

SENATE FLOOR AMENDMENTS

2022 Regular Session

Amendments proposed by Senator Hewitt to Engrossed House Bill No. 165 by Representative Zeringue

1 AMENDMENT NO. 1

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

4 AMENDMENT NO. 2

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

7 AMENDMENT NO. 3

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

9 AMENDMENT NO. 4

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

11 "§1732. Lease authority and royalties
12 * * *
13 C. Any lease granted under the provisions of this Chapter shall require a
14 decommissioning plan for the end of the facility's expected life or upon circumstance
15 that would require closure of the facility. The decommissioning plan shall include
16 the estimated cost of site closure and remediation that includes removing the wind
17 energy production facility along with any necessary infrastructure facilities and
18 restoring the property to as near as reasonably possible to the condition of the
19 property prior to the commencement of construction of the facility. Additionally, the
20 leases shall be subject to the same decommissioning rules and regulations as oil and
21 gas and sulphur facilities under provided by the provisions of Subpart Q of Part 250
22 of Chapter H I of Part 585 of Subchapter B of Chapter V of Title 30 of the Code of
23 Federal Regulations (30CFR ~~250.1700~~ 585.900 et seq.) to the extent they are not
24 inconsistent with the provisions of this Section or any rules or regulations
25 promulgated pursuant to this Chapter.
26 * * *"

27 AMENDMENT NO. 5

28 On page 2, after line 28, insert:

29 * * *
30 §1734. Powers and duties of the secretary of the Department of Natural Resources
31 A. The secretary of the Department of Natural Resources shall promulgate
32 rules and regulations pursuant to the Administrative Procedure Act to implement the
33 provisions of this Chapter and to institute reasonable fees for services performed by
34 the department. The rules and regulations shall include all provisions necessary to
35 accomplish the intent of the legislature as stated in this Chapter: and shall provide
36 for the following:
37 (1) Criteria for setting the annual rent or royalty amounts for leases executed
38 pursuant to this Chapter.
39 (2) Criteria for setting a primary term for leases and the necessary wind
40 energy production or other actions by the lessee to continue the lease beyond the
41 primary term. The rules and regulations shall also provide for the release of acreage
42 at the end of the primary term on that portion of the lease where none of the
43 necessary wind energy production or other actions occur.

1 (3) Requirements for financial security to ensure proper closure of the site
2 pursuant to the decommissioning plan.

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

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

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