Administrative Procedure Act, to implement the provisions of this Part and to provide for procedures for the identification, inventory, and removal of underwater obstructions to navigation and commercial fishing.

§101.5. Powers of the secretary

A. The powers of the secretary shall include without limitation the power to do the following:

\* \* \*

(2) Maintain all supervisory and fiscal responsibility imposed under the provisions of this Part ~~which are not specifically conferred upon the assistant secretary~~.

\* \* \*

§101.6. Powers of the ~~assistant~~ secretary

A. The powers of the ~~assistant~~ secretary shall include without limitation the power to do the following:

\* \* \*

B. The aforementioned powers shall be in addition to and shall not limit the powers conferred on the ~~assistant~~ secretary in other provisions in this Title or any other

§101.7. Contracts; parties

A. A contract for obstruction removal shall require a cash bond, performance bond, or other equivalent surety instrument approved by the ~~assistant~~ secretary, and shall require a formal bid process. A project which the ~~assistant~~ secretary has declared in writing to be an emergency may employ a written and thoroughly documented informal bidding procedure in which bids are received from at least three bidders. All such contracts shall be reviewed prior to execution by the secretary, and all informally bid contracts shall be reviewed by the ~~commissioner~~ **secretary** of the division of administration.

\* \* \*

§101.8. Liability

The secretary ~~or the assistant secretary~~ shall not be liable for any damages arising from an act or omission if the act or omission is part of a good faith effort to carry out the purpose of this Part.

§101.9. Fishermen's Gear Compensation and Underwater Obstruction Removal

Dedicated Fund Account

\* \* \*

D. The monies in the account may be disbursed and expended pursuant to the authority and direction of the ~~assistant~~ secretary for the following purposes and uses:

(1) Any underwater obstruction identification, inventory, or removal conducted by the ~~office of conservation~~ **department** pursuant to this Part.

(2) The administration of this Part by the ~~office of conservation~~ **department** in an amount not to exceed two hundred thousand dollars in any fiscal year.

\* \* \*

§101.10. ~~assistant secretary's~~ Secretary annual report to the legislature

A. The ~~assistant~~ secretary shall submit to the Senate Committee on Natural Resources and the House Committee on Natural Resources and Environment before March first an annual report that reviews the extent to which the program has enabled the ~~assistant~~ secretary to better protect the navigable waters and commercial fishing of the state and enhance the income of the fund.

B. The ~~assistant~~ secretary's annual reports shall include:

\* \* \*

§101.13. Disbursement of funds; eligibility; hearings

A. Payments may be disbursed by the ~~assistant~~ secretary from the dedicated fund account to compensate commercial fishermen for actual property damage suffered as a result of hitting or snagging an obstruction or hazard in the territorial waters of the state within the boundaries established for the fund but shall not be extended to speculative loss such as anticipated profit or income.

B. In order to be eligible to receive reimbursement from the account, a commercial fisherman shall show that the commercial fisherman has a valid claim. A valid claim shall be established by the hearing examiner, based on evidence that the following conditions have been met:

\* \* \*

(2) The fisherman made a report to the ~~assistant~~ secretary on the location of the obstruction postmarked within ninety days of the loss. If good cause is shown, the secretary, when there are extenuating circumstances, may waive the ninety-day limit on the reporting period, such waiver period not to exceed forty-five days.

\* \* \*

C. Notwithstanding the provisions of Subsections A and B of this Section, no payment:

\* \* \*

(4) Shall be made for any claim at a site that has been certified by the ~~assistant~~ secretary of ~~the office of conservation~~ for the Department of Energy and Natural Resources as having been cleared under the provisions of this Part. Once a

site has been cleared under the Louisiana Fishermen's Gear Compensation and Underwater Obstruction Removal Program, the ~~assistant~~ secretary shall certify that the site of at least two hundred yards in diameter is free of obstructions, and future claims at a site so certified shall be denied. Whenever four or more claims are reported after a site has been certified as clear, the site shall be revisited and the new or leftover obstruction shall be located and, if the department determines it is feasible, removed.

\* \* \*

§101.14. Facilities reports; survey of obstruction; labeling

A. The ~~assistant~~ secretary shall prepare a detailed file of all structures and facilities located on state waterbottoms within the boundaries of the dedicated fund account. In developing the file, the secretary may require the owners and operators of state mineral leases and pipeline rights-of-way to furnish information relative to the location, description, and nature of facilities, both active and abandoned, on and beneath the state's waterbottoms.

B. The ~~assistant~~ secretary shall establish and classify all potential hazards to commercial fishing caused by oil and gas exploration, development, and production activities in Louisiana waters, including all obstructions on the bottom, throughout the water column, and on the surface.

\* \* \*

§103.1. Operators and producers to report to owners of unleased oil, gas or brine interests

A. Whenever there is included within a drilling unit, as authorized by the ~~commissioner of conservation~~ secretary, lands producing oil, gas, brine, or any combination thereof upon which the operator or producer has no valid oil, gas, or mineral lease, the operator or producer shall issue the following reports to the owners of the interests by a sworn, detailed, itemized statement:

\* \* \*

**§124.1. Confidential information**

**Information submitted to the Board or the Office of Mineral Resources as part of a bid or proposal for the right to explore, develop, or utilize public**

**property may be deemed confidential and withheld from public disclosure by the Board or Office of Mineral Resources if disclosure of such information would be reasonably likely to:**

**A. Reveal technical, operational, or financial details to be used in the bid or proposal; and**

**B. Give any advantage to a competitor.**

**Information withheld pursuant to this provision shall be subject to disclosure in accordance with Public Records Law upon conclusion of the competitive evaluation process and a final board determination regarding bid or proposal.**

\* \* \*

§125. Application for lease; fee

All proposals for mineral leases under this Subpart shall be submitted to and examined by the ~~assistant secretary of the office of mineral resources~~ who shall transmit them to the board for its action. All proposals shall be submitted by application as provided herein in the form required by the office of mineral resources, giving the description of the land, including a map, and submission of six hundred dollars, payable to the office of mineral resources, to satisfy the cost of processing the application. The fee shall not be returned, even in the event of a bid.

\* \* \*

§127.1. Tertiary recovery incentive

\* \* \*

C. For purposes of this Section, a "qualified tertiary recovery project" is an enhanced crude oil recovery project utilizing one of the following methods:

\* \* \*

(10) Specific variations of any of the above listed general techniques, as determined in any particular case by the ~~assistant secretary of the office of conservation~~.

(11) Any other method approved by the ~~assistant secretary of the office of conservation~~ as constituting tertiary recovery within the contemplation of that term in the profession of petroleum engineering.

D. This Section shall apply to tertiary recovery activities on any reservoir that is no longer capable of producing by methods other than tertiary. It shall also apply to reservoirs which are still capable of producing by primary and secondary methods after an amount of production has been recovered during a tertiary recovery project equal to that which would have been recovered by utilizing primary and secondary methods, which amount shall be determined by the ~~assistant~~ secretary ~~of the office of conservation~~ at the hearing required under Subsection B of this Section.

\* \* \*

§129. Powers, duties, and authority of board; pooling agreements; operating units; fees

\* \* \*

B.(1)(a) "Operating unit" as herein used means that number of surface acres of land which, under regular or special rules of the ~~commissioner of conservation~~ secretary or other authority having control in the premises, or by agreement of the lessors, lessees, and mineral and royalty owners, may be pooled and unitized for development and operation as a unit. An agreement creating an operating unit may provide for cycling, recycling, pressure maintenance, or repressuring in fields productive of oil, gas, and gas from which condensate, distillate, or other product may be separated or extracted.

\* \* \*

§135. Secretary and other employees

The Department of Energy and Natural Resources, through the office of mineral resources, shall provide the necessary staff functions to assist the board in its leasing, supervisory, and other activities, and the ~~assistant~~ secretary or his designee thereof shall serve as secretary to the board.

\* \* \*

§136.3. Mineral and Energy Operation Fund

\* \* \*

B. Out of the funds remaining in the Bond Security and Redemption Fund, after a sufficient amount is allocated from that fund to pay all obligations secured by the full faith and credit of the state which become due and payable within any fiscal

year as required by Article VII, Section 9(B) of the Constitution of Louisiana, the treasurer in each fiscal year shall pay into the fund revenues and amounts from the following sources:

(1) ~~An The amount equal to one million six hundred thousand dollars received by the state through the office of mineral resources from nonjudicial settlements, including but not limited to settlements of disputes of royalty audit findings, **title disputes, and acreage conflicts**, and court-awarded judgments and settlements. For Fiscal Years 2021-2022 through 2024-2025, an additional amount equal to nine hundred thousand dollars received by the state through the office of mineral resources from nonjudicial settlements, including but not limited to settlements of disputes of royalty audit findings, and court-awarded judgments and settlements.~~

\* \* \*

**(6) All revenue received from fees collected pursuant to activities and authorities identified at R.S. 36:358(E)(3).**

C. Monies in the fund shall be invested by the state treasurer in the same manner as monies in the state general fund. Interest earned on investment of monies in the fund shall be credited to the ~~state general~~ fund.

D. The monies in the fund shall be appropriated by the legislature to the Department of Energy and Natural Resources to be used solely for the administration and regulation of minerals, ground water, and related **conservation and** energy activities. Additionally, monies deposited into the fund pursuant to Paragraph (B)(5) of this Section shall be used solely for the administration and regulation of solar power generation facilities.

\* \* \*

§143. Transfer of solid mineral leases; approval by board

\* \* \*

D.(1)

\* \* \*

(2) In advance of any the hearing, the secretary of the Department of Energy and Natural Resources shall have the ~~same powers as are conferred upon the commissioner of conservation~~ by R.S. 30:909 to investigate, receive written

statements, administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records or documents, and any party to the hearing shall have the right to take the testimony of any witness and to compel any witness to appear and depose and to produce books, papers, correspondence, memoranda, contracts and agreements, or other records or documents, on the same terms as are contained in R.S. 30:909.

(3) Except as otherwise provided herein, the hearing required hereby shall be conducted in accordance with and pursuant to the provisions of Chapter 13 of Title 49 of the Louisiana Revised Statutes of 1950 and such regulations as the secretary of the Department of ~~Resources~~ **Conservation and Energy** may issue hereunder.

\* \* \*

§148.8. Oil, gas, and mineral rights not affected; exceptions

Nothing in this Subpart is intended to authorize the leasing of lands or bodies of lakes, bays or coves, sea, arms of the sea, or other navigable waters and beds thereof for the exploration and development of same for the production of oil, gas, sulphur, or other minerals, provided, however, such absence of authorization shall not be construed as prohibiting drilling for the purpose of injection, storage, or withdrawal of any stored oil, natural gas, liquid hydrocarbons, or carbon dioxide into or from any underground reservoirs or salt dome caverns, or the drilling of wells for the purpose of making caverns in salt domes covered by any lease granted pursuant to the provisions of this Subpart. Such absence of authorization shall not be construed to prohibit the production of any oil, natural gas, or liquid hydrocarbons which may remain in a partially depleted underground reservoir determined by the ~~commissioner of conservation of the state of Louisiana~~ **secretary of the Department of Conservation and Energy** to be suitable for use as an underground storage reservoir in accordance with the provisions of this Title.

§148.9. Oil; natural gas; liquid hydrocarbons; carbon dioxide; lease for underground storage

A. Any lease for the underground storage of oil, natural gas, liquid hydrocarbons, or carbon dioxide granted pursuant to the provisions of this Subpart

shall be granted conditionally and shall not be final until the following conditions are met:

(1) Lessee shall request a public hearing with the ~~commissioner of conservation~~ secretary within sixty days after the conditional award of such lease.

(2) After the public hearing is held, the lessee shall obtain an order from the ~~commissioner of conservation~~ secretary finding that the proposed project is in the public interest.

\* \* \*

§153. Agencies may lease or administer through State Mineral and Energy Board

A. Any agency may by resolution direct the State Mineral and Energy Board to lease or otherwise contract for the exploration, development, or use of its land ~~in the manner provided in Subpart A of this Part~~. The bonus money, if any, received ~~for the lease~~ pursuant to any such contract shall be transmitted by the State Mineral and Energy Board to the agency. After the execution of the original ~~lease contract~~, all rights and authority in connection therewith shall be vested in the agency to the same extent as if the agency had itself ~~leased the land~~ administered and executed the contract.

B. Upon request, the State Mineral and Energy Board may administer and manage the leases and other contracts of any levee district, state university, state college, state penal or charitable institution, or agency, unit, or institution of the state. If the State Mineral and Energy Board agrees to administer and manage such ~~leases~~ contracts, the parties shall enter into a cooperative endeavor agreement to accomplish this purpose.

\* \* \*

§172. Lessees may construct breakwaters, etc.

Any person holding or acquiring a lease from the state for the development and production of minerals from lands including water bottoms belonging to the state, shall be authorized, in the conduct of the operations under the lease, to build, install and exclusively control, upon the shores, banks or water bottoms covered by the lease, breakwaters, platforms, fills, islands, (through excavation, pumping process or otherwise) and other constructions and facilities that he may find

necessary or convenient for the exploitation, production, storing, treating, processing, refining, conveying, transporting and marketing of minerals produced under such lease and under leases covering other lands in the vicinity. Should any island or fill be made within navigable waters, a permit shall first be secured from the Register of the State Land Office and approved by the ~~commissioner of conservation~~ **secretary**.

\* \* \*

§209. State Mineral and Energy Board; authority

In order to carry out the provisions of R.S. 30:208, the State Mineral and Energy Board may:

\* \* \*

(4)(a) Enter into operating agreements whereby the state receives a share of revenues from the production of oil, gas, and other minerals, and wind energy, after deduction of costs, in whole or in part, such as for drilling, testing, completion, equipping, or operating a well or wells, as may be agreed upon by the parties, and assumes all or a portion of the risk cost of development or production activity in those situations where the board determines it is in the best interest of the state, either in equity or in developmental productivity, to do so, such as but not limited to the following illustrations:

\* \* \*

(e) Upon a two-thirds vote of the members of the State Mineral and Energy Board and after notification to the governing authority of the affected parish, which may be made by electronic mail to the parish president, police jury president, or mayor-president, depending on the form of parish government, and a public hearing conducted by a hearing officer appointed by the ~~assistant~~ secretary for the office of mineral resources in each affected parish pursuant to R.S. 30:6, enter into operating agreements whereby the state receives a share of revenues from the storage of oil, natural gas, liquid or liquefied hydrocarbons, or carbon dioxide, in whole or in part, as may be agreed upon by the parties, and assumes all or a portion of the risk of the cost of the activity in those situations where the board determines it is in the best

interest of the state either in equity or in the promotion of conservation to do so, such as but not limited to the following illustrations:

\* \* \*

**(6) Notwithstanding any other provision of law to the contrary, the State Mineral and Energy Board is hereby authorized to enter into operating agreements for the usus or fructus of state resources under the department's jurisdiction, or other arrangements to fulfill the purposes and functions of the office of mineral resources pursuant to R.S. 36:358(E), and to adopt, promulgate, amend, or repeal all rules and regulations necessary to implement, administer, and enforce any such agreements.**

§209.1. Acquisition of ~~geological~~ information **and data**

A. ~~The right of the State Mineral and Energy Board under R.S. 30:209 to conduct or contract for geophysical and geological surveys and other operations on lands which the board might lease for the state in order to carry out the provisions of R.S. 30:208, relative to exploration and development of mineral resources shall include the right to acquire and receive, either as owner in its own right or licensee, from the company acquiring and processing the data under the geophysical or geological surveys, and geophysical, geological, and engineering information and data acquired or processed from the surveys or operations conducted on any lands, whether public or private, for evaluation, administration, and development of the mineral resources of state-owned properties~~ **the right to acquire and receive, either as owner in its own right or licensee, information and data acquired or processed from geological and geophysical surveys or other operations conducted on any lands, whether public or private, for evaluation, administration, and development of the mineral resources of state-owned properties.**

B.(1) Information and data acquired as authorized by Subsection A of this Section shall be confidential for all purposes consistent with the terms of acquisition and shall be made available only to the State Mineral and Energy Board, and the ~~commissioner of conservation~~ **secretary** at the sole discretion of the board, who shall keep such information and data confidential and may use such information and data

only in the lawful, official administration and development of publicly owned lands. Whoever knowingly and willfully violates the provisions of this Subsection shall be punished by the penalties provided by R.S. 30:213(B).

\* \* \*

§413. Certified emergencies; suspension of act

A. Whenever there is a compulsory reallocation or curtailment of natural gas resulting in a failure to supply natural gas in Louisiana pursuant to a contract, the ~~assistant~~ secretary, on call of the governor, shall hold a public hearing for the purpose of determining whether, as a result of extreme shortages of natural gas an emergency condition exists within a locality, municipality, parish or region of the state or elsewhere within the United States.

B. In the event that such an emergency is determined to exist, the ~~assistant~~ secretary shall certify such fact to the governor, who shall immediately thereafter issue an official order to that effect.

\* \* \*

§414. Reallocation hearings; powers and duties of the ~~assistant~~ secretary; reports to the governor

A. Whenever there has been a failure to supply natural gas as a result of compulsory reallocation or curtailment procedures other than as provided for at R.S. 30:571 and R.S. 30:413, the ~~assistant~~ secretary shall call a public hearing pursuant to the Louisiana Administrative Procedure Act for the purpose of determining the reasons for the compulsory action, the sustained and impending harm to the health, safety and welfare of the citizens of the state as a result of the compulsory action, and the beneficiaries of the natural gas otherwise made available as a result of the compulsory action.

\* \* \*

§502. Declaration of energy emergency; purpose of Chapter

\* \* \*

D. Notwithstanding anything herein to the contrary, this Chapter shall not apply to natural gas, not to exceed twenty five million cubic feet per day, owned or purchased by a person at or near the field where produced and transported by the

purchaser through his own pipeline solely for his own consumption or to gas acquired, through an exchange of any portion of such gas, solely for his own consumption; provided that such gas may be made subject to the provisions of Part IV of this Chapter in cases where the ~~commissioner~~ secretary finds that an extreme emergency exists impairing gas otherwise required for the priorities set forth in R.S. 30:572(1)(a), (b), (c), (d), and (e) which cannot be substantially otherwise provided for.

\* \* \*

§503. Definitions

As used in this Chapter, the following words and phrases have the meaning ascribed to them in this Section except as otherwise provided in this Chapter or unless a different meaning is plainly required by the context:

(1) "~~Assistant~~ secretary" means the ~~assistant~~ secretary ~~of the office of conservation~~ of the Department of Energy and Natural Resources.

(2) "Commissioner" means the ~~commissioner of conservation of the state of Louisiana~~ secretary of the Department of Conservation and Energy.

\* \* \*

(4) "Excess capacity" of intrastate gas pipelines is defined as that part of the capability of a pipeline system to transport intrastate natural gas from point to point along its line in excess of the immediate needs of the pipeline company or its subsidiaries or its parent or the subsidiary companies of its parent. In determining excess capacity, the ~~commissioner~~ secretary may disregard existing contracts for the transportation or sale of intrastate natural gas not then being performed or fulfilled. Excess capacity of intrastate pipelines may also be created as a result of intrastate natural gas delivery curtailment orders of the ~~commissioner~~ secretary in the implementation of the allocation, rationing and conservation measures governing the end-use of intrastate natural gas provided for in this Chapter.

\* \* \*

(6) "Intrastate natural gas" is defined as that gas produced, transported, and utilized wholly within the state of Louisiana, through the use of intrastate pipelines or of interstate pipelines where such use of interstate pipelines is or may hereafter

be exempt from the control of the Federal ~~Power~~ **Energy Regulatory** Commission under the Natural Gas Act and/or rules and regulations promulgated by the Federal Power Commission thereunder; and gas, wherever produced, which is or may be transported into this state and delivered to an intrastate pipeline in this state to be used or consumed wholly within this state.

\* \* \*

(8) "Intrastate pipeline" is defined as a pipeline which is located and operated ~~wholly within~~ **in** the state of Louisiana **and is or may hereafter be exempt from the control of the Federal Energy Regulatory Commission** ~~for the transportation of intrastate natural gas within the state of Louisiana, which does not extend beyond the boundaries of the state of Louisiana, and which is not merely a local branch of an interstate pipeline system.~~

\* \* \*

§504. Division of Natural Resources and Energy

A. The ~~commissioner~~ **secretary** shall establish in the ~~State~~ Department of Conservation **and Energy** a Division of Natural Resources and Energy through which he shall administer, enforce and carry out the powers, duties and functions transferred to him by Part II of this Chapter or otherwise vested in him by this Chapter.

B. All of the funds, property and other things, and persons and functions merged, consolidated and transferred by the provisions of Part II of this Chapter to the ~~commissioner~~ **secretary** and/or the ~~State~~ Department of Conservation shall be in the Division of Natural Resources and Energy.

§521. Merger and consolidation of agencies or functions

A. In order to merge and consolidate into one agency, under authority of Section 32 of Article III of the Constitution of 1921, certain executive and administrative offices, boards, commissions and agencies of the state of Louisiana whose duties and functions are of a similar nature or character, the following named offices, boards, commissions and agencies are merged and consolidated into the ~~State~~ Department of Conservation **and Energy**:

\* \* \*

C. Except as otherwise provided herein, on and after April 1, 1974, the ~~commissioner~~ secretary shall exercise those functions of the state, authorized by the state, or now or hereafter authorized by the constitution and laws to be exercised which relate to the administration, management and operation of the functions, programs and facilities of the offices, boards, commissions, and agencies hereby merged and consolidated, as well as the functions, powers, and duties transferred to the ~~commissioner~~ secretary by Subsection B of this Section.

\* \* \*

§524. ~~Commissioner~~ Secretary or merged agencies as agency of state for accepting and expending federal funds and carrying out purposes of federal laws

The ~~commissioner~~ secretary is designated as the sole agency of the state for accepting, administering and expending any and all federal funds awarded or allocated to the state of Louisiana for any purpose covered by any provision of this Chapter and for carrying out the purposes of any federal law concerning any matter covered by the provisions of this Chapter; however, each of said agencies shall remain in existence as agencies within the ~~Division of Natural Resources and Energy~~ of the Department of Conservation and Energy and to the full extent required by any federal law or regulation shall serve as the agency of the state to accept federal funds and administer them in connection with their programs and functions as provided by law prior to this merger and consolidation.

§525. Transfer of employees

All employees heretofore engaged in the performance of duties in any agency in the exercise of functions transferred by this Part to the ~~commissioner~~ secretary shall be transferred with such functions to ~~State~~ Department of Conservation and Energy to the full extent necessary to carry out the purposes of this Chapter and shall, so far as practicable and necessary, continue to perform the duties heretofore performed, subject to the state civil service laws and regulations and the laws and regulations governing the state employees retirement system.

§541. General power; ~~assistant~~ secretary, requirements

To accomplish the purposes of this Chapter, the ~~assistant~~ secretary is authorized to:

\* \* \*

(2) Contract, upon such terms as he may agree upon, for legal, financial, engineering, and other professional services necessary or expedient in the conduct of the affairs of the ~~office of conservation~~ **department** under the provisions of this Chapter; however, counsel retained by the ~~assistant~~ secretary to represent the interests of the state before the congress and the federal energy agencies and to advise the ~~assistant~~ secretary regarding the same shall not be deemed to be a public employee within the meaning of Chapter 15 of Title 42 of the Louisiana Revised Statutes of 1950.

\* \* \*

§544. Violation; penalties, civil and criminal

A.(1) Any person who shall be determined by the ~~assistant~~ secretary, after notice and an opportunity for a hearing, to have violated any provision of this Chapter or any rule, regulation, or order promulgated or issued under this Chapter shall be liable to the ~~office of conservation~~ **department** for a civil penalty not to exceed two hundred thousand dollars for each violation for each day that the violation persists, except that the maximum civil penalty shall not exceed two million dollars for any related series of violations.

(2) The amount of the penalty shall be assessed by the ~~assistant~~ secretary by written notice.

(3) In determining the amount of the penalty, the ~~assistant~~ secretary shall consider the nature, circumstances, and gravity of the violation and, with respect to the person found to have committed the violation, the degree of culpability, any history of prior violations, the effect on ability to continue to do business, any good faith in attempting to achieve compliance, ability to pay the penalty, and such other matters as justice may require.

B. The legal counsel employed or retained by the ~~assistant~~ secretary may recover the assessed civil penalty by bringing action against the person so assessed

in the court having jurisdiction. The ~~assistant~~ secretary may compromise the civil penalty.

\* \* \*

§546. General powers to control natural resources and energy

A. The ~~assistant~~ secretary ~~of the office of conservation~~ of the Department of Energy and Natural Resources shall have the powers and duties of:

\* \* \*

(5) Adopting and promulgating rules and regulations requiring the users or end users of hydrocarbons or hydrocarbon products to register with the ~~assistant~~ secretary and report on the use or end use of hydrocarbons or hydrocarbon products in the processing, production, or manufacture of commodities, goods, or services.

\* \* \*

B. The ~~commissioner~~ secretary shall have and exercise all necessary power and authority to supervise, govern, regulate and control the production, transportation, distribution, storage, sale, use and end-use of intrastate natural gas, including the power and authority to supervise, govern, regulate and control intrastate natural gas transporters and all aspects of sales of intrastate natural gas including direct sales to industrial users for fuel or for other uses; provided, however, the ~~commissioner~~ secretary shall have no authority to regulate the sale prices of intrastate natural gas except as authorized by the provisions of this Chapter with respect to prices on reallocated gas and prices under contracts executed after the effective date of this Chapter.

C. The ~~commissioner~~ secretary is empowered to take such actions, and promulgate such rules, regulations, and orders, as necessary to provide for the enforcement of the laws of the United States and regulations of appropriate federal agencies to the extent such enforcement, power, authority and responsibility is delegated to the state, for the mandatory allocation or rationing of natural gas, crude oil, residual fuel oil, refined petroleum products and other fuels.

\* \* \*

§548. Exercise of powers

The ~~assistant~~ secretary of conservation shall exercise his powers so as to provide, under the priorities hereinafter set forth, to the maximum extent practicable, for:

\* \* \*

§551. Regulatory designation

A. Pursuant to Section 2(A) of Article IX of the Louisiana Constitution of 1974, the ~~assistant~~ secretary shall be the authority to regulate natural gas and natural gas transporters and distribution companies as provided in this Chapter; provided, however, that the Louisiana Public Service Commission shall remain the authority to regulate the sale of natural gas moving by pipeline to local distributing systems for resale, and shall regulate resales by those distributing companies, for the purposes of fixing and regulating the rates and services charged and rendered by public utilities in such sale; except that those distribution companies or systems owned or operated by the governing authority of one or more political subdivisions or subject to regulation in accordance with the provisions of a home rule charter or plan of government shall be regulated, except as provided in Subsection B, hereof, by the owning or operating governing authority or as provided by such home rule charter or plan of government.

B. Notwithstanding the provisions of Subsection A of this Section, the ~~assistant~~ secretary shall be the authority to regulate persons engaged in the transportation of gas or who own or operate intrastate pipeline facilities for the transportation of gas. The ~~assistant~~ secretary shall establish by regulation minimum safety standards for pipeline facilities and the transportation of gas, and those regulations shall be consistent with the rules and regulations authorized by 49 U.S.C. 60101 et seq .

C. The assistant secretary, as permitted by 49 U.S.C. 60105, may certify annually to the United States Department of Transportation that the state, through the ~~office of conservation~~ **Department of Conservation and Energy**, has regulatory jurisdiction over the safety standards and practices of intrastate pipelines and liquefied natural gas facilities not otherwise regulated by the Federal Energy

Regulatory Commission and the transportation of gas and liquefied natural gas associated with those facilities.

D. Except as provided in 49 U.S.C. 60104(c), nothing in this Section authorizes the ~~assistant~~ secretary to adopt or enforce safety standards for interstate gas pipeline facilities or the transportation of gas associated with those facilities.

E. The ~~commissioner of conservation~~ secretary, as permitted by 49 U.S.C. 60101, et seq., may certify annually to the United States Department of Transportation that the state, through the ~~office of conservation~~ Department of Conservation and Energy, has regulatory jurisdiction over the safety standards and practices of intrastate underground gas storage facilities not otherwise regulated by the Federal Energy Regulatory Commission and the transportation of gas and the storage of gas at those facilities. The ~~commissioner of conservation~~ secretary, as permitted by 49 U.S.C. 60101 et seq., may enter into an agency relationship with the United States Department of Transportation to enforce compliance with safety standards with respect to interstate gas storage facilities or the transportation of gas associated with those facilities.

\* \* \*

§557. Construction and operation of pipelines by ~~commissioner~~ secretary

A. The ~~commissioner~~ secretary shall be empowered to plan, finance, construct in accordance with the provisions of R.S. 38:2211, develop, acquire, maintain and operate a pipeline system or systems, inclusive of pipelines, pumps, storage and all facilities, structures and properties incidental and necessary or useful in the transportation, distribution and delivery of natural gas and hydrocarbons from any and all points of production to points of consumption or to the points of distribution for consumption, within or without the state of Louisiana, inclusive of a pipeline system within the offshore area under the jurisdiction of the state, to facilitate the production, transportation, distribution and delivery of natural gas and hydrocarbons, including gas and hydrocarbons received as royalties "in-kind" by private land or mineral owners, under private leases, and by the state, pursuant to mineral leases by the state, its agencies and political subdivisions, and gas and

hydrocarbons acquired by purchase or otherwise by the state from private land or mineral owners.

B. In order to provide for the financing, construction, development, maintenance and operation of said pipeline systems, the ~~commissioner~~ secretary may lease or rent to others, after advertisement in accordance with the provisions of R.S. 30:142, the facilities constructed pursuant to the authority conferred herein, and all facilities, structures and properties necessary and incidental, to facilitate the production, transportation, distribution and delivery of natural gas and other hydrocarbons from point of production to point of consumption or to the point of distribution for consumption.

C. The ~~commissioner~~ secretary may borrow funds not to exceed \$50,000,000.00 for implementation of the purposes of this Section and mortgage and pledge any lease or leases granted by, assigned or subleased by the ~~commissioner~~ secretary.

D. Anything herein to the contrary notwithstanding, the ~~commissioner~~ secretary shall not exercise any of the rights or powers granted to him in Subsections A, B, and C of this Section, if private persons, firms, or corporations are performing the acts and services, or are constructing or have constructed the facilities to provide the services contemplated by this Section. Prior to exercising any of such rights or powers, the ~~commissioner~~ secretary shall publish in the official journal of the state a notice describing the acts, facilities, or services contemplated by the ~~commissioner~~ secretary, and any private persons, firms or corporations desiring to perform the acts or services or to construct the facilities to provide the services described in the notice, shall have a period of thirty days from the date of last publication of the notice within which to notify the ~~commissioner~~ secretary of their intention to perform the acts or services or to construct the facilities to provide the services described in the notice. In the absence of such notification by a private person, firm or corporation, or if such person, firm or corporation, having given notice of intention to perform the acts or services or to construct the facilities to provide the services contemplated by the ~~commissioner~~ secretary, fails to commence same within sixty days from the date of notification of the ~~commissioner~~

secretary of such intention, the ~~commissioner~~ secretary may proceed to perform the acts, construct the facilities or provide the services originally contemplated.

E. In exercising the rights and powers granted to him in this Section, the ~~commissioner~~ secretary shall be vested with authority to:

(1) Acquire by expropriation any properties necessary or useful for the purposes of this Section, in accordance with the general expropriation laws of the state. The ~~commissioner~~ secretary shall not have the authority to expropriate mineral leases, gas supplies, gas reserves, oil refineries, minerals, mineral rights or pipelines used in connection therewith. No person shall be granted a suspensive appeal from any judgment rendered by a district court in any expropriation action filed by the ~~commissioner~~ secretary hereunder in which it is held that a requested expropriation be approved.

\* \* \*

F. In the exercise of the powers, duties and functions granted to the ~~commissioner~~ secretary in Subsection A hereof, with respect to the production, transportation, distribution and delivery of natural gas and hydrocarbons received as royalties "in-kind" by private land or mineral owners under private leases and by the state pursuant to mineral leases by the state, its agencies and political subdivisions, the ~~commissioner~~ secretary shall allocate and/or ration all such natural gas and other hydrocarbons received as "in-kind" royalties in accordance with the priorities established in Paragraphs (a) through (i), inclusive, of R.S. 30:572 and, notwithstanding any other provisions of R.S. 30:572 or any other law to the contrary, the priorities established in said Paragraphs (a) through (i), without any change or modification thereof whatsoever, shall govern the allocation and/or rationing of natural gas and other hydrocarbons received as "in-kind" royalties unless the ~~commissioner~~ secretary determines such priority use is impractical under the circumstances.

G. Within 90 days after December 8, 1973, the ~~commissioner of conservation~~ secretary shall promulgate a set of rules and regulations for intrastate pipeline safety, using as a guideline those rules and regulations authorized by 49 U.S.C.A.

§1671 to 1684 inclusive as established by the United States Secretary of Transportation.

§558. Bond issue for pipeline

A. In order to finance capital improvements authorized by R.S. 30:557, the ~~commissioner~~ secretary shall have the power to borrow money not to exceed \$50,000,000.00 and evidence the borrowing in the issuance and sale of bonds or other obligations of the ~~State~~ Department of Conservation and Energy, the principal and interest of which shall be payable solely out of revenues herein authorized to be dedicated and pledged for such payment.

B. The bonds or other obligations issued under authority of this Section shall be solely the obligations of the ~~State~~ Department of Conservation and Energy and shall recite on their face that they do not constitute obligations of the state of Louisiana or of any parish, municipality or other political subdivision of the state. The bonds or other obligations shall be authorized and issued by written authorization of the ~~commissioner~~ secretary and shall be of such series, bear such date or dates, mature at such time or times, bear interest at such rate or rates, be in such form, either coupon or fully registered without coupons, carry such registration and exchangeability privileges, be payable in such medium of payment and at such place or places, be subject to such terms of redemption and be entitled to such priorities on the revenues authorized by this Section to be pledged for the payment of principal and interest of such bonds or other obligations as such written authorization may provide. The bonds and the coupons, if any, attached thereto shall be executed in the form and manner provided by the ~~commissioner's~~ secretary's written authorization.

\* \* \*

D. Any bonds or other obligations issued hereunder shall be payable from and be secured by the pledge of the revenues derived from the operation of the pipeline system or systems, as constructed, acquired, extended or improved with the proceeds of the bonds, subject only to prior payment of the reasonable and necessary expenses of operating and maintaining the system or systems. Any holder of the bonds or other obligations or of any of the coupons thereto attached may by

appropriate legal action compel performance of all duties required of the **commissioner secretary** in order to enforce payment of the bonds when due. If any bonds or other obligations issued hereunder are permitted to go into default as to principal or interest, any court of competent jurisdiction may, pursuant to the application of the holder of the bonds or other obligations, appoint a receiver for the system or systems who shall operate the system or systems and collect and distribute the revenues thereof pursuant to the provisions and requirements of the **commissioner's secretary's** written authorization for the bonds.

If more than one series of bonds or other obligations is issued hereunder payable from the revenues of the system or systems, priority of lien on such revenues shall depend on the time of the delivery of the bonds or other obligations each series enjoying a lien prior and superior to that enjoyed by any series of bonds or other obligations subsequently delivered, except that where provision is made in the proceedings authorizing any issue or series of bonds or other obligations for the issuance of additional bonds or other obligations in the future on a parity therewith pursuant to procedure or restrictions provided in such proceedings, additional bonds or other obligations may be issued in the future on a parity with such issue or series in the manner so provided in such proceedings.

\* \* \*

F. When the **commissioner secretary** has issued bonds and pledged the revenues of the pipeline system or systems for the payment thereof as herein provided, the **commissioner secretary** shall operate and maintain the system or systems and shall impose and collect fees and charges for the services furnished by the system or systems, including those furnished to the **State Department of Conservation and Energy**, in such amounts and at such rates as shall be fully sufficient at all times to (1) pay the expenses of operating and maintaining the system or systems, (2) provide a sinking fund sufficient to assure the prompt payment of principal of and interest on the bonds or other obligations as each falls due, (3) provide such reasonable fund for contingencies as may be required by the **commissioner's secretary's** written authorization for the bonds or other obligations, and (4) provide an adequate depreciation fund for repairs, extensions and

improvements to the system or systems necessary to assure adequate and efficient service to the public. No board or commission other than the ~~commissioner~~ secretary shall have authority to fix or supervise the making of such fees and charges, which shall be in amounts reasonably necessary for the purposes herein stated.

G. Any written authorization of the ~~commissioner~~ secretary authorizing the issuance of bonds or other obligations shall be published at least three times in ten days in a newspaper published in the city of Baton Rouge. For a period of thirty days from the date of the publication, any person in interest may contest the legality of the written authorization of the ~~commissioner~~ secretary and of the bonds or other obligations to be issued pursuant thereto and the provisions securing the bonds or other obligations, including the validity of any lease or other contract pledged to the payment thereof. After the expiration of thirty days no one shall have any right of action to contest the validity of the bonds or other obligations, the validity of the security pledged to the payment thereof or the provisions of the written authorization pursuant to which the bonds or other obligations were issued, and all the bonds or other obligations and all proceedings relating thereto shall be conclusively presumed to be legal, and no court shall thereafter have authority to inquire into such matters.

H. The ~~commissioner~~ secretary may by written authorization authorize the issuance of bonds or other obligations for the purpose of refunding, extending and unifying the whole or any part of the principal, interest and redemption premiums on any outstanding bonds or other obligations issued under the authority of this Section. The refunding bonds or other obligations may either be sold and the proceeds applied to or deposited in escrow for the retirement of the outstanding bonds or other obligations, or may be delivered in exchange for the outstanding bonds or other obligations. The refunding bonds or other obligations shall be authorized in all respects as original bonds or other obligations are herein required to be authorized. The ~~commissioner~~ secretary, in authorizing the refunding bonds or other obligations, shall provide for the security of the bonds or other obligations, the sources from which the bonds or other obligations are to be paid and for the rights of the holders thereof in all respects as herein provided for other bonds or

other obligations issued under the authority of this Section. The ~~commissioner~~ secretary may also provide that the refunding bonds or other obligations shall have the same priority of lien on the revenues pledged for their payment as was enjoyed by the bonds or other obligations refunded.

§559. Registration and information required by the ~~assistant~~ secretary

A. The ~~assistant~~ secretary may prescribe rules and regulations requiring that all persons operating, managing, or otherwise administering natural gas transmission pipelines or natural gas transmission pipeline companies register with the ~~assistant~~ secretary.

\* \* \*

C. Notwithstanding any other provision of this Chapter or any other law to the contrary, the ~~assistant~~ secretary may promulgate and enforce rules and regulations relative to natural gas transmission pipeline safety, including requirements for the performance of periodic hydrostatic pressure tests to confirm or revise maximum allowable operating pressures.

§560. Pipeline safety inspection fees

\* \* \*

B. There is hereby imposed upon all distributors of jurisdictional gas who own and operate any jurisdictional gas distribution system that comes under the supervision of the ~~assistant~~ secretary pursuant to R.S. 30:551(B) an annual safety and odorization inspection fee not to exceed one dollar per service line, or four hundred dollars per pipeline facility, whichever is greater. The ~~commissioner~~ secretary shall annually review the fee amount and may revise it in accordance with the Administrative Procedure Act.

C. There is hereby imposed upon all distributors of jurisdictional gas who own or operate any jurisdictional gas gathering or transmission system that comes under the supervision of the ~~assistant~~ secretary pursuant to R.S. 30:551(B) an annual safety inspection fee not to exceed forty-four dollars and eighty cents per mile of pipeline used in a jurisdictional gas pipeline system, or eight hundred dollars per pipeline facility, whichever is greater. The ~~commissioner~~ secretary shall annually

review the fee amount and may revise it in accordance with the Administrative Procedure Act.

D. The annual inspection fees imposed by this Section are for the purpose of enforcing the natural gas pipeline safety standards and practice required by this Chapter and regulations promulgated thereunder. All fees collected by the ~~commissioner~~ secretary shall be reasonably related to the services provided and shall be used by the ~~office of conservation~~ department solely for the purposes of that program.

§561. Collection of inspection fees

A. The annual fees imposed by R.S. 30:560 shall be paid to the ~~office of conservation~~ department no later than January fifteenth of each year on forms to be prescribed by the ~~commissioner of conservation~~ secretary.

B. If any person fails to pay the fees imposed by R.S. 30:560, the ~~commissioner of conservation~~ secretary may proceed to enforce the collection thereof by utilizing the remedies and procedures set forth in Chapter 1 of this Subtitle, specifically including any authority to obtain and audit information and authority to impose interest and penalties.

C. All money received or collected by the ~~commissioner of conservation~~ secretary under R.S. 30:560 and this Section shall be deposited immediately upon receipt in the state treasury and shall be credited to the Oil and Gas Regulatory Dedicated Fund Account.

\* \* \*

§571. Establishment, promulgation and implementation of plan

The governor of Louisiana shall have the authority pursuant to the police powers granted him by the constitution of this state, from time to time to declare a state of emergency as a result of extreme shortages of existing intrastate natural gas for human needs pursuant to Paragraphs (a) through (e) of Subsection (1) of R.S. 30:572. In connection therewith, as soon as practicable, the ~~commissioner~~ secretary shall establish and promulgate a plan for statewide emergency intrastate natural gas conservation, allocation or rationing, which shall be implemented and enforced by the ~~commissioner~~ secretary under controls and enforcement procedures hereinafter

provided. The plan shall remain in effect as implemented and changed from time to time by the ~~commissioner~~ secretary, until the governor, by proclamation, shall declare that a state energy emergency no longer exists. The plan shall maintain, preserve and protect all vital services in the state depending upon intrastate natural gas and, to the extent deemed practicable by the ~~commissioner~~ secretary, shall provide for the curtailment of unnecessary and lesser priority uses of intrastate natural gas.

§572. Priorities

The allocation or rationing and conservation program under the plan provided for by this Part shall include the following:

(1) A priority system and plan to be implemented without delay, for conservation, allocation, and/or rationing of intrastate natural gas qualitatively and quantitatively among distributors and consumers. To the extent practicable, such priority allocation or rationing programs shall include, but not be limited to, measures to insure that available intrastate natural gas will be distributed on a priority basis to users within the state to avoid or minimize adverse impacts on the public health, welfare, and economic well-being of the state; provided, however, that unless the ~~assistant~~ secretary rules otherwise, in the event of a serious emergency and until hearings can be had as hereinafter provided for, the priorities of mandatory allocations and rationing shall, to the maximum extent practicable, be as follows:

\* \* \*

(f) Sixth priority shall be given to the preservation of an economically sound and competitive petroleum, petrochemical, and chemical industry, provided that, except in cases where the ~~commissioner~~ secretary finds that an extreme emergency exists and the above priority needs cannot be substantially otherwise provided for, those industries requiring the use of intrastate natural gas for plant protection, feedstock or process needs, and public utilities generating electricity for sale to consumers listed above under Paragraphs (a), (b), (c), (d), and (e), which own or have acquired at the wellhead their own source of intrastate natural gas supply or which acquires such gas supply or any portion thereof from a wholly owned subsidiary company and which are using such supply in the operation of their own

facilities, shall, as long as they continue to use said gas for plant protection, feedstock or process needs, or for generating electricity for sale to consumers listed above under Paragraphs (a), (b), (c), (d), and (e), have and be recognized as possessing first priority, above all others, for use of said gas. Industrial companies not owning intrastate natural gas reserves for their own use for plant protection, feedstock or process needs shall be subject to curtailment first, and those companies owning intrastate natural gas reserves for their own use or which acquires such gas supply or any portion thereof from a wholly owned subsidiary company for such purposes shall be subject to curtailment second; provided, further, that any person to whom those industries requiring the use of intrastate natural gas for plant protection, feedstock or process needs which own their own source of intrastate natural gas may have heretofore contracted to sell a portion of their own gas for plant protection, feedstock or process needs shall have a priority for the use of said gas for plant protection, feedstock or process needs equal to the priority accorded to their vendor by this Paragraph;

\* \* \*

(h) Subject to the priorities established in R.S. 30:572(1)(a) and (b), eighth priority shall be given to industrial plants, including electrical generating plants to the extent not provided for in Paragraph (e) above, having a present requirement for use of intrastate natural gas for boiler fuel not possessing present alternate fuel capabilities. Such plants may, however, be required by the ~~commissioner~~ secretary to convert to alternate fuels within a reasonable time, considering all pertinent circumstances, or suffer curtailment by order of the ~~commissioner~~ secretary of its use of intrastate natural gas. Provided that, if a plant shall have commenced reasonable preparations to so convert, it shall not be required to convert or suffer curtailment as a consequence thereof before July 1, 1975. The ~~commissioner~~ secretary may require the industry affected to submit to him evidence as to why the industrial plant cannot convert to alternate fuels within the delay specified; and, if the user alleges otherwise, and if required by the ~~commissioner~~ secretary, why the industrial plant cannot be operated on a profitable basis with the use of alternate fuels.

The ~~commissioner~~ secretary may authorize the use of intrastate natural gas for use as boiler fuel if the industry demonstrates that it cannot convert to alternate fuel capability by reason of the fact that it is economically unfeasible, that the industrial plant would otherwise have to close, because it could not operate with a margin of profit considered reasonable in the particular industry, or that the cost of converting to alternate fuels is totally disproportionate to the existing investment in plant facilities. If the ~~commissioner~~ secretary determines that for those reasons the industrial plant cannot reasonably be converted to the use of alternate fuel capabilities and remain in business, the ~~commissioner~~ secretary may, if he determines that intrastate natural gas is available for such use, grant to that industry a higher priority of use than is herein provided;

(i) Ninth priority shall be given to industrial plants, including electrical generating plants to the extent not provided for in Paragraphs (e) and (h) above, having a present requirement for boiler fuel use, in those instances where alternate fuel capabilities now exist, or may be installed with relatively minimal cost and delay. Industries possessing existing alternate fuel capabilities or, if the ~~commissioner~~ secretary determines that alternate fuel capability can be installed with relatively minimal cost or delay, may be curtailed in their gas supply by the ~~commissioner~~ secretary, and directed by the ~~commissioner~~ secretary to change from use of intrastate natural gas to use of alternate fuels within a limited time to be fixed by the ~~commissioner~~ secretary considering all pertinent circumstances. The ~~commissioner~~ secretary may, if he determines that intrastate natural gas is available for such use, and if the ~~commissioner~~ secretary determines that it is economically unfeasible to operate a plant with alternate fuels, grant to the plant a higher priority of use.

Notwithstanding any other provision of this Chapter or any other law to the contrary, the ~~commissioner~~ secretary shall have the authority to order the husbanding and storage of intrastate natural gas to the extent that he deems necessary to protect the public interest.

In the exercise of the powers, duties and functions granted to the ~~commissioner~~ secretary in this Chapter, with respect to the production,

transportation, distribution and delivery of natural gas and hydrocarbons received as royalties "in-kind" by private land or mineral owners under private leases and by the state pursuant to mineral leases by the state, its agencies and political subdivisions, the ~~commissioner~~ secretary shall allocate and/or ration all such natural gas and other hydrocarbons received as "in-kind" royalties in accordance with the priorities established in Paragraphs (a) through (i), inclusive, of R.S. 30:572 and, notwithstanding any other provisions of R.S. 30:572 or any other law to the contrary the priorities established in said Paragraphs (a) through (i), without any change or modification thereof whatsoever, shall govern the allocation and/or rationing of natural gas and other hydrocarbons received as "in-kind" royalties unless the ~~commissioner~~ secretary determines such priority in use is impractical under the circumstances.

\* \* \*

§603. Investigations by ~~commissioner~~ secretary; attendance of witnesses; depositions

A. The ~~commissioner~~ secretary may investigate any facts, conditions, practices, or matters which he may find necessary or proper in order to determine whether any person has violated or is about to violate any provision of this Part or any rule, regulation, or order thereunder, or to aid in the enforcement of the provisions of this Part or in prescribing rules or regulations hereunder, or in obtaining information to serve as a basis for recommending further legislation to the legislature. The ~~commissioner~~ secretary may permit any person to file with him a statement in writing, under oath or otherwise, as he shall determine, as to any or all facts and circumstances concerning a matter which may be the subject of investigation.

B. For the purpose of any investigation or any other proceeding under this Part, the ~~commissioner~~ secretary or any officer or employee of the State Department of Conservation and Energy designated by him is empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records which the ~~commissioner~~ secretary finds relevant or

material to the inquiry. Witnesses summoned by the ~~commissioner~~ secretary to appear before him shall be paid the same fees and mileage that are paid witnesses in the courts of the state.

C. In case of contumacy by, or refusal to obey a subpoena issued to, any person, the ~~commissioner~~ secretary may invoke the aid of any court of competent jurisdiction in requiring the attendance and testimony of witnesses and the production of books, papers, correspondence, memoranda, contracts, agreements, and other records. Such court may issue an order requiring such person to appear before the ~~commissioner~~ secretary or officer or employee of the State Department of Conservation and Energy designated by the ~~commissioner~~ secretary, there to produce records, if so ordered, or to give testimony touching the matter under investigation or in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof. All process in any such case may be served in the judicial district whereof such person is an inhabitant or wherever he may be found or may be doing business. Any person who willfully shall fail or refuse to attend and testify or to answer any lawful inquiry or to produce books, papers, correspondence, memoranda, contracts, agreements, or other records, if in his or its power so to do, in obedience to the subpoena of the ~~commissioner~~ secretary, shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of not more than \$1,000 or to imprisonment for a term of not more than one year, or both.

D. The testimony of any witness may be taken at the instance of a party, in any proceeding or investigation pending before the ~~commissioner~~ secretary, by deposition at any time after the proceeding is at issue. The ~~commissioner~~ secretary may also order testimony to be taken by deposition in any proceeding or investigation pending before him at any stage of such proceeding or investigation. Such depositions may be taken before any person authorized to administer oaths not being of counsel or attorney to either of the parties, nor interested in the proceeding or investigation. Reasonable notice must first be given in writing by the party or his attorney proposing to take such deposition to the opposite party or his attorney of record, as either may be nearest, which notice shall state the name of the witness and the time and place of the taking of his deposition. Any person may be compelled to

appear and depose, and to produce documentary evidence, in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence before the ~~commissioner~~ **secretary**, as hereinbefore provided. Such testimony shall be reduced to writing by the person taking deposition, or under his direction, and shall, after it has been reduced to writing, be subscribed by the deponent.

E. If a witness whose testimony may be desired to be taken by deposition be in a foreign country, the deposition may be taken before an officer or person designated by the ~~commissioner~~ **secretary**, or agreed upon by the parties by stipulation in writing to be filed with the ~~commissioner~~ **secretary**. All depositions must be promptly filed with the ~~commissioner~~ **secretary**.

\* \* \*

G. No person shall be excused from attending and testifying or from producing books, papers, correspondence, memoranda, contracts, agreements, or other records and documents before the ~~commissioner~~ **secretary**, or in obedience to the subpoena of the ~~commissioner~~ **secretary** or any officer or employee of the State Department of Conservation **and Energy** designated by him, or in any cause or proceeding instituted by the ~~commissioner~~ **secretary**, on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subject to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled to testify or produce evidence, documentary or otherwise, after having claimed his privilege against self-incrimination, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

§604. Hearings; rules of procedure

A. Hearings under this Part may be held before the ~~commissioner~~ **secretary**, or any officer or employee of the State Department of Conservation **and Energy** designated by him, and appropriate records thereof shall be kept.

B. All hearings, investigations, and proceedings under this Part shall be governed by rules of practice and procedure to be adopted by the ~~commissioner~~

secretary, and in the conduct thereof the technical rules of evidence need not be applied. No informality in any hearing, investigation, or proceeding or in the manner of taking testimony shall invalidate any order, decision, rule or regulation issued under the authority of this Part.

\* \* \*

§681.1. Legislative findings

The Legislature of Louisiana hereby finds that:

\* \* \*

(5) Professional staffs at Louisiana State University have obtained a small grant from the federal Energy Research and Development Administration to begin studies to determine the location of commercial size reservoirs by utilizing the services of state geologists in the State Department of Conservation **and Energy** to examine and chart the massive numbers of well logs available.

\* \* \*

(8) By Act 16 of the 1973 Extraordinary Session, 1 the Louisiana Legislature created the Louisiana Energy Commission and included in its duties the authorization to undertake or contract for studies and research regarding alternate fuel resources for the state; that the ~~commissioner of conservation~~ **secretary**, by Act 16, is authorized to prepare all necessary studies on the sources of energy available to Louisiana and to conduct appropriate research in connection therewith; and that the State Department of Conservation **and Energy** is staffed and administratively capable of exercising this authority.

(9) This Act is intended to provide the framework and guidelines for the state, through the State Department of Conservation **and Energy**, to begin a concerted effort to exploit this potential geothermal and geopressure energy resource.

§681.2. Definitions

For the purpose of this Subpart:

\* \* \*

(2) the term "department" means the State Department of Conservation **and Energy** of the state of Louisiana; and

(3) the term "commissioner" means the ~~commissioner of conservation~~  
**secretary of the Department of Conservation and Energy.**

\* \* \*

§702. Definitions

As used in this Part, the following words and phrases have the meanings hereinafter ascribed to them:

(1) "~~Assistant~~ secretary" means the ~~assistant~~ secretary of the ~~office of conservation of the~~ Department of Energy and Natural Resources.

(2) "Hazardous liquid" means:

\* \* \*

(b) Any substance or material which is in liquid state, excluding liquefied natural gas and hydro-carbons incidental thereto, when transported by pipeline facilities and which, as determined by the ~~assistant~~ secretary by rule or regulation in accordance with R.S. 49:950 et seq., may pose an unreasonable risk to life or property when transported by pipeline facilities.

\* \* \*

(5) "Pipeline facility" means and shall include, without limitation, new and existing pipe, right of way, and any equipment, facility, or building used or intended for use in the transportation of hazardous liquids; but, rights of way as used in this Chapter does not authorize the ~~assistant~~ secretary to prescribe the location or the routing of any pipeline facility.

\* \* \*

§703. Regulatory designation

A. The ~~assistant~~ secretary shall be the authority to regulate persons engaged in the transportation of hazardous liquids or who own or operate intrastate pipeline facilities for the transportation of hazardous liquids. The ~~assistant~~ secretary shall establish by regulation minimum safety standards for pipeline facilities and the transportation of hazardous liquids and shall be consistent with those rules and regulations authorized by 49 U.S.C. 60101 et seq.

B. The ~~assistant~~ secretary, as permitted by 49 U.S.C. 60101 et seq., may certify annually to the secretary of the United States Department of Transportation

that the state, through the ~~office of conservation~~ **Department of Conservation and Energy**, has regulatory jurisdiction over the safety standards and practice of intrastate pipeline facilities and the transportation of hazardous liquids associated with those facilities. The ~~assistant~~ secretary, as permitted by 49 U.S.C. 60101 et seq., may enter into an agency relationship with the United States Department of Transportation to enforce compliance with safety standards with respect to interstate pipeline facilities or the transportation of hazardous liquids associated with those facilities.

§704. Administration and enforcement

\* \* \*

B. The ~~assistant~~ secretary may employ such officers, agents, employees, and professional personnel, including legal counsel, as he deems necessary for the performance of his powers and duties and prescribe the powers and duties and fix the compensation of such officers, employees, and professional personnel.

C. The legal counsel employed or retained by the ~~assistant~~ secretary, when authorized by the ~~assistant~~ secretary, shall be entitled to represent the state and the ~~assistant~~ secretary and to appear in the courts and before agencies of this state, the United States, and other states in order to carry out the purposes of this Part.

D. Whenever it appears to the ~~assistant~~ secretary that any person has engaged, is engaged, or is about to engage in any act or practice constituting a violation of this Part or of any regulation, rule, or order issued hereunder, the ~~assistant~~ secretary may bring an action in the court having jurisdiction, to enjoin such acts or practices and to enforce compliance with this Part or any rule, regulation, or order issued thereunder. Upon a proper showing a temporary restraining order or a preliminary or permanent injunction shall be granted without bond. The relief sought may include a mandatory injunction commanding any person to comply with this Part or any such regulation, rule, or order issued hereunder, and to make restitution of money received in violation of any such regulation, rule, or order. The ~~assistant~~ secretary may transmit such evidence as may be available concerning such acts or practice or concerning apparent violations to the district attorney having jurisdiction over same who, in his discretion, may institute appropriate criminal proceedings.

E. Upon application by any person engaged in the transportation of hazardous liquids or the operation of intrastate pipeline facilities, the ~~assistant~~ secretary shall, by order, after notice and opportunity for hearing and under such terms and conditions and to such extent as the ~~assistant~~ secretary may deem reasonable and proper, waive in whole or in part compliance with any standard established under this Part, if he determines that compliance with such standard works a substantial hardship on an owner or operator of pipeline facilities or is not in the public interest and a waiver of compliance with such standard is not inconsistent with pipeline safety, provided that such waiver shall not be effective until the requirements of 49 U.S.C.A. Section 2001 et seq. relative to such a waiver have first been satisfied.

§705. Violation; penalties, civil and criminal

A.(1) Any person who shall be determined by the ~~assistant~~ secretary, after notice and an opportunity for a hearing, to have violated any provision of this Part or any final rule, final regulation promulgated or order issued under this Part shall be liable to the ~~office of conservation~~ **department** for a civil penalty not to exceed ten thousand dollars for each violation for each day that the violation persists except that the maximum civil penalty shall not exceed five hundred thousand dollars for any related series of violations.

(2) The amount of the penalty shall be assessed by the ~~assistant~~ secretary by written notice.

(3) In determining the amount of the penalty, the ~~assistant~~ secretary shall consider the nature, circumstances, and gravity of the violation; and, with respect to the person found to have committed the violation, the degree of culpability, any history of prior violations, the effect on ability to continue to do business, any good faith in attempting to achieve compliance, ability to pay the penalty, and such other matters as justice may require.

B. The legal counsel employed or retained by the ~~assistant~~ secretary may recover the assessed civil penalty by bringing action against the person so assessed in the court having jurisdiction. The ~~assistant~~ secretary may compromise the civil penalty.

\* \* \*

§706. Fees

In order to implement this Part, every person engaged in the transportation of hazardous liquids or who owns or operates intrastate pipeline facilities for the transportation of hazardous liquids shall be assessed an annual fee which shall not exceed forty-four dollars and eighty cents for each mile or fraction thereof of pipeline operated or eight hundred dollars per pipeline facility, whichever is greater. The ~~commissioner~~ secretary shall annually review the fee amount and may revise it not to exceed forty-four dollars and eighty cents per mile in accordance with the Administrative Procedure Act. All fees collected by the ~~commissioner~~ secretary shall be reasonably related to the services provided and shall be used by the ~~office of conservation~~ department solely for the purposes of that program.

§707. Collection of fees

A. The annual fees imposed by R.S. 30:706 shall be paid to the ~~office of conservation~~ department no later than January fifteenth of each year on forms to be prescribed by the ~~commissioner of conservation~~ secretary. If any person fails to pay the fees imposed by this Part, the ~~commissioner of conservation~~ secretary may proceed to enforce the collection thereof by utilizing the remedies and procedures set forth in Chapter 1 of this Title, specifically including any authority to obtain and audit information and authority to impose interest and penalties.

B. All money received or collected by the ~~commissioner of conservation~~ secretary under R.S. 30:706 and this Section shall be deposited immediately upon receipt in the state treasury and shall be credited to the Oil and Gas Regulatory Dedicated Fund Account.

\* \* \*

§722. Application

A. Except as may otherwise be specifically provided by the constitution of this state, the provisions of Parts I, II and III of this Chapter, including the powers, duties and functions of the ~~assistant~~ secretary, shall apply to coal or lignite slurry transportation.

B. The ~~assistant~~ secretary shall promulgate regulations governing the licensing and operation of slurry pipelines in this state and shall implement

procedures necessary for the orderly and efficient administration of this Part, including assessment of reasonable fees to cover the costs of administration.

§723. Expropriation authority

A. Subject to the provisions of R.S. 19:8, coal or lignite slurry pipeline owners or operators otherwise licensed and permitted to operate in Louisiana by order of the ~~assistant~~ secretary shall possess the right of expropriation with authority to expropriate private property under the general state expropriation laws, and shall have the right to lay, maintain, and operate pipelines, together with telegraph and telephone lines necessary and incidental to the operation of these pipelines, over private property thus expropriated, and have the further right to lay, maintain, and operate pipelines along, across, over and under any navigable stream or public highway, street, bridge, or other public place, and also have the authority, under the right of expropriation herein conferred, to cross railroads, street railways, and other pipelines, by expropriating property necessary for the crossing under the general expropriation laws of this state. The right to run along, across, over, or under any public road, bridge or highway, as before provided for, may be exercised only upon condition that the traffic thereon is not interfered with, and that such road or highway is promptly restored to its former condition of usefulness, at the expense of the pipeline owner, the restoration to be subject also to the supervision and approval of the proper local authorities.

\* \* \*

F. Nothing in this Part or under the general expropriation laws of this state shall be construed as permitting the expropriation of water or water rights for use in transportation of coal by pipeline. No Louisiana water from any source shall be used in connection with the transportation, maintenance or operation of a coal slurry pipeline within the state, except water used for drinking, toilet, bath, or other personal uses, unless the ~~assistant~~ secretary shall have determined, after public hearing, that such use will not be detrimental to the water supply of the area from which the water is sought to be extracted. In that event, nothing in this Part shall authorize expropriation of water or water rights.

In the event the ~~assistant~~ secretary shall have authorized use of water as provided herein, he shall annually thereafter, and so long as such use continues, review the use of such water in order to determine if such continued use will be detrimental to the water supply of the area from which the water is being extracted. Further, if the local governing body of the parish from which the water is being extracted shall make a formal motion to the ~~assistant~~ secretary suggesting that continued use of such water will be detrimental to the water supply of the area from which the water is being extracted, then in that event the ~~assistant~~ secretary shall immediately call a public hearing to determine whether such continued use will be detrimental to the water supply of such area.

\* \* \*

H. In the event the price for product or services is not regulated by a state or federal agency charged with that responsibility then when the owner or owners of any pipeline constructed pursuant to this act and deemed interstate in character shall enter into a contract to provide its product or service to any person, firm or corporation in the state of Louisiana, such contract shall provide for rates and charges for such product or service that are nondiscriminatory and offer no preference insofar as the said rates and charges for such product or service are determined and charged any other users of its product or service in any other state. The ~~assistant~~ secretary shall promulgate regulations to implement and enforce the provisions of this Subsection.

\* \* \*

§731. Definitions

As used in this Part, the following words and phrases shall have the meanings hereinafter ascribed to them:

(1) "~~Assistant~~ secretary" means the ~~assistant~~ secretary of the ~~office of conservation of the~~ Department of Energy and Natural Resources.

\* \* \*

§732. Regulation of compressed natural gas

The ~~assistant~~ secretary shall have the authority to regulate all activities related to the safety of compressed natural gas and shall establish by regulation

minimum safety standards for compressed natural gas compression and conversion equipment including the installation and operation of such equipment. For vehicles equipped for and capable of using liquefied petroleum gas, each vehicle shall first be inspected for safety of operation by an inspector of the Louisiana Liquefied Petroleum Gas Commission.

\* \* \*

§802. Regulation of exploration, drilling, production and subsurface disposal

Full regulatory authority over all geothermal exploration, drilling, development, and production as well as subsurface disposal of geothermal waters and/or waste is hereby vested in the ~~state~~ Department of Conservation **and Energy**. The provisions of the Louisiana Conservation Act R.S. 30:1, et seq., including particularly, but without limitation, R.S. 30:5 and R.S. 30:9 thereof, are hereby extended to all geothermal operations. The ~~commissioner of conservation~~ **secretary** is further authorized to promulgate such additional rules and regulations relating specifically to geothermal operations that are deemed by him to be needed in the interest of conservation if they are not inconsistent with the provisions of this Chapter. All geothermal operations shall be exempt from the provisions of R.S. 38:3091 et seq.

Any disposal of any kind or nature made pursuant to this Chapter into any navigable or nonnavigable streams or waters shall be done under the supervision of the Stream Control Commission of the state.

\* \* \*

§904. Definitions

\* \* \*

(2) "Approximate original contour" means that surface configuration achieved by backfilling and grading of the mined area so that the reclaimed area, including any terracing or access roads, closely resembles the general surface configuration of the land prior to mining and blends into and complements the drainage pattern of the surrounding terrain, with all highwalls and spoil piles eliminated; water impoundments may be permitted where the ~~commissioner~~ **secretary** determines that they are in compliance with R.S. 30:915(B)(8).

\* \* \*

(4) "Commissioner" means the ~~commissioner of conservation of the State of Louisiana~~ **the secretary of the Department of Conservation and Energy**, or such other person or persons who may from time to time be designated by the ~~commissioner~~ **secretary** to administer and enforce the provisions of this Chapter.

\* \* \*

(7) "Development operations permit" means the certification by the ~~commissioner~~ **secretary** that the named person may conduct the development operations described in the certification during the term of the development operations permit and in the manner established in the certification.

\* \* \*

(9) "Exploration operations" means the drilling of test holes or core holes for the purpose of or related to the determining of the location, quantity or quality of a coal deposit under a permit to be issued by the ~~commissioner~~ **secretary** and any other coal exploration operations that will substantially disturb the surface and are not otherwise covered by this Act.

\* \* \*

(12) "Permit" means a permit to conduct surface coal mining and reclamation operations issued by the ~~commissioner~~ **secretary**, but does not include exploration and development permits.

\* \* \*

(20) "Secretary of natural resources" or "secretary" means the secretary of ~~natural resources~~ of the Department of Energy and Natural Resources of the state of Louisiana.

\* \* \*

§905. Jurisdiction and powers; rules and regulations

A. The Department of Energy and Natural Resources, ~~office of conservation~~, or such persons as may be designated by the ~~commissioner~~ **secretary**, ~~is~~ **are** hereby designated as the official agency whose duty it is to administer the regulations and guidelines contained in this Chapter and to institute other reasonable regulations and guidelines, after notice and public hearing, as may become necessary pursuant to this

Chapter to protect state and private lands from unreasonable degradation by any operator engaged in surface coal mining operations. Exclusive jurisdiction over all aspects of surface coal mining and reclamation shall be vested in the Department of Energy and Natural Resources, ~~office of conservation~~. The secretary of natural resources shall be responsible for the policies of the state relating to the development of the state's lignite reserves, including the transportation and utilization thereof, and shall formulate plans and shall advise the governor and the Legislature with respect to short and long term policies of the State concerning the development of the state's lignite reserves, including the transportation and utilization thereof, and the integration of the development of the state's lignite reserves into the development of the state's fuel sources. The secretary of the Department of Energy and Natural Resources ~~in cooperation with the commissioner of conservation~~ shall establish, for the purpose of avoiding duplication, a process for coordinating the review and issuance of permits for surface coal mining and reclamation operations with any other federal or state permit process applicable to the proposed operations.

B. The authority shall be vested in the ~~commissioner~~ secretary, and such other persons as may be designated by the ~~commissioner~~ secretary, to administer and enforce the provisions of this Chapter, and the ~~commissioner~~ secretary shall seek the accomplishment of the purposes of this Chapter by all practicable and economically feasible methods and in so doing shall have the following duties and powers:

\* \* \*

(2) To adopt, amend, and issue rules and regulations in accordance with the requirements of the Louisiana Administrative Procedure Act, except where the provisions of the Louisiana Administrative Procedure Act are in conflict with the provisions of this Chapter, in which case the provisions of this Chapter and the regulations issued by the ~~commissioner~~ secretary pursuant to this Chapter shall govern, pertaining to surface coal mining and reclamation operations consistent with the general intent and purposes of this Chapter, including regulations consistent with regulations issued by the secretary of the Interior pursuant to the Surface Mining Control and Reclamation Act, as amended as required for the state to assume and

retain exclusive jurisdiction over the regulation of surface coal mining and reclamation operations pursuant to Section 503 of the Surface Mining Control and Reclamation Act, as amended. The ~~commissioner~~ secretary may issue regulations without public notice and hearing in the event regulations must be issued to ensure timely action by the state in the assumption or retention by the state of exclusive jurisdiction over the regulation of surface coal mining and reclamation operations pursuant to Section 503 of the Surface Mining Control and Reclamation Act, as amended.

\* \* \*

(8) To issue an order, ordering a cessation of surface coal mining and/or reclamation operations, or revoking the permit of an operator who has failed to comply with an order of the ~~commissioner~~ secretary to take any action required by this Chapter or rules and regulations issued pursuant to this Chapter. In the event the permit is revoked, the operator's performance bond or cash or collateral securities shall be forfeited if it is determined that this is necessary to reclaim the area of land affected by the operator's surface coal mining operation.

(9) To contract, upon terms as the ~~commissioner~~ secretary may agree upon, for legal, financial, engineering, and other professional services necessary to expedite the conduct of the affairs of the Department of Energy and Natural Resources, ~~office of conservation~~, under the provisions of this Act.

\* \* \*

C. A rule, regulation or order, or any amendment thereof, adopted by the ~~commissioner~~ secretary may differ in its terms and provisions as between particular conditions, particular mining techniques, particular areas of the state or any other conditions that appear relevant and necessary so long as the action taken is consistent with the attainment of the general intent and purpose of this Chapter. In adopting rules, regulations and orders the ~~commissioner~~ secretary shall give due recognition to the fact that although certain surface coal mining and reclamation operations may cause a need for particular regulatory control in one area of the state, such control may not be necessary or desirable for another area of the state due to the unique characteristics of each type of surface mining and the various economic and

environmental factors relating to same, and the ~~commissioner~~ secretary shall take into account, in this connection, all factors found by him to be proper and just, including the existing climatology, topography, vegetation and all other physical conditions, populations, mining and reclamation techniques, the economic and social impact of the proposed rule, regulation or order, and the fact that the rule, regulation or order and the degrees of conformance therewith which may be proper as to one area of the state may not be proper or practicable as to another area of the state.

§905.1. Abandoned mine reclamation; fund participation

A. The ~~commissioner~~ secretary is authorized to take all action necessary to ensure Louisiana's participation to the fullest extent practicable in the abandoned mines reclamation fund established by the Surface Mining Control and Reclamation Act, 30 U.S.C. 1201 et seq., as amended, and ~~the office of conservation~~ of the Department of Energy and Natural Resources shall function as the state's agency for participation. Pursuant to the Surface Mining Control and Reclamation Act, 30 U.S.C. 1201 et seq., as amended, the ~~commissioner~~ secretary shall by rule establish priorities that meet the terms of the Surface Mining Control and Reclamation Act, 30 U.S.C. 1201 et seq., as amended, and applicable federal regulations for the expenditure of those funds; designate the land and water eligible for reclamation or abatement expenditures; submit reclamation plans, annual projects, and applications to the appropriate authorities; undertake emergency reclamation projects pursuant to the terms of the Surface Mining Control and Reclamation Act, 30 U.S.C. 1201 et seq., as amended, and applicable federal regulations; and administer all money received for abandoned mine reclamation or related purposes.

B.(1)

\* \* \*

(2) After compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund, and prior to monies being placed in the state general fund, an amount equal to that deposited as required by this Subsection shall be credited to the ~~office of conservation~~ department.

\* \* \*

§905.3. Implementation of the plan

A.(1) If the ~~commissioner~~ secretary, after notice and hearing, makes a finding of fact that:

\* \* \*

B. The agents, employees, or contractors of the ~~office of conservation~~ department shall have the right to enter upon any property for the purpose of conducting studies or exploratory work to determine the existence of adverse effects of past solid mineral development practices and to determine the feasibility of restoration, reclamation, abatement, control, or prevention of these adverse effects. This entry shall be construed as an exercise of the police power for the protection of public health, safety, and general welfare and shall not be construed as an act of condemnation of property nor trespass on it.

C. The state may acquire any land by purchase, donation, or condemnation which is adversely affected by past solid mineral development practices if the ~~commissioner~~ secretary, after notice and hearing, determines that acquisition of this land is necessary to successful reclamation and that:

\* \* \*

E.(1) Where land acquired under this Section is deemed to be suitable for industrial, commercial, residential, or recreational development the ~~office of conservation, in conjunction with the~~ secretary of natural resources, may sell this land by public sale under a system of competitive bidding, at not less than fair market value, and under such other regulations promulgated to insure that the land is put to proper use consistent with local and state land use plans.

\* \* \*

F. The state through the ~~office of conservation~~ Department of Conservation and Energy and the secretary of natural resources may accept lands acquired and reclaimed by the secretary of the Interior pursuant to Section 407(h) of the Surface Mining Control and Reclamation Act as amended. In addition, the office may accept grants from the secretary to carry out the purposes of Section 407(h) of the Surface Mining Control and Reclamation Act as amended.

\* \* \*

§906.1. Surface mining and reclamation fees

There is hereby imposed on all permittees under the supervision of the ~~assistant~~ secretary pursuant to Chapter 9 of this Subtitle, Surface Mining and Reclamation Act, an annual regulatory fee of eight cents per ton on all coal and lignite mined in this state and an annual reclamation fee of six dollars for each acre of land included within the approved mine permit area. The revenue received from these fees shall be used for the purpose of enforcing the Louisiana Surface Mining and Reclamation Act and regulations promulgated thereunder.

\* \* \*

§907. Application requirements

A. Each application for a surface coal mining and reclamation permit pursuant to this Chapter shall be accompanied by a fee as determined by the ~~commissioner~~ secretary, with such fee not to exceed the actual or anticipated cost of reviewing, administering and enforcing such permit.

B. The permit application shall be submitted in a manner satisfactory to the ~~commissioner~~ secretary and shall contain, among other things:

\* \* \*

(9) An accurate map or plan, to an appropriate scale, clearly showing the land to be affected as of the date of the application, the area of land within the permit area upon which the applicant has the legal right to enter and commence surface mining operations and a statement of those documents upon which the applicant bases his legal right to enter and commence surface mining operations on the area affected, and whether that right is the subject of pending court litigation: Provided, that nothing in this Chapter shall be construed as vesting in the ~~commissioner~~ secretary the jurisdiction to adjudicate property title disputes.

\* \* \*

(11) A determination of the probable hydrologic consequences of the mining and reclamation operations both on and off the mine site with respect to the hydrologic regime, quantity and quality of water in surface and ground water systems including the dissolved and suspended solids under seasonal flow conditions and the collection of sufficient data for the mine site and surrounding areas so that

an assessment can be made by the ~~commissioner~~ secretary of the probable cumulative impacts of all anticipated mining in the area upon the hydrology of the area and particularly upon water availability: Provided, however, that this determination shall not be required until such time as hydrologic information on the general area prior to mining is made available from an appropriate Federal or State agency: Provided further, that the permit shall not be approved until such information is available and is incorporated into the application.

(12) When requested by the ~~commissioner~~ secretary, the climatological factors that are peculiar to the locality of the land to be affected, including the average seasonal precipitation, the average direction and velocity of prevailing winds, and the seasonal temperature ranges.

(13) Accurate maps to an appropriate scale clearly showing:

\* \* \*

(b) All types of information set forth on topographical maps of the United States Geological Survey of a scale of 1:24,000 or 1:25,000 or larger, including all manmade features and significant known archeological sites existing on the date of application. Such a map or plan shall among other things specified by the ~~commissioner~~ secretary show all boundaries of the land to be affected, the boundary lines and name of present owners of record of all surface areas abutting the permit areas, and the location of all buildings within one thousand feet of the permit area.

\* \* \*

(15) A statement of the result of test borings or core samplings from the permit area, including logs of the drill holes; the thickness of the coal seam found; an analysis of the chemical properties of such coal; the sulphur content of any coal seam; chemical analysis of potentially acid or toxic forming sections of the overburden; and chemical analysis of the stratum lying immediately underneath the coal to be mined, except that the provisions of this Paragraph (15) may be waived by the ~~commissioner~~ secretary with respect to the specific application by a written determination that such requirements are unnecessary.

\* \* \*

(17) A description of the nature of cultural, historical, and archaeological resources listed or eligible for listing on the National Register of Historic Places and known archaeological features within the proposed mine plan and adjacent areas. The description shall be based on all available information including but not limited to data of state and local archaeological, historical, and cultural preservation agencies. Each plan shall describe the measures to be used to prevent adverse impact to any publicly owned parks or any places listed on the National Register of Historic Places that may be adversely affected by the proposed operation. However, if joint agency approval is to be obtained or if there are valid existing rights in the public parks or historic places, the plan shall describe the measures to be used to minimize adverse impact to such public parks or historic places. The ~~office of conservation~~ **department** may require the applicant to protect historic or archaeological properties listed on or eligible for listing on the National Register of Historic Places through appropriate mitigation and treatment measures. At the time of its issuance, a surface mining permit may require that appropriate mitigation and treatment be required to be taken after permit issuance, provided that the required measures are completed before the properties are affected by any mining operation.

(18) A description of fish and wildlife resource information for the permit area and adjacent area. The scope and level of detail for such information shall be determined by the ~~office of conservation~~ **department** in consultation with state and federal agencies with responsibilities for fish and wildlife. Site specific resource information necessary to address the respective species or habitats shall be required when the permit area or adjacent area is likely to include listed or proposed endangered or threatened species of plants or animals or their critical habitats listed by the secretary of the Interior under the Endangered Species Act (16 U.S.C. 1531 et seq.), or those species or habitats protected by state statutes, habitats of unusually high value for fish and wildlife such as important streams, wetlands, riparian areas, cliffs supporting raptors, areas offering special shelter or protection, migration routes, or reproduction and wintering areas, or other species or habitats identified through agency consultation as requiring special protection under state or federal law.

\* \* \*

C.(1) If the ~~commissioner~~ secretary finds that the probable total annual production at all locations of any coal surface mining operator will not exceed three hundred thousand tons, the determination of probable hydrologic consequences, including the engineering analyses and designs necessary for the determination, required by Paragraph (B)(11) of this Section, cross-section maps and plans required by Paragraph (B)(14) of this Section, the drilling and statement of the result of test borings or core samplings required by Paragraph (B)(15) of this Section, the collection of archaeological and historical information and related plans required by Paragraph (B)(17) of this Section, the collection of site-specific resources information required by Paragraph (B)(18) of this Section, the production of protection and enhancement plans for fish and wildlife habitats required by Paragraph (B)(19) of this Section, and information and plans for any other environmental values required by the ~~office of conservation~~ department and this Chapter, and pre-blast surveys required by R.S. 30:915(B)(15) shall, upon the written request of the operator, be performed by a qualified public or private laboratory designated by the ~~commissioner~~ secretary and the cost of the preparation of such determination and statement shall be assumed by the ~~commissioner~~ secretary.

\* \* \*

D. Each applicant for a permit shall be required to submit to the ~~commissioner~~ secretary as part of the permit application a reclamation plan which shall meet the requirements of this Chapter and the regulations issued pursuant to this Chapter.

\* \* \*

F. Each applicant for a permit shall submit to the ~~commissioner~~ secretary as part of the permit application a certificate issued by an insurance company authorized to do business in Louisiana certifying that the applicant has a public liability insurance policy in force for the surface mining and reclamation operations for which such permit is sought, or evidence that the applicant has satisfied other state or federal self insurance requirements. Such policy shall provide for personal injury and property damage protection in an amount adequate to compensate any

persons damaged as a result of surface coal mining and reclamation operations, including use of explosives, and entitled to compensation under the applicable provisions of State law. Such policy shall be maintained in full force and effect during the term of the permit, or any renewal, including the length of all reclamation operations.

G. Each applicant for a surface coal mining and reclamation permit shall submit to the ~~commissioner~~ secretary as part of the permit application a blasting plan which shall outline the procedures and standards by which the operator will meet the provisions of R.S. 30:915(B)(15).

§908. Reclamation plan requirements

A. Each reclamation plan submitted as part of a permit application under the provisions of this Chapter shall include, in the degree of detail necessary to demonstrate that reclamation required by this Chapter and the regulations issued pursuant to this Chapter can be accomplished, a statement of:

\* \* \*

(12) The results of test boring which the applicant has made at the area to be covered by the permit, or other equivalent information and data in a form satisfactory to the ~~commissioner~~ secretary, including the location of subsurface water, and an analysis of the chemical properties including acid forming properties of the minerals and overburden: Provided, that information which pertains only to the analysis of the chemical and physical properties of the coal (excepting information regarding such mineral or elemental contents which is potentially toxic in the environment) shall be kept confidential and not made a matter of public record.

\* \* \*

B. Any information required by this Section which is not on public file pursuant to state law shall be held in confidence by the ~~commissioner~~ secretary.

\* \* \*

§915. Environmental protection performance standards

\* \* \*

B. General performance standards shall be applicable to all surface coal mining and reclamation operations and shall require the operator as a minimum to:

\* \* \*

(7) For all prime farmlands as identified in R.S. 30:907(B)(16) to be mined and reclaimed, specifications for soil removal, storage, replacement, and reconstruction shall be established by the ~~commissioner~~ secretary, and the operator shall, as a minimum, be required to:

\* \* \*

(9) Conducting any augering operation associated with surface mining in a manner to maximize recoverability of mineral reserves remaining after the operation and reclamation are complete; and seal all auger holes with an impervious and noncombustible material in order to prevent drainage except where the ~~commissioner~~ secretary determines that the resulting impoundment of water in such auger holes may create a hazard to the environment or the public health or safety: Provided, that the ~~commissioner~~ secretary may prohibit augering if necessary to maximize the utilization, recoverability or conservation of the solid fuel resources or to protect against adverse water quality impacts.

(10) Minimize the disturbances to the prevailing hydrologic balance at the mine-site and in associated offsite areas and to the quality and quantity of water in surface and ground water systems both during and after surface coal mining operations and during reclamation by:

\* \* \*

(f) Such other actions as the ~~commissioner~~ secretary may prescribe.

\* \* \*

(12) Refrain from surface coal mining within five hundred feet from active and abandoned underground mines in order to prevent breakthroughs and to protect health or safety of miners: Provided, that the ~~commissioner~~ secretary shall permit an operator to mine near, through or partially through an abandoned underground mine or closer to an active underground mine if (a) the nature, timing, and sequencing of the approximate coincidence of specific surface mine activities with specific underground mine activities are jointly approved by the regulatory authorities concerned with surface mine regulation and the health and safety of underground miners, and (b) such operations will result in improved resource

recovery, abatement of water pollution, or elimination of hazards to the health and safety of the public.

\* \* \*

(15) Insure that explosives are used only in accordance with existing State and Federal law and the regulations issued by the ~~commissioner~~ secretary pursuant to this Chapter, which shall include provisions to:

\* \* \*

(e) Provide that upon the request of a resident or owner of a man-made dwelling or structure within one-half mile of any portion of the permitted area the applicant or permittee shall conduct a pre-blasting survey of such structures and submit the survey to the ~~commissioner~~ secretary and a copy to the resident or owner making the request. The area of the survey shall be decided by the ~~commissioner~~ secretary and shall include such provisions as the ~~commissioner~~ secretary shall promulgate.

\* \* \*

(20) Assume the responsibility for successful revegetation, as required by Paragraph (19) of this Subsection, for a period of five full years after the last year of augmented seeding, fertilizing, irrigation, or other work in order to assure compliance with Paragraph (19) of this Subsection: Provided, that when the ~~commissioner~~ secretary approves a long-term intensive agricultural postmining land use, the applicable five year period of responsibility for revegetation shall commence at the date of initial planting of such long-term intensive agricultural postmining land use: Provided further, that when the ~~commissioner~~ secretary issues a written finding approving a long-term, intensive, agricultural postmining land use as part of the mining and reclamation plan, the ~~commissioner~~ secretary may grant exception to the provisions of Paragraph (19) of this Subsection.

\* \* \*

(22) Place all excess spoil material resulting from coal surface mining and reclamation activities in such a manner that:

\* \* \*

(e) If placed on a slope, the spoil is placed upon the most moderate slope among those upon which, in the judgment of the ~~commissioner~~ secretary, the spoil could be placed in compliance with all the requirements of this Chapter, and shall be placed, where possible, upon, or above, a natural terrace, bench, or berm, if such placement provides additional stability and prevents mass movement.

\* \* \*

(25) Provide for an undisturbed natural barrier beginning at the elevation of the lowest coal seam to be mined and extending from the outslope for such distance as the ~~commissioner~~ secretary shall determine shall be retained in place as a barrier to slides and erosion.

C.(1) \* \* \*

(2) In cases where an industrial, commercial, agricultural, residential or public facility, including recreational facilities, use is proposed for the postmining use of the affected land, the ~~commissioner~~ secretary may grant a permit for a surface mining operation of the nature described in Paragraph (1) of this Subsection where:

\* \* \*

(d) The ~~commissioner~~ secretary provides the police jury of the Parish in which the land is located and any state or Federal agency which the ~~commissioner~~ secretary, in his discretion, determines to have an interest in the proposed use, an opportunity of not more than sixty days to review and comment on the proposed use.

\* \* \*

(3) In granting any permit pursuant to this subsection the ~~commissioner~~ secretary shall require that:

\* \* \*

(4) The ~~commissioner~~ secretary shall promulgate specific regulations to govern the granting of permits in accord with the provisions of this subsection, and may impose such additional requirements as he deems to be necessary.

\* \* \*

D. The following performance standards shall be applicable to steep-slope surface coal mining and shall be in addition to those general performance standards required by this Section: Provided, however, that the provisions of this Subsection

shall not apply to those situations in which an operator is mining on flat or gently rolling terrain, on which an occasional steep slope is encountered through which the mining operation is to proceed, leaving a plain or predominantly flat area or where an operator is in compliance with provisions of Subsection C of this Section:

\* \* \*

(3) The operator may not disturb land above the top of the highwall unless the ~~commissioner~~ secretary finds that such disturbances will facilitate compliance with the environmental protection standards of this section: Provided, that the land disturbed above the highwall shall be limited to that amount necessary to facilitate said compliance.

(4) For the purposes of this Subsection, the term "steep slope" is any slope above twenty degrees or such lesser slope as may be defined by the ~~commissioner~~ secretary after consideration of soil, climate, and other characteristics of a region.

E.(1) The ~~commissioner~~ secretary may permit variances for the purposes set forth in Paragraph (3) of this Subsection, provided that the watershed control of the area is improved; and further provided complete backfilling with spoil material shall be required to cover completely the highwall which material will maintain stability following mining and reclamation.

\* \* \*

(4) In granting a variance pursuant to this subsection the ~~commissioner~~ secretary shall require that only such amount of spoil will be placed off the mine bench as is necessary to achieve the planned postmining land use, insure stability of the spoil retained on the bench, meet all other requirements of this Chapter, and all spoil placement off the mine bench must comply with Paragraph (B)(22) of this Section.

(5) The ~~commissioner~~ secretary shall promulgate specific regulations to govern the granting of variances in accord with the provisions of this subsection, and may impose such additional requirements as he deems to be necessary.

\* \* \*

§917. Inspections and monitoring

A. For the purpose of the administration and enforcement of any permit under this Chapter, or of determining whether any person is in violation of any requirement of this Chapter:

(1) The ~~commissioner~~ secretary shall require any permittee to (a) establish and maintain appropriate records, (b) make monthly reports to the ~~commissioner~~ secretary, (c) install, use, and maintain any necessary monitoring equipment or methods, (d) evaluate results in accordance with such methods, at such locations, intervals, and in such manner as the ~~commissioner~~ secretary shall prescribe, and (e) provide such other information relative to surface coal mining and reclamation operations as the ~~commissioner~~ secretary deems reasonable and necessary.

(2) For those surface coal mining and reclamation operations which remove or disturb strata that serve as aquifers which significantly insure the hydrologic balance of water use either on or off the mining site, the ~~commissioner~~ secretary shall specify those:

\* \* \*

(d) Monitoring sites to record precipitation.

The monitoring data collection and analysis required by this section shall be conducted according to standards and procedures set forth by the ~~commissioner~~ secretary in order to assure their reliability and validity, and

(3) The authorized representatives of the ~~commissioner~~ secretary without advance notice and upon presentation of appropriate credentials (a) shall have the right of entry to, upon, or through any surface coal mining and reclamation operations or any premises in which any records required to be maintained under paragraph (1) of this subsection are located; and (b) may at reasonable times, and without delay, have access to and copy any records, inspect any monitoring equipment or method of operation required under this Chapter.

B. The inspections by the ~~commissioner~~ secretary shall (1) occur on an irregular basis averaging not less than one partial inspection per month and one complete inspection per calendar quarter for the surface coal mining and reclamation operation covered by each permit; (2) occur without prior notice to the permittee or his agents or employees except for necessary onsite meetings with the permittee; and

(3) include the filing of inspection reports adequate to enforce the requirements of and to carry out the terms and purposes of this Chapter.

\* \* \*

D. Each inspector, upon detection of each violation of any requirement of this Chapter or the regulations issued pursuant to this Chapter, shall forthwith inform the operator in writing, and shall report in writing any such violation to the ~~commissioner~~ secretary.

E. Copies of any records, reports, inspection materials, or information obtained under this Chapter by the ~~commissioner~~ secretary shall be made immediately available to the public at central and sufficient locations in the parish of the area of mining so that they are conveniently available to residents in the areas of mining.

F. After the State has assumed exclusive jurisdiction of surface coal mining operations as provided in section 503 of Public Law 95-87,1 and as long as the State retains such jurisdiction, then no employee of the ~~office of conservation~~ department performing any function or duty under this Chapter shall have a direct or indirect financial interest in any surface coal mining operation. Whoever knowingly violates the provisions of this Subsection shall, upon conviction, be punished by a fine of not more than \$2,500.00, or by imprisonment of not more than one year, or by both. The ~~commissioner~~ secretary shall by regulation establish methods by which the provisions of this Subsection will be monitored and enforced by the ~~commissioner~~ secretary, including appropriate provisions for the filing by such employees in the review of statements and supplements thereto concerning any financial interest which may be effected by this subsection. This Subsection shall not be given effect (1) if the Secretary of the Interior does not require the inclusion of similar provisions in state laws as a condition for approval by the Secretary of the Interior of state programs of regulation of surface coal mining and reclamation operations pursuant to Section 503 of Public Law 95-87 or (2) if any such requirement of the Secretary of the Interior is declared invalid by final decree of a court of competent jurisdiction: Provided, that if similar provisions are required by the Secretary of the Interior to be included in state laws, the Secretary of Natural Resources and the ~~commissioner~~

secretary may commence and prosecute an action in the appropriate federal court to have the regulation requiring inclusion declared invalid.

G.(1) Any person who is or may be adversely affected by a surface coal mining operation may notify the ~~commissioner~~ secretary or any representative of the ~~commissioner~~ secretary responsible for conducting the inspection, in writing, of any violation of this Chapter which he has reason to believe exists at the surface mining site. The ~~commissioner~~ secretary shall, by regulation, establish procedures for informal review of any refusal by a representative of the ~~commissioner~~ secretary to issue a citation with respect to any such alleged violation. The ~~commissioner~~ secretary shall furnish such persons requesting the review a written statement of the reasons for the ~~commissioner~~ secretary's final disposition of the case.

(2) The ~~commissioner~~ secretary shall also, by regulation, establish procedures to insure that adequate and complete inspections are made. Any such person may notify the ~~commissioner~~ secretary of any failure to make such inspections, after which the ~~commissioner~~ secretary shall determine whether adequate and complete inspections have been made. The ~~commissioner~~ secretary shall furnish such persons a written statement of the reasons for the ~~commissioner~~ secretary's determination that adequate and complete inspections have or have not been conducted.

\* \* \*

#### §921. Enforcement

A.(1) Whenever, on the basis of any information available to him, including receipt of information from any person, the ~~commissioner~~ secretary has reason to believe that any person is in violation of any requirement of this Chapter or any permit condition required by this Chapter, the ~~commissioner~~ secretary shall immediately order inspection of the surface coal mining operation at which the alleged violation is occurring unless the information available to the ~~commissioner~~ secretary is a result of a previous inspection of such surface coal mining operation. When the inspection results from information provided to the ~~commissioner~~ secretary by any person, the ~~commissioner~~ secretary shall notify such person when

the inspection is proposed to be carried out and such person shall be allowed to accompany the inspector during the inspection.

(2) When, on the basis of any inspection, the ~~commissioner~~ secretary or his authorized representative determines that any condition or practices exist, or that any permittee is in violation of any requirement of this Chapter or any permit condition required by this Chapter, which condition, practice, or violation also creates an imminent danger to the health or safety of the public, or is causing, or can reasonably be expected to cause significant, imminent environmental harm to land, air, or water resources, the ~~commissioner~~ secretary or his authorized representative shall immediately order a cessation of surface coal mining and reclamation operations or the portion thereof relevant to the condition, practice or violation. Such cessation order shall remain in effect until the ~~commissioner~~ secretary or his authorized representative determines that the condition, practice, or violation has been abated, or until modified, vacated, or terminated by the ~~commissioner~~ secretary or his authorized representative pursuant to Paragraph (5) of this Subsection. Where the ~~commissioner~~ secretary finds that the ordered cessation of surface coal mining and reclamation operations, or any portion thereof, will not completely abate the imminent danger to health or safety of the public or the significant imminent environmental harm to land, air, or water resources, the ~~commissioner~~ secretary shall, in addition to the cessation order, impose affirmative obligations on the operator requiring him to take whatever steps the ~~commissioner~~ secretary deems necessary to abate the imminent danger or the significant environmental harm.

(3)(a) When, on the basis of an inspection, the ~~commissioner~~ secretary or his authorized representative determines that any permittee is in violation of any requirement of this Chapter or any permit condition required by this Chapter, but such violation does not create an imminent danger to the health or safety of the public, or cannot be reasonably expected to cause significant, imminent environmental harm to land, air, or water resources, the ~~commissioner~~ secretary or authorized representative shall issue a notice to the permittee or his agent fixing a reasonable time but not more than ninety days for the abatement of the violation and providing opportunity for public hearing.

(b) If, upon expiration of the period of time as originally fixed or subsequently extended, for good cause shown and upon the written finding of the ~~commissioner~~ secretary or his authorized representative, the ~~commissioner~~ secretary or his authorized representative finds that the violation has not been abated, he shall immediately order a cessation of surface coal mining and reclamation operations or the portion thereof relevant to the violation. Such cessation order shall remain in effect until the ~~commissioner~~ secretary or his authorized representative determines that the violation has been abated, or until modified, vacated, or terminated by the ~~commissioner~~ secretary or his authorized representative pursuant to Paragraph (5) of this Subsection. In the order of cessation issued by the ~~commissioner~~ secretary under this Subsection, the ~~commissioner~~ secretary shall determine the steps necessary to abate the violation in the most expeditious manner possible, and shall include the necessary measures in the order.

(4) When, on the basis of an inspection, the ~~commissioner~~ secretary or his authorized representative determines that a pattern of violations of any requirements of this Chapter or any permit conditions required by this Chapter exists or has existed, and if the ~~commissioner~~ secretary or his authorized representative also finds that such violations are caused by the unwarranted failure of the permittee to comply with any requirements of this Chapter or any permit conditions, or that such violations are willfully caused by the permittee, the ~~commissioner~~ secretary or his authorized representative shall forthwith issue an order to the permittee to show cause as to why the permit should not be suspended or revoked and shall provide opportunity for a public hearing. If a hearing is requested the ~~commissioner~~ secretary shall inform all interested parties of the time and place of the hearing. Upon the permittee's failure to show cause as to why the permit should not be suspended or revoked, the ~~commissioner~~ secretary or his authorized representative shall forthwith suspend or revoke the permit.

(5) Notices and orders issued pursuant to this Section shall set forth with reasonable specificity the nature of the violation and the remedial action required, the period of time established for abatement, and a reasonable description of the portion of the surface coal mining and reclamation operation to which the notice or

order applies. Each notice or order issued under this section shall be given promptly to the permittee or his agent by the ~~commissioner~~ secretary or his authorized representative who issues such notice or order, and all such notices and orders shall be in writing and shall be signed by such authorized representatives. Any notice or order issued pursuant to this section may be modified, vacated, or terminated by the ~~commissioner~~ secretary or his authorized representative. Provided, that any notice or order issued pursuant to this Section which requires cessation of mining by the operator shall expire within thirty days of actual notice to the operator unless a public hearing is held at the site or within such reasonable proximity to the site that any viewings of the site can be conducted during the course of public hearing.

B. The ~~commissioner~~ secretary may institute a civil action for relief, including a permanent or temporary injunction, restraining order, or any other appropriate order in the district court for the parish in which the surface coal mining and reclamation operation is located or in which the permittee thereof has his principal office, whenever such permittee or his agent (a) violates or fails or refuses to comply with any order or decision issued by the ~~commissioner~~ secretary under this Chapter, or (b) interferes with, hinders, or delays the ~~commissioner~~ secretary or his authorized representatives in carrying out the provisions of this Chapter, or (c) refuses to admit such authorized representative to the mine, or (d) refuses to permit inspection of the mine by such authorized representative, or (e) refuses to furnish any information or report requested by the ~~commissioner~~ secretary in furtherance of the provisions of this Chapter, or (f) refuses to permit access to, and copying of, such records as the ~~commissioner~~ secretary determines necessary in carrying out the provisions of this Chapter. Such court shall have jurisdiction to provide such relief as may be appropriate. Temporary restraining orders may be issued in accordance with the Louisiana Rules of Civil Procedure. Any relief granted by the court to enforce an order under clause (a) of this Section shall continue in effect until the completion or final termination of all proceedings for review of such order under this title, unless, prior thereto, the district court granting such relief sets it aside or modifies it.

C. Any person who shall, except as permitted by law, willfully resist, prevent, impede, or interfere with the ~~commissioner of conservation~~ secretary or any of his agents in the performance of duties required by this Chapter or regulations thereunder shall be punished by a fine of not more than five thousand dollars or by imprisonment for not more than one year, or both.

\* \* \*

§1102. Policy; jurisdiction

\* \* \*

B. The ~~commissioner of conservation~~ secretary shall have jurisdiction and authority over all persons and property necessary to enforce effectively the provisions of this Chapter relating to the geologic storage of carbon dioxide and subsequent withdrawal of stored carbon dioxide.

§1103. Definitions

Unless the context otherwise requires, the words defined in this Section have the following meaning when found in this Chapter:

\* \* \*

(10) "Office" means ~~the office of conservation~~ of the Department of Energy and Natural Resources.

\* \* \*

(14) "Storage facility" means the underground reservoir, carbon dioxide injection wells, monitoring wells, underground equipment, and surface buildings and equipment utilized in the storage operation. The underground reservoir component of the storage facility includes any necessary and reasonable aerial buffer and subsurface monitoring zones designated by the ~~commissioner~~ secretary for the purpose of ensuring the safe and efficient operation of the storage facility for the storage of carbon dioxide and shall be chosen to protect against pollution, and escape or migration of carbon dioxide.

(15) "Storage operator" means the person recognized by the ~~commissioner~~ secretary as the operator of a proposed or existing storage facility. A storage operator can, but need not be, the owner of carbon dioxide injected into a storage facility. Ownership of carbon dioxide and use of geologic storage is a matter of

private contract between the storage operator and owner, shipper, or generator of carbon dioxide, as applicable.

\* \* \*

§1104. Duties and powers of the ~~commissioner~~ secretary; rules and regulations; permits

A. The ~~office of conservation's~~ department's actions under this Chapter shall be directed and controlled by the ~~commissioner~~ secretary. The ~~commissioner~~ secretary shall have authority to:

\* \* \*

(3) Make such inquiries as he deems proper to determine whether or not waste, over which he has jurisdiction, exists or is imminent. In the exercise of this power the ~~commissioner~~ secretary has the authority to collect data; to make investigations and inspections; to examine properties, papers, books, and records; to examine, survey, check, test, and gauge injection, withdrawal and other wells used in connection with carbon storage; to examine, survey, check, test, and gauge tanks, and modes of transportation; to hold hearings; to provide for the keeping of records and the making of reports; to require the submission of an emergency phone number by which the operator may be contacted in case of an emergency; and to take any action as reasonably appears to him to be necessary to enforce this Chapter.

\* \* \*

(9) Approve conversion to geologic storage facilities of hydrocarbon-bearing formations, including depleted oil formations as well as existing or pre-existing enhanced oil or gas recovery operations, if necessary, taking into consideration prior approvals of the ~~commissioner~~ secretary regarding such enhanced oil recovery operations.

(10) Promulgate rules and regulations requiring storage operators to place monitoring equipment of a type approved by the ~~commissioner~~ secretary on all storage facilities, and ancillary equipment necessary and proper to monitor, verify carbon dioxide injections, and to prevent waste. It shall be a violation of this Chapter for any operator to refuse to attach or install a monitor within a reasonable period of

time when ordered to do so by the ~~commissioner~~ secretary, or in any way to tamper with the monitors so as to produce a false or inaccurate reading.

\* \* \*

B. Unless that person is also the owner or operator of the facility or activity regulated under the provisions of this Chapter, the owner, shipper, or generator of carbon dioxide shall not be deemed responsible for the performance of any actions required by the ~~commissioner~~ secretary under this Chapter.

C. Prior to the use of any reservoir for the storage of carbon dioxide and prior to the exercise of eminent domain pursuant to the provisions of R.S. 19:2(11) and R.S. 30:1108 by any person, firm, or corporation having such right under laws of the state of Louisiana, and as a condition precedent to such use or to the exercise of such rights of eminent domain pursuant to the provisions of R.S. 19:2(11) and R.S. 30:1108, the ~~commissioner~~ secretary, after public hearing pursuant to the provisions of R.S. 30:6, held in the parish where the storage facility is to be located, shall have found at least one of the following:

\* \* \*

D. The ~~commissioner~~ secretary shall determine with respect to any such reservoir proposed to be used as a storage reservoir, whether or not such reservoir is fully depleted of the original commercially recoverable natural gas, condensate, or other commercial mineral therein. If the ~~commissioner~~ secretary finds that such reservoir has not been fully depleted, the ~~commissioner~~ secretary shall determine the amount of the remaining commercially recoverable natural gas, condensate, or other commercial mineral of such reservoir.

E. The ~~commissioner~~ secretary may issue any necessary order providing that all carbon dioxide which has previously been reduced to possession and which is subsequently injected into a storage reservoir shall at all times be deemed the property of the party that owns such carbon dioxide, whether at the time of injection or pursuant to a change of ownership by agreement while the carbon dioxide is located in the storage facility, his successors and assigns; and in no event shall such carbon dioxide be subject to the right of the owner of the surface of the lands or of any mineral interest therein under which such storage reservoir shall lie or be

adjacent to or of any person other than the owner, his successors, and assigns to produce, take, reduce to possession, waste, or otherwise interfere with or exercise any control there over, provided that the owner, his successors, and assigns shall have no right to gas, liquid hydrocarbons, salt, or other commercially recoverable minerals in any stratum or portion thereof not determined by the ~~commissioner~~ secretary to constitute an approved storage reservoir. The ~~commissioner~~ secretary shall issue such orders, rules, and regulations as may be necessary for the purpose of protecting any such storage reservoir, strata, or formations against pollution or against the escape of carbon dioxide therefrom, including such necessary rules and regulations as may pertain to the drilling into or through such storage reservoir.

F. The ~~commissioner of conservation~~ secretary, in order to facilitate orderly application reviews in conjunction with the United States Environmental Protection Agency (EPA) and in anticipation of being granted primary enforcement authority from the EPA, shall adopt and apply the "Reasons of business confidentiality" defined in 40 CFR 2.201 in the same manner and to the same extent as the EPA, and shall not treat any confidential business information contained within the permit applications as a public record. The ~~commissioner~~ secretary shall promulgate any rules or regulations necessary to implement the provisions of this Subsection.

\* \* \*

#### §1108. Eminent domain; expropriation

A.(1) Any storage operator is hereby authorized, after obtaining any permit and any certificate of public convenience and necessity from the ~~commissioner~~ secretary required by this Chapter, to exercise the power of eminent domain and expropriate needed property to acquire surface and subsurface rights and property interests necessary or useful for the purpose of constructing, operating, or modifying a storage facility and the necessary infrastructure including the laying, maintaining, and operating of pipelines for the transportation of carbon dioxide to a storage facility, together with utility, telegraph, and telephone lines necessary and incidental to the operation of these storage facilities and pipelines, over private property thus expropriated; and have the further right to construct and develop storage facilities and the necessary infrastructure, including the laying, maintaining, and operating of

pipelines along, across, over, and under any navigable stream or public highway, street, bridge, or other public place; and also have the authority, under the right of expropriation herein conferred, to cross railroads, street railways, and other pipelines, by expropriating property necessary for the crossing under the general expropriation laws of this state. The right to run along, across, over, or under any public road, bridge, or highway, as before provided for, may be exercised only upon condition that the traffic thereon is not interfered with, and that such road or highway is promptly restored to its former condition of usefulness, at the expense of the storage facility and the pipeline owner if different from the storage operator, the restoration to be subject also to the supervision and approval of the proper local authorities.

\* \* \*

B.(1) Except as provided in Paragraph (2) of this Subsection, the exercise of the right of eminent domain granted in this Chapter shall not prevent persons having the right to do so from drilling through the storage facility in such manner as shall comply with the rules of the ~~commissioner~~ **secretary** issued for the purpose of protecting the storage facility against pollution or invasion and against the escape or migration of carbon dioxide. Furthermore, the right of eminent domain set out in this Section shall not prejudice the rights of the owners of the lands or minerals as to all other uses not acquired for the storage facility and not reasonably necessary for the use of the acquired property.

(2) The exercise of the right of eminent domain granted in this Section may prohibit persons having the right to do so from drilling through the storage facility located in Caldwell Parish only when the following requirements are satisfied:

(a) A period of five years has elapsed from the actual drilling or operation of any oil or gas well within the boundaries of the storage facility to depths below the base of the underground reservoir component of the storage facility as determined by the ~~commissioner of conservation~~ **secretary**.

(b) All reservoirs below the underground reservoir component of the storage facility that were drilled to and produced in any oil or gas well located within the

boundaries of the storage facility are no longer capable of producing minerals in paying quantities as determined by the ~~commissioner of conservation~~ secretary.

(3) If a party who has the right to explore for and produce minerals from depths below the base of the underground reservoir component of the storage facility is prohibited from drilling through the storage facility under Paragraph (2) of this Subsection by the exercise of the right of eminent domain granted in this Section, that prohibition shall terminate upon a finding by the ~~commissioner~~ secretary, after notice and hearing conducted in accordance with R.S. 30:1105(C), that the storage facility operator abandoned all reasonable efforts to use, or cause others to use, the storage facility prior to any use of the underground reservoir component of the storage facility for the storage of carbon dioxide.

\* \* \*

D. The ~~commissioner~~ secretary is neither a necessary nor indispensable party to an eminent domain proceeding, and if named as a party or third party has an absolute right to be dismissed from said action at the expense of the party who names the ~~commissioner~~ secretary. The ~~commissioner~~ secretary shall recover all costs reasonably incurred to be dismissed from the action, including attorney fees.

§1109. Cessation of storage operations; limited liability release

A.(1) Fifty years after cessation of injection into a storage facility, or any other time frame established on a site-specific basis by application of the rules regarding the time frame for a storage operator's post-injection site care and site closure plan, the ~~commissioner~~ secretary shall issue a certificate of completion of injection operations, upon a showing by the current storage operator of all of the following:

\* \* \*

C. Nothing in this Chapter shall establish or create any liability or responsibility on the part of the ~~commissioner~~ secretary or the state to pay any costs associated with site restoration from any source other than the funds or trusts created by this Chapter, nor shall the ~~commissioner~~ secretary or the state of Louisiana have any liability or responsibility to make any payments for costs associated with site restoration if the trusts created herein are insufficient to do so.

D. The ~~commissioner~~ secretary or his agents, on proper identification, may enter the land of another for purposes of site assessment or restoration.

E. The ~~commissioner~~ secretary and his agents are not liable for any damages arising from an act or omission if the act or omission is part of a good faith effort to carry out the purpose of this Chapter.

F. No party contracting with the Department of Energy and Natural Resources, ~~office of conservation~~, or the ~~commissioner~~ secretary under the provisions of this Chapter shall be deemed to be a public employee or an employee otherwise subject to the provisions of Parts I through IV of Chapter 15 of Title 42 of the Louisiana Revised Statutes of 1950.

G. The ~~commissioner~~ secretary shall implement this Section in a manner consistent with and as the ~~commissioner~~ secretary deems necessary to carry out the purposes and requirements of the federal Safe Drinking Water Act, as amended, relating to the state's participation in the underground injection control program established under that Act with respect to the storage and sequestration of carbon dioxide, including but not limited to the state's authority to restrain any person from engaging in any unauthorized activity which is endangering or causing damage to public health or the environment.

\* \* \*

§1110. Carbon Dioxide Geologic Storage Trust Fund

A.(1) There is hereby established a fund in the custody of the state treasurer to be known as the Carbon Dioxide Geologic Storage Trust Fund, hereinafter referred to as the "fund", which shall constitute a special custodial trust fund which shall be administered by the ~~commissioner~~ secretary, who shall make disbursements from the fund solely in accordance with the purposes and uses authorized by this Chapter.

(2) After compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund, and after a sufficient amount is allocated from that fund to pay all of the obligations secured by the full faith and credit of the state which become due and payable within any fiscal year, the treasurer shall pay into the fund, an amount equal to the monies

received by the state treasury pursuant to this Chapter. The monies in this fund shall be used solely as provided in this Section and only in the amount appropriated by the legislature. All unexpended and unencumbered monies remaining in this fund at the end of the fiscal year shall remain in the fund. The monies in the fund shall be invested by the state treasurer in the same manner as monies in the state general fund and all returns of such investment shall be deposited to the fund. The funds received shall be placed in the special trust fund in the custody of the state treasurer to be used only in accordance with this Chapter and shall not be placed in the general fund. The funds provided to the ~~commissioner~~ secretary pursuant to this Section shall at all times be and remain the property of the ~~commissioner~~ secretary. The funds shall be used only for the purposes set forth in this Chapter and for no other governmental purposes, nor shall any branch of government be allowed to borrow any portion of the funds. It is the intent of the legislature that this fund and its increments shall remain intact and inviolate.

B. The following monies shall be placed into the fund:

(1) The fees, penalties, and bond forfeitures collected pursuant to this Chapter. All fees and self-generated revenue remaining on deposit for the ~~office of~~ conservation department at the end of any fiscal year shall be deposited into the fund.

\* \* \*

C. The ~~commissioner~~ secretary is hereby authorized to levy on each storage facility the following fees or costs for the purpose of funding the fund:

(1) A fee payable to the ~~office of conservation~~ department, in a form and schedule prescribed by the ~~office of conservation~~ department, for each ton of carbon dioxide injected for storage into that storage facility. This fee is to be determined based upon the following formula:

\* \* \*

(b) "F" is a per unit fee in dollars per ton set by the ~~office of conservation~~ department.

\* \* \*

(f) Once five million dollars has been contributed to the fund for a storage facility, the fee assessments to that storage facility under this Section shall cease until such time as funds begin to be expended for that storage facility. The secretary of the Department of Energy and Natural Resources shall certify to the ~~commissioner~~ secretary the date on which the balance in the fund for a storage facility equals or exceeds five million dollars. The fund fees shall not be collected or required to be paid on or after the first day of the second month following the certification, except that the ~~commissioner~~ secretary shall resume collecting the fees on receipt of a certification from the secretary of the Department of Energy and Natural Resources that, based on the expenditures or commitments to expend monies, the fund has fallen below four million dollars for that storage facility.

(g) Notwithstanding the total number of storage facilities owned or operated by a storage operator, once ten million dollars has been contributed to the fund by a storage operator, the fee assessment to that storage operator under this Section shall cease until such time as funds begin to be expended for any storage facility owned or operated by that storage operator. The secretary of the Department of Energy and Natural Resources shall certify to the ~~commissioner~~ secretary the date on which the balance in the fund for a storage operator equals or exceeds ten million dollars. The fund fees shall not be collected or required to be paid on or after the first day of the second month following the certification, except that the ~~commissioner~~ secretary shall resume collecting the fees upon receipt of a certification from the secretary of the Department of Energy and Natural Resources that, based on the expenditures or commitments to expend monies, the fund has fallen below eight million dollars for that storage operator.

(h) At the end of each fiscal year, the fee may be redetermined by the ~~commissioner~~ secretary based upon the estimated cost of administering and enforcing this Chapter for the upcoming year divided by the tonnage of carbon dioxide expected to be injected during the upcoming year. The total fee assessed shall be sufficient to assure a balance in the fund not to exceed five million dollars for any active storage facility within the state at the beginning of each fiscal year. Any amount received that exceeds the annual balance required shall be deposited in

the fund, but appropriate credits shall be given against future fees or fees associated with other storage facilities operated by the same storage operator.

(2) An annual regulatory fee for storage facilities that have not received a certificate of completion of injection operations payable to the ~~office of conservation~~ **department**, in a form and schedule prescribed by the ~~office of conservation~~ **department**, on the carbon dioxide storage facility in an amount not to exceed fifty thousand dollars for Fiscal Year 2010-2011 and thereafter. Such fee shall be based upon the annual projected costs to the ~~office of conservation~~ **department** for oversight and regulation of such storage facilities.

(3) An application fee payable to the ~~office of conservation~~ **department**, in a form and schedule prescribed by the ~~office of conservation~~ **department**, by industries under the jurisdiction of the ~~office of conservation~~ **department**. The ~~commissioner~~ **secretary** may, by rule in accordance with the Administrative Procedure Act, charge a fee that shall not exceed the actual or anticipated cost to the state for the review of the permit or application.

\* \* \*

G. The ~~commissioner~~ **secretary** is authorized to enter into agreements and contracts and to expend money in the fund for the following purposes:

\* \* \*

H. The ~~commissioner~~ **secretary** shall keep accurate accounts of all receipts and disbursements related to the administration of the fund and site-specific trust funds and shall make a specific annual report addressing the administration of the funds to the Senate Committee on Natural Resources, the House Committee on Natural Resources and Environment, and the Senate Committee on Environmental Quality before March first.

I. Every five years the ~~commissioner~~ **secretary** shall submit a report to the Senate Committee on Natural Resources, the House Committee on Natural Resources and Environment, and the Senate Committee on Environmental Quality before March first that assesses the effectiveness of the fund and other related provisions in this Chapter and provides other information as may be requested by the legislature to allow the legislature to assess the effectiveness of this Chapter.

\* \* \*

§2200. Subsurface injection

Nothing herein shall limit the power of the ~~assistant secretary of the office of conservation~~ to issue permits and make regulations relative to the subsurface injection of waste products and oil and gas field salt water in compliance with Chapter 1 of Title 30 of the Louisiana Revised Statutes of 1950 and the subsurface injection of hazardous wastes in compliance with the Safe Drinking Water Act, 42 USC §300(F) et seq., and the Resource Conservation and Recovery Act of 1976, 42 USC §6901 et seq.

\* \* \*

§2454. Definitions

In this Chapter:

\* \* \*

**(33) "Secretary" means the secretary of the Department of Conservation and Energy.**

§2455. Office of the Louisiana oil spill coordinator

The office of the Louisiana oil spill coordinator is hereby created within the Department of ~~Public Safety and Corrections, public safety services~~ **Conservation and Energy**, and shall exercise the powers and duties set forth in this Chapter or otherwise provided by law. The office shall be administered by the coordinator who shall be ~~appointed by the governor, subject to Senate confirmation~~ **a director pursuant to R.S. 36:357**. The initial coordinator shall not perform any official duties prior to confirmation.

§2456. General powers and duties of the coordinator

A. The coordinator, under the direction and control of the deputy secretary ~~for public safety services~~, shall:

\* \* \*

Section 2. R.S. 31:115(C)(1)(b) is hereby amended and reenacted to read as follows:

§115. Requirement of term; limitation of continuation without drilling or mining operations or production

\* \* \*

C.(1) Any lease, granting the right to explore for and produce lignite or another form of coal, which is included within a mining plan and upon which no actual operations have begun, may provide for an extension beyond the initial ten year term for a period of thirty years by the payment of rent, an advance royalty payment or any other form of periodic payment to the lessor, provided the following requirements are satisfied:

\* \* \*

(b) A mining plan for the ultimate production of lignite or other forms of coal, together with a permit issued by the ~~commissioner of conservation~~ secretary, is filed in the conveyance records of the parish or parishes in which the leased land is located.

\* \* \*

Section 3. R.S. 36:351, 352, 353, 354(A)(7), (10), (13), and (15), (B)(1)(b), (2), (4), (6), (8), (10), and (12), 355, 356, 357, 358, the introductory paragraphs of R.S. 36:359(A) and (B), 359(B)(1), and (C) are hereby amended and reenacted and R.S. 36:351.1, 354(B)(13) and (14), 354.1, 356.1(B)(6) and (7) and (D), 359(D) are hereby enacted to read as follows:

CHAPTER 8. DEPARTMENT OF CONSERVATION AND ENERGY AND NATURAL RESOURCES

§351. Department of Energy and Natural Resources; creation; domicile; composition; purposes and functions

A. The Department of Conservation and Energy ~~and Natural Resources~~ is created and shall be a body corporate with the power to sue and be sued. The domicile of the department shall be in Baton Rouge.

B. The Department of Conservation and Energy ~~and Natural Resources~~, through its offices and officers, shall be responsible for the conservation, management, and development of water, minerals, and other such natural resources of the state, including coastal management, state water bottom management and permitting, the issuance of energy-related rights of way on state water bottoms and state lands, and energy-related leasing of state water bottoms and state lands as

further set forth in law, but not including timber or fish and wildlife and their habitats.

C.(†) The Department of Conservation and Energy and Natural Resources shall be composed of the executive office of the secretary, the office of ~~management and finance~~, the office of conservation, the office of mineral resources, the office of coastal management administration, the office of enforcement, the office of energy, the office of land and water, the Oilfield Site Restoration Commission permitting and compliance, the office of state resources, and other offices as shall be created by law.

~~(2) Whenever the secretary determines that the administration of the functions of the department may be more efficiently performed by eliminating, merging, or consolidating existing offices or establishing new offices, the secretary shall present a plan therefor to the legislature for its approval by statute. In addition, beginning January 15, 2026, and thereafter in the same year as the sunset of the Department of Energy and Natural Resources, the secretary shall recommend to the Senate Committee on Natural Resources and the House Committee on Natural Resources and Environment to either terminate or continue the boards and commissions provided for in this Chapter. Any recommendation to terminate a board or commission shall include a plan to eliminate, merge, or consolidate the functions and responsibilities of that board or commission.~~

**§351.1. Natural Resources Commission; creation composition; purposes and functions**

**A. The Natural Resources Commission is hereby reconstituted within the Department of Conservation and Energy. The commission shall not have authority to grant or deny permits, to take enforcement action, or to take other action which has traditionally been within the sole jurisdiction of the department.**

**B. The Natural Resources Commission shall be composed of the following individuals, who shall not have the ability to serve by proxy or designee:**

**(1)The secretary of the Department of Conservation and Energy.**

(2) The secretary of Louisiana Economic Development.

(3) The secretary of the Department of Environmental Quality.

(4) The secretary of the Department of Revenue.

(5) The secretary of the Department of Wildlife and Fisheries.

(6) The executive secretary of the Louisiana Public Service Commission.

(7) One individual, appointed by the governor, who shall represent statewide flood control interests. This individual shall be one of the following:

(a) The secretary of the Department of Transportation and Development.

(b) The executive director of the Coordinated Use of Resources for Recreation, Economy, Navigation, and Transportation Authority.

(c) The executive director of the Coastal Protection and Restoration Authority.

(d) The chief resilience officer.

C. The department shall staff the commission and may engage the legislative auditor for reports requested by legislature or commission. The commission shall meet four times per year, preferably quarterly. The commission will facilitate strategic alignment and coordination amongst members. The commission shall coordinate with the legislative auditor to provide investigative oversight to the commission.

D. The commission shall:

(1) Serve as primary coordination body for water management planning, statewide flood protection, and develop a process for its centralization striving for uniformity.

(2) Develop a process in which agencies coordinate intergovernmental responses.

(3) Develop a process in responding to legislative study requests, including their prioritization.

(4) Engage legislative auditor for staffing on matters related to investigation, reporting, and review of the executive branch.

**(5) Develop a process to identify, review, receive, clarify and act on matters of agency overlap, including independent agencies and political subdivisions.**

**E. The commission shall meet on the first Wednesday of March, June, September, and December of each year. In the event of a state declared emergency or holiday, the meeting shall be held on the next working day. The date may be changed by unanimous agreement of the members in writing.**

§352. Officers of the department; compensation for one office only

A. The officers of the department shall be the secretary, the undersecretary, the deputy secretary if a deputy secretary is appointed, and ~~assistant secretaries~~ **directors**, each of whom shall be selected and shall perform functions as provided in this Title.

B. No person serving as a secretary, deputy secretary, undersecretary, or ~~assistant secretary~~ **directors** shall receive any additional salary from the state other than that salary which he receives by virtue of serving in any one of such offices. Any statewide elected official appointed to serve as a secretary, deputy secretary, undersecretary, or ~~assistant secretary~~ **director** shall not receive any additional salary from the state other than that salary which he receives as a statewide elected official.

C. Notwithstanding any provision herein to the contrary, subject to approval of the governor, any person, including any statewide elected official, serving or appointed to serve as a secretary, undersecretary, deputy secretary, or ~~assistant secretary~~ **director** may receive additional compensation for part-time services rendered as an instructor in post-secondary educational institutions, or as a member of the National Guard.

§353. Secretary of ~~natural resources~~ **conservation and energy**

There shall be a secretary of ~~natural resources~~ **conservation and energy**, who shall be appointed by the governor with consent of the Senate and who shall serve at the pleasure of the governor at a salary fixed by the governor, which salary shall not exceed the amount approved for the position by the legislature while in session. The secretary shall serve as the executive head and chief administrative officer of the Department of **Conservation and Energy and Natural Resources** and

shall have the responsibility for the policies of the department except as otherwise provided by this Title and for the administration, control, and operation of the functions, programs, and affairs of the department, provided that the secretary shall perform his functions under the general control and supervision of the governor. ~~The secretary shall be an ex officio member of the State Mineral and Energy Board~~ **The secretary shall also assume all duties and functions of the commissioner of conservation as set forth in law.**

§354. Powers and duties of secretary of **conservation and** energy ~~and natural resources~~

A. In addition to the functions, powers, and duties otherwise vested in the secretary by law, the secretary shall:

\* \* \*

(7) Undertake, or in necessary cases, designate one of the offices within the department or its ~~assistant secretary~~ **directors** to prepare all necessary studies regarding alternate fuel sources for the state of Louisiana.

\* \* \*

(10) Act as the sole agent of the state or, in necessary cases, designate one of the offices within the department or its ~~assistant secretary~~ **directors** to cooperate with the federal government and with other state and local agencies in matters of mutual concern and in the administration of federal funds granted to the state or directly to the department or an office thereof to aid in the furtherance of any function of the department and its offices. For this purpose he may take such actions, in accordance with applicable state law, necessary to meet such federal standards as are established for the administration and use of such federal funds, except as otherwise specifically provided in this Title or by the constitution and laws of this state.

\* \* \*

(13) Contract, if the secretary so desires, or, if the secretary deems necessary, designate one of the offices within the department or its ~~assistant secretary~~ **director**, under the secretary's supervision, to do so, with private or public research organizations for the purchase, out of funds available to the Department of

Conservation and Energy ~~and Natural Resources~~, of services in scientific, economic, and technological research, including but not limited to surveys, studies, and experiments with a view toward protecting and replenishing the natural resources of the state under the jurisdiction of the Department of Conservation and Energy ~~and Natural Resources~~, toward preventing the waste, wasteful use, and wasteful utilization thereof, except as defined in R.S. 30:3, toward preventing the use of the natural resources in such a manner and in such quantities as will threaten with premature exhaustion, extinction, and destruction of the supply of these resources in the state, and toward the energy policy of this state, and to prepare and implement plans and programs in relation thereto.

\* \* \*

(15) Set priorities for program funds as provided in R.S. 30:2483 and declare emergencies pursuant to R.S. 30:6.1.

\* \* \*

B. The secretary shall have authority to:

(1)(a) \* \* \*

(b) All of the above are to be accomplished in accordance with applicable civil service laws, rules, and regulations, and with policies and rules of the Department of Conservation and Energy ~~and Natural Resources~~, and all are subject to budgetary control and applicable laws.

(2) Appoint, subject to gubernatorial ~~approval~~ disapproval, advisory councils, boards, and commissions necessary in the administration of the department or for providing expertise within the department's jurisdiction, except as otherwise provided by law or by executive order.

\* \* \*

(4) Contract upon terms as the secretary may agree upon, for legal, financial, engineering, and other professional services necessary or expedient in the conduct of the affairs of the Department of Conservation and Energy ~~and Natural Resources~~ under the provisions of this Chapter.

\* \* \*

(6) Represent, or designate ~~an assistant secretary~~ **a director** to represent, the state in all matters involving or affecting the interest of the state and its residents relative to energy and natural resources within the jurisdiction of the Department of **Conservation and** ~~Energy and Natural Resources~~ before all federal agencies, offices, and officials, and congressional committees, and in all judicial actions arising out of the proceedings of the agencies, offices, and committees or in relation thereto. Those employed or contracted with as provided by this Section shall be entitled to represent the state and the secretary and to appear in the courts and before agencies of this state or the agencies, officials, and courts of the United States and of other states to carry out the purposes of this Chapter.

\* \* \*

(8) Obtain from the federal government and its agencies, the offices of the Department of **Conservation and** ~~Energy and Natural Resources~~, and other state agencies any information and data collected by the entities relating to energy, natural resources, or the environment, upon mutually agreeable terms and conditions or as required by law; however, information and data subject to nondisclosure under R.S. 44:4 shall maintain that status while in the custody of the secretary.

\* \* \*

(10) Establish in ~~his office~~ **the department** a capacity for policy analysis, development of information and statistics, and generation of economic information relating to the natural resources and environmental affairs of the state.

\* \* \*

(12) **Delegate his duties and responsibilities to other personnel within the department as necessary for the efficient administration of the department and its programs.**

(13) Do such other things not inconsistent with law, as are necessary to perform properly the functions vested in him.

**(14) Issue directives, acting through an initiative of the deputy secretary and upon certification by the undersecretary, that establish immediate agency policy effective upon issuance. Such orders shall remain in effect unless and until they are superseded by subsequent directive or subjected to additional**

administrative rulemaking through the Louisiana Administrative Procedure Act, including but not limited to the processes for emergency rulemaking or potpourri notices, if and when the secretary deems further formal rulemaking necessary. These directives, which do not constitute "adjudications" within the meaning of federal or state administrative law, shall serve as statements of policy that the department may apply to its programs and operations forthwith.

\* \* \*

§354.1. Authorization for Administrative Reorganization and Delegation of Functions, Authority of Secretary

A. The purpose of this Section is to streamline and modernize the operations of the department, provide flexibility to the department to respond to changing conditions, and ensure the continuity of effective administration.

B. Where consistent with this Title and other applicable laws, the secretary is hereby authorized to:

(1) Reorganize, consolidate, create, merge or abolish divisions, offices, bureaus, sections, or other administrative units within the department as deemed necessary for the efficient, economical, and effective performance of its functions.

(2) Delegate any function or duty vested in the secretary by law to any subordinate officer or employee within the department. Delegation may be rescinded by the secretary at any time.

C. The secretary shall follow the following procedures for reorganization under this Section:

(1) Where contemplated reorganization materially affects the procedural rights of the public or substantively changes the department's administrative processes, the secretary shall follow the provisions of the Administrative Procedure Act to implement such changes, but for any provision of this Title.

(2) Where contemplated reorganization is internal, ministerial, or otherwise a minor reorganization that does not materially affect the procedural rights of the public or substantively change the department's administrative processes, the reorganization shall be effective upon a written order by the

secretary. Such order shall be filed with the secretary of state and shall also be transmitted to the governor, the House Committee on Natural Resources and the Senate Natural Resources Committee for informational purposes.

D. No provision of this Section shall be construed to limit or circumvent any rights of protections afforded to employees of the department under applicable state civil service rules or any other provisions of law. Any workforce adjustments made pursuant to any reorganization under this Section shall comply with the due process requirements set forth in applicable state civil service rules and law.

E. The secretary shall submit an annual report to the House Committee on Natural Resources and the Senate Natural Resources Committee detailing the nature, purpose, and results of any major reorganization undertaken in the preceding year, including any administrative consolidations, transfers of authority, or delegation changes that materially affect the public's procedural rights or the department's administrative processes.

F. If any provision or item of this Section, or the application thereof, is held invalid, such invalidity shall not affect other provisions, items, or applications which can be given effect without the invalid provision or item, and to this end, the provisions of this Section are hereby declared severable.

§355. Deputy secretary

A. There ~~may~~ **shall** be a deputy secretary of the department, who shall be appointed by the secretary with consent of the Senate and who shall serve at the pleasure of the secretary at a salary fixed by the secretary, which salary shall not exceed the amount approved for such position by the legislature while in session. ~~The duties and functions of the deputy secretary shall be determined and assigned by the secretary. If appointed, he~~ **He** shall serve as acting secretary in the absence of the secretary.

B. The deputy secretary shall, in addition to any authorities established elsewhere in law:

(1) Oversee the office of natural resources commission, performing all functions, including the authority to employ, appoint, remove, assign, and

**promote such personnel as is necessary for the efficient administration of this office and its programs and the performance of its powers, duties, functions, and responsibilities, in accordance with applicable civil service laws, rules, and regulations, and with policies and rules of the department, all subject to budgetary control and applicable laws.**

**(2) Perform other duties as requested or delegated by the secretary.**

§356. Undersecretary; functions; office of ~~management and finance~~ **administration**

A.**(1)** There shall be an undersecretary of the Department of **Conservation and Energy and Natural Resources**, who shall be appointed by the governor with consent of the Senate and who shall serve at the pleasure of the governor at a salary fixed by the governor, which salary shall not exceed the amount approved for the position by the legislature while in session.

**(2)** The undersecretary shall be directly responsible to and shall perform his functions under the supervision and control of the secretary **but for this Subsection, and shall otherwise be vested with the authority provided in the Section.**

B. The undersecretary shall direct and be responsible for the functions of the office of ~~management and finance~~ **administration** and the Louisiana Natural Resources Trust Authority within the Department of **Conservation and Energy and Natural Resources**. In this capacity, the undersecretary shall be responsible for accounting and ~~budget~~ **budgetary oversight, systems of internal control, and financial compliance**, procurement and contract management, **information technology and** data processing, management and program analysis, personnel management, and grants management for the department and all of its offices, including all agencies transferred to the Department of **Conservation and Energy and Natural Resources**, except as otherwise specifically provided in this Title. The undersecretary shall employ, appoint, remove, assign, and promote personnel as is necessary for the efficient administration of the office of ~~management and finance~~ **administration** and the Louisiana Natural Resources Trust Authority and the performance of their powers, duties, functions, and responsibilities, in accordance with applicable civil service laws, rules, and regulations, and with policies and rules of the department, all subject to budgetary control and applicable laws. The

undersecretary shall exercise all powers and authority granted to him in this Title subject to the overall direction and control of the secretary.

C.(1) The duties and functions of the office of ~~management and finance~~ **administration** and of the undersecretary shall be as provided in this Section, and these duties and functions shall not be subject to change by the secretary, except that the undersecretary shall perform such additional duties and functions as are assigned by the secretary. **The undersecretary shall:**

**(a) Ensure robust internal-control mechanisms to safeguard departmental assets and promote compliance with financial, administrative, and regulatory requirements. This responsibility shall include developing and enforcing written policies and procedures for the prevention and detection of fraud, waste, and abuse, as well as for proper budgeting, accounting, and reporting practices.**

**(b) Coordinate and oversee auditing, both internal and external, to evaluate the department's fiscal integrity and operational compliance. This shall include the authority to:**

**(i) Initiate or recommend financial, performance, and compliance audits of divisions, programs, or processes within the department.**

**(ii) Collaborate with the legislative auditor or any external auditor authorized by law, ensuring prompt access to records and cooperation by departmental staff.**

**(iii) Review and respond to audit findings, develop corrective-action plans, and monitor their implementation to resolve deficiencies.**

**(c) Regularly report to the secretary on the department's financial status, the results of any internal or external audits, and identified risks or potential areas of concern. In connection therewith, the undersecretary shall recommend policies, practices, or remedial actions necessary to enhance accountability and protect the department's resources.**

**(d) Have the authority to investigate personnel matters within the department, including allegations of misconduct, inefficiency, or violations of**

department policies, and to recommend to the secretary appropriate disciplinary action, consistent with civil service laws, rules, and regulations.

(e) Have the authority to utilize the services of contracted third-party firms to assist in the administration and management of this Section.

(2) With express permission from the commissioner of administration, this Subsection may be exempt from R.S. 39:1551 et seq.

§356.1. Louisiana Natural Resources Trust Authority; establishment; powers

\* \* \*

B. The authority's powers shall also include the following:

\* \* \*

(6) Bonding, financing, or otherwise acting as a State Energy Financing Institution pursuant to federal law, to fund or assist in funding a plant or facility demonstrating technological advances of new methods and procedures and prototype application for the exploration, development, production, transportation, conversion, and use of energy resources, or other programs which may become available under the Loan Programs Office of the U.S. Department of Energy, or any successor office or agency.

(7) Establishing and administering mechanisms to satisfy financial security requirements in lieu of traditional instruments, including but not limited to the collection and management of cash payments and fees from participating operators.

\* \* \*

D. The authority may invest funds under its control in accordance with the provisions of R.S. 33:2955.

§357. Assistant secretaries Leadership

A. Each office within the Department Energy and Natural Resources, except the office of management and finance, shall be under the immediate supervision and direction of an assistant secretary. The assistant secretary of each office shall be appointed by the governor with the consent of the Senate and shall serve at the pleasure of the governor. Each assistant secretary shall be paid a salary which shall be fixed by the governor, which salary shall not exceed the salary approved for the

position by the legislature while in session. The commissioner of conservation shall serve as the assistant secretary for the office of conservation and shall be selected in accordance with law.

~~B. The duties and functions of each office and its assistant secretary shall be determined by the secretary, and all of such duties and functions shall be exercised under the direct supervision and control of the secretary.~~

~~C. Each assistant of Conservation and Energy, except the executive office of the secretary and the office of administration shall be under the immediate supervision and direction of a director who shall be appointed by the secretary and shall be an unclassified employee. The secretary may issue a directive clearly identifying each director and specifically delegating the authority of such director.~~

~~**B. The** secretary shall employ, appoint, remove, assign, and promote from any funding sources authorizing administrative costs such personnel as is necessary for the efficient administration of his office and its programs and the performance of its powers, duties, functions, and responsibilities, in accordance with applicable civil service laws, rules, and regulations, and with policies and rules of the department, all subject to budgetary control and applicable laws.~~

~~D. Each assistant secretary shall exercise all powers and authority granted to him in this Title subject to the overall direction and control of the secretary **this Part. In addition to any other powers, duties, functions, and responsibilities defined by the secretary.**~~

§358. Offices; purposes and functions

A. The purposes for which the offices of the Department of Conservation and Energy and Natural Resources are created shall be as set forth in this Section.

B. The office of coastal management shall perform the functions of the state relative to the coastal zone management program the executive office of the secretary shall be responsible for assisting the secretary in the exercise of the functions and duties established in law of the secretary. Among the divisions included within the executive office of the secretary shall be the office of natural

resources commission to be headed by the deputy secretary and the office of legal services to be headed by an attorney designated by the secretary.

(1) The office of the natural resources commission may provide any necessary direct support to the natural resources commission. In addition, the office of the natural resources commission shall provide intergovernmental affairs and communications support to the commission and the department.

(2) The office of legal services shall provide general legal support for the department and its offices, including specialized support for state lands, minerals, and water resources, and shall oversee and administer the Saltwater and Oil Assessment Process as set forth in law.

~~C. The office of conservation, in accordance with law, shall exercise the functions of the state with respect to the regulation, conservation, permitting, compliance, and use of the natural resources of the state which are not specifically within the jurisdiction of other state departments or agencies. Its functions shall include but not be limited to the conservation of the oil and gas resources of the state and matters pertaining thereto; the promotion and encouragement of exploration, production, and refining efforts for oil, intrastate gas, and other hydrocarbons; the control and allocation of energy supplies and distribution; the lease or construction and operation of intrastate pipeline systems; the implementation and enforcement of any emergency gas shortage allocation plan and the setting of priorities; the regulation of the minimum sale price of intrastate natural gas; and the management of ground water resources, all in accordance with applicable laws.~~ administration shall be responsible for accounting and budget control, procurement and contract management, data processing, management and program analysis, information technology and geographic information systems, strategic planning, and personnel management for the department and all of its offices, including the Natural Resources Trust Authority.

~~D.(†)~~ The office of permitting and compliance shall perform all permitting and compliance functions within the jurisdiction of the department consistent with law, including Act No. 548 of the 2006 Regular Session of the Legislature.

E. The office of mineral resources shall ~~perform~~:

**(1) Perform** the functions of the state relating to the lease of **or other contracts for the use of** lands and water bottoms of the state for the development and production of minerals, oil, and gas, **storage, and other energy related activities** and supervision of such mineral leases **and other agreements**, in accordance with the law, including but not restricted to the exercise of the option of the state to receive in kind the portion due to the state as royalty of any minerals produced and severed from leased premises, and shall receive, administer, and control royalties **and other storage and energy related payments** due ~~in kind~~ to the state in accordance with state law.

(2) Work in cooperation with the Center for Energy Studies to maintain current surface and subsurface geological surveys of the state, or otherwise at the discretion of the ~~assistant~~ secretary of the office of mineral resources or his designee; conduct geological mapping; prepare geological hazards assessments and resource inventories; and conduct process investigations and related studies.

**(3) Provide for the administration of state water bottom management, the issuance of mineral, storage, and energy-related rights of way on state water bottoms and state lands, and energy-related leasing of state water bottoms and state lands as further set forth in law, including agreements related to the subsurface and above-ground storage of minerals, gasses, and products on state water bottoms or lands and receipt, administration, and control of payments due to the state under these agreements in accordance with state law.**

**(4) Provide for the administration of groundwater, surface water, and other water resources for quantity purposes, unless otherwise designated by the secretary following adequate review set forth by rule.**

E.F. The office of enforcement shall be responsible for the inspection of the regulated community and the enforcement of laws and regulations within the jurisdiction of the department consistent with Act No. 548 of the 2006 Regular Session of the Legislature.

E.G. The office of energy shall organize, plan, supervise, direct, administer, execute, and be responsible for the functions and programs relating to the

deployment and operation of alternative energy infrastructure in this state in a manner that results in affordable and reliable energy. The office of energy shall also work in cooperation with the Center for Energy Studies to create and carry out a central, comprehensive, and unified energy data and information program which will collect, evaluate, assemble, analyze, and disseminate data and information which is relevant to energy resource reserves, energy production, demand, and technology, and related economic and statistical information, or which is relevant to the adequacy of energy resources to meet demands in the near and longer term future of the state.

~~G. The office of land and water shall be responsible for the following:~~

~~(1) The administration of state water bottom management, the issuance of energy-related rights of way on state water bottoms and state lands, and energy-related leasing of state water bottoms and state lands as further set forth in law.~~

~~(2) The administration of groundwater, surface water, and other water resources for quantity purposes, unless otherwise designated by the secretary following adequate review set forth by rule.~~

\* \* \*

§359. Transfer of agencies and functions to Department of **Conservation and Energy and Natural Resources**

A. The following agencies are transferred to the Department of **Conservation and Energy and Natural Resources** and shall exercise and perform their powers, duties, functions, and responsibilities as provided by law:

\* \* \*

B. The following agencies are transferred to the Department of **Conservation and Energy and Natural Resources** and shall exercise and perform their powers, duties, functions, and responsibilities in accordance with the provisions of R.S. 36:802:

(1) State Department of Conservation (Article V, Section 18 and Article VI, Section 1(C) of the 1921 Constitution of Louisiana made statutory by Article XIV, Section 16(A)(2) and (3) of the 1974 Constitution of Louisiana; Part I of Chapter 1 of Subtitle I of Title 30 of the Louisiana Revised Statutes of 1950 and other provisions of Title 30 that directly apply to the department). The ~~assistant~~ secretary

shall be authorized to employ, appoint, remove, assign, and promote personnel as is necessary for the efficient administration required in making these decisions in accordance with applicable civil service laws, rules, and regulations, and with policies and rules, subject to budgetary control of the Department of Energy and Natural Resources and applicable laws.

\* \* \*

C. The Oilfield Site Restoration Commission (R.S. 30:80 et seq.) is placed within the Department of **Conservation and Energy and Natural Resources** and shall perform its powers, duties, functions, and responsibilities in accordance with the provisions of R.S. 36:901 et seq.

**D. The following agencies are transferred to the Department of Conservation and Energy and shall perform its powers, duties, functions, and responsibilities in accordance with the provisions of R.S. 36:851 et seq.:**

**(1) Capital Area Groundwater Conservation District (R.S. 38:3071 et seq.).**

**(2) Sparta Groundwater Conservation District (R.S. 38:3087.131 et seq.).**

Section 4. R.S. 38:3072(A), the introductory paragraph of 3076(A), 3076(A)(24) and (C), 3087.132(A), 3087.136(4), 3087.138, 3092(2) and (4), 3093, 3094(A)(1) through (4), the introductory paragraph of 3094(B), 3094(B)(7), the introductory paragraph of R.S. 38:3094(C), and 3094(C)(1), 3097.1(C), 3097.2(1), (4), (7), and (9), 3097.3(A) and (B), the introductory paragraphs of 3097.3(C) and (C)(4)(a), 3097.3(C)(4)(a)(v) and (b), and (8), (D), (E), (F)(1), the introductory paragraphs of 3097.3(F)(2), (d), and (f), and 3097.3(G), 3097.6(A), the introductory paragraphs of 3097.6(B) and (B)(3), 3097.7(B) and (D)(2), 3097.8(A) and (C), the introductory paragraph of 3098(A), 3098(B) and (E), and 3098.1(4) are hereby amended and reenacted and R.S. 38:3098(G) is enacted to read as follows:

§3072. District and board; creation

A. There is hereby created the Capital Area Groundwater Conservation District, hereinafter called "district," ~~which shall be a body politic and corporate and a political subdivision of the state of Louisiana~~ and shall be composed of the parishes of Ascension, East Baton Rouge, East Feliciana, Pointe Coupee, West Baton Rouge, and West Feliciana.

\* \* \*

§3076. Powers of the board

A. The board shall work with the ~~commissioner of conservation~~ secretary of the Department of Conservation and Energy in his responsibilities to do all things necessary to prevent waste of groundwater resources, and to prevent or alleviate damaging or potentially damaging subsidence of the land surface caused by withdrawal of groundwater within the district. In conjunction with the ~~commissioner of conservation~~ secretary, the board shall have authority to do, as required, the following:

\* \* \*

(24) To advise and consult with the ~~commissioner of conservation and the Water Resources Commission~~ secretary on matters that impact water resources within the board's jurisdiction.

\* \* \*

C. Anything herein to the contrary notwithstanding, the board formed hereunder shall have no authority to regulate water produced from formations producing oil or gas or both for commercial purposes or to issue any rule, regulation, or order conflicting with regulation of drilling to and production from or disposition of water from such formations by the ~~commissioner of conservation~~ secretary. Nor shall the board formed hereunder have authority to regulate the production of salt water used for pressure maintenance, secondary recovery operations, or other operations for the production of oil or gas.

\* \* \*

§3087.132. District and board; creation

A. The Sparta Groundwater Conservation District is hereby established ~~as a political subdivision of the state.~~

\* \* \*

§3087.136. Powers of the board

The board shall conduct a study and survey of the groundwater resources in the district, including but not limited to consideration of what is necessary or advisable to conserve groundwater resources and where appropriate, prevent or

alleviate damaging or potentially damaging drawdowns, land surface subsidence, and groundwater quality degradation. For this purpose, the board shall hold hearings and may:

\* \* \*

(4) Advise and consult with the ~~commissioner of conservation and the Water Resources Commission~~ **secretary of the Department of Conservation and Energy** on matters that impact water resources within the board's jurisdiction.

\* \* \*

§3087.138. Reports regarding groundwater resources

The commission shall report, on or before April first annually, the district's groundwater resources to the ~~commissioner of conservation, the Water Resources Commission, the Water Management Advisory Task Force~~ **secretary**, the Senate Committee on Natural Resources, and the House Committee on Natural Resources and Environment. The report shall include but not be limited to the amount of water used for public supply, industrial, or agricultural purposes, respectively; actual and projected saltwater intrusion or encroachment; and any current or projected sale of water for use outside of the state, including the amount of water so sold and the price paid by each out-of-state user. For the purposes of this report, the amount of water used for agricultural or industrial purposes may be estimated.

\* \* \*

§3092. Definitions

Unless the context otherwise requires, the following terms shall have the following meanings for purposes of this Chapter:

\* \* \*

(2) "~~commissioner~~" means the ~~commissioner of conservation~~ **"secretary"** **means the secretary of the Department of Conservation and Energy.**

\* \* \*

(4) "Office" means the ~~office of conservation~~, Department of Energy and Natural Resources.

\* \* \*

§3093. Administration; authority

This Chapter shall be administered by the ~~commissioner of conservation~~ secretary, who shall have authority to enforce the provisions of this Chapter.

§3094. Rules and regulations; powers of ~~commissioner~~ secretary

A. The ~~commissioner~~ secretary shall make reasonable rules and regulations for the following purposes:

(1) To require registration of all wells producing in excess of fifty thousand gallons per day with the ~~commissioner~~ secretary showing the date drilled, the name of the driller, if available, and the current ownership together with such other information as the ~~commissioner~~ secretary may reasonably require. The ~~commissioner~~ secretary may, at his discretion, require registration of smaller wells.

(2) To require that all users of ground water within the state register with the ~~commissioner~~ secretary showing the number, location, and capacity of wells owned or operated by them or solely for their benefit and designating the beneficial use or uses of ground water by them. The ~~commissioner~~ secretary shall classify each user as a domestic, municipal, industrial, agricultural, or recreational or therapeutic user of ground water upon the basis of such information. The ~~commissioner~~ secretary shall have authority in his discretion to require periodic renewals of registrations to determine alterations in uses of water within the state; such registrations may be required on an annual basis or such greater periods of time as the ~~commissioner~~ secretary may deem appropriate.

(3) To establish regulations governing standards for the construction of all wells drilled after July 26, 1972, except that where authority is exercised by the Louisiana Department of Health, the ~~commissioner~~ secretary shall work cooperatively with that department in the establishment of standards for construction.

(4) To require well owners to furnish, on request, information pertinent to wells, such as well logs, chemical analyses, strata samples, water levels, water uses, drawdowns, grouting, casing sizes, property descriptions, and other pertinent information reasonably required by the ~~commissioner~~ secretary, provided that as to wells in existence on July 26, 1972, such information is available.

\* \* \*

B. In addition to the specific regulatory matters set forth in Subsection A of this Section, the ~~commissioner~~ secretary shall have authority to do, as required, the following:

\* \* \*

(7) To require records to be kept and reports to be made of the drilling, equipping, and completion of wells into any aquifer or aquifers and the taking and use of ground water therefrom and to require accurate drillers' logs to be kept of such wells and a copy thereof and of any electric logs made of such wells to be filed with the ~~commissioner~~ secretary.

C. To provide for uniform protection of public water supply users in the state, the ~~commissioner~~ secretary with the concurrence and approval of the Louisiana Department of Health shall be authorized as follows:

(1) To assure that all community public water supply systems within the state are developed so as to provide for the proper utilization of the ground water aquifers and are organized to provide proper operation and maintenance of the system. It shall be the responsibility of the ~~commissioner~~ secretary, with assistance from the Louisiana Department of Health, to promulgate rules and regulations in accordance with the Administrative Procedure Act, so as to ensure the safety and welfare of the general public utilizing such systems.

\* \* \*

§3097.1. Legislative findings; purpose; effect

\* \* \*

C. In accordance with the legislative intent provided herein, the statewide ground water resource management program and any rule, regulation, or order of the ~~commissioner~~ secretary shall recognize historic use of ground water resources in the state and may incorporate the use of appropriate incentives to encourage conservation of ground water resources and the appropriate utilization of alternate water supplies where appropriate. Consistent with the provisions of this Chapter and in consultation with the ~~commissioner~~ secretary, the incentives and provisions of alternate water resources may be provided by the state, or any local subdivision thereof, by virtue of tax incentives, tax credits, and physical projects transporting or

providing alternate water resources to existing ground water users and by any private person with an interest in conserving such ground water resources for public use.

§3097.2. Definitions

Unless the context otherwise requires, the following terms shall have the following meanings for purposes of this Chapter:

(1) "Area of ground water concern" shall mean an area in which, under current usage and normal environmental conditions, sustainability of an aquifer is not being maintained due to either movement of a salt water front, water level decline, or subsidence, resulting in unacceptable environmental, economic, social, or health impact, or causing serious adverse impact to an aquifer, considering the areal and temporal extent of all such impacts. An area of ground water concern, declared pursuant to R.S. 38:3097.6, shall be designated a critical area of ground water concern when the ~~commissioner~~ **secretary** finds that sustainability cannot be maintained without withdrawal restrictions.

\* \* \*

(4) ~~"Commissioner" shall mean the commissioner of conservation~~  
**"Secretary" shall mean the secretary of the Department of Conservation and Energy.**

\* \* \*

(7) "Ground water emergency" shall mean an unanticipated occurrence as a result of a natural force or a man-made act which causes a ground water source to become immediately unavailable for beneficial use for the foreseeable future or drought conditions determined by the ~~commissioner~~ **secretary** to warrant the temporary use of drought relief wells to assure the sustained production of agricultural products in the state.

\* \* \*

(9) "Large volume well" means a well with an exterior casing size of eight inches or greater in diameter, or as defined by rules and regulations promulgated by the ~~commissioner~~ **secretary** pursuant to the Administrative Procedure Act.

\* \* \*

§3097.3. ~~Commissioner of conservation~~ **Secretary of Conservation and Energy**;

powers and duties

A. The ~~commissioner~~ **secretary**, through the ~~office of conservation~~ **Department of Conservation and Energy**, is empowered and responsible for the administration of all matters related to the management of the state's groundwater resources by providing for the most advantageous use of the resource consistent with the protection, conservation, and replenishment thereof. The ~~commissioner~~ **secretary** shall perform these functions to the extent such functions are not specifically within the jurisdiction of other state departments or agencies. The ~~commissioner~~ **secretary** shall seek the advice and consultation of local governmental entities on any actions or decisions which may have an impact upon those entities or residents within the entities' respective jurisdictions.

B. The ~~commissioner~~ **secretary** is authorized to employ, assign, and remove personnel, including a deputy, within the Department of Energy and Natural Resources, ~~office of conservation~~, to provide administrative and technical staff functions that the ~~commissioner~~ **secretary** deems necessary to carry out the powers, functions, and duties under this Chapter. Personnel actions shall be in accordance with applicable civil service laws, rules, and regulations, and with the policies and rules of the department, all subject to budgetary control and applicable laws.

C. The ~~commissioner~~ **secretary** has authority to make, after notice and public hearings in accordance with the Administrative Procedure Act, any reasonable rules, regulations, and orders that are necessary from time to time in the proper administration and enforcement of this Chapter, including rules, regulations, or orders for the following purposes:

\* \* \*

(4)(a) Require registration of all new wells by the owners. Such registration shall at a minimum require the date drilled or the estimated date to be drilled, the name of the driller, the current ownership, and the projected location of the well in latitude, longitude, and depth, and casing size together with such other information as the ~~commissioner~~ **secretary** may reasonably require. Registration shall be in the form of a notice of intent to drill submitted to the ~~commissioner~~ **secretary** at least

sixty days prior to drilling the well, except for the following types of wells which shall be registered no later than sixty days after completing the well:

\* \* \*

(v) All other wells the ~~commissioner~~ secretary exempts for just cause.

(b) Within thirty days of receiving the well registration, the ~~commissioner~~ secretary shall review the submitted information. During the thirty-day review period, the ~~commissioner~~ secretary may either issue an order to the owner placing restrictions on the well or requesting further reasonable information on the well or may take no action. Prior to any order placing a restriction on a well, the ~~commissioner~~ secretary shall determine, on the basis of good management practices and sound science, that such action is necessary to prevent adverse impacts to the sustainability of the aquifer from which the proposed well is to produce. An order placing restrictions on spacing may also be issued to avoid direct adverse impacts to existing wells. Restrictions and requests for information shall be subject to the following:

(i) For large volume wells or wells within a critical area of groundwater concern, the ~~commissioner~~ secretary may issue to the owner of such well an order fixing allowable production, spacing, and metering necessary to properly manage the state's groundwater resources consistent with R.S. 38:3097.6(B)(3). Before issuing any order placing restrictions on a well outside a critical area of groundwater concern, the ~~commissioner~~ secretary shall consider a well owner's efforts to develop alternate water sources.

(ii) For all other wells located outside a critical area of groundwater concern, an order issued by the ~~commissioner~~ secretary may only fix spacing of the well.

(iii) If more information is requested, the ~~commissioner~~ secretary shall have an additional thirty days after receiving the additional information for review. ~~The commissioner's request for further information may be appealed to the commission to determine the reasonableness of the request. Such determination shall be made within forty-five days from the date of the appeal.~~

\* \* \*

(8) Develop a contingency plan to respond to a groundwater emergency. Such a plan shall provide that groundwater needed for human consumption shall have the highest priority. If the ~~commissioner~~ secretary declares a groundwater emergency, he shall define the geographical extent of the area included in the emergency by rule or order, may retain personnel or let contracts as necessary with persons who shall operate under his direction to abate the emergency conditions, and may fix the allowable production, spacing, and depth for wells within the area in such a way that the combined production of groundwater will not have long-term adverse effects on the aquifer.

\* \* \*

D. Any rule or regulation promulgated or any critical groundwater area declared by the Ground Water Management Commission pursuant to authority granted by Act No. 446 of the 2001 Regular Session shall remain in effect until July 1, 2004, or until such time as the ~~commissioner~~ secretary promulgates rules pursuant to this Section or reviews any previously declared critical area.

E. The ~~commissioner~~ secretary shall not authorize or issue any permit which allows the use or withdrawal of three million gallons or more of groundwater per day from the Chicot aquifer that shall be injected into the subsurface in a parish whose population is more than seventy thousand and less than seventy-five thousand.

F.(1) The ~~commissioner~~ secretary, upon determining that a violation of Chapters 13-A, 13-A-1, or 13-B of this Title or the regulations adopted thereunder has occurred, may impose a civil penalty as provided in this Chapter. Additionally, upon determining that a violation of Chapters 13-A, 13-A-1, or 13-B of this Title or the rules and regulations made pursuant to Chapters 13-A, 13-A-1, or 13-B of this Title has occurred, the ~~commissioner~~ secretary may issue an order requiring compliance. Any such order shall state, with reasonable specificity, the nature of the violation, any cessation of activities or affirmative operations required to achieve compliance, and a time limit within which compliance with the order must be achieved. Noncompliance with any such order to comply shall constitute a violation of Chapters 13-A, 13-A-1, or 13-B of this Title, and the ~~commissioner~~ secretary may impose a civil penalty for such violation. Any person subjected to a civil penalty

shall have the right to a public hearing if requested in writing, which written request shall suspend the imposition of penalty until final action is taken by the **commissioner secretary**.

(2) The **commissioner secretary** is hereby authorized to assess civil penalties for each day of violation of the provisions of Chapters 13-A, 13-A-1, or 13-B of this Title as follows:

\* \* \*

(d) For violations of rules and regulations promulgated pursuant to Subparagraph (C)(4)(b) of this Section - failure to comply with restrictions, terms, or conditions set forth by order of the **commissioner secretary**:

\* \* \*

(f) For violations of rules and regulations promulgated pursuant to Paragraph (C)(8) of this Section - failure to comply with any restrictions, terms, or conditions set forth by the **commissioner secretary** in response to a groundwater emergency:

\* \* \*

G. The **commissioner secretary** shall ensure submission of the semiannual reports required of the ground water conservation districts by R.S. 38:3097.8. If the reports are not submitted timely or do not include the pertinent information required, the **commissioner secretary** is authorized to require monthly submissions of the reports until he is satisfied with the adequacy and informative nature of the reports.

\* \* \*

§3097.6. Determination of area of groundwater concern

A. Any owner of a well that is significantly and adversely affected as a result of the movement of a saltwater front, water level decline, or subsidence in or from the aquifer drawn on by such well shall have the right to file an application to request the **commissioner secretary** to declare that an area underlain by such aquifer is an area of groundwater concern. Such application shall contain a statement of facts, and supporting evidence substantiating the area may be an area of groundwater concern as defined in R.S. 38:3097.2. On the basis of the application, good management practices, and sound science, the **commissioner secretary** shall either deny the request, in writing, or issue a draft order which describes the proposed boundaries

of the area of groundwater concern. If the ~~commissioner~~ secretary issues a draft order describing the proposed boundaries of the area, the ~~commissioner~~ secretary shall hold at least one public hearing in the locality of the proposed boundaries. At least thirty days prior to holding the public hearing, the ~~commissioner~~ secretary shall provide copies of the draft order to the House Committee on Natural Resources and Environment and to the Senate Committee on Natural Resources.

B. After holding hearings, the ~~commissioner~~ secretary shall issue a written decision based on good management practices and scientifically sound data gathered from the application, the participants in the public hearing, and any other relevant information. If the ~~commissioner~~ secretary has determined that an area of ground water concern exists, his decision shall be in the form of an order that shall describe the boundaries of the area which is determined to be an area of ground water concern. The order shall also contain a plan to preserve and manage the ground water resources in that area which may include but is not limited to the following:

\* \* \*

(3) If the ~~commissioner~~ secretary designates an area a critical area of ground water concern, the order may restrict the amount of withdrawals by any or all users in the area. In determining restrictions on withdrawals, the ~~commissioner~~ secretary shall consider the following:

\* \* \*

§3097.7. Water Management Advisory Task Force

\* \* \*

B. The Water Management Advisory Task Force shall assist the ~~commissioner of conservation and the Water Resource Commission~~ secretary in continuing to develop a statewide water resource management program. Such water management program shall include but not be limited to evaluation of the state's ground water resources including current and projected demands on the aquifers of the state; development of a water use conservation program; study of alternatives to ground water use, such as surface water to include treatment and transmission system, and reclaimed water; incentives for conservation; use of alternative technologies; and education and conservation programs. The plan should stress

conservation as the primary mechanism for the protection of the state's ground water resources.

\* \* \*

D.(1)

\* \* \*

(2) The task force shall meet at least once per year, or more frequently as necessary. The task force shall report to the ~~commissioner~~ secretary and the commission periodically on the activities and progress of the task force on continuing to develop the comprehensive water management program.

§3097.8. Semiannual reports regarding groundwater quality and saltwater intrusion

A. On or before May first and November first every year, each ground water conservation district created by law or designated as a regional body, pursuant to R.S. 38:3097.4(D)(6), shall submit to the ~~commissioner of conservation, the Water Resources Commission,~~ secretary and the Water Management Advisory Task Force, the Senate Committee on Environmental Quality, and the House Committee on Natural Resources and Environment a written report detailing the district's ground water resources and the activities and actions taken with respect to each of the district's powers delineated by laws creating the district. The report shall also include but not be limited to the amount of water used for residential, commercial or industrial, or agricultural purposes, respectively; actual and projected saltwater intrusion or encroachment; and any current or projected sale of water for use outside of the state, including the amount of water so sold and the price paid by each out-of-state user.

\* \* \*

C. The ~~commissioner~~ secretary shall promulgate a form with a checklist of the pertinent information required to be included in the semi-annual report.

\* \* \*

§3098. Licensing of water well and other drillers

A. Every person, firm, or corporation engaged or desiring to engage in the business of drilling water wells for underground water, drilling monitoring wells, geotechnical bore holes, heat pump wells, cathodic protection holes, and/or seismic shot holes, as well as reworking water wells, or plugging and abandoning wells or

bore holes, excluding oil and gas wells, in the state of Louisiana shall file an application with the office **Louisiana State Licensing Board for Contractors** for a drilling license, using forms prepared by the office **board**, setting out qualifications therefor and such other information including any examination, oral or written, as may be required by the office **board**. The fees for such license and renewal shall be as follows:

\* \* \*

B. All licenses shall expire on June thirtieth of each year, and shall not be transferable, and shall be renewable annually, upon completion of six hours of continuing education as approved by the office **board** and upon payment of the required fee.

\* \* \*

E. A license may be renewed and shall be renewable without examination for the ensuing year by making an application not later than the expiration date and paying the applicable fee. Such application shall have the effect of extending the validity of the current license until the new license is received or the applicant is notified by the **department board** that the license has been refused. On application made after June thirtieth of each year, the license will be renewed only upon payment of the applicable fee, plus a penalty of five dollars for each month the application is delinquent. Delinquency in excess of one year may, in the discretion of the advisory committee, be deemed as a waiver of the driller's right for renewal; and if he should apply thereafter, the **department board** may require that he be considered as a new applicant, including the requirement for examination.

\* \* \*

**G. Except in the case of revocation, any license previously issued by the Department of Conservation and Energy, or any successor agency, shall remain valid until expiration.**

§3098.1. Qualifications for license

In order to be licensed as a drilling contractor, as provided in R.S. 38:3098, in the state of Louisiana, the applicant must possess the following qualifications:

\* \* \*

(4) Demonstrate to the satisfaction of the office **Louisiana State Licensing Board for Contractors** a reasonable knowledge of this Chapter and the rules and regulations adopted by the office **board and the Department of Conservation and Energy** under the provisions of this Chapter.

Section 5. R.S. 39:1367(E)(2)(b)(xi) is hereby enacted to read as follows:

§1367. State debt; limitations

\* \* \*

E. As used in this Section, the following terms shall have the following meanings ascribed to them unless the context clearly indicates otherwise:

\* \* \*

(2)(a)

\* \* \*

(b) "Net state tax supported debt" shall not mean:

\* \* \*

**(xi) Any bond, note, or other evidence of indebtedness issued pursuant to R.S. 30:83.1 et seq. or any bonds issued to refund such bonds, notes, or evidence of indebtedness.**

Section 6. R.S. 44:4.1(B)(19) is hereby amended and reenacted to read as follows:

§4.1 Exceptions

\* \* \*

B. The legislature further recognizes that there exist exceptions, exemptions, and limitations to the laws pertaining to public records throughout the revised statutes and codes of this state. Therefore, the following exceptions, exemptions, and limitations are hereby continued in effect by incorporation into this Chapter by citation:

\* \* \*

(19) R.S. 30:10.1, **124.1**, 209.1, 213, 215, 907, 908, 916, 2030, 2074, 2351, 2351.54, 2564

\* \* \*

Section 7. R.S. 45:252 is hereby amended and reenacted and R.S. 45:251(4) is hereby enacted to read as follows:

§251. Common carrier, petroleum, pipe line defined

As used in this Chapter, the following terms have the meaning ascribed to them in this Section, unless the context clearly indicates otherwise:

\* \* \*

**(4) "Secretarial review" means a review by the secretary of the Department of Conservation and Energy pursuant to R.S. 45:252. The secretary shall simultaneously consider all of the following:**

**(a) Connectivity.**

**(b) Necessity.**

**(c) Physical placement.**

**(d) Past and present ownership, including changes in corporate structure.**

**(e) Regulatory history, including prior determinations or orders by any relevant agency.**

**(f) Operational characteristics, including but not limited to product type or alternative routes.**

**(g) Whether the property is truly necessary or integral to the pipeline transportation function and necessary for the proper conduct of the business.**

**(h) Any indication that the property or its owner does not meet the statutory definition of a common carrier.**

§252. Pipe lines declared common carriers; control by public service commission

**A.** All pipe lines through which petroleum is conveyed from one point in this state to another point in the state are declared to be common carriers as defined in R.S. 45:251 and are placed under the control of and subject to regulation by the Louisiana Public Service Commission.

**B. When a complaint, application or other filing concerning the classification of a pipe line as a common carrier or the federal equivalent is filed with the Public Service Commission, the Public Service Commission or a party to the matter may request a secretarial review as defined in R.S. 45:251 and pursuant to this Section prior to the Public Service Commission's docketing of the matter for a final decision. The secretary may accept or decline such**

**request, in writing, to all parties and the Public Service Commission within five business days, excluding weekends and state holidays, of receiving such request. If the secretary does not accept the request within the five business days, then the request shall be deemed declined. If the request is declined then the matter may proceed before the Public Service Commission. If the request is accepted the matter shall be stayed before the Public Service Commission for thirty days from the date the secretary accepts the matter in writing. Once a request is accepted, the secretary or his designee shall establish a schedule for discovery, filings, and, where necessary, a hearing. The secretary or his designee shall issue his finding to the parties and the Public Service Commission following the hearing or the last filings submitted in accordance with the schedule approved by the secretary or his designee.**

Section 8. R.S. 49:214.29(B) is hereby amended and reenacted to read as follows:

§214.29. Special areas, projects, and programs

\* \* \*

B. The secretary ~~shall~~ **may** adopt, after notice and public hearing, rules for the identification, designation, and utilization of special areas and for the establishing of guidelines or priorities of uses in each area.

\* \* \*

Section 9. R.S. 56:432.1(C)(2), 700.13(B), and 700.14(B) are hereby amended and reenacted to read as follows:

§432.1. Oyster Lease Acquisition and Compensation Program

\* \* \*

C. A leaseholder whose lease is acquired in whole or in part may seek an administrative hearing through the Coastal Protection and Restoration Authority as to whether the acquisition due to the impact of dredging, direct placement of dredged or other materials, or other work or activities necessary for the construction or maintenance of a project for integrated coastal protection is proper or whether the compensation issued by the Coastal Protection and Restoration Authority satisfies the rules or regulations of that department. A leaseholder whose lease is not acquired but which was impacted by dredging, direct placement of dredged or other materials,

or other work or activities necessary for the construction or maintenance of a project for integrated coastal protection has occurred, may also seek an administrative hearing through the Coastal Protection and Restoration Authority to determine if acquisition of the acreage would be proper. Adjudication under this Section shall be conducted in accordance with the following:

\* \* \*

(2) Adjudication under this Section shall be conducted in accordance with Chapter 13-B of Title 49 of the Louisiana Revised Statutes of 1950 and pursuant to the rules and regulations promulgated by the Department of Conservation and Energy and Natural Resources after consideration of recommendations by the Louisiana Oyster Task Force. The administrative law judge shall consider any reasonably confirmable data or information provided to that department by the leaseholder or any other person on or before the date of the administrative review.

\* \* \*

§700.13. Establishment of the board

\* \* \*

B. The board shall include five members consisting of one member nominated by the Louisiana Oyster Dealers and Growers Association, one member nominated by the Louisiana Oyster Task Force, two members nominated jointly by the Louisiana Independent Oil and Gas Association, Louisiana Mid-Continent Oil and Gas Association and the Louisiana Landowners Association, and one member, selected by the other four members of the board, who is a practicing administrative law judge. A quorum of the board shall consist of at least three members. To maintain concordance with the purposes of this Part as articulated in R.S. 56:700.10, at least one member nominated by each of the two industries referenced therein shall be necessary for a quorum.

\* \* \*

§700.14. Rules and regulations

\* \* \*

B. In the formulation of regulations pursuant to this Part, the secretary, in conjunction with the board, shall establish a procedure whereby an oyster fisherman

**leaseholder** may recover for actual damages to his oyster beds or grounds caused by oil and gas activities.

\* \* \*

Section 10. R.S. 17:200 through 220, R.S. 30:85(D)(11), 2458 and 2470 through 2474, and R.S. 38:3097.4 and 3098.6(A)(1) are hereby repealed.

Section 11. The Louisiana Law Institute is hereby directed to replace all references to "Department of Energy and Natural Resources" in state law with "Department of Conservation and Energy".

Section 12. The Louisiana Law Institute is hereby directed to renumber the paragraphs in R.S. 38:3092 and 3097.2.

Section 13. (A) All rules and regulations adopted or permits, licenses, registrations, variances, or orders issued by the Capital Area Groundwater Conservation District and the Sparta Groundwater Conservation District prior to the effective date of this Act, shall continue in full force and effect as rules and regulations of the agency within the Department of Conservation and Energy until and after the effective date of this Act, unless otherwise revoked, repealed, amended, modified, or terminated in accordance with the law.

(B) Any legal proceeding, as defined in R.S. 36:924, to which any agency or office, the statutory provisions for which are amended or repealed by the provisions of this Act, is a party and which is filed, initiated, or otherwise pending before any court on the effective date of this Act and all documents involved in or affected by said legal proceeding, shall retain their effectiveness and shall be continued in the name of the former agency. All further legal proceedings and documents in the continuance, disposition, and enforcement of said legal proceedings shall be in the name of the original party agency, and the Department of Conservation and Energy shall be substituted for the original party agency without the necessity for amendment or any document to substitute the name of the department or the name or title of any subdivision or section of the department. For purposes of this Section, "document" shall be defined as provided in R.S. 36:924.

(C) All employees heretofore engaged in the performance of functions of the Capital Area Groundwater Conservation District and the Sparta Groundwater Conservation District, to the extent the secretary of such department deems necessary to carry out the functions

formerly performed, shall insofar as practicable and necessary continue to perform the duties heretofore performed, subject to applicable state civil service laws, rules, and regulations.

(D) This Act is in no way and is to no extent intended to, nor shall it be construed in any manner which will impair the contractual or other obligations of any agency, office, or department, or of the state of Louisiana, the provisions for which are enacted, amended, or repealed by this Act. It is hereby specifically provided that all obligations of any such agency, office, or department hereafter shall be deemed to be obligations of the Department of Conservation and Energy, to the same extent as if originally made by it. In like manner and in order to prevent any violation of the provisions, terms, or conditions of any gift, donation, deed, will, trust, or other instrument or disposition by which property of any kind has been vested in any such agency, office, or department, or division from the purposes for which such property was thus vested in any agency, office, or department, it is hereby specifically provided that such instrument or disposition hereafter shall be deemed to have been vested in the Department of Conservation and Energy and its secretary shall be the successor in every way to each such agency, including all of the obligations and debts of each such agency.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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DIGEST  
 SB Original                      2025 Regular Session

Effective August 1, 2025.

(Amends R.S. 30:1(A), (B), and (C), 3(3), (6), (7), (9), and (18), 4(A), (B), introductory paragraph of (C), (C)(1)(a)(v) and (b), 14, (16)(b), (17)(a) and (b), introductory paragraph of (D), (D)(1), (2), introductory paragraph of (3), (3)(a) and (b), and (5), (E), (F), (G), (H), introductory paragraph of (I), (I)(1), (3), (4), (5), (9), and (11), (K), introductory paragraph of (L)(1), introductory paragraph of (M), (M)(3), introductory paragraph of (6) and (6)(b), (N)(1), introductory paragraph of (4), (4)(a), and (5), (O)(1) and (2), (P), (Q), introductory paragraph of (R), and (T), introductory paragraph of R.S. 30:4.1(B), 4.1(B)(1) and (2), (C), (D), (E), (F)(1), (I), and (K), 4.2, 4.3, 5(A), (B), introductory paragraph of (C)(1), (C)(1)(a) and (b), introductory paragraph of (2), (2)(d), (4), and (6), and (D)(1) and (2), 30:5.1(A)(1), (2), introductory paragraph of (3), (3)(e), (5), (6), (7), (8), and (9), (B)(1), (2), and introductory paragraph of (3), (5), (7), (9), (10), (12), and (13), 5.2(A), (B), introductory paragraph of (C), (E), (F), (G), and (H), 6, 6.1(A), (B), (C), (D)(1), and (F), 8(A)(1), (2), (3), and (4), and (B), introductory paragraph of R.S. 30:9(A), (B), (C), and (D), 10(A)(1), (2)(a)(i) and (ii), (b)(ii)(ii), introductory paragraph of (vi), (vi)(bb), (c), (d), and (f), and (3), (B), and (C)(7), 10.1(B)(1), (3), (4), and (5), 11.1, 12(A), (B)(1), (2), (3), (4), introductory paragraph of (5), and (5)(f), and (C), 13, 14, 15, 18(A)(1), (2), (3), (4), (5), (6)(a)(i) and (ii), (b), (c)(i)(ff), (ii), (iii), (d), and (e), and (B), 20(A) and (D), 21(A) and (B)(1) and (2)(a) and (b), 22(B), (C), (D), and (E), introductory paragraph of 23(B), (C), and (D), 23.1(A),

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