

2023 Regular Session

SENATE BILL NO. 103

BY SENATOR LAMBERT

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

NATURAL RESOURCES DEPT. Renames the Department of Natural Resources. (1/10/24)

1 AN ACT

2 To amend and reenact R.S. 3:304(B), 1221(C), 3302(2), 3366(C), and 3712(E) and (H), R.S.

3 9:1152(B), and 2800.14, R.S. 13:5107(C), the introductory paragraph of R.S.

4 17:202(A)(2) and 218(2), the introductory paragraph of R.S. 30:4(D), the

5 introductory paragraph of 4(D)(1), 30:4(D)(1)(d), (2), and (3)(a)(ii), (G), (M)(6)(b),

6 (N)(1) and (5), the introductory paragraph of 4.1(B), 21.2, 23(D)(1), 25(A)(2), (3),

7 and (7), 26(A), 29(A), (B)(1), and (C)(3)(b)(i), 73(1), 81(B), 82(1), (4), and (13),

8 83(A), (B)(1), (F)(5), and (H), 86(E)(1) and (7), 89.1, 91(B)(2)(c), 95(D), 101.2(A),

9 101.3(2), (4), and (7), 101.4(A), 101.13(B)(3) and (C)(4), 121(A) and (C), 124(A),

10 126(B)(3), 132, 135, 136(A)(1)(a), 136.3(D), 142(E)(1)(a), 143(C), (D)(1), (2), (4),

11 and (6), (E), and (F), the introductory paragraph of 144(A), 150(A), (B)(7), (D),

12 (F)(2), and (H), 206, 209(4)(b), 212(A), 215(A), 216(C)(2), 401, 503(1), the

13 introductory paragraph of 546(A), 702(1), 723(G), 731(1), 904(5) and (20), 905(A)

14 and (B)(9), 905.1(A), 953(C), 962(2), 963(A), 1103(7), 1105(B), 1109(F), the

15 introductory paragraph of 1152(A), the introductory paragraph of 1154(A), the

16 introductory paragraph of 1154(A)(9)(a), 1202(8), 1354(6), 1401(B) and (C),

17 1402(B) and (D), 2004(12)(a), 2011(D)(20), 2015.1(L), 2035(B)(2), 2074(C) and

1 (E), 2248(C)(1), 2397, 2458(A)(4), 2459(A) and (D), 2460(A)(14), 2469(E), 2495,  
2 and 2575(D), R.S. 31:149(A), R.S. 32:1511 and 1513.1(A), R.S. 33:1236(56),  
3 1236.25(C), 1236.27, 1419.1(C), the introductory paragraph of 1419.2(1), 1419.2(6),  
4 1419.3, 1419.4(A) and (D)(1), 1419.5(1) and (4), 1419.6(A), (B), (D), and (E),  
5 4064.4(E) and (J), 4065.3(E) and (I), 4522, 4523, 4524, 4526, and 4546.21(B), R.S.  
6 34:3116(B) and 3304(B), R.S. 36:4(A)(7), 8.1(C)(11), 351(A), (B), and (C)(1), 353,  
7 354(A)(13), (B)(1)(b), (4), (6), and (8), 356(A) and (B), 357(A), 358(A), the  
8 introductory paragraph of 359(A), the introductory paragraph of 359(B), 359(B)(1)  
9 and (2), and (C), 629(J)(2) through (8), and 957(A), R.S. 37:711.4(E), 1377(K)(1),  
10 and 3151(1), R.S. 38:25(A), 327(F), 3087.134(E)(5), 3092(7), 3097.3(B), the  
11 heading of 3098.2, the introductory paragraph of 3098.6(A), and 3098.6(A)(2), R.S.  
12 39:99.29(A), 253(A)(2), 2007(D)(1), and 2177(D), R.S. 40:1730.22(F),  
13 1730.28.4(B)(1), 1892, 1893, and 1894, R.S. 41:642(A)(2)(b) and (B), 1602(B)(1),  
14 1701.1(C) and (D), 1702(D)(1) and (2)(a)(i), the introductory paragraph of (ii), (H),  
15 and (I), 1703(B), 1712(D), 1731, 1732(A), 1733(B) and (C), and the introductory  
16 paragraph of 1734(A), R.S. 42:1113(D)(1)(a)(ii)(hh) and (6)(f), 1124(A)(2)(f), and  
17 1266(C)(1)(f), R.S. 44:4(10), R.S. 47:301(10)(gg) and (18)(p), 633(7)(c)(iii)(bb),  
18 (iv)(aa), (bb), and (cc), and (d), (9)(d)(i) and (iii), the introductory paragraph of  
19 633.4(B)(1), 633.5(A), the introductory paragraph of 648.2(1), 648.3, 1508(B)(9),  
20 1515.2, 1989(C)(2)(a)(vi)(cc), and 6035(D), R.S. 48:224(C), R.S.  
21 49:74(A)(5)(b)(i)(aa)(VI), 191(12)(c), 214.5.1(B)(2), 214.6.2(C)(1) and (D)(8),  
22 214.8.6(B)(4), 214.23(12), 214.24(D), 214.25(C), 214.26(A)(1), 214.31(B),  
23 214.33(B)(6), 214.36(J)(1)(a), 259(A) and (D), 330(A)(4), 966(B)(11), and  
24 1053(C)(11), R.S. 51:1601(H), 1602(3), (5), (8), (13), and (15), the introductory  
25 paragraph of 1603, 1603(7)(c), and 1605(B)(12) through (15), R.S. 56:4,  
26 301.10(E)(2) and (3), 421(B)(3) and (E)(4), 432.1(C)(2), 494(E)(2) and (3),  
27 700.11(4) and (7), 700.13(A), 796(B)(1)(p), 1431(E), 1808(A), 1932(A)(6),  
28 1933(A)(1)(g), and 2011(E), and the introductory paragraph of Code of Civil  
29 Procedure Art. 1552 and 1563(A)(2) and (B), relative to the renaming of the

1 Department of Natural Resources; to provide for an effective date; and to provide for  
2 related matters.

3 Be it enacted by the Legislature of Louisiana:

4 Section 1. R.S. 3:304(B), 1221(C), 3302(2), 3366(C), and 3712(E) and (H) are  
5 hereby amended and reenacted to read as follows:

6 §304. Master farmer certification

7 \* \* \*

8 B. The commissioner may adopt rules and regulations setting out the  
9 requirements for obtaining a certification. The curriculum shall be established by the  
10 Louisiana State University AgCenter. The Louisiana State University AgCenter may  
11 consult with other agencies and organizations as needed, including but not limited  
12 to the Louisiana Department of Environmental Quality, Louisiana Department of  
13 **Energy and** Natural Resources, Louisiana Farm Bureau, the United States  
14 Department of Agriculture, Natural Resources and Conservation Service, and the  
15 State Soil and Water Conservation Commission. The curriculum shall include but is  
16 not limited to the instruction on environmental issues in agriculture, nonpoint source  
17 pollution, best management and conservation practices, soil and water quality  
18 monitoring demonstrations, and development and implementation of an individual  
19 comprehensive soil and water conservation plan.

20 \* \* \*

21 §1221. Carbon sequestration; emissions reduction of carbon dioxide and other  
22 greenhouse gases

23 \* \* \*

24 C. The provisions of this Section do not affect the authority of the Louisiana  
25 Department of **Energy and** Natural Resources or benefits, credits, or offsets derived  
26 from projects approved and undertaken by the Coastal Protection and Restoration  
27 Authority in the coastal area.

28 \* \* \*

29 §3302. Definitions



1 facilities, provide notice to the commissioner of agriculture and forestry, the  
2 secretary of the Department of **Energy and** Natural Resources and the secretary of  
3 the Department of Economic Development.

4 \* \* \*

5 H. Each renewable fuels manufacturing facility operating in Louisiana shall  
6 provide an annual report to the commissioner of agriculture and forestry, the  
7 secretary of the Department of **Energy and** Natural Resources and the secretary of  
8 the Department of Economic Development certifying that it has purchased all of the  
9 competitively priced Louisiana feedstock available during its operations. The report  
10 shall also list the production levels for the previous twelve months, the amount and  
11 type of feedstock used to achieve the production levels, the location from where the  
12 feedstock originated, and the steps taken to obtain Louisiana harvested feedstock.  
13 The report shall also itemize the financial benefits the facility has received from the  
14 state, including but not limited to: the use of state grants, state assisted financing,  
15 participation in the Quality Jobs Program, the Enterprise Zone Program and the  
16 10-Year Industrial Exemption Program.

17 \* \* \*

18 Section 2. R.S. 9:1152(B), and 2800.14 are hereby amended and reenacted to read  
19 as follows:

20 §1152. Grant of mineral servitude on lands acquired by the state from agencies or  
21 political subdivisions by subsidence or erosion

22 \* \* \*

23 B. The boundaries of such servitudes shall be fixed as follows:  
24 (1) The state agency or political subdivision having an interest therein may  
25 submit to the secretary of the Department of **Energy and** Natural Resources a  
26 certified map or plat of survey prepared by a registered land surveyor showing the  
27 exact extent of the servitude area, along with such other proof of the boundaries  
28 thereof as the secretary may reasonably require. Upon sufficient showing of the  
29 boundaries of the servitude area, the secretary shall indicate his assent thereto on said

1 plat and on his certificate evidencing the boundaries of such servitude.

2 (2) The office of mineral resources of the Department of **Energy and** Natural  
3 Resources and the agency or political subdivision holding such servitude may fix the  
4 boundaries of such servitudes or otherwise fix their respective interest with respect  
5 to such servitude by written agreement.

6 (3) In the event the boundaries cannot be fixed in either manner provided for  
7 above, then the secretary of the Department of **Energy and** Natural Resources, the  
8 office of mineral resources of the Department of **Energy and** Natural Resources, or  
9 the agency or political subdivision holding such servitude may institute an action in  
10 the parish where the property is located to fix the boundaries of such servitude in  
11 accordance with applicable law.

12 (4) A true and certified copy of any certificates, plats, agreements or  
13 judgments fixing the boundaries of such servitudes shall be filed with the secretary  
14 of the Department of **Energy and** Natural Resources and shall be recorded in the  
15 parish where the affected property is located.

16 \* \* \*

17 §2800.14. Limitation of liability for damages to oyster leases

18 Oil companies, including drilling, exploration, production, pipeline, and  
19 marine contractors, and persons performing related services who cause any loss or  
20 damage to oyster leases from exploration, excavation, construction, maintenance,  
21 remediation, operations, release and response, or events and activities, which include  
22 the transportation of materials or equipment to or from existing or proposed drilling  
23 sites, well sites, rights of way, or production, storage, and pumping facilities within  
24 a designated water route or navigable waters approved by the Department of **Energy**  
25 **and** Natural Resources shall only be liable for the diminution in market value of the  
26 oyster leases. Diminution in market value of the oyster leases shall be calculated in  
27 accordance with the method used by the Louisiana Oyster Lease Damage Evaluation  
28 Board. This Section shall have no effect as to judgments rendered by a court of  
29 competent jurisdiction prior to August 15, 2004.

1 Section 3. R.S. 13:5107(C) is hereby amended and reenacted to read as follows:

2 §5107. Service of citation and process

3 \* \* \*

4 C. In all suits in which title to lands or waterbottoms under the jurisdiction  
5 of the state land office is or may be at issue, and in all possessory actions, boundary  
6 disputes, trespass actions, actions involving alleged acquisitive prescription of  
7 immovable property, declaratory judgments, injunctions and concursus proceedings  
8 involving such lands or waterbottoms, citation and service of all pleadings also shall  
9 be made on the register of the state land office. In all suits in which property rights,  
10 mineral rights, or authorities under the jurisdiction of the State Mineral and Energy  
11 Board may also be at issue, citation and service of all pleadings shall also be made  
12 on the secretary of the Department of **Energy and** Natural Resources.

13 \* \* \*

14 Section 4. The introductory paragraph of R.S. 17:202(A)(2) and 218(2) are hereby  
15 amended and reenacted to read as follows:

16 §202. Louisiana Environmental Education Commission; creation; membership;  
17 duties

18 A.(1) \* \* \*

19 (2) The commission shall consist of the secretary of the Department of  
20 Wildlife and Fisheries or his designee, the state superintendent of education or his  
21 designee, the secretary of the Department of Environmental Quality or his designee,  
22 the secretary of the Department of **Energy and** Natural Resources or his designee,  
23 the secretary of the Louisiana Department of Health or his designee, the  
24 commissioner of the Department of Agriculture and Forestry or his designee, the  
25 chancellor of the Louisiana State University Agricultural Center or his designee, the  
26 chancellor of Southern University Agricultural and Mechanical College or his  
27 designee, the governor's executive assistant for coastal activities or his designee, and  
28 the following members appointed by the governor:

29 \* \* \*

1 §218. Professional development

2 In-service teachers should develop the same environmental education  
3 competencies specified for pre-service teachers as follows:

4 \* \* \*

5 (2) The Department of **Energy and** Natural Resources, the Department of  
6 Environmental Quality, the Department of Wildlife and Fisheries, the Louisiana  
7 Department of Health, the office of state parks within the Department of Culture,  
8 Recreation and Tourism, the Department of Agriculture and Forestry, and the  
9 Department of Education shall develop and publicize environmental education  
10 teacher in-service or professional internships related to their mission and shall be  
11 encouraged to develop such programs if they do not exist.

12 \* \* \*

13 Section 5. The introductory paragraph of R.S. 30:4(D), the introductory paragraph  
14 of 4(D)(1), 30:4(D)(1)(d), (2), and (3)(a)(ii), (G), (M)(6)(b), (N)(1) and (5), the introductory  
15 paragraph of 4.1(B), 21.2, 23(D)(1), 25(A)(2), (3), and (7), 26(A), 29(A), (B)(1), and  
16 (C)(3)(b)(i), 73(1), 81(B), 82(1), (4), and (13), 83(A), (B)(1), (F)(5), and (H), 86(E)(1) and  
17 (7), 89.1, 91(B)(2)(c), 95(D), 101.2(A), 101.3(2), (4), and (7), 101.4(A), 101.13(B)(3) and  
18 (C)(4), 121(A) and (C), 124(A), 126(B)(3), 132, 135, 136(A)(1)(a), 136.3(D), 142(E)(1)(a),  
19 143(C), (D)(1), (2), (4), and (6), (E), and (F), the introductory paragraph of 144(A), 150(A),  
20 (B)(7), (D), (F)(2), and (H), 206, 209(4)(b), 212(A), 215(A), 216(C)(2), 401, 503(1), the  
21 introductory paragraph of 546(A), 702(1), 723(G), 731(1), 904(5) and (20), 905(A) and  
22 (B)(9), 905.1(A), 953(C), 962(2), 963(A), 1103(7), 1105(B), 1109(F), the introductory  
23 paragraph of 1152(A), the introductory paragraph of 1154(A), the introductory paragraph  
24 of 1154(A)(9)(a), 1202(8), 1354(6), 1401(B) and (C), 1402(B) and (D), 2004(12)(a),  
25 2011(D)(20), 2015.1(L), 2035(B)(2), 2074(C) and (E), 2248(C)(1), 2397, 2458(A)(4),  
26 2459(A) and (D), 2460(A)(14), 2469(E), 2495, and 2575(D) are hereby amended and  
27 reenacted to read as follows:

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

29 \* \* \*





1 by the secretary of the Department of **Energy and** Natural Resources or the issuance  
2 of a lease by the State Mineral and Energy Board shall conform to the following  
3 provisions:

4 (a)(i) \* \* \*

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

16 \* \* \*

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

25 \* \* \*

26 M. \* \* \*

27 (6) Permit requirements that include the following:

28 \* \* \*

29 (b) Reimbursement to the state or any political subdivision of the state for

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

11 \* \* \*

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

17 \* \* \*

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

23 \* \* \*

24 §4.1. Underground injection control

25 \* \* \*

26 B. The assistant secretary of the office of conservation of the Department of  
 27 **Energy and** Natural Resources, hereafter referred to as the "assistant secretary",  
 28 shall have authority to make, after notice and hearings as provided in this Chapter,  
 29 any reasonable rules, regulations, and orders that are necessary from time to time in

1 the proper administration and enforcement of this Section including, but not limited  
2 to rules, regulations, or orders for the following purposes:

3 \* \* \*

4 §21.2. Bohemia Spillway Cost Recovery

5 Upon the final disposition of each claim filed with the Department of **Energy**  
6 **and** Natural Resources pursuant to Act 233 of the 1984 Regular Session, the  
7 secretary shall condemn one or more of the parties to the claim to pay the actual cost  
8 of administering the claim and may apportion such cost among the parties. The funds  
9 received pursuant to this Section shall be deposited immediately into the state  
10 treasury.

11 \* \* \*

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

15 \* \* \*

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

25 \* \* \*

26 §25. Closure of production pits in the wetlands

27 A.(1) \* \* \*

28 (2) Each production pit located within the inland tidal waters, lakes bounded  
29 by the Gulf of Mexico, and saltwater marshes shall be closed by January 1, 1993.

1 The Department of **Energy and** Natural Resources through the office of  
2 conservation shall adopt rules to enforce the provisions of this Section and may issue  
3 compliance orders, cease and desist orders, and other such orders as are necessary  
4 to enforce the requirements of this Section and the rules of the department.

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

12 \* \* \*

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

17 \* \* \*

18 §26. Applications and notification of completeness

19 A. Notwithstanding any other law to the contrary, the secretary of the  
20 Department of **Energy and** Natural Resources and the commissioner of conservation  
21 shall, after notification by the department to the applicant that the application is  
22 complete, grant or deny all applications for all permits, licenses, registrations, or  
23 compliance in this or any other Title within sixty days. The notification of  
24 completeness shall be issued within fourteen days, exclusive of holidays, by the  
25 department. If the application is not complete the department shall notify the  
26 applicant in writing of the deficiencies which cause the application not to be  
27 complete. If the secretary or the commissioner does not grant the application, he  
28 shall provide written reasons for his decision to deny, and copies of the decision shall  
29 be provided to all parties. The secretary and the commissioner may delegate the

1 power to grant permits, licenses, registrations, variances, or compliance schedules  
2 to an assistant.

3 \* \* \*

4 §29. Remediation of oilfield sites and exploration and production sites

5 A. The legislature hereby finds and declares that Article IX, Section 1 of the  
6 Constitution of Louisiana mandates that the natural resources and the environment  
7 of the state, including ground water, are to be protected, conserved, and replenished  
8 insofar as possible and consistent with the health, safety, and welfare of the people  
9 and further mandates that the legislature enact laws to implement this policy. It is the  
10 duty of the legislature to set forth procedures to ensure that damage to the  
11 environment is remediated to a standard that protects the public interest. To this end,  
12 this Section provides the procedure for judicial resolution of claims for  
13 environmental damage to property arising from activities subject to the jurisdiction  
14 of the Department of **Energy and** Natural Resources, office of conservation. The  
15 provisions of this Section shall be implemented upon receipt of timely notice as  
16 required by Paragraph (B)(1) of this Section. The provisions of this Section shall not  
17 be construed to impede or limit provisions under private contracts imposing  
18 remediation obligations in excess of the requirements of the department or limit the  
19 right of a party to a private contract to enforce any contract provision in a court of  
20 proper jurisdiction.

21 B.(1) Notwithstanding any law to the contrary, immediately upon the filing  
22 or amendment of any litigation or pleading making a judicial demand arising from  
23 or alleging environmental damage, the provisions of this Section shall apply and the  
24 party filing same shall provide timely notice to the state of Louisiana through the  
25 Department of **Energy and** Natural Resources, commissioner of conservation and  
26 the attorney general. The litigation shall be stayed with respect to any such judicial  
27 demand until thirty days after such notice is issued and return receipt is filed with the  
28 court.

29 \* \* \*

1 C.(1) \* \* \*

2 (3)(a) \* \* \*

3 (b)(i) If the department preliminarily approves or structures a preliminary  
4 plan that requires the application of regulatory standards of an agency other than the  
5 department or that provides an exception from the department's standards, within  
6 fifteen days of such preliminary structuring or approval, the department shall submit  
7 the plan to the Department of Agriculture and Forestry, the Department of  
8 Environmental Quality, and the Department of **Energy and** Natural Resources for  
9 review and comment. Within thirty days after the department's submission of the  
10 plan to all of the agencies, each agency may provide written comments regarding the  
11 plan. Each agency providing written comments shall submit a schedule of the  
12 agency's costs for review of the plan to the court for reimbursement by the  
13 responsible party. Failure of an agency to respond to the department shall not affect  
14 the validity of the plan approved by the department. The department and agency  
15 heads shall coordinate in order to establish protocol to ensure inter-agency  
16 communication regarding plan development, timely delivery of all proposed plans  
17 to the appropriate agency heads, and timely receipt of all agency comments back to  
18 the department.

19 \* \* \*

20 §73. Definitions

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

23 (1) "Commissioner" means the commissioner of the office of conservation  
24 within the Department of **Energy and** Natural Resources or his authorized  
25 representatives from the injection and mining division of that office.

26 \* \* \*

27 §81. Policy and purpose

28 \* \* \*

29 B. It is in the public interest and within the police power of this state to

1 establish an oilfield site restoration commission and an oilfield site restoration fund  
2 to provide for the proper and timely cleanup, closure, and restoration of oilfield sites,  
3 to be administered by the assistant secretary of the office of conservation within the  
4 Department of **Energy and** Natural Resources.

5 \* \* \*

6 §82. Definitions

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

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

12 \* \* \*

13 (4) "Department" means the Department of **Energy and** Natural Resources.

14 \* \* \*

15 (13) "Secretary" means the secretary of the Department of **Energy and**  
16 Natural Resources.

17 \* \* \*

18 §83. Oilfield Site Restoration Commission; Department of **Energy and** Natural  
19 Resources

20 A. The Oilfield Site Restoration Commission is hereby created within the  
21 office of the secretary of the Department of **Energy and** Natural Resources. The  
22 commission shall have the power to sue and be sued and shall be domiciled in the  
23 parish of East Baton Rouge. Venue for any suit brought by or against the  
24 commission shall be in the Nineteenth Judicial District Court.

25 B. The commission shall consist of ten members comprised as follows:

26 (1) The secretary of the Department of **Energy and** Natural Resources, who  
27 shall serve as the chairman and the assistant secretary, who shall serve as vice  
28 chairman. The undersecretary of the department may serve as a proxy member of the  
29 board in the absence of the secretary with full authority to act for the secretary as a



1 member of the board.

2 \* \* \*

3 F. The powers of the commission shall be limited to the following:

4 \* \* \*

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

15 \* \* \*

16 H. The Department of **Energy and** Natural Resources shall adopt rules and  
17 regulations, in accordance with the Administrative Procedure Act, to implement the  
18 provisions of this Part and to provide for procedures for site assessments and  
19 restoration.

20 \* \* \*

21 §86. Oilfield Site Restoration Fund

22 \* \* \*

23 E. Except as otherwise provided in this Section, the monies in the fund may  
24 be disbursed and expended pursuant to the authority and direction of the secretary  
25 or assistant secretary for the following purposes and uses:

26 (1) Any oilfield site assessment or restoration conducted by the Department  
27 of **Energy and** Natural Resources pursuant to this Part, and the payment of the  
28 principal, interest, and legal fees, credit enhancement fees, trustee fees, and other  
29 related costs of issuance or ongoing expenses in connection with issuance of bonds

1 or other debt obligations on behalf of the commission, at the direction of the  
2 secretary, pursuant to R.S. 30:83.1 for the purpose of financing the costs of such  
3 oilfield site assessments and restorations.

4 \* \* \*

5 (7) Except for the costs of administration of this Part by the Department of  
6 **Energy and** Natural Resources not exceeding the limitations set by the United States  
7 Congress or administering federal agency for the federal funds appropriated or  
8 granted, the monies deposited into the fund pursuant to Paragraphs (D)(9), (10), and  
9 (11) of this Section shall be used only for the purposes of assessing and restoring  
10 orphan oilfield sites. Notwithstanding any other requirements in this Part, such  
11 monies may be expended by the secretary through a contract entered into under any  
12 competitive process authorized by Title 38 or 39 of the Louisiana Revised Statutes  
13 of 1950. The contract may be awarded to any qualified party whether or not the party  
14 is on the approved list of contractors acceptable to conduct site assessment and  
15 restoration by the commission.

16 \* \* \*

17 §89.1. Credits for judgments or compromises

18 In the event an owner of a property interest in an oilfield site, or in other  
19 property affected by oil or gas exploration, development, or production activities on  
20 an oilfield site, obtains a final judgment from a court of competent jurisdiction,  
21 pursuant to the provisions of this Title or any other law or regulation or any  
22 obligation whatsoever, including but not limited to obligations imposed by contract  
23 or by law, or enters into a binding compromise, which judgment or compromise  
24 awards damages or other relief for injury to such property interest resulting from oil  
25 or gas exploration, development, or production activities on an oilfield site, including  
26 but not limited to damages equivalent to the costs of site assessment or restoration,  
27 or which judgment or compromise requires the performance of site assessment,  
28 restoration, or any other operations or activities on an oilfield site, in any action,  
29 judicial or administrative, by the state of Louisiana or any state agency to enforce

1 any law or regulation with regard to the consequences of the same oil or gas  
 2 exploration, development, or production activities on the same oilfield site, then  
 3 solely to the extent that a judgment or compromise after June 30, 2006, is shown to  
 4 have been satisfied or discharged by the actual performance of site restoration in  
 5 accordance with the appropriate regulatory standards of the Department of **Energy**  
 6 **and** Natural Resources, office of conservation at a minimum, or by actual site  
 7 assessment, the party against whom such judgment was rendered, or who is obligated  
 8 by such compromise, shall be given full credit against the obligation sought to be  
 9 enforced by the state of Louisiana or any state agency, and such obligation shall be  
 10 reduced proportionately, in amounts equal to the portion of such judgment or  
 11 compromise paid, satisfied, or discharged or the costs of the performance of any site  
 12 assessment, restoration, or other operations or activities required by such judgment  
 13 or compromise.

14 \* \* \*

15 §91. Orphaned oilfield sites

16 \* \* \*

17 B.(1) \* \* \*

18 (2)(a) \* \* \*

19 (c) In the event that lienholder is not properly notified as provided herein, any  
 20 claim by the holder or holders against the commission, Department of **Energy and**  
 21 Natural Resources, office of conservation, or the contractors for the value of the  
 22 salvaged property shall be limited to the actual cash value of the salvaged property  
 23 at the time of salvage.

24 \* \* \*

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

26 \* \* \*

27 D. No party contracting with the Department of **Energy and** Natural  
 28 Resources, office of conservation, or the commission under the provisions of this  
 29 Part shall be deemed to be a public employee or an employee otherwise subject to

1 the provisions of Parts I through IV of Chapter 15 of Title 42 of the Louisiana  
2 Revised Statutes of 1950.

3 \* \* \*

4 §101.2. Policy and purpose

5 A. The legislature finds and declares that it is in the public interest and within  
6 the police power of this state to establish a fishermen's gear compensation and  
7 underwater obstruction removal program and a fishermen's gear compensation and  
8 underwater obstruction removal dedicated fund account to provide for the proper and  
9 timely identification, inventory, and removal of underwater obstructions that are a  
10 hazard to navigation and commercial fishing in the state, and to compensate  
11 commercial fishermen for damage to their fishing gear from the underwater  
12 obstructions. The program and fund account shall be administered, for purposes of  
13 fishermen's gear compensation, by the assistant secretary of the office of coastal  
14 management and, for purposes of underwater obstruction, by the assistant secretary  
15 of the office of conservation, both with the Department of **Energy and** Natural  
16 Resources.

17 \* \* \*

18 §101.3. Definitions

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

21 \* \* \*

22 (2) "Assistant secretary" means the assistant secretary of the office of  
23 conservation within the Department of **Energy and** Natural Resources or his  
24 authorized representatives.

25 \* \* \*

26 (4) "Department" means the Department of **Energy and** Natural Resources.

27 \* \* \*

28 (7) "Secretary" means the secretary of the Department of **Energy and** Natural  
29 Resources or his authorized representatives.

\* \* \*

§101.4. 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.

\* \* \*

§101.13. Disbursement of funds; eligibility; hearings

\* \* \*

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

\* \* \*

(3) The fisherman made a good faith effort to locate the financially responsible party. Evidence of a good faith effort shall be established by regulation and shall include attempts to identify the responsible party with the assistance of the Department of **Energy and** Natural Resources where necessary.

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

1 claims at a site so certified shall be denied. Whenever four or more claims are  
 2 reported after a site has been certified as clear, the site shall be revisited and the new  
 3 or leftover obstruction shall be located and, if the department determines it is  
 4 feasible, removed.

5 \* \* \*

6 §121. State Mineral and Energy Board created; composition and powers

7 A. The State Mineral and Energy Board, as created by Act No. 93 of the 1936  
 8 Regular Session, is hereby continued. The board shall be composed of the governor  
 9 and the secretary of the Department of **Energy and** Natural Resources, ex officio,  
 10 and nine members appointed by the governor. Each appointment by the governor  
 11 shall be submitted to the Senate for confirmation. Six members shall constitute a  
 12 quorum.

13 \* \* \*

14 C. The governor shall be ex officio chairman or may designate the board to  
 15 elect its chairman to serve for two years. The board shall be a body corporate with  
 16 power to sue and be sued. The domicile of the board shall be in Baton Rouge and it  
 17 shall possess in addition to the powers herein granted, all the usual powers incident  
 18 to corporations. If the governor serves as ex officio chairman, in case of a tie, the  
 19 vote of the governor shall determine the issue. If the governor has designated the  
 20 board to elect its chairman, the chairman may vote only once on any motion. The  
 21 deputy secretary or the undersecretary of the Department of **Energy and** Natural  
 22 Resources may serve as a proxy member of the board in the absence of the secretary  
 23 with full authority to act for the secretary as a member of the board.

24 \* \* \*

25 §124. Board may lease public lands; fee

26 A. The legislature finds that the state, through the Department of **Energy and**  
 27 Natural Resources, should promote the generation and use of alternative energy  
 28 sources, including but not limited to wind energy, geothermal energy, solar energy,  
 29 and hydrokinetic energy, throughout the state to ensure the viability of the state's

1 natural resources, to provide a continuing utility-scale clean energy source for the  
2 citizens and businesses of Louisiana, to support economic development through job  
3 retention and creation in Louisiana, and to promote a clean environment.

4 \* \* \*

5 §126. Inspection; quantity of land; advertisements for bids; fees

6 \* \* \*

7 B.(1)

\* \* \*

8 (3) On its own motion and after complying with the provisions of R.S.  
9 36:354(A)(2), or at the request of the secretary of the Department of **Energy and**  
10 Natural Resources, the board shall advertise for bids for a lease in the same manner  
11 as if an application had been made therefor.

12 \* \* \*

13 §132. Attorney for the board

14 The attorney general shall be the attorney for the board, but the board shall  
15 have authority to employ additional counsel and fix and pay the compensation for  
16 such additional counsel or counselors, subject, however, to the authority of the  
17 attorney general and the secretary of the Department of **Energy and** Natural  
18 Resources to approve such counsel whereupon the attorney general shall issue, under  
19 his power of appointment of assistants, a commission to such counsel as assistant  
20 attorney general. However, any contract for legal services which exceed two hundred  
21 fifty thousand dollars shall be subject to approval by the Joint Legislative Committee  
22 on the Budget.

23 \* \* \*

24 §135. Secretary and other employees

25 The Department of **Energy and** Natural Resources, through the office of  
26 mineral resources shall provide the necessary staff functions to assist the board in its  
27 leasing, supervisory, and other activities and the assistant secretary thereof shall  
28 serve as secretary to the board.

29 §136. Funds, disposition and appropriation of; penalties

1           A.(1)(a) All bonuses, rentals, royalties, shut-in payments, or other sums  
2 payable to the state as the lessor under the terms of valid existing mineral leases  
3 entered into under this Subpart or previously granted by the state and under the  
4 supervision of the board or from leases hereafter granted shall be paid to the office  
5 of mineral resources, by check or electronic wire transfers only, and all such  
6 payments if made payable to the register of the state land office as previously  
7 required, may be endorsed and otherwise processed by the secretary of the  
8 Department of **Energy and** Natural Resources pursuant to his general authority in  
9 regard to the functions of that office as provided in R.S. 36:921 through R.S. 36:926.  
10 A payor of royalty whose total monthly payment is fifty thousand dollars or more  
11 shall pay the royalty payment by electronic wire transfer.

\* \* \*

§136.3. Mineral and Energy Operation Fund

\* \* \*

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

\* \* \*

22 §142. Board as agency to receive, administer, and control royalties in-kind; contract  
23 authority

\* \* \*

25           E.(1)(a) Upon receipt of a written proposal by an applicant to enter into a  
26 contract with the board authorized by Subsection C of this Section concerning the  
27 acquisition and use of available in-kind natural gas royalties and after publication of  
28 its intent to do so in the official journal of the state, the board may undertake arm's-  
29 length negotiations with the applicant resulting in terms which it deems to be most





1 a bond to secure payment by the applicant of the actual costs of any investigation or  
2 hearing hereunder.

3 D.(1) Prior to any action by the board on any such application, the secretary  
4 of the Department of **Energy and** Natural Resources shall conduct a hearing on the  
5 application, which shall be conducted as expeditiously as practicable consistent with  
6 developing a full factual record. The seller, assignor, or sublessor of the lease or  
7 sublease or the corporate entity whose stock the transferee proposes to acquire under  
8 the circumstances described in Subsection B hereof shall be a necessary party to any  
9 hearing hereunder, and to any investigation or other proceedings had in connection  
10 therewith.

11 (2) In advance of any such hearing, the secretary of the Department of  
12 **Energy and** Natural Resources shall have the same powers as are conferred upon the  
13 commissioner of conservation by R.S. 30:909 to investigate, receive written  
14 statements, administer oaths and affirmations, subpoena witnesses, compel their  
15 attendance, take evidence, and require the production of any books, papers,  
16 correspondence, memoranda, contracts, agreements, or other records or documents;  
17 and any party to any such hearing shall have the right to take the testimony of any  
18 witness and to compel any witness to appear and depose and to produce books,  
19 papers, correspondence, memoranda, contracts and agreements, or other records or  
20 documents, on the same terms as are contained in R.S. 30:909.

21 \* \* \*

22 (4) Promptly after the conclusion of the hearing, the secretary of the  
23 Department of **Energy and** Natural Resources shall prepare written findings of fact  
24 and a recommended decision on the application. He shall transmit these to the State  
25 Mineral and Energy Board together with a certified copy of the hearing record. After  
26 giving due consideration to whether the evidence establishes that the proposed  
27 transferee is competent and otherwise qualified to perform all of the obligations  
28 under the lease or sublease in such a manner as not to adversely affect the public  
29 interest of the state as respects its natural resources, the State Mineral and Energy

1 Board shall issue a written decision granting or denying the application in whole or  
2 in part or upon such conditions as it may deem appropriate.

3 \* \* \*

4 (6) Anything herein to the contrary notwithstanding, the secretary of the  
5 Department of **Energy and** Natural Resources may transmit a recommended  
6 decision to the State Mineral and Energy Board without first conducting an  
7 investigation or holding a hearing if (i) all necessary parties to the hearing file  
8 affidavits with the secretary of the Department of **Energy and** Natural Resources  
9 attesting their belief that there are no substantial issues requiring an investigation or  
10 hearing and (ii) the secretary independently determines that there are no substantial  
11 issues requiring an investigation or hearing.

12 E. The secretary of the Department of **Energy and** Natural Resources shall  
13 have authority to issue all necessary or appropriate regulations to implement this  
14 Section.

15 F. Whenever it appears to the State Mineral and Energy Board or the  
16 secretary of the Department of **Energy and** Natural Resources that any person has  
17 engaged or is about to engage in any act or practice constituting a violation of any  
18 provision of this Section, the secretary of the Department of **Energy and** Natural  
19 Resources may investigate and issue orders and notices. In addition to all other  
20 remedies, the State Mineral and Energy Board or the secretary of the Department of  
21 **Energy and** Natural Resources may bring an action in any court of competent  
22 jurisdiction in the name and on behalf of this state against any person or persons  
23 participating in or about to participate in a violation of this Section, to enforce  
24 compliance with this Section, or enjoin any action in violation of this Section.

25 \* \* \*

26 §144. Sale of royalties in-kind to small refiners

27 A. On or before December 31, 1979, the secretary of the Department of  
28 **Energy and** Natural Resources shall submit to the State Mineral and Energy Board  
29 for implementation a regulatory program for the sale and/or processing of in-kind

1 crude oil royalties to refiners in the state and procedures for the sale and/or  
2 processing, delivery, and use of royalty crude oil, which at a minimum include the  
3 following:

4 \* \* \*

5 §150. Louisiana Royalty Relief Dry Hole Credit Program; requirements; conditions;  
6 limitations; expiration

7 A. Notwithstanding any other provision of law to the contrary, the  
8 Department of **Energy and** Natural Resources may by rule provide a dry hole credit  
9 program as set forth in this Section for certain drilling in mineral leases on state-  
10 owned lands or state-owned water bottoms in the coastal zone, as defined in R.S.  
11 49:214.24.

12 B. The requirements for the royalty relief dry hole credit are as follows:

13 \* \* \*

14 (7) The dry hole well records and reports shall at all times be open to  
15 inspection and audit by the Department of **Energy and** Natural Resources.

16 \* \* \*

17 D. If a dry hole credit is offered as provided in this Section, the Department  
18 of **Energy and** Natural Resources, office of mineral resources, shall certify  
19 qualification for the royalty relief dry hole credit, and provide forms and procedures  
20 relative to such certification. Application and obtaining certification as a well  
21 qualified to receive the royalty relief dry hole credit must be completed prior to  
22 drilling of the qualifying well.

23 \* \* \*

24 F. To utilize the royalty relief dry hole credit:

25 \* \* \*

26 (2) The applicant shall agree to fully compensate for the adverse impacts to  
27 coastal wetlands in an amount equal to at least one hundred twenty-five percent of  
28 the habitat value of the affected wetlands, calculated in accordance with an  
29 evaluation method adopted by the Department of **Energy and** Natural Resources.

\* \* \*

H. The Department of **Energy and** Natural Resources shall promulgate and adopt rules in accordance with the Administrative Procedure Act to implement the provisions of this Section if a dry hole credit program is established.

\* \* \*

§206. Publication of survey

The results of the geological surveys shall be published by the Department of **Energy and** Natural Resources.

\* \* \*

§209. State Mineral and Energy Board, authority of

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

\* \* \*

(4)(a)

\* \* \*

(b) The office of mineral resources, on behalf of the mineral board, shall administer all operating agreements. After deposit of all production payments to the Bond Security and Redemption Fund, an amount equal to twenty-five percent of the production payments from any operating agreement entered into after August 15, 1997, shall be credited to the Mineral and Energy Operation Fund for appropriation to the Department of **Energy and** Natural Resources.

\* \* \*

§212. Permits for surveys on public lands

A. The State Mineral and Energy Board shall have exclusive authority to grant exclusive and nonexclusive permits to conduct geophysical and geological surveys of any kind on state-owned lands, including water bottoms. No person shall conduct a geophysical or geological survey on state-owned lands, including water bottoms, without obtaining a permit. These permits shall be granted pursuant to rules promulgated under the provisions of the Administrative Procedure Act by the Department of **Energy and** Natural Resources. No permit shall be granted covering

1 lands over which the state has a mere servitude without consent of the owner of the  
2 abutting property.

3 \* \* \*

4 §215. Nonexclusive geophysical permits

5 A. A nonexclusive permit to conduct seismic, geophysical, or geological  
6 surveying upon state-owned lands, including water bottoms, shall be valid for one  
7 year from the date of issuance. However, if operations commence within the year  
8 and are ceased due to unforeseen circumstances, the term may be extended for up to  
9 one year from the cessation of operations by the secretary of Department of **Energy**  
10 **and** Natural Resources. The permittee shall pay to the office of mineral resources at  
11 the time of application for the seismic permit a fee. Such fee shall be determined by  
12 the State Mineral and Energy Board at least every twelve months or as often as  
13 necessary. The fee shall be based upon market value but shall be no more than thirty  
14 dollars and no less than five dollars per acre.

15 \* \* \*

16 §216. Exclusive geophysical permits

17 \* \* \*

18 C.(1)

\* \* \*

19 (2) The board may also cause notices to be sent to those whom the board  
20 determines would be interested in submitting bids. Upon the request of the board, the  
21 office of mineral resources shall prepare and mail the notice of publication. A  
22 reasonable fee adopted pursuant to the Administrative Procedure Act to cover the  
23 cost of preparing the mailing of the notice of publication may be charged by the  
24 office of mineral resources. On its own motion and after complying with the policies  
25 adopted pursuant to the provisions of R.S. 36:354(A)(2), or at the request of the  
26 secretary of the Department of **Energy and** Natural Resources, the board shall  
27 advertise for bids for a permit in the same manner as if an application had been made  
28 therefor.

29 \* \* \*

1 §401. Advisory Commission for Louisiana's Energy, Environment, and Restoration;  
2 purpose

3 There is hereby created the Advisory Commission for Louisiana's Energy,  
4 Environment, and Restoration within the Department of **Energy and** Natural  
5 Resources. The commission shall support programs designed to demonstrate to the  
6 general public the importance of the Louisiana oil and natural gas exploration,  
7 production, and service industry; encourage the wise and efficient use of energy;  
8 promote environmentally sound production methods and technologies; develop  
9 existing supplies of Louisiana's oil and natural gas resources; support research and  
10 educational activities concerning the oil and gas exploration and production industry;  
11 cause remediation of historical oilfield environmental problems; and to have such  
12 other authority as provided by law.

13 \* \* \*

14 §503. Definitions

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

18 (1) "Assistant secretary" means the assistant secretary of the office of  
19 conservation of the Louisiana Department of **Energy and** Natural Resources.

20 \* \* \*

21 §546. General powers to control natural resources and energy

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

24 \* \* \*

25 §702. Definitions

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

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

\* \* \*

§723. Expropriation authority

\* \* \*

G. Water used in the transportation of coal by pipeline to any point in Louisiana shall conform to regulations of the Stream Control Commission and the Department of **Energy and** Natural Resources prior to its discharge into rivers or streams or holding pits from which seepage can occur.

\* \* \*

§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.

\* \* \*

§904. Definitions

\* \* \*

(5) "Department of **Energy and** Natural Resources" and "department" means the Department of **Energy and** Natural Resources of the State of Louisiana.

\* \* \*

(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, is hereby designated as the official agency whose duty it is to administer the regulations and guidelines contained in this Chapter and to institute such other reasonable regulations and guidelines, after notice and public hearing, as may become necessary pursuant



1 to this Chapter to protect state and private lands from unreasonable degradation by  
 2 any operator engaged in surface coal mining operations. Exclusive jurisdiction over  
 3 all aspects of surface coal mining and reclamation shall be vested in the Department  
 4 of **Energy and** Natural Resources, Office of Conservation. The Secretary of Natural  
 5 Resources shall be responsible for the policies of the State relating to the  
 6 development of the State's lignite reserves, including the transportation and  
 7 utilization thereof, and shall formulate plans and shall advise the Governor and the  
 8 Legislature with respect to short and long term policies of the State concerning the  
 9 development of the State's lignite reserves, including the transportation and  
 10 utilization thereof, and the integration of the development of the State's lignite  
 11 reserves into the development of the State's fuel sources. The secretary of the  
 12 Department of **Energy and** Natural Resources in cooperation with the Commissioner  
 13 of Conservation shall establish, for the purpose of avoiding duplication, a process for  
 14 coordinating the review and issuance of permits for surface coal mining and  
 15 reclamation operations with any other federal or state permit process applicable to  
 16 the proposed operations.

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

22 \* \* \*

23 (9) To contract, upon such terms as he may agree upon, for legal, financial,  
 24 engineering and other professional services necessary to expedite the conduct of the  
 25 affairs of the Department of **Energy and** Natural Resources, Office of Conservation,  
 26 under the provisions of this Act.

27 \* \* \*

28 §905.1. Abandoned mine reclamation; fund participation

29 A. The commissioner is authorized to take all action necessary to ensure

1 Louisiana's participation to the fullest extent practicable in the abandoned mines  
 2 reclamation fund established by the Surface Mining Control and Reclamation Act,  
 3 as amended, 30 U.S.C. 1201 et seq.; and the office of conservation of the Department  
 4 of **Energy and** Natural Resources shall function as the state's agency for such  
 5 participation. Pursuant to the Surface Mining Control and Reclamation Act, as  
 6 amended, 30 U.S.C. 1201 et seq., the commissioner shall by rule establish priorities  
 7 that meet the terms of the Surface Mining Control and Reclamation Act as amended,  
 8 30 U.S.C. 1201 et seq., and applicable federal regulations for the expenditure of  
 9 those funds; designate the land and water eligible for reclamation or abatement  
 10 expenditures; submit reclamation plans, annual projects, and applications to the  
 11 appropriate authorities; undertake emergency reclamation projects pursuant to the  
 12 terms of the Surface Mining Control and Reclamation Act, as amended, 30 U.S.C.  
 13 1201 et seq., and applicable federal regulations; and administer all money received  
 14 for abandoned mine reclamation or related purposes.

\* \* \*

16 §953. Limitations

17 \* \* \*

18 C. A copy of the bylaws of the Interstate Mining Commission shall be placed  
 19 on file with the secretary of the Department of **Energy and** Natural Resources and  
 20 be available for inspection at any reasonable time by the legislature or any interested  
 21 citizen.

22 \* \* \*

23 §962. Definitions

24 As used in this Chapter, the following words, terms, and phrases have the  
 25 meanings ascribed to them in this Section, unless the context clearly indicates a  
 26 different meaning:

27 \* \* \*

28 (2) "Secretary" means the secretary of the Department of **Energy and** Natural  
 29 Resources, and his designees.

1 §963. Management by the Department of Energy and Natural Resources

2 A. Except as otherwise provided by law, the Department of Energy and  
3 Natural Resources shall be the state agency charged with managing and monitoring  
4 the implementation of all cooperative endeavor agreements to withdraw running  
5 surface water or assignments thereof. The secretary shall have the authority to  
6 designate where within his agency the various functions of this Chapter are to be  
7 performed, to issue contracts or enter into agreements with other public entities when  
8 required in his opinion for the efficient administration of this Chapter, and to  
9 establish any necessary policy or promulgate, in accordance with the provisions of  
10 the Administrative Procedure Act, any regulations that in his opinion are necessary  
11 for the efficient implementation of this Chapter.

12 \* \* \*

13 §1103. Definitions

14 Unless the context otherwise requires, the words defined in this Section have  
15 the following meaning when found in this Chapter:

16 \* \* \*

17 (7) "Office" means the office of conservation, Department of Energy and  
18 Natural Resources.

19 \* \* \*

20 §1105. Hearings; notice; rules of procedures; emergency; service of process; public  
21 records; request for hearings; orders and compliance orders

22 \* \* \*

23 B. All rules, regulations, and orders made by the commissioner under this  
24 Chapter shall be in writing and shall be entered in full by him in a book kept for that  
25 purpose. This book shall be a public record and shall be open for inspection at all  
26 times during reasonable office hours and shall be available on the Department of  
27 Energy and Natural Resources website. A copy of a rule, regulation, or order,  
28 certified by the commissioner, shall be received in evidence in all courts of this state  
29 with the same effect as the original.

\* \* \*

§1109. Cessation of storage operations; liability release

\* \* \*

F. No party contracting with the Department of **Energy and** Natural Resources, office of conservation, or the commissioner 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.

\* \* \*

§1152. Development and coordination of program; priorities

A. The secretary of the Department of **Energy and** Natural Resources or his designee, hereafter in this Chapter referred to as the "secretary," shall develop and coordinate a program of research and development in solar energy supply, consumption, and conservation and the technology of siting facilities and shall give priority to those forms of research and development which are of particular importance to the state, including, but not limited to, all of the following:

\* \* \*

§1154. Regulations governing solar power generation facilities; solar leases

A. The secretary shall develop and adopt, in cooperation with affected utility, agricultural, and solar industries, landowners, and consumer representatives and after one or more public hearings, regulations governing solar power generation facilities and property leases for the exploration, development, and production of solar energy. The regulations shall be designed to encourage the development and use of solar **Energy and** to provide maximum information to the public concerning solar devices and solar power generation facilities. The regulations may include all of the following:

\* \* \*

(9)(a) Requirements for a permit to construct or operate a solar power generation facility shall include a bond or other acceptable financial security in an

1 amount determined by the secretary to ensure proper site closure. Any bond shall be  
 2 executed by the permittee and a corporate surety licensed to do business in the state.  
 3 The bond or other instrument shall be payable to the Department of **Energy and**  
 4 Natural Resources, except the secretary may accept any financial security provided  
 5 to the landowner or lessor for facilities exempted from permit fees pursuant to  
 6 Paragraph (D)(3) of this Section. Any bond or other instrument shall ensure the  
 7 following:

8 \* \* \*

9 §1202. Definitions

10 Except where the context clearly indicates otherwise, as used in this Chapter:

11 \* \* \*

12 (8) "Secretary" means the secretary of the Department of **Energy and** Natural  
 13 Resources or his designee.

14 \* \* \*

15 §1354. Definitions

16 As used in this Chapter, the following terms shall have the following  
 17 meanings unless the context clearly indicates otherwise:

18 \* \* \*

19 (6) "Secretary" means the secretary of the Department of **Energy and** Natural  
 20 Resources.

21 \* \* \*

22 §1401. Statement of findings

23 \* \* \*

24 B. With the approval of the United States Department of Energy, the  
 25 Louisiana Department of **Energy and** Natural Resources administers the federal oil  
 26 overcharge monies due the state, as appropriated by the legislature. Early legislative  
 27 input and recommendations on state expenditure plans will maximize efficient  
 28 delivery of services and benefits to Louisiana's consumers, particularly those interest  
 29 groups including low income persons, educational institutions, and hospitals, served

1 by mandated federal programs.

2 C. The legislature finds and declares that in order to provide legislators with  
3 information as to expenditure restrictions and to encourage interaction among the  
4 Louisiana Department of **Energy and** Natural Resources, the legislature, and the  
5 United States Department of Energy, a special joint legislative committee on federal  
6 oil overcharge monies shall be created.

7 §1402. Joint legislative committee on federal oil overcharge monies

8 \* \* \*

9 B. The Joint Committee on Federal Oil Overcharge Monies shall review the  
10 oil overcharge refund program as a whole and provide legislative guidance to the  
11 Department of **Energy and** Natural Resources relative to the development of state  
12 plans to expend federal oil overcharge refund monies.

13 \* \* \*

14 D. In the conduct of its studies and proceedings, the Joint Committee on  
15 Federal Oil Overcharge Monies shall utilize the personnel and services of the staff  
16 of the Senate and House of Representatives. The Department of **Energy and** Natural  
17 Resources shall assist the committee in the performance of its duties and functions  
18 as the committee shall request.

19 \* \* \*

20 §2004. Definitions

21 The following terms as used in this Subtitle, unless the context otherwise  
22 requires or unless redefined by a particular Chapter hereof, shall have the following  
23 meanings:

24 \* \* \*

25 (12) "Pollutant" means those elements or compounds defined or identified as  
26 hazardous, toxic, or noxious, or as hazardous, solid, or radioactive wastes under this  
27 Subtitle and regulations, or by the secretary, consistent with applicable laws and  
28 regulations. For the purposes of the Louisiana Pollutant Discharge Elimination  
29 System, as defined in R.S. 30:2073(6), "pollutant" means dredged spoil, solid waste,

1 incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions,  
 2 chemical wastes, biological materials, radioactive materials, except those regulated  
 3 under the Atomic Energy Act of 1954, 42 U.S.C. 2011 et seq., as amended, heat,  
 4 wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal,  
 5 and agricultural waste discharged into water. For the purposes of the Louisiana  
 6 Pollutant Discharge Elimination System, as defined in R.S. 30:2073(6), "pollutant"  
 7 does not mean:

8 (a) Water, gas, waste, or other material which is injected into a well for  
 9 disposal in accordance with a permit approved by the Department of **Energy and**  
 10 Natural Resources or the Department of Environmental Quality.

11 \* \* \*

12 §2011. Department of Environmental Quality created; duties; powers; structure

13 \* \* \*

14 D. The secretary shall have the following powers and duties:

15 \* \* \*

16 (20) To develop and implement a nonpoint source management and  
 17 groundwater quality protection program and a conservation and management plan  
 18 for estuaries, to receive federal funds for this purpose and provide matching state  
 19 funds when required, and to comply with terms and conditions necessary to receive  
 20 federal grants. The nonpoint source conservation and management plan, the  
 21 groundwater protection plan, and the plan for estuaries shall be developed in  
 22 coordination with, and with the concurrence of the appropriate state agencies,  
 23 including but not limited to the Department of **Energy and** Natural Resources, the  
 24 Department of Wildlife and Fisheries, the Department of Agriculture and Forestry,  
 25 and the State Soil and Water Conservation Commission in those areas pertaining to  
 26 their respective jurisdictions.

27 \* \* \*

28 §2015.1. Purpose; remediation of usable ground water

29 \* \* \*

1 L. This Section shall not apply to oilfield sites or exploration and production  
 2 (E&P) sites regulated by the Department of **Energy and** Natural Resources, office  
 3 of conservation. "Oilfield site" or "exploration and production (E&P) site" means any  
 4 oilfield site or exploration and production site as defined in R.S. 30:29(I)(4).

5 \* \* \*

6 §2035. Environmental Emergency Response Training Program

7 \* \* \*

8 B.(1)

\* \* \*

9 (2) In order to encourage training programs to further the purposes of the  
 10 Louisiana Environmental Quality Act, as provided in R.S. 30:2011(D)(8), the  
 11 department may make allocations available only for those training programs which  
 12 meet certain basic guidelines for emergency response training established by the  
 13 Department of Public Safety and Corrections or the Department of **Energy and**  
 14 Natural Resources in conjunction with the Peace Officers Standard Training (POST).  
 15 At a minimum, such guidelines shall require that training provide instruction in  
 16 emergency response situations peculiar or applicable to Louisiana.

17 \* \* \*

18 §2074. Water quality control; secretary of environmental quality; powers and duties

19 \* \* \*

20 C. The office of the secretary shall, in conjunction and coordination with the  
 21 Department of **Energy and** Natural Resources, conduct a risk analysis of the  
 22 discharge of produced waters, excluding cavern leach waters, from oil and gas  
 23 activities onto the ground and into the surface waters in the coastal wetlands of this  
 24 state. The analysis shall examine the environmental risks and economic impact of  
 25 allowing such discharges in the coastal wetlands and the economic impact on the oil  
 26 and gas industry if such discharges are prohibited. The analysis shall be completed  
 27 and delivered to the committees on natural resources of the House of Representatives  
 28 and Senate no later than April 1, 1988.

29 \* \* \*





1 Water State Revolving Fund, enacted in R.S. 30:2301 et seq., which shall be used for  
 2 making grants to local governments to finance primary waste treatment facilities;  
 3 one-quarter into the Coastal Resources Trust Dedicated Fund Account, created in  
 4 R.S. 49:214.40, and the remainder shall be used by the Department of **Energy and**  
 5 Natural Resources for the protection of groundwater resources. Use of these funds  
 6 shall be subject to an appropriation by the legislature.

7 \* \* \*

8 §2458. Interagency council

9 A. The coordinator shall convene at least twice annually and as deemed  
 10 necessary and serve as chairperson to a cooperative council, the interagency council,  
 11 composed of the following:

12 \* \* \*

13 (4) The secretary of the Department of **Energy and** Natural Resources or his  
 14 designee.

15 \* \* \*

16 §2459. State oil spill contingency plan

17 A. The coordinator shall develop and distribute to the public a state oil spill  
 18 contingency plan of response for actual or threatened unauthorized discharges of oil  
 19 and clean up of pollution from such discharges. In addition, the Department of  
 20 Environmental Quality, in cooperation with the coordinator, shall recommend  
 21 provisions of the plan relating to unauthorized discharges of oil. The Department of  
 22 Wildlife and Fisheries, in cooperation with the coordinator, shall recommend  
 23 provisions of the plan providing for protection, rescue, and rehabilitation of aquatic  
 24 life and wildlife and appropriate habitats on which they depend under its jurisdiction.  
 25 The executive director of the Coastal Protection and Restoration Authority, in  
 26 cooperation with the coordinator, shall recommend provisions of the plan for  
 27 providing for the protection and restoration of the coastal areas of the state. The  
 28 Department of **Energy and** Natural Resources, in cooperation with the coordinator,  
 29 shall recommend provisions of the plan providing for protection and rehabilitation

1 of appropriate resources under its jurisdiction. The Department of Public Safety and  
 2 Corrections, in cooperation with the coordinator, shall recommend provisions of the  
 3 plan providing for emergency response coordination to protect life and property,  
 4 excluding prevention, abatement, containment, and removal of pollution from an  
 5 unauthorized discharge.

6 \* \* \*

7 D. Prior to adopting the state oil spill contingency plan, the coordinator shall  
 8 adopt a fully delineated inland boundary for coastal waters as defined in this Chapter,  
 9 which boundary shall be based upon data provided by, including but not limited to  
 10 the United States Army Corps of Engineers, United States Department of the  
 11 Interior, the Coastal Protection and Restoration Authority, the Louisiana Department  
 12 of **Energy and** Natural Resources, and the oil and gas industry. The coordinator  
 13 shall be authorized to amend the boundary by rule as conditions may warrant. The  
 14 boundary, as adopted, shall be clearly marked on large scale maps or charts, official  
 15 copies of which shall be available for public inspection in the Coastal Protection and  
 16 Restoration Authority, the office of coastal management in the Department of  
 17 **Energy and** Natural Resources, in each agency comprising the interagency council,  
 18 and in the parish seat of each parish located within the boundary.

19 §2460. Contingency plan provisions

20 A. The plan shall include all of the following:

21 \* \* \*

22 (14) Procedures established in cooperation with the Department of  
 23 Environmental Quality, Department of Wildlife and Fisheries, the Coastal Protection  
 24 and Restoration Authority, and Department of **Energy and** Natural Resources for  
 25 assessment of natural resources damages and plans for mitigation of damage to and  
 26 restoration, protection, rehabilitation, or replacement of damaged natural resources.  
 27 Pursuant to R.S. 49:214.1 et seq., the Coastal Protection and Restoration Authority  
 28 is responsible for integrated coastal protection in the coastal area of the state,  
 29 therefore, the Coastal Protection and Restoration Authority and the Coastal

1 Protection and Restoration Authority Board shall assist the coordinator in a primary  
2 role in assessing natural resource damages in the coastal area.

3 \* \* \*

4 §2469. Derelict vessels and structures

5 \* \* \*

6 E. The office of conservation in the Department of **Energy and** Natural  
7 Resources may petition the coordinator to abate an unauthorized discharge or the  
8 threat of a discharge from a facility or structure which the secretary certifies to be  
9 involved in an actual discharge or poses a threat of a discharge and for which the  
10 secretary certifies that the office of conservation cannot immediately locate a viable  
11 responsible party. Upon approval of the department's petition the coordinator shall  
12 reimburse the office of conservation for all expenses incurred, within the limits of  
13 provisions of this Section, and he shall seek reimbursement for the fund as provided  
14 elsewhere in this Chapter. The coordinator shall use monies in the fund for this  
15 purpose, which shall not exceed two million dollars in any fiscal year.

16 \* \* \*

17 §2495. Institutions of higher education

18 The coordinator by interagency contract may provide grants to state  
19 institutions of higher education for research, testing, and development of discharge  
20 prevention and response technology, discharge response training, wildlife and natural  
21 resources protection, rescue, and rehabilitation, development of computer models to  
22 predict the movements and impacts of discharges, and other purposes consistent with  
23 and in furtherance of the purposes of this Chapter. Contracts or agreements relating  
24 to wildlife, aquatic resources, and habitats under the jurisdiction of the Department  
25 of Wildlife and Fisheries shall be made in coordination with that department.  
26 Contracts or agreements relating to wetlands and coastal resources under the  
27 jurisdiction of the Department of **Energy and** Natural Resources shall be made in  
28 coordination with that department. To the greatest extent possible, contracts shall be  
29 coordinated with studies being done by other state agencies, the federal government,

1 or private industry to minimize duplication of efforts.

2 \* \* \*

3 §2575. Restrictions on the sale of certain mercury-added products

4 \* \* \*

5 D. On and after July 1, 2007, no mercury dairy or natural gas manometers  
6 shall be offered for final sale or use or distributed for promotional purposes in  
7 Louisiana. Manufacturers that produce and sell mercury dairy or natural gas  
8 manometers shall notify retailers about the provisions of this product ban and how  
9 to dispose of the remaining inventory properly. The Department of Environmental  
10 Quality in consultation with the Louisiana Department of Agriculture and Forestry  
11 and the Louisiana Department of **Energy and** Natural Resources shall examine the  
12 feasibility of implementing a collection and replacement program for dairy and  
13 natural gas manometers, respectively, including technical and monetary assistance  
14 to operations that once contained mercury manometers.

15 Section 6. R.S. 31:149(A) is hereby amended and reenacted to read as follows:

16 §149. Mineral rights reserved from acquisitions of land by governments or agencies  
17 thereof imprescriptible; prescription period in acquisitions for  
18 economic development

19 A. "Acquiring authority" for the purposes of this Section means (1) the  
20 United States, the state of Louisiana, and a subdivision, department or agency of  
21 either the United States or the state of Louisiana; (2) any legal entity with authority  
22 to expropriate or condemn, except an electric public utility acquiring land without  
23 expropriation. An electric public utility acquiring land through expropriation shall  
24 be considered as an acquiring authority; and (3) a nonprofit entity, recognized under  
25 Sections 501(c)(3) and 170 of the Internal Revenue Code as being organized and  
26 operated as a public charitable organization, that is certified by the secretary of the  
27 Department of **Energy and** Natural Resources to be a state or national land  
28 conservation organization. The certification shall be in writing and shall be a public  
29 record. Such certification shall not for that reason alone be construed to authorize the

1 nonprofit entity to exercise expropriation powers. With respect to certifications  
2 occurring on and after August 1, 2004, an entity's certification shall require approval  
3 by official action of both the Senate Committee on Natural Resources and the House  
4 Committee on Natural Resources and Environment.

5 \* \* \*

6 Section 7. R.S. 32:1511 and 1513.1(A) are hereby amended and reenacted to read as  
7 follows:

8 §1511. Illegal discharge of hazardous materials

9 No person shall intentionally discharge or cause to be discharged the contents  
10 of any transport vehicle containing hazardous material between the points of origin  
11 and the points of billed destination, except as authorized by representatives of the  
12 Department of Public Safety or the Department of **Energy and** Natural Resources.

13 \* \* \*

14 §1513.1. Immunity from civil liability; limitations

15 A. A person qualified by training, education, or experience, shall be immune  
16 from civil liability for the rendering of care, assistance, or advice, in the area of these  
17 qualifications, if responding to an emergency dealing with the prevention or  
18 management of an incident resulting from the storage or transportation of hazardous  
19 materials at the request of the local civil defense director or his designee, the chief  
20 local law enforcement officer in the jurisdiction where the incident occurs or his  
21 designee, the state police, or the hazardous waste division's emergency response  
22 section within the Department of **Energy and** Natural Resources.

23 \* \* \*

24 Section 8. R.S. 33:1236(56), 1236.25(C), 1236.27, 1419.1(C), the introductory  
25 paragraph of 1419.2(1), 1419.2(6), 1419.3, 1419.4(A) and (D)(1), 1419.5(1) and (4),  
26 1419.6(A), (B), (D), and (E), 4064.4(E) and (J), 4065.3(E) and (I), 4522, 4523, 4524, 4526,  
27 and 4546.21(B) are hereby amended and reenacted to read as follows:

28 §1236. Powers of parish governing authorities

29 The police juries and other parish governing authorities shall have the

1 following powers:

2 \* \* \*

3 (56) The Ouachita Parish Police Jury shall have the authority to enact  
4 ordinances regulating the excavation of land within the unincorporated areas of the  
5 parish of Ouachita, including but not by way of limitation the requirement that a  
6 permit be obtained prior to any excavation of land; that all excavations of land  
7 conform to certain prescribed design criteria, and for such other similar rules and  
8 regulations as may be enacted by the Ouachita Parish Police Jury. However, nothing  
9 herein shall be construed to apply to facilities permitted or regulated by the  
10 Department of Environmental Quality or the Department of **Energy and** Natural  
11 Resources.

12 \* \* \*

13 §1236.25. Pointe Coupee Parish; False River; encroachments

14 \* \* \*

15 C. Any ordinance adopted in accordance to Subsections A and B of this  
16 Section shall not become effective until the ordinance is approved by the Department  
17 of **Energy and** Natural Resources.

18 \* \* \*

19 §1236.27. Cameron Parish; liquid or solid waste

20 A. The governing authority of Cameron Parish may provide by ordinance for  
21 zoning and land use regarding any public or private facility for the disposal,  
22 incineration, or storage of liquid or solid waste within the parish. The types and  
23 quantities of the waste to be disposed of, incinerated, or stored at such a facility shall  
24 be in compliance with any permit granted by the Department of Environmental  
25 Quality and with any permit issued by the office of conservation of the Department  
26 of **Energy and** Natural Resources.

27 B. The authorization provided for in this Section shall not supersede the  
28 authority of the Department of Environmental Quality or the authority of the  
29 Department of **Energy and** Natural Resources.

\* \* \*

§1419.1. Legislative findings

\* \* \*

C.(1) To assist in financing its political subdivisions for these purposes, the Alternative Fuel Vehicle Revolving Loan Fund Program is established in this Subpart to facilitate a state effort and to operate to the extent determined feasible by the Department of **Energy and** Natural Resources in conjunction with federal assistance under a state transportation plan or any other federal or private source of assistance or funding, or both.

(2) The financial administration of the Alternative Fuel Vehicle Revolving Loan Fund shall be with the Department of **Energy and** Natural Resources.

(3) Relative to the Alternative Fuel Vehicle Revolving Loan Fund Program, the Department of **Energy and** Natural Resources shall have the authority to establish assistance priorities and perform oversight and other related activities.

§1419.2. Definitions

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

(1) "Administrative costs" means costs incurred by the Department of **Energy and** Natural Resources in the administration of the program, including but not limited to:

\* \* \*

(6) "Department" means the Department of **Energy and** Natural Resources.

\* \* \*

§1419.3. Alternative Fuel Vehicle Revolving Loan Fund Program

A. There shall be an Alternative Fuel Vehicle Revolving Loan Fund Program within the Department of **Energy and** Natural Resources through which the state may provide financial assistance to a local governing authority in the manner provided for in this Subpart for the costs of converting all or a portion of the local governing authority's fleet of motor vehicles to qualified clean fuel vehicles



1           propelled by an alternative fuel.

2                       B. The Department of **Energy and** Natural Resources may promulgate rules  
3 and regulations as are necessary to implement the provisions of this Subpart, in  
4 accordance with the Administrative Procedure Act, subject to oversight by the Senate  
5 Committee on Natural Resources and the House Committee on Natural Resources  
6 and Environment.

7           §1419.4. Alternative Fuel Vehicle Revolving Loan Fund

8                       A. There is hereby established the Alternative Fuel Vehicle Revolving Loan  
9 Fund, hereinafter referred to in this Subpart as the "alternative fuels loan fund",  
10 which shall be maintained, operated, and administered by the Department of **Energy**  
11 **and** Natural Resources.

12   \*       \*       \*

13                       D.(1) The money in the Alternative Fuel Vehicle Revolving Loan Fund shall  
14 be appropriated by the legislature and shall be used by the Department of **Energy**  
15 **and** Natural Resources solely for administrative costs of and the purposes of the  
16 Alternative Fuel Vehicle Revolving Loan Fund Program as provided for in this  
17 Subpart.

18   \*       \*       \*

19           §1419.5. Use of the Alternative Fuel Vehicle Revolving Loan Fund

20                       Money from the Alternative Fuel Vehicle Revolving Loan Fund may be used:

21                       (1) To provide loans at or below market interest rates for a period not to  
22 exceed ten years from the completion date of the conversion of all or a portion of  
23 local governing authorities' fleets of motor vehicles to qualified clean fuel vehicles  
24 propelled by alternative fuels which are financed by such loans. All such loans shall  
25 be subject to approval by the Department of **Energy and** Natural Resources.

26   \*       \*       \*

27                       (4) To provide a source of revenue or security for the payment of principal,  
28 interest, or premium on revenue or general obligation bonds or other evidences of  
29 indebtedness issued by the Department of **Energy and** Natural Resources, or any

1 political subdivision, governmental agency, public corporation, public trust, or any  
2 other entity having the authority to issue debt for or on behalf of the state, if the net  
3 proceeds of such debt instruments are deposited in the alternative fuels loan fund, or  
4 are used to finance a fleet conversion approved by the Department of **Energy and**  
5 Natural Resources or are used to refund any obligation which finances a fleet  
6 conversion approved under this Subpart.

7 §1419.6. Loan conditions and repayment

8 A. Upon approval of an application by the Department of **Energy and**  
9 Natural Resources, the department may lend amounts on deposit in the Alternative  
10 Fuel Vehicle Revolving Loan Fund to a local governing authority to finance all or  
11 a portion of the cost of a fleet conversion. Such loans are subject to the borrower's  
12 compliance with the conditions of the loan, as well as any applicable rules or  
13 regulations promulgated by the department.

14 B. Prior to making a loan, the Department of **Energy and** Natural Resources  
15 shall determine that the clean fuel vehicles will be fully insured and that the local  
16 governing authority has the ability to repay the loan, and may require a dedicated  
17 source of repayment and impose additional requirements as the department deems  
18 necessary.

19 \* \* \*

20 D.(1) The interest rate on each loan shall be established by the secretary of  
21 the Department of **Energy and** Natural Resources, subject to any limitations  
22 provided for federal assistance under a state transportation plan or other limitations  
23 required for the use of other federal funds by applicable federal law. Criteria to be  
24 considered in the development of such interest rate shall include but are not limited  
25 to administrative costs of the program, program priorities established by the  
26 department, the creditworthiness of the applicant, the cost of bonds issued to provide  
27 loan funding, and the long-term viability of the Alternative Fuel Vehicle Revolving  
28 Loan Fund.

29 (2) The interest rate for a loan may include any additional rate that the

1 Department of **Energy and** Natural Resources considers reasonable or necessary to  
 2 provide a reserve for the repayment of the loan. The additional rate may be fixed or  
 3 variable, may be calculated according to a formula, and may differ from the rate  
 4 established for any other loans.

5 E. Each loan shall be evidenced by a bond, note, or other evidence of  
 6 indebtedness of the borrower, in a form prescribed or approved by the Department  
 7 of **Energy and** Natural Resources. Such evidences of indebtedness shall be  
 8 consistent with the provisions of this Subpart and, if federal funds are used,  
 9 consistent with the terms of the appropriate federal act, and are not required to be  
 10 identical for all loans.

11 \* \* \*

12 §4064.4. Powers of commission

13 \* \* \*

14 E. The commission may perform such tasks relative to sewerage and water  
 15 systems as it may be authorized to perform by the Louisiana Department of Health,  
 16 the Department of Environmental Quality, the Department of Transportation and  
 17 Development, the Department of Public Service, and the Department of **Energy and**  
 18 Natural Resources. The aforesaid departments shall be authorized to assist the  
 19 commission in the enforcement of its promulgated rules and regulations, to notify  
 20 and advise the commission of any condition, hazard, or other factor which may affect  
 21 public health, and to make such recommendations to the commission which may  
 22 affect the correction of said condition, hazard, or factor. Each aforesaid department  
 23 shall be authorized to execute with the commission a letter of understanding and/or  
 24 agreement, the intent of which shall be to assure no parallel, preemptive, and/or  
 25 converse enforcement or regulatory action by either entity.

26 \* \* \*

27 J. In exercising its authority under this Subpart, the commission shall be  
 28 subject to the authority of the Department of Health and Human Resources, the  
 29 Department of Environmental Quality, and the Department of **Energy and** Natural

1 Resources.

2 \* \* \*

3 §4065.3. Powers of commission

4 \* \* \*

5 E. The commission may perform such tasks relative to sewerage and water  
6 systems as it may be authorized to perform by the Louisiana Department of Health,  
7 the Department of Environmental Quality, and the Department of **Energy and**  
8 Natural Resources.

9 \* \* \*

10 I. In exercising its authority under this Subpart, the commission shall be  
11 subject to the authority of the Louisiana Department of Health, the Department of  
12 Environmental Quality, and the Department of **Energy and** Natural Resources.

13 \* \* \*

14 §4522. Malodorants required

15 All natural and other odorless gases shall be malodorized by the use of a  
16 malodorant in accordance with pipeline safety rules and regulations promulgated by  
17 the assistant secretary of the office of conservation of the Department of **Energy and**  
18 Natural Resources, or in the case of liquefied petroleum gas in accordance with R.S.  
19 40:1846(B)(5) and (6).

20 §4523. Method of use and containers and equipment regulated

21 The method of using the malodorant and the containers and equipment used  
22 in connection therewith are under the direction and subject to the approval of the  
23 assistant secretary of the office of conservation of the Department of **Energy and**  
24 Natural Resources.

25 §4524. Enforcement; rules and regulations

26 The office of conservation of the Department of **Energy and** Natural  
27 Resources shall enforce the provisions of this Subpart. The assistant secretary of the  
28 office may prescribe any rules and regulations and conduct such inspections as he  
29 deems necessary to carry out the purposes of this Subpart.

1           In addition to the rights, powers, and duties granted under this Subpart, the  
2 assistant secretary shall exercise, relative to this Subpart, all of the rights, powers,  
3 and duties granted under R.S. 30:501 et seq.; however, the provisions of R.S. 30:544  
4 shall not apply to this Subpart.

5           Whenever the assistant secretary shall find any violation of this Subpart, the  
6 assistant secretary may report such violation and submit the evidence thereof to the  
7 district attorney of the district or parish court having jurisdiction over the area  
8 wherein the violation occurred.

9                           \*       \*       \*

10           §4526. Construction of Subpart, surrender of powers

11           Nothing contained in this Subpart shall be construed as surrendering to the  
12 office of conservation of the Department of **Energy and** Natural Resources any of  
13 the powers of supervision, regulation, or control over any local public utility by any  
14 town or city, other than those specifically provided herein.

15                           \*       \*       \*

16           §4546.21. Construction contracts

17                           \*       \*       \*

18           B. Whenever such a project includes a pipeline facility that is publicly bid,  
19 the authority or the participating political subdivision in which the project will be  
20 completed may require, as part of the bidding process, the prequalification of  
21 contractors and subcontractors to ensure compliance with the certification  
22 requirements of 49 CFR 192.801 et seq., as mandated by the United States  
23 Department of Transportation Pipeline and Hazardous Materials Safety  
24 Administration or the Louisiana Department of **Energy and** Natural Resources. Any  
25 such project subject to prequalification shall otherwise comply with the provisions  
26 of R.S. 38:2211 et seq. and any other applicable provisions regarding public  
27 procurement or public bidding.

28           Section 9. R.S. 34:3116(B) and 3304(B) are hereby amended and reenacted to read  
29 as follows:

1 §3116. Coordination and cooperation

2 \* \* \*

3 B. The executive director shall take affirmative steps to fully coordinate all  
4 aspects of the authority development program with the secretary of the Department  
5 of **Energy and** Natural Resources or his designee charged with the development of  
6 the coastal zone management plan.

7 \* \* \*

8 §3304. Coordination and cooperation

9 \* \* \*

10 B. The secretary of the Department of Transportation and Development is  
11 authorized to call upon the Department of Economic Development, the Department  
12 of **Energy and** Natural Resources, the Board of Commissioners of the Port of Iberia,  
13 and all other port commissions and districts and state agencies, departments, and  
14 political subdivisions of the state for full and complete cooperation and assistance  
15 in carrying out the provisions of this Chapter, and all such entities are hereby  
16 directed and it shall be their duty to cooperate and assist the department to the fullest  
17 possible extent.

18 \* \* \*

19 Section 10. R.S. 36:4(A)(7), 8.1(C)(11), 351(A), (B), and (C)(1), 353, 354(A)(13),  
20 (B)(1)(b), (4), (6), and (8), 356(A) and (B), 357(A), 358(A), the introductory paragraph of  
21 359(A), the introductory paragraph of 359(B), 359(B)(1) and (2), and (C), 629(J)(2) through  
22 (8), and 957(A) are hereby amended and reenacted to read as follows:

23 §4. Structure of executive branch of state government

24 A. In accordance with the provisions of Article IV, Section 1 and Article  
25 XIV, Section 6 of the Constitution of Louisiana, all offices, boards, commissions,  
26 agencies, and instrumentalities of the executive branch of state government, whether  
27 constitutional or statutory, and/or their functions, powers, duties, and responsibilities  
28 shall be allocated, either in the Act by which this Title was created or by legislation  
29 enacted subsequent thereto, within the departments listed in this Section, except as

1 provided in Subsections B and C of this Section, and in order to comply with this  
2 constitutional mandate, the agencies of the executive branch of state government  
3 hereinafter enumerated, whether heretofore created by the constitution or by statute,  
4 and/or their functions, powers, duties, and responsibilities are allocated, in the  
5 manner hereinafter set forth in this Title, within the following designated  
6 departments:

7 \* \* \*

8 (7) Department of **Energy and** Natural Resources.

9 \* \* \*

10 §8.1. Litigation oversight; reports to the legislature

11 \* \* \*

12 C. The provisions of this Section shall apply to any civil action filed by the  
13 following departments or offices, including offices and agencies thereof, collectively  
14 referred to in this Section as "agency":

15 \* \* \*

16 (11) Department of **Energy and** Natural Resources.

17 \* \* \*

18 §351. Department of **Energy and** Natural Resources; creation, domicile;  
19 composition; purposes and functions

20 A. The Department of **Energy and** Natural Resources is created and shall be  
21 a body corporate with the power to sue and be sued. The domicile of the department  
22 shall be in Baton Rouge.

23 B. The Department of **Energy and** Natural Resources, through its offices and  
24 officers, shall be responsible for the conservation, management, and development of  
25 water, minerals, and other such natural resources of the state, including coastal  
26 management, except timber and fish and wildlife and their habitats.

27 C.(1) The Department of **Energy and** Natural Resources shall be composed  
28 of the executive office of the secretary, the office of management and finance, the  
29 office of conservation, the office of mineral resources, the office of coastal

1 management, the Oilfield Site Restoration Commission, and such other offices as  
2 shall be created by law.

3 \* \* \*

4 §353. Secretary of natural resources

5 There shall be a secretary of natural resources, who shall be appointed by the  
6 governor with consent of the Senate and who shall serve at the pleasure of the  
7 governor at a salary fixed by the governor, which salary shall not exceed the amount  
8 approved for such position by the legislature while in session. The secretary shall  
9 serve as the executive head and chief administrative officer of the Department of  
10 **Energy and** Natural Resources and shall have the responsibility for the policies of  
11 the department except as otherwise provided by this Title, and for the administration,  
12 control, and operation of the functions, programs, and affairs of the department;  
13 provided that the secretary shall perform his functions under the general control and  
14 supervision of the governor. The secretary shall be an ex officio member of the State  
15 Mineral and Energy Board.

16 §354. Powers and duties of secretary of natural resources

17 A. In addition to the functions, powers, and duties otherwise vested in the  
18 secretary by law, he shall:

19 \* \* \*

20 (13) Contract, if the secretary so desires, or, if the secretary deems necessary,  
21 designate one of the offices within the department or its assistant secretary, under the  
22 secretary's supervision, to do so, with private or public research organizations for the  
23 purchase, out of funds available to the Department of **Energy and** Natural  
24 Resources, of services in scientific, economic, and technological research, including  
25 but not limited to surveys, studies, and experiments with a view toward protecting  
26 and replenishing the natural resources of the state under the jurisdiction of the  
27 Department of **Energy and** Natural Resources, toward preventing the waste,  
28 wasteful use, and wasteful utilization thereof, except as defined in R.S. 30:3, toward  
29 preventing the use of said natural resources in such a manner and in such quantities



1 as will threaten with premature exhaustion, extinction, and destruction of the supply  
2 of these resources in the state, and toward the energy policy of this state, and to  
3 prepare and implement plans and programs in relation thereto.

4 \* \* \*

5 B. The secretary shall have authority to:

6 (1)(a) \* \* \*

7 (b) All of the above are to be accomplished in accordance with applicable  
8 civil service laws, rules, and regulations, and with policies and rules of the  
9 Department of **Energy and** Natural Resources, and all are subject to budgetary  
10 control and applicable laws.

11 \* \* \*

12 (4) Contract upon such terms as he may agree upon, for legal, financial,  
13 engineering, and other professional services necessary or expedient in the conduct  
14 of the affairs of the Department of **Energy and** Natural Resources under the  
15 provisions of this Chapter.

16 \* \* \*

17 (6) Represent, or designate the assistant secretary of the office of  
18 conservation to represent, the state in all matters involving or affecting the interest  
19 of the state and its residents, relative to energy and natural resources within the  
20 jurisdiction of the Department of **Energy and** Natural Resources before all federal  
21 agencies, offices, and officials, and congressional committees, and in all judicial  
22 actions arising out of the proceedings of such agencies, offices, and committees or  
23 in relation thereto. Those employed or contracted with as provided by this Section  
24 shall be entitled to represent the state and the secretary and to appear in the courts  
25 and before agencies of this state or the agencies, officials, and courts of the United  
26 States and of other states, to carry out the purposes of this Chapter.

27 \* \* \*

28 (8) Obtain from the federal government and its agencies, the offices of the  
29 Department of **Energy and** Natural Resources, and other state agencies any

1 information and data collected by such entities relating to energy, natural resources,  
 2 or the environment, upon mutually agreeable terms and conditions or as required by  
 3 law; however, information and data subject to nondisclosure under R.S. 44:4 shall  
 4 maintain such status while in the custody of the secretary.

5 \* \* \*

6 §356. Undersecretary; functions; office of management and finance

7 A. There shall be an undersecretary of the Department of **Energy and**  
 8 Natural Resources, who shall be appointed by the governor with consent of the  
 9 Senate and who shall serve at the pleasure of the governor at a salary fixed by the  
 10 governor, which salary shall not exceed the amount approved for such position by  
 11 the legislature while in session. The undersecretary shall be directly responsible to  
 12 and shall perform his functions under the supervision and control of the secretary.

13 B. The undersecretary shall direct and be responsible for the functions of the  
 14 office of management and finance within the Department of **Energy and** Natural  
 15 Resources. In such capacity he shall be responsible for accounting and budget  
 16 control, procurement and contract management, data processing, management and  
 17 program analysis, personnel management, and grants management for the  
 18 department and all of its offices, including all agencies transferred to the Department  
 19 of **Energy and** Natural Resources, except as otherwise specifically provided in this  
 20 Title. He shall employ, appoint, remove, assign, and promote such personnel as is  
 21 necessary for the efficient administration of the office of management and finance  
 22 and the performance of its powers, duties, functions, and responsibilities, in  
 23 accordance with applicable civil service laws, rules, and regulations, and with  
 24 policies and rules of the department, all subject to budgetary control and applicable  
 25 laws. The undersecretary shall exercise all powers and authority granted to him in  
 26 this Title subject to the overall direction and control of the secretary.

27 \* \* \*

28 §357. Assistant secretaries

29 A. Each office within the Department of **Energy and** Natural Resources,

1           except the office of management and finance, shall be under the immediate  
 2           supervision and direction of an assistant secretary. The assistant secretary of each  
 3           such office shall be appointed by the governor with the consent of the Senate and  
 4           shall serve at the pleasure of the governor. Each assistant secretary shall be paid a  
 5           salary which shall be fixed by the governor, which salary shall not exceed the salary  
 6           approved for such position by the legislature while in session. The commissioner of  
 7           conservation shall serve as the assistant secretary for the office of conservation and  
 8           shall be selected in accordance with law.

\*       \*       \*

10           §358. Offices; purposes and functions

11                     A. The purposes for which the offices of the Department of **Energy and**  
 12           Natural Resources are created shall be as set forth in this Section.

\*       \*       \*

14           §359. Transfer of agencies and functions to Department of **Energy and** Natural  
 15                     Resources

16                     A. The following agencies are transferred to the Department of **Energy and**  
 17           Natural Resources and shall exercise and perform their powers, duties, functions, and  
 18           responsibilities as provided by law:

\*       \*       \*

20                     B. The following agencies are transferred to the Department of **Energy and**  
 21           Natural Resources and shall exercise and perform their powers, duties, functions, and  
 22           responsibilities in accordance with the provisions of R.S. 36:802:

23                     (1) State Department of Conservation (Article V, Section 18 and Article VI,  
 24           Section 1(c) of the 1921 Constitution of Louisiana made statutory by Article XIV,  
 25           Section 16(A)(2) and (3) of the 1974 Constitution of Louisiana; Part I of Chapter 1  
 26           of Subtitle I of Title 30 of the Louisiana Revised Statutes of 1950 and other  
 27           provisions of Title 30 that directly apply to the department), except that the secretary,  
 28           deputy secretary, and undersecretary of the department shall have no authority to  
 29           exercise, review, administer, or implement the quasi judicial, licensing, permitting,

1 regulatory, rulemaking, or enforcement powers or decisions of the assistant secretary  
 2 of the office of conservation. The assistant secretary shall be authorized to employ,  
 3 appoint, remove, assign, and promote such personnel as is necessary for the efficient  
 4 administration required in making these decisions, in accordance with applicable  
 5 civil service laws, rules, and regulations, and with policies and rules, subject to  
 6 budgetary control of the Department of **Energy and** Natural Resources, and  
 7 applicable laws.

8 (2) State Mineral and Energy Board (R.S. 30:121 et seq.), except the  
 9 secretary of the Department of **Energy and** Natural Resources shall be an ex officio  
 10 member of the State Mineral and Energy Board. The State Mineral and Energy  
 11 Board shall retain the authority to lease for development and production of minerals,  
 12 oil, and gas, any lands belonging to the state, or the title to which is in the public,  
 13 including road beds, water bottoms, and land adjudicated to the state at tax sale. The  
 14 State Mineral and Energy Board shall retain supervision of all mineral leases granted  
 15 by the state, and it shall retain general authority to take action for and on behalf of  
 16 and to protect the interests of the state in accordance with the provisions of Title 30  
 17 of the Louisiana Revised Statutes of 1950, as amended, and applicable laws.

18 \* \* \*

19 C. The Oilfield Site Restoration Commission (R.S. 30:80 et seq.) is placed  
 20 within the Department of **Energy and** Natural Resources and shall perform its  
 21 powers, duties, functions, and responsibilities in accordance with the provisions of  
 22 R.S. 36:901 et seq.

23 \* \* \*

24 §629. Transfer of boards, commissions, departments, and agencies to the  
 25 Department of Agriculture and Forestry

26 \* \* \*

27 J. The Louisiana Forestry Commission (Article IX, Section 8(B) and (C) of  
 28 the Constitution of Louisiana and Chapter 28 of Title 3 of the Louisiana Revised  
 29 Statutes of 1950) hereafter shall be within the Department of Agriculture and

1 Forestry in accordance with the provisions of R.S. 36:802, except as otherwise  
2 provided in this Subsection:

3 \* \* \*

4 (2) All employees of the office of forestry of the Department of **Energy and**  
5 Natural Resources are transferred to the office of forestry of the Department of  
6 Agriculture and Forestry.

7 (3) An appropriate percentage of the administrative employee positions, and  
8 the employees holding those positions, of the Louisiana Forestry Commission which  
9 were transferred to the Department of **Energy and** Natural Resources are transferred  
10 to the Department of Agriculture and Forestry. The secretary of natural resources and  
11 the commissioner of agriculture and forestry shall jointly determine the appropriate  
12 number of administrative positions and personnel to be transferred. This  
13 determination and the resulting transfer shall be effected no later than the last day of  
14 September of 1986.

15 (4) All funds appropriated to the Louisiana Forestry Commission and the  
16 office of forestry of the Department of **Energy and** Natural Resources shall be  
17 transferred to those entities in the Department of Agriculture and Forestry.

18 (5) Any appropriation for Fiscal Year 1986-1987 to the Louisiana Forestry  
19 Commission or the office of forestry within the Department of **Energy and** Natural  
20 Resources shall be deemed to be appropriated to those entities within the Department  
21 of Agriculture and Forestry.

22 (6) All property and facilities owned and operated by, or leased by or for the  
23 Louisiana Forestry Commission or the office of forestry of the Department of  
24 **Energy and** Natural Resources are transferred to those entities within the  
25 Department of Agriculture and Forestry.

26 (7) The fleet of airplanes operated by the Louisiana Forestry Commission and  
27 the office of forestry of the Department of **Energy and** Natural Resources is  
28 specifically transferred to the Department of Agriculture and Forestry. All airplanes  
29 operated by the Department of Agriculture and Forestry shall be under the exclusive

1 jurisdiction of that department. Subject to the provisions of R.S. 2:1 et seq., the  
2 department may provide guidelines and procedures for the use and operation of its  
3 aircraft.

4 (8) The office of forestry of the Department of Agriculture and Forestry shall  
5 be the successor of the office of forestry of the Department of **Energy and** Natural  
6 Resources. For purposes of the transfer of functions of the office of forestry from the  
7 Department of **Energy and** Natural Resources to the Department of Agriculture and  
8 Forestry, the Department of Agriculture and Forestry shall be the successor to the  
9 Department of **Energy and** Natural Resources. All unfinished business of the former  
10 office and of the former department related thereto shall be completed by, all  
11 references in laws and documents to the former office and to the former department  
12 related thereto shall be deemed to refer to, and all obligations of the former office  
13 and of the former department related thereto shall be the obligations of the successor  
14 office and department. All legal proceedings of the former office and of the former  
15 department related thereto shall be continued in the name of such former office and  
16 department and further proceedings shall be in the name of the successor office and  
17 department without the necessity for amendment of any document.

18 \* \* \*

19 §957. Effective date of certain transfers and abolitions; continued merger and  
20 consolidation within departments

21 A. The transfer or abolition of each agency transferred or abolished by this  
22 Title, which agency or the functions thereof are transferred to one of the following  
23 departments, shall be effective upon the effective date of this Part: the Department  
24 of State Civil Service, the Department of Economic Development, the Department  
25 of Culture, Recreation and Tourism, the Louisiana Workforce Commission, the  
26 Department of **Energy and** Natural Resources, the Department of Public Safety and  
27 Corrections, the Department of Revenue, the Department of Transportation and  
28 Development, and the Department of Wildlife and Fisheries.

29 \* \* \*

1 Section 11. R.S. 37:711.4(E), 1377(K)(1), and 3151(1) are hereby amended and  
2 reenacted to read as follows:

3 §711.4. Board; appointments; terms

4 \* \* \*

5 E. On or after January 1, 2013, no employee of the Department of **Energy**  
6 **and** Natural Resources, including but not limited to the office of conservation, or the  
7 Department of Environmental Quality shall be appointed to the board.

8 \* \* \*

9 §1377. Definitions; exceptions

10 \* \* \*

11 K. Gas Fitting. "Gas fitting" means the work or business of installing,  
12 repairing, improving, altering, or removing natural gas piping, fittings, valves, or  
13 tanks used for conveying fuel gas for appliances on or in premises or in buildings  
14 annexed to immovable property. For purposes of this Chapter, gas fitting does not  
15 include the following:

16 (1) The installation or maintenance of piping by any entity of a municipal or  
17 gas district system that is subject to the regulatory authority of the Public Service  
18 Commission, the New Orleans City Council, or the office of pipeline safety in the  
19 Department of **Energy and** Natural Resources.

20 \* \* \*

21 §3151. Definitions

22 As used in this Chapter, the following words shall have the meaning ascribed  
23 to them in this Section unless the context clearly indicates otherwise:

24 (1) "Assistant Secretary" means the assistant secretary of the office of  
25 environmental affairs of the Department of **Energy and** Natural Resources.

26 \* \* \*

27 Section 12. R.S. 38:25(A), 327(F), 3087.134(E)(5), 3092(7), 3097.3(B), the heading  
28 of 3098.2, the introductory paragraph of 3098.6(A), and 3098.6(A)(2) are hereby amended  
29 and reenacted to read as follows:

1 §25. Exemptions for other programs; additional requirements

2 A. Where the impoundment of liquid substances or hazardous wastes and  
3 materials by dikes, dams, or barriers is permitted or regulated under the Department  
4 of **Energy and** Natural Resources, that office shall adopt rules and regulations for  
5 the construction, operation and maintenance of said facilities in accordance with the  
6 requirements, rules and regulations promulgated under this Chapter and such  
7 impoundments are exempted from the provisions of this Chapter.

8 \* \* \*

9 §327. Lake Borgne Basin Levee District Board of Commissioners; powers and  
10 duties

11 \* \* \*

12 F. The board shall operate and maintain the Violet Siphon in accordance with  
13 an operation and maintenance plan developed jointly by the Lake Borgne Basin  
14 Levee District and the Department of **Energy and** Natural Resources, office of  
15 coastal restoration and management.

16 §3087.134. Board of commissioners; tenure; replacement; compensation

17 \* \* \*

18 E. In addition, the following may serve at their pleasure as ex officio  
19 nonvoting members of the board and shall not be considered in determining a  
20 quorum for the purpose of board meetings:

21 \* \* \*

22 (5) The secretary of the Department of **Energy and** Natural Resources or his  
23 designee.

24 \* \* \*

25 §3092. Definitions

26 Unless the context otherwise requires, the following terms shall have the  
27 following meanings for purposes of this Chapter:

28 \* \* \*

29 (7) "Office" means the office of conservation, Department of **Energy and**



1 Natural Resources.

2 \* \* \*

3 §3097.3. Commissioner of conservation; powers and duties

4 \* \* \*

5 B. The commissioner is authorized to employ, assign, and remove personnel,  
6 including a deputy, within the Department of **Energy and** Natural Resources, office  
7 of conservation, to provide administrative and technical staff functions the  
8 commissioner deems necessary to carry out the powers, functions, and duties under  
9 this Chapter. Personnel actions shall be in accordance with applicable civil service  
10 laws, rules, and regulations, and with the policies and rules of the department, all  
11 subject to budgetary control and applicable laws.

12 \* \* \*

13 §3098.2. Powers of the Department of **Energy and** Natural Resources, office of  
14 conservation resources

15 \* \* \*

16 §3098.6. Advisory committee

17 A. The Department of **Energy and** Natural Resources is hereby authorized  
18 to appoint a committee to serve in an advisory capacity and to make  
19 recommendations for the regulation and control of water well drillers as defined in  
20 this Chapter. This advisory committee shall consist of the following members:

21 \* \* \*

22 (2) The secretary of the Department of **Energy and** Natural Resources or his  
23 designee.

24 \* \* \*

25 Section 13. R.S. 39:99.29(A), 253(A)(2), 2007(D)(1), and 2177(D) are hereby  
26 amended and reenacted to read as follows:

27 §99.29. Governing board; membership; terms; compensation and expenses;  
28 chairman and vice chairman; quorum; employees, agents; limitation  
29 of liability

1           A. The board of the corporation shall exercise all powers, rights, and duties  
2 conferred by this Subpart or other provisions of law upon the corporation. The board  
3 shall consist of the governor, the state treasurer, attorney general, president of the  
4 Senate and speaker of the House of Representatives, chairman of the Coastal  
5 Protection and Restoration Authority Board, secretary of the Department of **Energy**  
6 **and** Natural Resources, secretary of the Department of Transportation and  
7 Development, or their designees, and seven members appointed by the governor with  
8 one member appointed from each congressional district and the remaining member  
9 or members appointed from the state at large. The members of the board who are  
10 appointed by the governor shall represent the state's diverse population as near as  
11 practicable, and shall have a background and significant experience in financial  
12 management and investments. The members of the board appointed by the governor  
13 shall be subject to Senate confirmation and shall serve at the pleasure of the governor  
14 for terms of four years each, or until their successors shall have been appointed and  
15 qualified, as designated by the governor. Any appointment to fill a vacancy on the  
16 board shall be made for the unexpired term of the member whose death, resignation,  
17 or removal created such vacancy. Members on the board may be appointed to an  
18 additional term.

\* \* \*

20 §253. Development and coordination of policy

21           A.(1) \* \* \*

22           (2) The division of administration shall use this information to develop and  
23 maintain a database on all state buildings and facilities and their associated energy  
24 use, energy demand, and energy cost. The Department of **Energy and** Natural  
25 Resources shall provide energy management training upon request to certain state  
26 personnel, such as building managers, financial administrators, and others.

\* \* \*

28 §2007. Responsibilities of the commissioner of administration; training; reporting

29 \* \* \*

1           D.(1) The commissioner shall conduct a training program at least  
2           semiannually to acquaint small entrepreneurships with state procurement and public  
3           contract proposal and bidding practices. This shall include all state procurements  
4           which are governed by Chapter 10 of Title 38, Chapter 17 of this Title, and Parts  
5           XIII and XIII-A of Chapter 1 of Title 48 of the Louisiana Revised Statutes of 1950.  
6           The commissioner shall also secure the assistance of staff from either the  
7           Department of Transportation and Development, Department of **Energy and** Natural  
8           Resources, or Department of Environmental Quality who are knowledgeable about  
9           state procurements undertaken pursuant to Chapter 10 of Title 38 and Parts XIII and  
10          XIII-A of Chapter 1 of Title 48 of the Louisiana Revised Statutes of 1950, for the  
11          purpose of providing practical advice to small entrepreneurships relative to  
12          procurements and public contracts governed by such law.

\* \* \*

14          §2177. Responsibilities of the commissioner of administration; training; reporting

\* \* \*

16           D. The commissioner shall conduct a training program at least semiannually  
17          to acquaint veteran and service-connected disabled veteran-owned small  
18          entrepreneurships with state procurement and public contract proposal and bidding  
19          practices. This shall include all state procurements which are governed by Chapter  
20          10 of Title 38, Chapter 17 of this Title, and Parts XIII and XIII-A of Chapter 1 of  
21          Title 48 of the Louisiana Revised Statutes of 1950. The commissioner shall also  
22          secure the assistance of staff from the Louisiana Department of Veterans Affairs for  
23          veteran-specific information and data, and either the Department of Transportation  
24          and Development, Department of **Energy and** Natural Resources, or Department of  
25          Environmental Quality who are knowledgeable about state procurements undertaken  
26          pursuant to Chapter 10 of Title 38 and Parts XIII and XIII-A of Chapter 1 of Title  
27          48 of the Louisiana Revised Statutes of 1950, for the purpose of providing practical  
28          advice to veteran and service-connected disabled veteran-owned small  
29          entrepreneurships relative to procurements and public contracts governed by such

1 law.

2 \* \* \*

3 Section 14. R.S. 40:1730.22(F), 1730.28.4(B)(1), 1892, 1893, and 1894 are hereby  
4 amended and reenacted to read as follows:

5 §1730.22. Louisiana State Uniform Construction Code Council; membership;  
6 function of council; meeting requirements; immunity

7 \* \* \*

8 F.(1) Training and technical assistance in the implementation of the  
9 Louisiana State Uniform Construction Code residential and commercial building  
10 energy code provisions shall be the responsibility of the technology assessment  
11 division of the Department of **Energy and** Natural Resources in collaboration with  
12 the council, as provided for in Subsection C of this Section.

13 (2) The technology assessment division of the Department of **Energy and**  
14 Natural Resources shall continue training and technical assistance as funding allows.

15 \* \* \*

16 §1730.28.4. Energy Code Commission: members; purpose; procedure; termination

17 \* \* \*

18 B. In addition to the voting members of the commission, the commission  
19 shall be composed of the following nonvoting members:

20 (1) The secretary of the Department of **Energy and** Natural Resources or his  
21 designee.

22 \* \* \*

23 §1892. Malodorants required

24 All natural and other odorless gases shall be malodorized by the use of a  
25 malodorant in accordance with pipeline safety rules and regulations promulgated by  
26 the assistant secretary of the office of conservation of the Department of **Energy and**  
27 Natural Resources, or in the case of liquefied petroleum gas in accordance with R.S.  
28 40:1846(B)(5) and (6).

29 §1893. Method of use and containers and equipment regulated

1           The method of using the malodorant and the containers and equipment used  
2           in connection therewith are under the direction and subject to the approval of the  
3           office of conservation of the Department of **Energy and** Natural Resources.

4           §1894. Enforcement of Part; rules and regulations

5           The office of conservation of the Department of **Energy and** Natural  
6           Resources shall enforce the provisions of this Part. The assistant secretary of the  
7           office of conservation may prescribe any rules and regulations on this subject  
8           necessary to carry out the purposes of this Part. In addition to the rights, powers, and  
9           duties granted under this Part, the assistant secretary shall exercise relative to this  
10          Part all of the rights, powers, and duties granted under R.S. 30:501 et seq.; however,  
11          the provisions of R.S. 30:544 shall not apply to this Part.

12          Section 15. R.S. 41:642(A)(2)(b) and (B), 1602(B)(1), 1701.1(C) and (D),  
13          1702(D)(1) and (2)(a)(i), the introductory paragraph of (ii), (H), and (I), 1703(B), 1712(D),  
14          1731, 1732(A), 1733(B) and (C), and the introductory paragraph of 1734(A) are hereby  
15          amended and reenacted to read as follows:

16          §642. Sixteenth section lands; erosion; title and revenues

17                  A.(1)                                 \*         \*         \*

18                  (2)(a)                                \*         \*         \*

19                  (b) Notwithstanding the provisions of Subparagraph (a) of this Paragraph, in  
20          the event sixteenth section lands are comprised entirely of state-owned water  
21          bottoms and no school indemnity lands were provided for such sixteenth section  
22          lands, all proceeds received by the state from production and other revenues  
23          generated after July 1, 2007, from any oil and gas lease or other contract granted by  
24          the state in its sovereign capacity attributable to the sixteenth section lands shall be  
25          credited, subject to an appropriation specifically for proceeds attributable to Fiscal  
26          Years 2007-2008, 2008-2009, and 2009-2010, to the account of the school fund of  
27          the parish in which such sixteenth section lands are located. Beginning in Fiscal Year  
28          2010-2011 and thereafter, such proceeds shall be credited to the account of the  
29          current school fund of the parish in which such sixteenth section lands are located.

1 The secretary of the Department of **Energy and** Natural Resources shall certify to  
2 the treasurer the amount of proceeds to be credited pursuant to this Subparagraph.

3 B. Proof of the extent of erosion or subsidence which may have occurred  
4 after the title to the sixteenth section land or indemnity lands vested in the state as  
5 trustee for the benefit of the school children of the townships in which such lands are  
6 located shall be made by the school board having an interest therein to the  
7 Department of **Energy and** Natural Resources and shall consist of a certified map  
8 or plat of survey prepared by a professional land surveyor qualified and currently  
9 licensed by the Louisiana Professional Engineering and Land Surveying Board,  
10 showing the exact extent of land claimed to be lost through erosion or subsidence  
11 and by such evidence as may be required by the secretary showing the extent of the  
12 erosion or subsidence claimed.

13 \* \* \*

14 §1602. Louisiana Archaeological Survey and Antiquities Commission

15 \* \* \*

16 B.(1) The commission shall be composed of eleven members. The person  
17 designated as state archaeologist and one representative each from the Department  
18 of Culture, Recreation and Tourism and the Department of **Energy and** Natural  
19 Resources, and the Governor's Commission on Indian Affairs shall be ex officio  
20 voting members of the commission. The governor shall appoint seven members to  
21 the commission from a list of two nominees submitted to him by the ex officio  
22 members for each appointment he is to make, provided that at least one appointment  
23 shall be a member of the Louisiana Archaeological Society.

24 \* \* \*

25 §1701.1. State Land Office; powers, duties, functions, and responsibilities

26 \* \* \*

27 C. Subject to the approval of the commissioner of administration, the  
28 governor, the attorney general, the Department of Wildlife and Fisheries, and the  
29 Department of **Energy and** Natural Resources, the State Land Office shall develop

1 and promulgate a comprehensive state master plan for the administration of state  
2 lands and water bottoms and shall ensure that all public lands and water bottoms are  
3 protected, administered, and conserved in a manner consistent with the constitution.

4 D. The State Land Office shall identify all public lands and water bottoms  
5 within the state and develop and maintain a current master list of those lands and  
6 water bottoms. All state agencies, including but not limited to Department of  
7 Culture, Recreation and Tourism, the Department of **Energy and** Natural Resources,  
8 the Office of Coastal Protection and Restoration, the Department of Wildlife and  
9 Fisheries, the Department of Transportation and Development, the Louisiana  
10 Geological Survey, the state's colleges and universities, all levee boards, drainage  
11 boards, parish governing authorities, and any districts created under the jurisdiction  
12 of levee boards, drainage boards, or parish governing authorities, shall cooperate  
13 with the State Land Office in developing the master list.

14 \* \* \*

15 §1702. Reclamation of lands lost through erosion, compaction, subsidence, and sea  
16 level rise; land acquisition for certain coastal projects; requirements

17 \* \* \*

18 D. \* \* \*

19 (1) The administrator of the State Land Office may issue a permit for the  
20 carrying out of the work necessary to implement the recovery of the land lost through  
21 erosion, compaction, subsidence, or sea level rise; however, no such permit shall be  
22 issued until plans and specifications for such work have been first submitted to the  
23 governing authority of the parish in which the proposed project is located, the  
24 Department of Transportation and Development, the Department of Wildlife and  
25 Fisheries, the Coastal Protection and Restoration Authority, and the Department of  
26 **Energy and** Natural Resources for review and comment not less than sixty days  
27 prior to the issuance of such permit. No permit shall be required for projects to  
28 facilitate the development, design, engineering, implementation, operation,  
29 maintenance, or repair of integrated coastal protection projects by the Coastal

1 Protection and Restoration Authority under R.S. 49:214.1 et seq. or other applicable  
2 law or projects for the Atchafalaya Basin Program. Within sixty days of completion  
3 of the reclamation project, the riparian owner shall submit to the State Land Office  
4 proof of the extent of the land area actually reclaimed in the manner provided in  
5 Subsection C of this Section for showing the submerged area, which map or plat  
6 shall be employed for fixing the definitive boundary between the reclaimed land area  
7 and the state water bottoms. Permits issued pursuant to these provisions shall be  
8 effective for a period not to exceed two years from the date of issuance and shall  
9 thereupon expire. All work remaining or any additional work may be completed only  
10 by application in the manner provided by this Section.

11 (2)(a)(i) To facilitate the development, design, and implementation of  
12 integrated coastal protection projects, including hurricane protection and flood  
13 control, pursuant to R.S. 49:214.1 et seq., the executive director of the Coastal  
14 Protection and Restoration Authority, after consultation with other state agencies,  
15 including the Department of **Energy and** Natural Resources and the State Land  
16 Office, may enter into agreements with owners of land contiguous to and abutting  
17 navigable water bottoms belonging to the state who have the right to reclaim or  
18 recover such land, including all oil and gas mineral rights, as provided in Subsection  
19 B of this Section, which agreements may establish in such owner the perpetual,  
20 transferrable ownership of all subsurface mineral rights to the then-existing coast or  
21 shore line. Such agreements may also provide for a limited or perpetual alienation  
22 or transfer, in whole or in part, to such owner of subsurface mineral rights owned by  
23 the state relating to the emergent lands that emerge from waterbottoms that are  
24 subject to such owner's right of reclamation in exchange for the owner's compromise  
25 of his ownership and reclamation rights within such area and for such time as the  
26 executive director deems appropriate and in further exchange for the owner's  
27 agreement to allow his existing property to be utilized in connection with the project  
28 to the extent deemed necessary by the executive director.

29 (ii) When land is acquired from any person by an "acquiring authority" as



1 defined in R.S. 31:149, for the principal purpose of facilitating the development,  
2 design, and implementation of integrated coastal protection projects, including  
3 hurricane protection and flood control, by the state, its political subdivisions, or by  
4 the state and federal government, the executive director of the Coastal Protection and  
5 Restoration Authority, after consultation with other state agencies, including the  
6 Department of **Energy and** Natural Resources and the State Land Office, may, in  
7 accordance with rules and regulations adopted in accordance with the Administrative  
8 Procedure Act by the Coastal Protection and Restoration Authority after consultation  
9 with other state agencies, including the Department of **Energy and** Natural  
10 Resources and the State Land Office, enter into an agreement under this Section with  
11 respect to the ownership of minerals and other matters to the same extent as  
12 authorized under Item (i) of this Paragraph. In addition, such agreement shall, at a  
13 minimum, specify:

14 \* \* \*

15 H. No reclamation by a riparian landowner shall be permitted if, in the  
16 determination of the Department of **Energy and** Natural Resources, the State Land  
17 Office, the Coastal Protection and Restoration Authority, or the attorney general,  
18 such activity would unreasonably obstruct or hinder the navigability of any waters  
19 of the state or impose undue or unreasonable restraints on the state rights which have  
20 vested in such areas pursuant to Louisiana law, and to that extent the land area  
21 sought to be reclaimed may be limited.

22 I. Any person aggrieved either by a substantive agency decision made  
23 pursuant to the provisions of this Section, including interlocutory decisions relating  
24 to boundaries and determinations of areas reclaimed, or by a failure of the agency to  
25 render such decisions timely, may seek immediate judicial review of the agency  
26 action. Proceedings for review of decisions by the Department of **Energy and**  
27 Natural Resources, the Coastal Protection and Restoration Authority, or the State  
28 Land Office may be instituted by filing a petition in the Nineteenth Judicial District  
29 Court within thirty days after mailing of notice of the final decision by the

1 administrator or secretary. Any party may request and be granted a trial de novo.

2 \* \* \*

3 §1703. Permits and licenses for encroachments other than reclamation projects

4 \* \* \*

5 B. The office, with the aid of the division, the Department of **Energy and**  
6 Natural Resources, the Department of Wildlife and Fisheries, the Department of  
7 Transportation and Development, and the attorney general, shall adopt regulations  
8 to implement this Chapter, including the granting and revoking of permits, leases or  
9 licenses, processing of applications, establishing fee schedules, collecting of fees or  
10 revenues for all manner of encroachments, and shall create an overall and  
11 comprehensive plan for the orderly development and preservation of state lands so  
12 as to ensure maximum benefit and use, all in accordance with the law. The office  
13 shall maintain a current inventory of state lands and a depository in which shall be  
14 recorded and preserved all records, surveys, plats, applications, permits, leases,  
15 licenses, and other evidence pertaining to the trust lands, their description,  
16 disposition, and encroachments thereon.

17 \* \* \*

18 §1712. Leases and permits, grant or denial; title

19 \* \* \*

20 D. When permit or lease applications involve projects over which the United  
21 States Army Corps of Engineers, the Department of **Energy and** Natural Resources,  
22 or any other federal or state agency asserts jurisdiction, and such governmental  
23 agencies have, by public notice or regulations, established timetables for receipt of  
24 objections, public hearings, or other proceedings, the office, to least inconvenience  
25 the applicant and prevent multiple hearings, shall adopt and conform to such  
26 timetables or evidentiary requirements and shall attempt to coordinate any public  
27 hearing with such agencies whenever feasible. When the United States Army Corps  
28 of Engineers or other interested agencies do not assert jurisdiction over a given  
29 project, thirty days from date of published notice by the applicant shall be allowed

1 for receipt of objections in writing by the office.

2 \* \* \*

3 §1731. Legislative findings

4 To ensure the viability of the state's natural resources, to provide a continuing  
5 energy source for the citizens and businesses of Louisiana, to promote economic  
6 development through job retention and creation in Louisiana, and to promote a clean  
7 and lasting environment, the Louisiana Legislature finds that the state, through the  
8 Department of **Energy and** Natural Resources, should promote the generation and  
9 use of the renewable energy derived from wind.

10 §1732. Lease authority and royalties

11 A. Notwithstanding any other provision of law except Subsection B of this  
12 Section, the State Mineral and Energy Board in conjunction with the secretary of the  
13 Department of **Energy and** Natural Resources, shall have the authority to lease for  
14 the exploration, development, or production of energy from wind any lands  
15 belonging to the state or the title to which is held by the state, including water  
16 bottoms, vacant state lands, and lands adjudicated to the state at tax sale, except  
17 lands that form any portion of state highway right-of-way. The leases shall be  
18 granted through a public bid process which shall be promulgated by the adoption of  
19 rules and regulations by the State Mineral and Energy Board. All bonuses, rentals,  
20 royalties, payments, or other sums due the state as the lessor under the terms of  
21 leases granted under the provisions of this Subsection for the exploration,  
22 development, and production of energy from wind shall be paid to the office of  
23 mineral resources. Revenues received from these leases by the office of mineral  
24 resources shall be remitted to the state treasurer who, after compliance with Article  
25 VII, Section 9 of the state constitution, shall credit an amount equal to twenty-five  
26 percent of the revenues to the Wetlands Conservation and Restoration Fund and an  
27 amount equal to the seventy-five percent to the state general fund. The funds  
28 generated under leases granted under the provisions of this Section shall not be  
29 included in calculations for the Budget Stabilization Fund.

\* \* \*

§1733. Award of state wind leases

\* \* \*

B. After certification by the other state agencies, the State Mineral and Energy Board shall forward the applications and certification with copies of any other leases on the proposed location to the secretary of the Department of **Energy and** Natural Resources who shall evaluate whether the lands proposed for lease best support the exploration, development, or production of energy from wind. In evaluating the proposed lease, the secretary of the Department of **Energy and** Natural Resources shall consider the capability of the lease proposal to fulfill the intent of this Chapter, the environmental impact of the placement of wind turbines and other equipment necessary for the exploration, development, or production of energy from wind, the impact of the proposed lease on any other leases, including leases for the exploration or production of subsurface deems appropriate. When evaluating the proposed lease, the secretary of the Department of **Energy and** Natural Resources shall consult with the Department of Wildlife and Fisheries when the proposed lease lies within the confines of properties under the jurisdiction of the Louisiana Wildlife and Fisheries Commission or the Department of Wildlife and Fisheries and may consult any other state agency or governmental entity that may have jurisdiction within the confines of the proposed lease.

C. If the secretary of the Department of **Energy and** Natural Resources determines that a proposed lease for the exploration, development, or production of energy from wind is appropriate he shall recommend to the State Mineral and Energy Board that the board conduct a public bid process. If the secretary of Department of **Energy and** Natural Resources determines that a proposed lease for the exploration, development, or production of energy from wind is not appropriate, he shall notify the State Mineral and Energy Board who shall then notify the applicant that no bid process shall occur.

\* \* \*

1 §1734. Powers and duties of the secretary of the Department of **Energy and** Natural  
2 Resources

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

9 \* \* \*

10 Section 16. R.S. 42:1113(D)(1)(a)(ii)(hh) and (6)(f), 1124(A)(2)(f), and  
11 1266(C)(1)(f) are hereby amended and reenacted to read as follows:

12 §1113. Prohibited contractual arrangements; exceptions; reports

13 \* \* \*

14 D.(1)(a)(i) \* \* \*

15 (ii) The provisions of this Subparagraph and other provisions which reference  
16 this Item shall apply to the following persons:

17 \* \* \*

18 (hh) The secretary, deputy secretary, undersecretary, and each assistant  
19 secretary, or the equivalent position of the Department of **Energy and** Natural  
20 Resources.

21 \* \* \*

22 (6) The provisions of R.S. 42:1113(D)(1)(a)(i), R.S. 42:1113(D)(1)(b), and  
23 other provisions which reference these provisions of law shall not apply to the  
24 spouses and immediate family members of the deputy secretaries, undersecretaries,  
25 assistant secretaries, or equivalent positions in the following agencies:

26 \* \* \*

27 (f) Department of **Energy and** Natural Resources.

28 \* \* \*

29 §1124. Financial disclosure; statewide elected officials; certain public servants

1                   A. The following persons shall annually file a financial statement as provided  
2 in this Section:

3   \*       \*       \*

4                   (2) The secretary of each of the following departments of state government:

5   \*       \*       \*

6                   (f) The Department of **Energy and** Natural Resources.

7   \*       \*       \*

8                   §1266. Required education; certain unclassified officials and employees

9   \*       \*       \*

10                   C.(1) This Section shall apply to each person serving in the state unclassified  
11 service in one of the following positions:

12   \*       \*       \*

13                   (f) The secretary, deputy secretary, undersecretary, and each assistant  
14 secretary, or an equivalent position of the Department of **Energy and** Natural  
15 Resources.

16   \*       \*       \*

17                   Section 17. R.S. 44:4(10) is hereby amended and reenacted to read as follows:

18                   §4. Applicability

19                   This Chapter shall not apply:

20   \*       \*       \*

21                   (10) To any records, data, writings, accounts, reports, letters, exhibits,  
22 pictures, photographs, drawings, charts, maps, or copies or memoranda thereof,  
23 whether written or oral, filed by or received from the Energy Information  
24 Administration of the United States Department of Energy by the secretary of the  
25 Department of **Energy and** Natural Resources or any official or employee in the  
26 Department of **Energy and** Natural Resources if nondisclosure to any other person  
27 or public body was a requirement for obtaining same and the information could not  
28 otherwise be obtained by law from that agency; and to any records or information  
29 filed with or received by the secretary of the Department of **Energy and** Natural

1 Resources or any official or employee in the Department of **Energy and** Natural  
 2 Resources from any person who is required by federal law to supply same to the state  
 3 which information is not available to the public under federal law. Statistical reports  
 4 which do not reveal, directly or by inference, the identity of the individual sources  
 5 of the information compiled by the Department of Energy may be released to the  
 6 public by the secretary of the Department of **Energy and** Natural Resources.

7 \* \* \*

8 Section 18. R.S. 47:301(10)(gg) and (18)(p), 633(7)(c)(iii)(bb), (iv)(aa), (bb), and  
 9 (cc) and (d), (9)(d)(i) and (iii), the introductory paragraph of 633.4(B)(1), 633.5(A), the  
 10 introductory paragraph of 648.2(1), 648.3, 1508(B)(9), 1515.2, 1989(C)(2)(a)(vi)(cc), and  
 11 6035(D) are hereby amended and reenacted to read as follows:

12 §301. Definitions

13 As used in this Chapter, the following words, terms, and phrases have the  
 14 meanings ascribed to them in this Section, unless the context clearly indicates a  
 15 different meaning:

16 \* \* \*

17 (10)(a)(i) \* \* \*

18 \* \* \*

19 (gg) For purposes of sales and use tax imposed by the state under R.S.  
 20 47:302, 321, and 331 or any political subdivision of the state, the term "sale at retail"  
 21 shall not include the sale of anthropogenic carbon dioxide for use in a qualified  
 22 tertiary recovery project approved by the assistant secretary of the office of  
 23 conservation of the Department of **Energy and** Natural Resources pursuant to R.S.  
 24 47:633.4.

25 \* \* \*

26 (18)(a)(i) \* \* \*

27 (p) Solely for purposes of sales and use tax imposed by the state under R.S.  
 28 47:302, 321, and 331 or any political subdivision of the state, the term "use" shall not  
 29 mean or include the purchase, importation, storage, distribution or exercise of any

1 right or power over anthropogenic carbon dioxide used in a qualified tertiary  
2 recovery project approved by the assistant secretary of the office of conservation of  
3 the Department of **Energy and** Natural Resources pursuant to R.S. 47:633.4.

4 \* \* \*

5 §633. Rates of tax

6 The taxes on natural resources severed from the soil or water levied by R.S.  
7 47:631 shall be predicated on the quantity or value of the products or resources  
8 severed and shall be paid at the following rates:

9 \* \* \*

10 (7)(a) \* \* \*

11 (c)(i)(aa) \* \* \*

12 (iii) \* \* \*

13 (bb) Payout of well cost shall be the cost of completing the well to the  
14 commencement of production as determined by the Department of **Energy and**  
15 Natural Resources.

16 (iv) \* \* \*

17 (aa) To qualify for inactive or orphan well status for purposes of the special  
18 rate referenced in this Item, an application for inactive or orphan well certification  
19 shall be made to the Department of **Energy and** Natural Resources during the period  
20 beginning July 1, 2018, and ending June 30, 2023. Upon certification that a well is  
21 inactive or orphan, production shall be subject to the special rate as provided in this  
22 Item from the date production begins or ninety days from the date of the application,  
23 whichever occurs first. If, in any one fiscal year, the secretary of the Department of  
24 Revenue estimates that the severance tax paid under the provisions of this Item will  
25 be in excess of fifteen million dollars, the secretary shall notify the commissioner of  
26 conservation who shall not certify inactive or orphan well status for any other wells  
27 for the remainder of that fiscal year. Such certifications may begin again after the  
28 beginning of the next fiscal year.

29 (bb) If the severance tax is paid at the full rate provided by this Section



1 before the Department of **Energy and** Natural Resources approves an application for  
2 inactive or orphan well status, the operator is entitled to a credit against taxes  
3 imposed by this Section in an amount equal to the tax paid. To receive a credit, the  
4 operator must apply to the secretary of the Department of Revenue for the credit not  
5 later than the first anniversary after the date the Department of **Energy and** Natural  
6 Resources certifies that the well is an inactive or orphan well.

7 (cc) Notwithstanding any provision of law to the contrary, oil production  
8 from any orphan well as defined by R.S. 30:88.2(A) that is undergoing or has  
9 undergone well enhancements that required a Department of **Energy and** Natural  
10 Resources permit, including but not limited to re-entries, workovers, or plugbacks,  
11 from which production commences on or after October 1, 2021, and before June 30,  
12 2031, shall be exempt from the severance tax. To qualify for the exemption, an  
13 application for certification shall be made to the Department of **Energy and** Natural  
14 Resources. Upon certification that a well qualifies for the exemption, the operator  
15 shall retain an amount equal to the severance tax otherwise due for the initial three  
16 months of the exemption. Beginning in the fourth month following certification, the  
17 operator shall report, on forms prescribed by the secretary, and remit to the  
18 Department of Revenue an amount equal to the severance tax applicable to the well  
19 pursuant to this Paragraph, which shall be credited to the associated site-specific trust  
20 account provided for in R.S. 30:88.2 and shall be subject to all due date, interest, and  
21 penalty provisions applicable to the oil severance tax.

22 (d) There shall be an exemption from severance tax as provided in this  
23 Subparagraph for production from any horizontally drilled well, or, on any  
24 horizontally drilled recompletion well, from which production occurs on or after July  
25 1, 2015. The exemption shall last for a period of twenty-four months or until payout  
26 of the well cost is achieved, whichever comes first. For the purposes of this Section  
27 "horizontal drilling" shall mean high angle directional drilling of bore holes with  
28 fifty to three thousand plus feet of lateral penetration through productive reservoirs  
29 and "horizontal recompletion" shall mean horizontal drilling in an existing well bore.

1 Payout of well cost shall be the cost of completing the well to the commencement  
2 of production as determined by the Department of **Energy and** Natural Resources.

3 \* \* \*

4 (9)(a)(i) \* \* \*

5 (d)(i) The gas tax rate provided in Subparagraph (a) of this Paragraph shall  
6 be adjusted annually on July first for the ensuing twelve calendar months as  
7 hereinafter set forth but shall never be less than seven cents per thousand cubic feet.  
8 On or before April 30, 1991, and annually thereafter, the secretary shall determine,  
9 using the "gas base rate adjustment" as hereinafter provided, the new gas tax rate for  
10 the twelve calendar months beginning July 1, 1991, and respectively for each  
11 twelve-month period beginning annually thereafter. The new gas tax rate shall be the  
12 rate provided in Subparagraph (a) of this Paragraph multiplied by the gas base rate  
13 adjustment. The "gas base rate adjustment" shall be determined by the secretary of  
14 the Department of **Energy and** Natural Resources. The "gas base rate adjustment"  
15 for the applicable twelve-month period is a fraction, the numerator of which shall be  
16 the average of the New York Mercantile Exchange (NYMEX) Henry Hub settled  
17 price on the last trading day for the month, as reported in the Wall Street Journal for  
18 the previous twelve-month period ending on March thirty-first, and the denominator  
19 of which shall be the average of the monthly average spot market prices of gas fuels  
20 delivered into the pipelines in Louisiana as reported by the Natural Gas Clearing  
21 House for the twelve-month period ending March 31, 1990 (1.7446 \$/MMBTU). For  
22 the twelve-month period ending March 31, 2003, the monthly average gas prices  
23 used in making the numerator of the "gas base rate adjustment", the average gas  
24 prices for the months April, 2002 through September, 2002 shall be the monthly  
25 average spot market price of gas fuels delivered into the pipelines into Louisiana as  
26 reported in the Natural Gas Clearing House, and the average gas prices for the  
27 months October, 2002 through March, 2003 shall be the New York Mercantile  
28 Exchange (NYMEX) Henry Hub settled price on the last trading day for the month,  
29 as reported in the Wall Street Journal. The secretary of the Department of Revenue

1 shall publish the "gas base rate adjustment" and the "gas tax rate", as determined  
 2 under this Subparagraph in the official journal of the state of Louisiana by May first  
 3 of each year and shall provide the "gas base rate adjustment" and the "gas tax rate"  
 4 to affected producers by written notice mailed sixty days prior to the effective date  
 5 thereof, but failure to make such publication or to give such notice shall not be a  
 6 condition for the new gas tax rate which shall nevertheless be effective.

7 \* \* \*

8 (iii) If the base data of the NYMEX Henry Hub average monthly gas price  
 9 is substantially revised, the secretary of the Department of **Energy and** Natural  
 10 Resources shall make appropriate adjustment to insure that the "gas base rate  
 11 adjustment" is reasonably consistent with the result which would have been attained  
 12 had such substantial revision not been made. If the secretary is unable to make  
 13 reasonable changes sufficient to insure a consistent result, the "gas tax rate" shall  
 14 remain that last established under this Subparagraph until a comparable method for  
 15 determining the "gas tax rate" is adopted by the legislature.

16 \* \* \*

17 §633.4. Tertiary recovery incentive

18 \* \* \*

19 B.(1) In order to accomplish the purposes set forth in Subsection A of this  
 20 Section, no severance tax shall be due in regard to production from a qualified  
 21 tertiary recovery project approved by the assistant secretary of the office of  
 22 conservation of the Department of **Energy and** Natural Resources until such project  
 23 has reached payout from total production of:

24 \* \* \*

25 §633.5. Produced water injection incentive

26 A. The office of water resources of the Department of Environmental Quality  
 27 was directed by R.S. 30:2074(C) to act in conjunction with the Department of  
 28 **Energy and** Natural Resources to conduct a risk analysis of the discharge of  
 29 produced waters, excluding cavern leach waters, from oil and gas activities onto the

1 ground and into the surface waters in the coastal wetlands of the state, and to  
 2 examine the environmental risks and the economic impact on the oil and gas industry  
 3 if the discharge was to be prohibited. The risk analysis was not properly conducted  
 4 as directed, however, and the Department of Environmental Quality did in fact  
 5 prohibit the discharge of produced water into the surface waters of the state by rules  
 6 promulgated and which became effective on March 20, 1991.

7 \* \* \*

8 §648.2. Definitions

9 Unless the context otherwise requires, the words defined in this Section have  
 10 the following meaning when found in this Part:

11 (1) A "certified new discovery oil and natural gas well" is one designated as  
 12 such by the Department of **Energy and** Natural Resources after determining that:

13 \* \* \*

14 §648.3. Severance tax suspension on production from certified new discovery oil  
 15 and natural gas wells

16 All severance taxes on production from certified new discovery oil and  
 17 natural gas wells are hereby suspended from the date of completion for a period of  
 18 twenty-four months or until recovery of payout of the well cost, whichever comes  
 19 first. Payout of the well cost shall be determined by the Department of **Energy and**  
 20 Natural Resources.

21 \* \* \*

22 §1508. Confidentiality of tax records

23 \* \* \*

24 B. Nothing herein contained shall be construed to prevent:

25 \* \* \*

26 (9) The furnishing, in the discretion of the secretary, of severance tax  
 27 information to the Department of **Energy and** Natural Resources to be used solely  
 28 for the coordination and verification of revenue and production data relative to  
 29 mineral resources produced within the state. Any information so furnished shall be

1 considered and held confidential and privileged by the Department of **Energy and**  
2 Natural Resources to the same extent as heretofore provided.

3 \* \* \*

4 §1515.2. Authority to collect fees; office of conservation

5 A. The secretary of the Department of Revenue is hereby authorized to enter  
6 into an agreement with the Department of **Energy and** Natural Resources, office of  
7 conservation, at the request of the commissioner of conservation, to collect fees  
8 assessed by the office of conservation.

9 B. The agreement between the Department of Revenue and the Department  
10 of **Energy and** Natural Resources, office of conservation shall be executed by the  
11 secretary of the Department of Revenue and the commissioner of conservation. The  
12 agreement shall provide the manner of collection, the fees to be collected, and the  
13 costs of collection, if any, to be paid by the office of conservation, and such other  
14 terms and conditions necessary to effectuate the agreement.

15 \* \* \*

16 §1989. Review of appeals by tax commission

17 \* \* \*

18 C.(1) \* \* \*

19 (2)(a)(i) \* \* \*

20 (vi) Nothing in this Subparagraph shall be construed to limit any of the  
21 following otherwise admissible data, guides, and resources that are publicly  
22 accessible:

23 \* \* \*

24 (cc) Public records of the Department of **Energy and** Natural Resources  
25 including but not limited to data from the Strategic Online Natural Resource  
26 Information System (SONRIS).

27 \* \* \*

28 §6035. Tax credit for investments in qualified clean-burning motor vehicle fuel  
29 property

\* \* \*

D. The secretary of the Department of Revenue in consultation with the secretary of the Department of **Energy and** Natural Resources shall promulgate rules and regulations in accordance with the Administrative Procedure Act as are necessary to implement the provisions of this Section.

\* \* \*

Section 19. R.S. 48:224(C) is hereby amended and reenacted to read as follows:

§224. Abandonment of highway; sale by department; acquisition by governing authority; ratification

\* \* \*

C. If the governing authority or authorities are unwilling to accept and maintain the highway or highway section to be abandoned, or in the event of the abandonment of any property acquired and used for right-of-way purposes, the realignment of which has been changed so as to make the right-of-way no longer needed for the original purpose, the secretary may at his discretion dispose of the property at either public or private sale. Private sale shall be limited to the original vendor of the property or his successors in title. If the sale is to the original vendor of the property, the consideration for the private sale shall be the original cost to the department or its appraised market value, whichever is greater. If the sale is to the successors in title to the original vendor, the consideration for the private sale shall be the present appraised value. If sold, notice of abandonment of the roadway shall be posted in accordance with Subsection E of this Section. If the property cannot be sold at either public or private sale, then abandonment may be accomplished as provided in Subsection E of this Section or transferred to the Department of **Energy and** Natural Resources, state lands section.

\* \* \*

Section 20. R.S. 49:74(A)(5)(b)(i)(aa)(VI), 191(12)(c), 214.5.1(B)(2), 214.6.2(C)(1) and (D)(8), 214.8.6(B)(4), 214.23(12), 214.24(D), 214.25(C), 214.26(A)(1), 214.31(B), 214.33(B)(6), 214.36(J)(1)(a), 259(A) and (D), 330(A)(4), 966(B)(11), and 1053(C)(11) are

1 hereby amended and reenacted to read as follows:

2 §74. Registration of lobbyists with the ethics board; compilation of information

3 A. Each lobbyist shall register with the ethics board as soon as possible after  
4 employment as a lobbyist or after the first action requiring his registration as a  
5 lobbyist, whichever occurs first, and in any event not later than five days after  
6 employment as a lobbyist or not later than five days after the first action requiring  
7 his registration as a lobbyist, whichever occurs first. He shall electronically file with  
8 the ethics board, using forms provided by it, the following information:

9 \* \* \*

10 (5)(a) \* \* \*

11 (b) For the purposes of this Paragraph, the following terms shall have the  
12 following meanings:

13 (i) "Executive branch department head" means:

14 (aa) The secretary of each of the following departments of state government:

15 \* \* \*

16 (VI) The Department of **Energy and** Natural Resources.

17 \* \* \*

18 §191. Termination of legislative authority for existence of statutory entities; phase-  
19 out period for statutory entities; table of dates

20 Notwithstanding any termination dates set by any previous Act of the  
21 legislature, the statutory entities set forth in this Section shall begin to terminate their  
22 operations on July first of each of the following years, and all legislative authority  
23 for the existence of any statutory entity, as defined in R.S. 49:190, shall cease as of  
24 July first of the following year, which shall be the termination date:

25 \* \* \*

26 (12) July 1, 2024:

27 \* \* \*

28 (c) The Department of **Energy and** Natural Resources and all statutory  
29 entities made a part of the department by law.

\* \* \*

§214.5.1. Coastal Protection and Restoration Authority Board

\* \* \*

B. The Coastal Protection and Restoration Authority Board shall consist of the following members:

\* \* \*

(2) Secretary of the Department of **Energy and** Natural Resources or his designee.

\* \* \*

§214.6.2. Functions and responsibilities; coastal activities

\* \* \*

C. The authority shall:

(1) Receive all monies appropriated from the Coastal Protection and Restoration Fund to the Coastal Protection and Restoration Authority for implementation of all programs and projects contained in an annual plan developed by the Coastal Protection and Restoration Authority Board and approved by the legislature, except that the Department of **Energy and** Natural Resources, office of coastal management, shall receive any funds allocated in the annual plan for the coastal zone management program.

\* \* \*

D. The authority may:

\* \* \*

(8) Utilize the services of the Department of **Energy and** Natural Resources, office of management and finance, for accounting and budgetary control, procurement and contractual management, data processing, management and program analysis, and personnel management and grants management, provided that the secretary of the Department of **Energy and** Natural Resources shall exercise no authority over the provision of these services.

\* \* \*



1 §214.8.6. Annual basin plan

2 \* \* \*

3 B. As a part of the procedures to be followed by the director in the  
4 development of an annual basin plan, the chair of the board shall appoint a technical  
5 advisory group to review, evaluate, and approve all water management and water  
6 quality projects proposed for inclusion in an annual plan. The technical advisory  
7 group shall consist of the following appointments:

8 \* \* \*

9 (4) One member from the Department of **Energy and** Natural Resources.

10 \* \* \*

11 §214.23. Definitions

12 \* \* \*

13 (12) "Secretary" shall mean the secretary of the Department of **Energy and**  
14 Natural Resources or his designee.

15 \* \* \*

16 §214.24. Coastal zone boundary

17 \* \* \*

18 D. The secretary shall adopt a fully delineated inland boundary in accordance  
19 with the provisions of Subsection C of this Section, which boundary shall not depart  
20 appreciably from the boundary delineated therein. The secretary shall be authorized  
21 to amend the boundary as may be appropriate to follow the corporate limits of any  
22 municipality divided by the boundary. The boundary, as adopted, shall be clearly  
23 marked on large scale maps or charts, official copies of which shall be available for  
24 public inspection in the office of coastal management of the Department of **Energy**  
25 **and** Natural Resources and each local government in the coastal zone. The boundary  
26 shall also be available in an electronic format map available for viewing or download  
27 from the office of coastal management website.

28 §214.25. Types of uses

29 \* \* \*

1 C. The secretaries of the Departments of **Energy and** Natural Resources and  
 2 Wildlife and Fisheries are authorized to jointly develop for adoption by the secretary,  
 3 after notice and public hearing, rules for the further delineation of the types of uses  
 4 that have a direct and significant impact on coastal waters and that demonstrate a  
 5 need for coastal management, the classification of uses not listed herein, and for the  
 6 modification and change of the classifications of uses, provided that no changes shall  
 7 be made in the classifications of the uses listed in Subsection A.

8 \* \* \*

9 §214.26. Coastal management program; administration

10 A.(1) A coastal management program is hereby established within the  
 11 Department of **Energy and** Natural Resources. The secretary or his designee shall  
 12 administer the coastal management program.

13 \* \* \*

14 §214.31. Existing authority of certain state departments and local governments  
 15 retained

16 \* \* \*

17 B. Permits issued pursuant to existing statutory authority of the office of  
 18 conservation in the Department of **Energy and** Natural Resources for the location,  
 19 drilling, exploration and production of oil, gas, sulphur or other minerals shall be  
 20 issued in lieu of coastal use permits, provided that the office of conservation shall  
 21 coordinate such permitting actions pursuant to R.S. 49:214.32(B) and (D) and shall  
 22 ensure that all activities so permitted are consistent with the guidelines, the state  
 23 program and any affected local program.

24 \* \* \*

25 §214.33. Coordinated coastal permitting process

26 \* \* \*

27 B. To implement this intent, within one year of the effective date of this  
 28 Subpart, the secretary, local governments, and all other relevant governmental bodies  
 29 having such other regulatory jurisdiction or authority over uses of the coastal zone

1 shall in cooperation with one another and under the direction of the governor  
2 establish a coordinated coastal permitting process by means of binding interagency  
3 agreements wherein:

4 \* \* \*

5 (6) The coordinated coastal permitting process shall not affect the powers,  
6 duties, or functions of any governmental body particularly the Department of  
7 Wildlife and Fisheries and the Office of Conservation in the Department of **Energy**  
8 **and** Natural Resources.

9 \* \* \*

10 §214.36. Enforcement; injunction; penalties and fines

11 \* \* \*

12 J. The monies collected by the state under the provisions of this Section shall  
13 be deposited as follows:

14 (1) The monies collected by the secretary for violations relating to use of  
15 state concern shall be used for the following purposes only in the proportions stated:

16 (a) After deducting the costs to reimburse the Department of **Energy and**  
17 Natural Resources for the expenses incurred enforcing the provisions of this Subpart,  
18 seventy-five percent of the monies collected shall be placed in the Coastal Protection  
19 and Restoration Fund established in Article VII, Section 10.2 of the Constitution of  
20 Louisiana and used for projects that are consistent with Paragraph (O)(2) of this  
21 Section.

22 \* \* \*

23 §259. Department of Justice Legal Support Fund

24 A. There is hereby established in the state treasury a special fund to be known  
25 as the Department of Justice Legal Support Fund, hereinafter referred to as the  
26 "fund". The fund shall be comprised of proceeds recovered by the attorney general  
27 on behalf of the state from court judgments, settlements, fines, fees, forfeitures and  
28 penalties, from the recovery or award of any attorney fees as provided in R.S.  
29 42:262, or from proceeds recovered by the attorney general from any other source

1 which revenues are received by the attorney general for deposit into the fund, except  
 2 those judgments and recoveries made on or pertaining to any office of risk  
 3 management litigation, litigation involving the Department of **Energy and** Natural  
 4 Resources or the Department of Environmental Quality, or to the settlement funds,  
 5 judgments, or final disposition of the claims asserted in State of Louisiana v. BP  
 6 Exploration & Production, et al., consolidated with In Re: Oil Spill by the Oil Rig  
 7 "Deepwater Horizon" in the Gulf of Mexico, on April 20, 2010, MDL No. 2179  
 8 (E.D. La.) (hereinafter "DWH litigation"), as provided in Subsection D of this  
 9 Section.

10 \* \* \*

11 D. Notwithstanding the provisions of Subsection A of this Section, no  
 12 proceeds shall be deposited into the fund from court-awarded judgments and  
 13 settlements involving the Department of **Energy and** Natural Resources as specified  
 14 in R.S. 30:136.3(B)(1), nor any judgments, settlements, or recoveries which are  
 15 designated for credit to the Hazardous Waste Site Cleanup Fund, the Environmental  
 16 Trust Dedicated Fund Account, or any other funds administered by the Department  
 17 of Environmental Quality under the Environmental Quality Act. Notwithstanding the  
 18 provisions of Subsection A of this Section, no proceeds shall be deposited into the  
 19 fund from court-awarded judgments and settlements involving the Department of  
 20 Transportation and Development. Notwithstanding the provisions of Subsection A  
 21 of this Section, no proceeds shall be deposited into the fund from judgments,  
 22 settlements, or recoveries arising from the DWH litigation, including but not limited  
 23 to litigation expenses, assessment costs, court costs or attorney fees.

24 \* \* \*

25 §330. Mineral Income Advisory Committee; mineral revenue contracts by state  
 26 treasurer

27 A.(1) The Mineral Income Advisory Committee is hereby created. The  
 28 committee shall be composed of the following members:

29 \* \* \*

1 (4) The secretary of the Department of **Energy and** Natural Resources, the  
2 secretary of the Department of Revenue, the commissioner of administration, and the  
3 state treasurer shall be available to the committee for the research relative to mineral  
4 revenue contracts as provided for in this Section.

5 \* \* \*

6 §966. Review of agency rules; fees

7 \* \* \*

8 B.

\* \* \*

9 (11) The Department of **Energy and** Natural Resources and all of the  
10 agencies made a part of it shall submit the report to the House Committee on Natural  
11 Resources and Environment and the Senate Committee on Natural Resources.  
12 However, for exercises of the commissioner of conservation's rulemaking authority  
13 pursuant to Chapter 13-A-1 of Title 38 of the Louisiana Revised Statutes of 1950,  
14 the department shall submit the report to the House Committee on Natural Resources  
15 and Environment and the Senate Committee on Environmental Quality.

16 \* \* \*

17 §1053. Louisiana Geographic Information Systems Council; creation; membership;  
18 quorum; domicile

19 \* \* \*

20 C. The council shall be composed of the following members:

21 \* \* \*

22 (11) A representative of the Department of **Energy and** Natural Resources,  
23 appointed by the secretary.

24 \* \* \*

25 Section 21. R.S. 51:1601(H), 1602(3), (5), (8), (13), and (15), the introductory  
26 paragraph of 1603, 1603(7)(c), and 1605(B)(12) through (15) are hereby amended and  
27 reenacted to read as follows:

28 §1601. Findings, policy and procedure

29 The legislature finds and declares that:

\* \* \*

H. The public interest of the state in avoiding or ameliorating the effects of the conversion of the state's industrial and powerplant fuel requirements from natural gas and petroleum to coal or other alternate fuels can best be served by granting to the Department of **Energy and** Natural Resources primary state governmental responsibility for intervening on behalf of the state with the United States Department of Energy in the implementation and administration of the Powerplant and Industrial Fuel Use Act of 1978, and authorizing the department to implement such measures within the state as may postpone untimely implementation of federal laws and regulations and further, where use of or conversion to coal or other alternate fuel is mandated, to take such measures as may be required to insure that mandated future use and conversion proceeds in an orderly fashion and with a minimum of adverse economic effect upon the state and to the maximum extent possible take measures to insure that natural gas affected by this conversion be retained within the state of Louisiana.

§1602. Definitions

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

\* \* \*

(3) "Department of **Energy and** Natural Resources" or "Department" means the Department of **Energy and** Natural Resources of the state of Louisiana.

\* \* \*

(5) "Exemptions" as used in this Chapter shall mean those criteria established through rules and regulations of the Department of **Energy and** Natural Resources, in accordance with federal law and in coordination with the rules of applicable federal agencies to permit a powerplant or industry, when feasible or in the best interest of the state, to postpone or avoid untimely use of coal or other alternate fuel or conversion of its fuel base from natural gas or petroleum to coal or other alternate

1 fuel.

2 \* \* \*

3 (8) "Revenues" include fees, proceeds, moneys, receipts, and income derived  
4 for the account of the Department of **Energy and** Natural Resources in connection  
5 with any revenue bond project or arising from such project.

6 \* \* \*

7 (13) "Secretary of Natural Resources" or "Secretary" means the secretary of  
8 the Department of **Energy and** Natural Resources of the state of Louisiana or such  
9 persons as he may authorize to act for him as provided in R.S. 51:1603.

10 \* \* \*

11 (15) "State Plan" means a program or plan of the state of Louisiana planned,  
12 prepared, established, and administered by the Department of **Energy and** Natural  
13 Resources to implement the intent and purposes of this Chapter.

14 \* \* \*

15 §1603. Jurisdiction, powers, and responsibilities

16 The Department of **Energy and** Natural Resources, acting through the  
17 secretary, shall administer this Chapter. The secretary may authorize officers or  
18 employees of the department to administer the provisions of this Chapter, subject to  
19 the overall direction and supervision of the secretary. The secretary shall have the  
20 following duties and powers and is authorized, empowered, and, as applicable,  
21 required to:

22 \* \* \*

23 (7)(a) \* \* \*

24 (c) In establishing and implementing such state plan, the secretary may make  
25 rules and regulations; construct and operate support facilities, whether through the  
26 department or by contract with licensees under this Chapter or other third parties;  
27 issue licenses to persons to construct, operate, and own support facilities; coordinate  
28 such state plan with the federal government and its jurisdictional agencies; grant  
29 exemptions to conversion requirements under conditions stated in rules and

1 regulations promulgated by the Department of **Energy and** Natural Resources in  
2 accordance with the Powerplant and Industrial Fuel Use Act of 1978 and other  
3 applicable federal law and regulation; issue bonds; and do such other things as are  
4 necessary to establish the state plan within the intent and purposes of this Chapter.

5 \* \* \*

6 §1605. Bonds; procedure for issuance

7 \* \* \*

8 B.

\* \* \*

9 (12) Limited liability of the state. The revenue bonds shall be limited  
10 obligations of the state. The principal of and interest on the revenue bonds shall not  
11 be payable by the secretary personally or from funds of the Department of **Energy**  
12 **and** Natural Resources nor shall they constitute a pledge, charge, lien, or  
13 encumbrance upon any revenues except the revenues, agreements, and funds pledged  
14 under the resolution or trust agreement authorizing such bonds. Neither the credit nor  
15 the taxing power of the state shall be pledged for the payment of such principal or  
16 interest, and no holder of revenue bonds shall have the right to compel the exercise  
17 of the taxing power by the state or the forfeiture of its property in connection with  
18 any default thereon. Every revenue bond shall recite in substance that the principal  
19 of and interest on such bond is payable solely from the revenues pledged to its  
20 payment and that the Department of **Energy and** Natural Resources is not obligated  
21 to pay such principal or interest except from such revenues. The face of each interest  
22 coupon shall bear a statement to the effect that such coupon is payable solely from  
23 certain revenues as set forth in the bond to which such coupon pertains. The revenue  
24 bonds issued under the provisions of this Section shall not constitute a debt of this  
25 state or of the Department of **Energy and** Natural Resources and the state shall not  
26 be liable thereon.

27 (13) Proceeds and revenues to be deposited in separate funds. Subject to  
28 agreements with the holders of revenue bonds, all proceeds of revenue bonds and all  
29 revenue pledged under a resolution or trust agreement authorizing or securing such



1 bonds shall be set aside as received and shall be deposited and held in trust by a  
2 trustee appointed by the secretary of natural resources in a fund or funds separate and  
3 apart from all other funds of the Department of **Energy and** Natural Resources.  
4 Subject to the resolution or trust agreement, the trustee shall hold the same for the  
5 benefit of the holders of the bonds for the application and disposition thereof solely  
6 to the respective uses and purposes provided in such resolution or trust agreement.

7 (14) Agreement required prior to delivery of revenue bonds. Prior to the  
8 delivery of revenue bonds under this Section the secretary of natural resources may  
9 enter into an agreement or agreements with one or more licensees to lease, sublease,  
10 operate, construct, or otherwise utilize the support facilities which constitute the  
11 revenue project or enter into a loan or other financing agreement with one or more  
12 licensees providing that the licensee will construct, operate, and maintain the revenue  
13 bond project or projects. Any such agreement shall set forth the rights, duties, and  
14 obligations of the parties thereto; provide for the completion of the revenue bond  
15 project or projects from bond proceeds or other sources; provide that neither the state  
16 nor the Department of **Energy and** Natural Resources shall have any liability or  
17 responsibility whatsoever for any loss or damage arising out of the acquisition,  
18 construction, operation, and maintenance of such project or projects, and also shall  
19 provide for the payment to the Department of **Energy and** Natural Resources of such  
20 rentals, installment payments, or other moneys as will be sufficient to pay the  
21 principal of and interest on the revenue bonds issued to finance the revenue bond  
22 project or projects and build up and maintain any reserves deemed advisable in  
23 connection therewith. This agreement shall be made upon such other terms and  
24 conditions and for such time as may be determined by the secretary of natural  
25 resources and may contain provisions authorizing the sale, resale, lease, sublease,  
26 operation, usage, or purchase of the entire revenue bond project, or any portion  
27 thereof, for such consideration and upon such terms and conditions as the secretary  
28 of natural resources may determine.

29 (15) Construction of Section. The powers and rights conferred by this Section

1 shall be in addition and supplemental to the powers and rights conferred by any other  
 2 general or special law. This Section does and shall be construed to provide a  
 3 complete method for doing the things authorized thereby. Neither the making of  
 4 contracts nor the issuance of revenue bonds or refunding revenue bonds or other  
 5 obligations pursuant to the provisions of this Section need comply with the  
 6 requirements of any other state law applicable to the making of contracts and the  
 7 issuance of the revenue bonds or other obligations for the financing of any revenue  
 8 bond project or projects undertaken pursuant to this Section, except herein provided.  
 9 The secretary of natural resources acting through the State Bond Commission and  
 10 in accordance with R.S. 39:1403 is vested with and is hereby granted the right,  
 11 power, and authority to do, perform, and exercise for the behalf of the Department  
 12 of **Energy and** Natural Resources all acts and things required to be done and  
 13 performed in connection with the authorization and issuance of revenue bonds under  
 14 this Section. No proceedings, notice, or approval shall be required for the issuance  
 15 of any revenue bonds or any instrument as security therefor, except as provided in  
 16 this Section. The provisions of this Section shall be liberally construed for the  
 17 accomplishment of its purposes.

18 \* \* \*

19 Section 22. R.S. 56:4, 301.10(E)(2) and (3), 421(B)(3) and (E)(4), 432.1(C)(2),  
 20 494(E)(2) and (3), 700.11(4) and (7), 700.13(A), 796(B)(1)(p), 1431(E), 1808(A),  
 21 1932(A)(6), 1933(A)(1)(g), and 2011(E) are hereby amended and reenacted to read as  
 22 follows:

23 §4. Authority of Department of **Energy and** Natural Resources over navigable water  
 24 bottoms

25 Nothing in this Title and particularly in Section 3 of this Part affects in any  
 26 way the authority of the Louisiana Department of **Energy and** Natural Resources to  
 27 lease or otherwise administer the beds and bottoms of navigable rivers, streams,  
 28 bayous, lagoons, lakes, bays, sounds, and inlets bordering on or connecting with the  
 29 Gulf of Mexico within the territory or jurisdiction of the state, as established by law

1 and regulations promulgated thereunder.

2 \* \* \*

3 §301.10. Louisiana Finfish Task Force

4 \* \* \*

5 E. The task force is hereby charged with responsibility to do the following:

6 \* \* \*

7 (2) Provide for the study of the decline in finfish marketability and market  
8 price, provide for the study of the impacts of imported finfish on the domestic  
9 market, assist in the development of a state finfish inspection program, assist in the  
10 development of a Louisiana finfish certification and branding program, and make  
11 recommendations to the Wildlife and Fisheries Commission, the Department of  
12 Wildlife and Fisheries, the Department of **Energy and** Natural Resources, the  
13 Department of Agriculture and Forestry, and the Louisiana Department of Health for  
14 implementation of policies to help enhance the domestic finfish industry.

15 (3) Make recommendations with respect to issues pertaining to the finfish  
16 industry and finfish production to the various state agencies charged with  
17 responsibility for differing elements of the finfish industry in this state, including the  
18 Department of Wildlife and Fisheries, the Department of **Energy and** Natural  
19 Resources, the Coastal Protection and Restoration Authority, the Louisiana  
20 Department of Health, the Department of Agriculture and Forestry, and the  
21 legislature.

22 \* \* \*

23 §421. Oyster Task Force

24 \* \* \*

25 B. The task force shall be composed as follows:

26 \* \* \*

27 (3) One member appointed by the secretary of the Department of **Energy and**  
28 Natural Resources.

29 \* \* \*

1 E. The task force is hereby charged with responsibility to do the following:

2 \* \* \*

3 (4) Make recommendations with respect to issues pertaining to the oyster  
4 industry and oyster production to the various state agencies charged with  
5 responsibility for differing elements of the oyster industry in this state, including the  
6 Department of Wildlife and Fisheries, the Department of **Energy and** Natural  
7 Resources, and the Coastal Protection and Restoration Authority Board, the Coastal  
8 Protection and Restoration Authority, the Louisiana Department of Health, the  
9 governor's executive assistant for coastal activities, and the legislature.

10 \* \* \*

11 §432.1. Oyster Lease Acquisition and Compensation Program

12 \* \* \*

13 C. A leaseholder whose lease is acquired in whole or in part may seek an  
14 administrative hearing through the Coastal Protection and Restoration Authority as  
15 to whether the acquisition due to the impact of dredging, direct placement of dredged  
16 or other materials, or other work or activities necessary for the construction or  
17 maintenance of a project for integrated coastal protection is proper or whether the  
18 compensation issued by the Coastal Protection and Restoration Authority satisfies  
19 the rules or regulations of that department. A leaseholder whose lease is not acquired  
20 but which was impacted by dredging, direct placement of dredged or other materials,  
21 or other work or activities necessary for the construction or maintenance of a project  
22 for integrated coastal protection has occurred, may also seek an administrative  
23 hearing through the Coastal Protection and Restoration Authority to determine if  
24 acquisition of such acreage would be proper. Adjudication under this Section shall  
25 be conducted in accordance with the following:

26 \* \* \*

27 (2) Adjudication under this Section shall be conducted in accordance with  
28 Chapter 13-B of Title 49 of the Louisiana Revised Statutes of 1950, and pursuant to  
29 the rules and regulations promulgated by the Department of **Energy and** Natural

1 Resources after consideration of recommendations by the Louisiana Oyster Task  
2 Force. The administrative law judge shall consider any reasonably confirmable data  
3 or information provided to that department by the leaseholder or any other person on  
4 or before the date of the administrative review.

5 \* \* \*

6 §494. Louisiana Shrimp Task Force

7 \* \* \*

8 E. The task force is hereby charged with responsibility to do the following:

9 \* \* \*

10 (2) Provide for the study of the decline in shrimp marketability and market  
11 price, provide for the study of the impacts of imported shrimp on the domestic  
12 market, assist in the development of a state shrimp inspection program, assist in the  
13 development of a Louisiana shrimp certification and branding program, and make  
14 recommendations to the Wildlife and Fisheries Commission and the Department of  
15 Wildlife and Fisheries, the Department of **Energy and** Natural Resources, the  
16 Department of Agriculture and Forestry, and the Louisiana Department of Health for  
17 implementation of policies to help enhance the domestic shrimp industry.

18 (3) Make recommendations with respect to issues pertaining to the shrimp  
19 industry and shrimp production to the various state agencies charged with  
20 responsibility for differing elements of the shrimp industry in this state, including the  
21 Department of Wildlife and Fisheries, the Department of **Energy and** Natural  
22 Resources, and the Coastal Protection and Restoration Authority, the Louisiana  
23 Department of Health, the Department of Agriculture and Forestry, and the  
24 legislature.

25 \* \* \*

26 §700.11. Definitions

27 As used in this Part, unless the context requires otherwise, the terms set forth  
28 below shall have the following meanings:

29 \* \* \*

1 (4) "Department" means the Department of **Energy and** Natural Resources.

2 \* \* \*

3 (7) "Secretary" means the secretary of the Department of **Energy and** Natural  
4 Resources, or his designee.

5 \* \* \*

6 §700.13. Establishment of the board

7 A. There is hereby established within the office of the secretary of the  
8 Department of **Energy and** Natural Resources the Oyster Lease Damage Evaluation  
9 Board, hereinafter known as the board.

10 \* \* \*

11 §796. Lake Fausse Point, Lake Dauterive, and Grand Avoille Cove Advisory Board

12 \* \* \*

13 B.(1) The commission is comprised as follows:

14 \* \* \*

15 (p) The lieutenant governor, the secretary of the Department of Wildlife and  
16 Fisheries, and the secretary of the Department of **Energy and** Natural Resources  
17 may each designate an individual to serve as a nonvoting member of the board.

18 \* \* \*

19 §1431. Bayou Liberty; clearing; expropriation prohibited

20 \* \* \*

21 E. Subject to conditions stated herein, the Department of **Energy and** Natural  
22 Resources is hereby authorized to purchase property along that portion of Bayou  
23 Liberty from its headwaters to U.S. Hwy. 190 to be used as conservation easements.  
24 The purchase of property for conservation easements shall only be authorized if and  
25 when funding for such purchase is appropriated for that purpose by the legislature.

26 \* \* \*

27 §1808. Functions and duties of state agencies

28 A. The Department of Wildlife and Fisheries, the office of tourism and  
29 promotion, the Department of Transportation and Development, the Department of



1 private landowner, state agency, political subdivision, or associated consultant or  
 2 contractor shall be required to apply for and receive the appropriate license required  
 3 by this Section. To be eligible for exemption from the royalty payment and bond  
 4 requirements of this Section, a private landowner shall obtain a letter of no-objection  
 5 from either the governing authority of the political subdivision within which the  
 6 activity will occur or the local coastal management program under which the activity  
 7 is authorized, and the approval, in writing, of the secretary of the Department of  
 8 **Energy and** Natural Resources, the secretary of the Department of Transportation  
 9 and Development, and the executive director of the Coastal Protection and  
 10 Restoration Authority.

11 \* \* \*

12 Section 23. The introductory paragraph of Code of Civil Procedure Art. 1552 and  
 13 1563(A)(2) and (B) are hereby amended and reenacted to read as follows:

14 Art. 1552. Environmental management orders

15 Upon the request of any party in any civil action alleging environmental  
 16 damage pursuant to R.S. 30:29, or the Department of **Energy and** Natural  
 17 Resources, office of conservation, the court shall direct the attorneys for the parties  
 18 to appear before the court to develop an environmental management order. The  
 19 environmental management order shall authorize all parties to access the property  
 20 allegedly impacted to perform inspections and environmental testing. The order shall  
 21 require that all test results be submitted to all parties and the Department of **Energy**  
 22 **and** Natural Resources, office of conservation, within thirty days of receipt thereof.  
 23 Failure by a party to provide the results of testing to the other parties shall preclude  
 24 that party from admitting those results into evidence in the civil action. The  
 25 environmental management order shall include reasonable terms for all of the  
 26 following:

27 \* \* \*

28 Art. 1563. Limited admission of liability in environmental damage lawsuits; effect

29 A.(1) \* \* \*





(intro para), 4(D)(1)(d), (2), and (3)(a)(ii), (G), (M)(6)(b), (N)(1) and (5) and (N)(5), 4.1(B) (intro para), 21.2, 23(D)(1), 25(A)(2), (3), and (7), 26(A), 29(A), (B)(1), and (C)(3)(b)(i), 73(1), 81(B), 82(1), (4), and (13), 83(A), (B)(1), (F)(5), and (H), 86(E)(1) and (7), 89.1, 91(B)(2)(c), 95(D), 101.2(A), 101.3(2), (4), and (7), 101.4(A), 101.13(B)(3) and (C)(4), 121(A) and (C), 124(A), 126(B)(3), 132, 135, 136(A)(1)(a), 136.3(D), 142(E)(1)(a), 143(C), (D)(1), (2), (4), and (6), (E), and (F), 144(A) (intro para), 150(A), (B)(7), (D), (F)(2), and (H), 206, 209(4)(b), 212(A), 215(A), 216(C)(2), 401, 503(1), 546(A) (intro para), 702(1), 723(G), 731(1), 904(5) and (20), 905(A) and (B)(9), 905.1(A), 953(C), 962(2), 963(A), 1103(7), 1105(B), 1109(F), 1152(A) (intro para), 1154(A) (intro para), 1154(A)(9)(a) (intro para), 1202(8), 1354(6), 1401(B) and (C), 1402(B) and (D), 2004(12)(a), 2011(D)(20), 2015.1(L), 2035(B)(2), 2074(C) and (E), 2248(C)(1), 2397, 2458(A)(4), 2459(A) and (D), 2460(A)(14), 2469(E), 2495, and 2575(D), R.S. 31:149(A), R.S. 32:1511 and 1513.1(A), R.S. 33:1236(56), 1236.25(C), 1236.27, 1419.1(C), 1419.2(1) (intro para) and 1419.2(6), 1419.3, 1419.4(A) and (D)(1), 1419.5(1) and (4), 1419.6(A), (B), D, and (E), 4064.4(E) and (J), 4065.3(E) and (I), 4522, 4523, 4524, 4526, and 4546.21(B), R.S. 34:3116(B) and 3304(B), R.S. 36:4(A)(7), 8.1(C)(11), 351(A), (B), and (C)(1), 353, 354(A)(13), (B)(1)(b), (4), (6), and (8), 356(A) and (B), 357(A), 358(A), 359(A) (intro para), B(intro para), (B)(1) and (2), and (C), 629(J)(2)-(8), and 957(A), R.S. 37:711.4(E), 1377(K)(1), and 3151(1), R.S. 38:25(A), 327(F), 3087.134(E)(5), 3092(7), 3097.3(B), 3098.2 (heading), 3098.6(A) (intro para), and 3098.6(A)(2), R.S. 39:99.29(A), 253(A)(2), 2007(D)(1), and 2177(D), R.S. 40:1730.22(F), 1730.28.4(B)(1), 1892, 1893, and 1894, R.S. 41:642(A)(2)(b) and (B), 1602(B)(1), 1701.1(C) and (D), 1702(D)(1) and (2)(a)(i), (ii) (intro para), (H) and (I), 1703(B), 1712(D), 1731, 1732(A), 1733(B) and (C), 1734(A) (intro para), R.S. 42:1113(D)(1)(a)(ii)(hh) and (6)(f), 1124(A)(2)(f), and 1266(C)(1)(f), R.S. 44:4(10), R.S. 47:301(10)(gg) and (18)(p), 633(7)(c)(iii)(bb), (iv)(aa), (bb), and (cc), and (d), (9)(d)(i) and (iii), 633.4(B) (intro para), (B)(1), 633.5(A), 648.2(1) (intro para), 648.3, 1508(B)(9), 1515.2, 1989(C)(2)(a)(vi)(cc), and 6035(D), R.S. 48:224(C), R.S. 49:74(A)(5)(b)(i)(aa)(VI), 191(12)(c), 214.5.1(B)(2), 214.6.2(C)(1) and (D)(8), 214.8.6(B)(4), 214.23(12), 214.24(D), 214.25(C), 214.26(A)(1), 214.31(B), 214.33(B)(6), 214.36(J)(1)(a), 259(A) and (D), 330(A)(4), 966(B)(11), and 1053(C)(11), R.S. 51:1601(H), 1602(3), (5), (8), (13), and (15), 1603 (intro para), 1603(7)(c), and 1605(B)(12)-(15), R.S. 56:4, 301.10(E)(2) and (3), 421(B)(3) and (E)(4), 432.1(C)(2), 494(E)(2) and (3), 700.11(4) and (7), 700.13(A), 796(B)(1)(p), 1431(E), 1808(A), 1932(A)(6), 1933(A)(1)(g), and 2011(E), and C.C.P. Art. 1552 (intro para) and 1563(A)(2) and (B))