

2025 Regular Session

SENATE BILL NO. 244 (Substitute of Senate Bill No. 193 by Senator Hensgens)

BY SENATOR HENSGENS

NATURAL RESOURCES DEPT. Provides for the Dept. of Energy and Natural Resources.
(8/1/25)

1 AN ACT

2 To amend and reenact R.S. 30:1(A), (B), and (C), 3(3), (6), (7), (9), and (18), 4(A), (B),

3 introductory paragraph of (C), (C)(1)(a)(v) and (b), (14), (16)(b), (17)(b),

4 introductory paragraph of (D), (D)(1), (2), (3)(a) and (b), and (5), (E), (F), (G), (H),

5 introductory paragraph of (I), (I)(1), (3), (4), (5), (9), and (11), (K), introductory

6 paragraph of (L)(1), introductory paragraph of (M), (M)(3), introductory paragraph

7 of (6) and (6)(b), introductory paragraph of (4), (4)(a), and (5), (O)(1) and (2), (P),

8 (Q), introductory paragraph of (R), and (T), introductory paragraph of R.S.

9 30:4.1(B)(1) and (2), (C), (D), (E), (F)(1), (I), and (K), 4.2, 4.3, 5(A), (B), (C)(1)(a)

10 and (b), introductory paragraph of (2), (2)(d), (4), and (6), and (D)(1) and the

11 introductory paragraph of (2), 5.1(A)(1), (2), introductory paragraph of (3), (3)(e),

12 (5), (6), (7), (8), and (9), (B)(1), (2), and introductory paragraph of (3), (5), (7), (9),

13 (10), (12), and (13), 5.2(A), (B), introductory paragraph of (C), (E), (G), and (H), 6,

14 6.1(A), (B), (C), (D)(1), and (F), 8(A)(1), (2), (3), and (4), and (B), introductory

15 paragraph of 9(A), (B), (C), and (D), 10(A)(1), (2)(a)(i), (b)(ii)(ii), introductory

16 paragraph of (vi), (vi)(bb), (c), (d), and (f), and (3), (B), and (C)(7), 10.1(B)(1), (3),

17 (4), and (5), 11.1, 12(A), (B)(1), (2), (3), (4), introductory paragraph of (5), and

1 (5)(f), and (C), 13, 14, 15, 18(A)(1), (2), (3), (4), (5), (6)(a)(i) and (ii), (b), (c)(i)(ff),
2 (ii), (iii), (d), and (e), and (B), 20(A) and (D), 21(A) and (B)(1), (a), (b), (c), the
3 introductory paragraph of (d) and (e), and (2)(a) and (b), the introductory paragraph
4 of 22(B) and (C), (D), and (E), introductory paragraph of 23(B), (C), and (D),
5 23.1(A), 25(A)(2), (3), (5), (6), and (7), (D), (E), and (F), 26(A), 27(A), (D), and (F),
6 28(A), (C), introductory paragraph of (D), (D)(2), (3), (5), (6), and (7), (F), (G), (H),
7 introductory paragraph of (I)(1)(a), (d), and (g), and (J), 29(A) and (B)(1), 41, 42, 44,
8 45, 48, introductory paragraph of 61, 73(1), 74(A) and (B), 79(A), (B), and (C),
9 82(1), (6), (7), (11), and (14), 83(A)(5) and (7), 83.1(B)(3), 85(A)(3) and (C),
10 86(A)(2), (D)(8), (9), and (10), (E)(2) as enacted by Section 1 of Act 16 of the 2024
11 Third Extraordinary Session of the Legislature of Louisiana, (6), and (7), (G), and
12 (H), 88(B), (C), (D), (E), (F), (I), and introductory paragraph of (J), 88.1(A)(3) and
13 (4), (C), (D), (E), (G), and (H), 88.2(C), introductory paragraph of (E), (E)(1), and
14 (F), 89(A), (B), introductory paragraph of (C), (C)(2) and (3), and (D), 90(C),
15 introductory paragraph of (D), (D)(1) and (4), and (E)(4), introductory paragraph of
16 R.S. 30:91(A), 91(A)(1), (B)(1), (2)(a) and (c), (3), and (4), and (D), 92(A) and (C),
17 introductory paragraph of R.S. 30:93(A), 94(A), introductory paragraph of (B)(1),
18 (2)(b), and (3), and (C), 95(B), (C), and (D), 101.2(A), 101.3(2), 101.4, 101.5(A)(2),
19 introductory paragraph of 101.6(A) and (B), 101.7(A), 101.8, introductory paragraph
20 of 101.9(D)(1) and (2), 101.10(A) and introductory paragraph of (B), 101.13(A) and
21 (B)(2), and (C)(4), 101.14(A) and (B), introductory paragraph of R.S. 30:103.1(A),
22 121(A), (C), and (D), 125, 127.1(C)(10) and (11), and (D), 129(B)(1)(a), 135,
23 136.3(B)(1), (C) and (D), 143(D)(2) and (3), 148.8, 148.9(A)(1) and (2), 153, 172,
24 209(4)(e), 209.1(A) and (B)(1), 413(A) and (B), 414(A), 502(D), 503(1), (2), (4), (6),
25 and (8), 504, the introductory paragraph of 521(A) and 521(C), 524, 525,
26 introductory paragraph of R.S. 30:541 and 541(2), 544(A) and (B), introductory
27 paragraph of 546(A), (A)(5), (B), and (C), introductory paragraph of R.S. 30:548,
28 551, 557(A), (B), (C), (D), the introductory paragraph of (E), (E)(1), (F), and (G),
29 558(A), (B), (D), (F), (G), and (H), 559(A) and (C), 560(B), (C), and (D), 561(A),

1 (B), and (C), 571, introductory paragraph of 572(1), (1)(f), (h), and (i), 603(A), (B),
2 (C), (D), (E), and (G), 604, 681.1(5), (8), and (9), 681.2(2) and (3), 702(1), (2)(b),
3 and (5), 703, 704(B), (C), (D), and (E), 705(A) and (B), 706, 707, 722, 723(A), (F),
4 and (H), 731(1), 732, 802, 904(2), (4), (7), (9), (12), (20), 905(A), introductory
5 paragraph of (B), (B)(2), (8), and (9), and (C), 905.1(A) and (B)(2), introductory
6 paragraph of 905.3(A)(1), (B), (C), (E)(1), and (F), 906.1, 907(A) and introductory
7 paragraph of (B), (B)(9), (11), (12), (13)(b), (15), (17), and (18), (C)(1), (D), (F), and
8 (G), 908(A)(12) and (B), 915(B)(7), (9), (10)(f), (12), introductory paragraph of (15),
9 (15)(e), (20), (22)(e), (25), introductory paragraph of (C)(2), (2)(d), introductory
10 paragraph of (3), and (4), (D)(3) and (4), (E)(1), (4), and (5), 917(A)(1), introductory
11 paragraph of (2), (2)(d), (3), (B), (D), (E), (F), and (G), 921, 1102(B), 1103(10), (14),
12 and (15), introductory paragraph of 1104(A), 1104(A)(3), (9), (10), (B), introductory
13 paragraph of (C), (D), (E), and (F), 1108(A)(1), (B), and (D), introductory paragraph
14 of 1109(A)(1), 1109(C), (D), (E), (F), and (G), 1110(A), (B)(1), introductory
15 paragraph of (C), introductory paragraph of (C)(1), (1)(b), (f), (g), and (h), (2), and
16 (3), introductory paragraph of (G), (H), and (I), 2200, 2455, introductory paragraph
17 of R.S. 30:2456(A), R.S. 31:115(C)(1)(b), R.S. 36:351, 352, 353, 354(A)(7), (10),
18 (13), and (15), (B)(1)(b), (2), (4), (6), (8), (10), and (12), 355, 356, 357, 358, the
19 introductory paragraphs of 359(A) and (B), (B)(1) and (2), and (C), the introductory
20 paragraph of R.S. 38:3076(A), 3076(A)(24) and (C), 3087.136(4), 3087.138, 3092(2)
21 and (4), 3093, 3094(A)(1) through (4), the introductory paragraph of 3094(B),
22 (B)(7), the introductory paragraph of 3094(C), and (C)(1), 3097.1(C), 3097.2(1), (4),
23 (7), and (9), 3097.3(A) and (B), the introductory paragraphs of 3097.3(C) and
24 (C)(4)(a), (C)(4)(a)(v) and (b), and (8), (D), (E), (F)(1), the introductory paragraphs
25 of (2), (d), and (f), and (G), 3097.6(A), the introductory paragraphs of 3097.6(B) and
26 (B)(3), 3097.8(A) and (C), the introductory paragraph of 3098(A), 3098(B) and (E),
27 and 3098.1(4), R.S. 44:4.1(B)(19), R.S. 45:252, R.S. 49:214.29(B), R.S.
28 56:432.1(C)(2), 700.13(B), and 700.14(B), to enact R.S. 30:3(21) and (22), 4(C)(21),
29 (D)(6), 21.1, 86(I) and (J), 93(C), Part VIII of Chapter 1 of Subtitle I of Title 30 of

1 the Louisiana Revised Statutes of 1950, comprise of 98.1 through 98.11, 124.1,
 2 136.3(B)(6), 209(6), 2454(33), R.S. 36:351.1, 354(B)(13) and (14), 354.1, and
 3 356.1(B)(6) and (7) and (D), R.S. 38:3098(G), R.S. 39:1367(E)(2)(b)(xi), and R.S.
 4 45:251(4) and to repeal R.S. 17:200 through 220, R.S. 30:4(N), 85(D)(11), 86(F),
 5 2458, and 2470 through 2474, and R.S. 38:3097.4, 3097.7, and 3098.6(A)(1), relative
 6 to the Department of Energy and Natural Resources; to rename the Department of
 7 Energy and Natural Resources as the Department of Conservation and Energy; to
 8 provide for the structure and organization of the department; to provide for
 9 definitions; to provide for bonding authority; to provide for the creation of offices;
 10 to provide for the secretary; to provide for the deputy secretary; to provide for the
 11 undersecretary; to provide for directors; to provide for the authority to promulgate
 12 rules and regulations; to provide for expedited permits; to provide for the Natural
 13 Resources Financial Security Fund; to provide for enforcement; to provide for the
 14 Natural Resources Commission; to provide for the Louisiana Natural Resources
 15 Trust Authority; to provide for water resource management; to provide for net state
 16 supported debt; to provide for orphan oil wells; to provide for the State Mineral and
 17 Energy Board; to provide for the transfer of entities; to provide for the Oyster Lease
 18 Acquisition and Compensation Program; to provide for conditions, terms, and
 19 procedures; and to provide for related matters.

20 Be it enacted by the Legislature of Louisiana:

21 Section 1. R.S. 30:1(A), (B), and (C), 3(3), (6), (7), (9), and (18), 4(A), (B),
 22 introductory paragraph of (C), (C)(1)(a)(v) and (b), (14), (16)(b), (17)(b), introductory
 23 paragraph of (D), (D)(1), (2), (3)(a) and (b), and (5), (E), (F), (G), (H), introductory
 24 paragraph of (I), (I)(1), (3), (4), (5), (9), and (11), (K), introductory paragraph of (L)(1),
 25 introductory paragraph of (M), (M)(3), introductory paragraph of (6) and (6)(b), introductory
 26 paragraph of (4), (4)(a), and (5), (O)(1) and (2), (P), (Q), introductory paragraph of (R), and
 27 (T), introductory paragraph of R.S. 30:4.1(B)(1) and (2), (C), (D), (E), (F)(1), (I), and (K),
 28 4.2, 4.3, 5(A), (B), (C)(1)(a) and (b), introductory paragraph of (2), (2)(d), (4), and (6), and
 29 (D)(1) and introductory paragraph of (2), 5.1(A)(1), (2), introductory paragraph of (3),

1 (3)(e), (5), (6), (7), (8), and (9), (B)(1), (2), and introductory paragraph of (3), (5), (7), (9),
2 (10), (12), and (13), 5.2(A), (B), introductory paragraph of (C), (E), (G), and (H), 6, 6.1(A),
3 (B), (C), (D)(1), and (F), 8(A)(1), (2), (3), and (4), and (B), introductory paragraph of 9(A),
4 (B), (C), and (D), 10(A)(1), (2)(a)(i), (b)(ii)(ii), introductory paragraph of (vi), (vi)(bb), (c),
5 (d), and (f), and (3), (B), and (C)(7), 10.1(B)(1), (3), (4), and (5), 11.1, 12(A), (B)(1), (2),
6 (3), (4), introductory paragraph of (5), and (5)(f), and (C), 13, 14, 15, 18(A)(1), (2), (3), (4),
7 (5), (6)(a)(i) and (ii), (b), (c)(i)(ff), (ii), (iii), (d), and (e), and (B), 20(A) and (D), 21(A) and
8 (B)(1)(a), (b), (c), introductory paragraph of (d) and (e), and (2)(a) and (b), introductory
9 paragraph of 22(B) and (C), (D), and (E), introductory paragraph of 23(B), (C), and (D),
10 23.1(A), 25(A)(2), (3), (5), (6), and (7), (D), (E), and (F), 26(A), 27(A), (D), and (F), 28(A),
11 (C), introductory paragraph of (D), (D)(2), (3), (5), (6), and (7), (F), (G), (H), introductory
12 paragraph of (I)(1)(a), (d), and (g), and (J), 29(A) and (B)(1), 41, 42, 44, 45, 48, introductory
13 paragraph of 61, 73(1), 74(A) and (B), 79(A), (B), and (C), 82(1), (6), (7), (11), and (14),
14 83(A)(5) and (7), 83.1(B)(3), 85(A)(3), and (C), 86(A)(2), (D)(8), (9), and (10), (E)(2) as
15 enacted by Section 1 of Act 16 of the 2024 Third Extraordinary Session of the Legislature
16 of Louisiana, (6), and (7), (G), and (H), 88(B), (C), (D), (E), (F), (I), and introductory
17 paragraph of (J), 88.1(A)(3) and (4), (C), (D), (E), (G), and (H), 88.2(C), introductory
18 paragraph of (E), (E)(1), and (F), 89(A), (B), introductory paragraph of (C), (C)(2) and (3),
19 and (D), 90(C), introductory paragraph of (D), (D)(1) and (4), and (E)(4), introductory
20 paragraph of R.S. 30:91(A), 91(A)(1), (B)(1), (2)(a) and (c), (3), and (4), and (D), 92(A) and
21 (C), introductory paragraph of R.S. 30:93(A), 94(A), introductory paragraph of (B)(1),
22 (2)(b), and (3), and (C), 95(B), (C), and (D), 101.2(A), 101.3(2), 101.4, 101.5(A)(2),
23 introductory paragraph of 101.6(A) and (B), 101.7(A), 101.8, introductory paragraph of
24 101.9(D), (D)(1) and (2), 101.10(A) and introductory paragraph of (B), 101.13(A) and
25 (B)(2), and (C)(4), 101.14(A) and (B), introductory paragraph of R.S. 30:103.1(A), 121(A),
26 (C), and (D), 125, 127.1(C)(10) and (11), and (D), 129(B)(1)(a), 135, 136.3(B)(1), (C) and
27 (D), 143(D)(2) and (3), 148.8, 148.9(A)(1) and (2), 153, 172, 209(4)(e), 209.1(A) and (B)(1),
28 413(A) and (B), 414(A), 502(D), 503(1), (2), (4), (6), and (8), 504, the introductory
29 paragraph of 521(A) and 521(C), 524, 525, introductory paragraph of R.S. 30:541 and

1 541(2), 544(A) and (B), introductory paragraph of 546(A), (A)(5), (B), and (C), introductory
 2 paragraph of R.S. 30:548, 551, 557(A), (B), (C), (D), introductory paragraph of (E), (E)(1),
 3 (F), and (G), 558(A), (B), (D), (F), (G), and (H), 559(A) and (C), 560(B), (C), and (D),
 4 561(A), (B), and (C), 571, introductory paragraph of 572(1), (1)(f), (h), and (i), 603(A), (B),
 5 (C), (D), (E), and (G), 604, 681.1(5), (8), and (9), 681.2(2) and (3), 702(1), (2)(b), and (5),
 6 703, 704(B), (C), (D), and (E), 705(A) and (B), 706, 707, 722, 723(A), (F), and (H), 731(1),
 7 732, 802, 904(2), (4), (7), (9), (12), (20), 905(A), introductory paragraph of (B), (B)(2), (8),
 8 and (9), and (C), 905.1(A) and (B)(2), introductory paragraph of R.S. 30:905.3(A)(1), (B),
 9 (C), (E)(1), and (F), 906.1, 907(A) and introductory paragraph of (B), (B)(9), (11), (12),
 10 (13)(b), (15), (17), and (18), (C)(1), (D), (F), and (G), 908(A)(12) and (B), 915(B)(7), (9),
 11 (10)(f), (12), introductory paragraph of (15), (15)(e), (20), (22)(e), (25), introductory
 12 paragraph of (C)(2), (2)(d), introductory paragraph of (3), and (4), (D)(3) and (4), (E)(1), (4),
 13 and (5), 917(A)(1), introductory paragraph of (2), (2)(d), (3), (B), (D), (E), (F), and (G), 921,
 14 1102(B), 1103(10), (14), and (15), introductory paragraph of 1104(A), 1104(A)(3), (9), (10),
 15 (B), introductory paragraph of (C), (D), (E), and (F), 1108(A)(1), (B), and (D), introductory
 16 paragraph of 1109(A)(1), 1109(C), (D), (E), (F), and (G), 1110(A), (B)(1), introductory
 17 paragraph of (C), introductory paragraph of (C)(1), (1)(b), (f), (g), and (h), (2), and (3),
 18 introductory paragraph of (G), (H), and (I), 2200, 2455, introductory paragraph of R.S.
 19 30:2456(A) are hereby amended and reenacted and R.S. 30:3(21)and (22), 4(C)(21), (D)(6),
 20 21.1, 86(I) and (J), 93(C), Part VIII of Chapter 1 of Subtitle I of Title 30 of the Louisiana
 21 Revised Statutes of 1950, comprised of 98.1, through 98.11, 124.1, 136.3(B)(6), 209(6),
 22 2454(33) are hereby enacted to read as follows:

23 CHAPTER 1. ~~COMMISSIONER OF CONSERVATION~~ **AND ENERGY**

24 PART I. DEPARTMENT OF CONSERVATION **AND ENERGY**

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

27 A. There is established the state Department of Conservation **and Energy**,
 28 hereinafter referred to in this Subtitle as the department. The department shall be
 29 directed and controlled by a ~~commissioner of conservation~~ **secretary**, who shall be

1 appointed by the governor, with the consent of the Senate, for a term of four years.
2 In case of vacancy for any cause the governor shall, with consent of the Senate, fill
3 the office by appointment for the unexpired term.

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

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

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

16 (2) The office of enforcement shall oversee all portions of state law within
17 the jurisdiction of the department which relate to penalties and enforcement of
18 violations as further detailed by order of the secretary in accordance with R.S.
19 36:354.1.

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

26 * * *

27 §3. Definitions

28 * * *

29 (3) "Commissioner" means the Commissioner of Conservation of the State

1 of Louisiana **"Department" means the Department of Conservation and Energy,**
2 **or any successor agency.**

3 * * *

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

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

14 * * *

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

20 * * *

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

24 * * *

25 **(21) "Expedited processing" shall mean the processing or review of**
26 **permits, permit modifications, licenses, registrations, plans, proposals,**
27 **exceptions, or variances whereby the Department of Conservation and Energy**
28 **completes its administrative and technical review within a timeline agreed to in**
29 **writing.**

1 to be developed by the ~~commissioner~~ secretary. The regulations shall, at a
 2 minimum, provide criteria under which plugging credits may be earned, and require
 3 approval by the ~~commissioner~~ secretary for the earning, using, banking, or selling
 4 of the plugging credits.

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

8 * * *

9 (14) To require interested persons to place uniform meters of a type approved
 10 by the ~~commissioner~~ secretary wherever the ~~commissioner~~ secretary designates on
 11 all pipelines, gathering systems, barge terminals, loading racks, refineries, or other
 12 places necessary or proper to prevent waste and the transportation of illegally
 13 produced oil or gas. These meters shall be under the supervision and control of the
 14 department of conservation. It shall be a violation of this Chapter, subject to the
 15 penalties provided in R.S. 30:18, for any person to refuse to attach or install a meter
 16 when ordered to do so by the ~~commissioner~~ secretary, or in any way to tamper with
 17 the meters so as to produce a false or inaccurate reading, or to have any device
 18 through which the oil or gas can be passed around the meter, unless expressly
 19 authorized by written permit of the ~~commissioner~~ secretary.

20 * * *

21 (16)(a) * * *

22 (b) Provided that before a permit to operate a new commercial operations'
 23 waste disposal well may be granted, a public hearing shall be held on the application
 24 for a permit, and shall fix the date, time, and place therefor. The operator or owner,
 25 prior to such public hearing, shall give public notice on three separate days within
 26 a period of thirty days prior to the public hearing, with at least five days between
 27 each publication of the notice, both in the official state journal and in the official
 28 journal of the parish in which the well is to be located, that application for a permit
 29 for a new commercial operations' waste disposal well has been made and that a

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

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

20 * * *

21 (17)(a) * * *

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

1 * * *

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

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

7 (1) To require that all pipelines, ~~excluding field transmission, flow, and~~
8 ~~gathering lines~~, all wells, and all associated structures, including any fittings,
9 tie-overs, appliances, and equipment, which are constructed on state water bottoms
10 pursuant to the grant of a right-of-way by the secretary of the Department of
11 **Conservation and Energy and Natural Resources** or the issuance of a lease by the
12 State Mineral and Energy Board shall conform to the following provisions:

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

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

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

10 (d) If determined by the governor and the secretary of the Department of
11 **Conservation and Energy and Natural Resources** to be in the best interests of the
12 state, the owner or operator of a pipeline, well, or associated structure shall not be
13 required to have it removed but shall be required to adequately mark it **any object**
14 **above the mudline** for the duration of the obstruction according to regulations of the
15 Coast Guard and of the ~~assistant~~ secretary.

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

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

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

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

9 (3) To require that all equipment, machinery, and materials associated with
10 the construction, operation, maintenance, or abandonment of all pipelines, including
11 field transmission, flow, and gathering lines; all wells; and all associated structures,
12 which are constructed on state water bottoms pursuant to the grant of a right-of-way
13 by the secretary of the Department of **Conservation and** Energy ~~and Natural~~
14 ~~Resources~~ or the issuance of a lease by the State Mineral and Energy Board shall
15 conform to the following provisions:

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

23 (ii) If the inspection reveals any equipment, machinery, or material above the
24 mudline, the owner shall be responsible for its removal to avoid its constituting an
25 obstruction which may unduly interfere with other uses, including navigation or
26 fishing. However, the ~~assistant~~ secretary may by rule grant exceptions or variances
27 from this requirement if the location of the equipment, machinery, or material would
28 cause removal to be extraordinarily onerous or impractical. Moreover, removal shall
29 not be required if ~~the governor and~~ the secretary of the Department of **Conservation**

1 ~~and~~ Energy ~~and Natural Resources~~ determine that in the best interests of the state
 2 removal shall not be required. However, the owner shall be required to mark it ~~it~~ the
 3 equipment, machinery, or material above the mudline for the duration of the
 4 obstruction according to regulations of the Coast Guard and the ~~assistant~~ secretary.

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

11 * * *

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

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

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

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

1 bottoms as provided for in Subsection D of this Section.

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

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

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

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

9 H. Any pipeline owner required to construct a levee, dam, or weir in
10 connection with a pipeline, shall maintain that levee, dam, or weir in a condition as
11 near as practicable to its original condition, however, the ~~commissioner~~ **secretary**
12 may grant such exceptions or variances from this requirement if he determines that
13 maintenance of the dam, levee, or weir no longer serves the purposes intended and
14 will not serve to protect the environment of the area. The ~~commissioner~~ **secretary**
15 may require the owner to inspect the levee, dam, or weir on a periodic basis and to
16 file reports of such inspections. The ~~commissioner~~ **secretary** may order the removal
17 or alteration of any such dam, levee, or weir when he determines that such action is
18 necessary to avoid undue interference with persons making other uses of state waters
19 or water bottoms.

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

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

* * *

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

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

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

* * *

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

* * *

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

* * *

K. The ~~commissioner~~ **secretary** shall not authorize or issue any permit which

1 allows the use or withdrawal of three million gallons or more of ground water per
2 day from the Chicot aquifer that shall be injected into the subsurface in a parish
3 whose population is more than seventy thousand and less than seventy-five thousand.

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

11 * * *

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

18 * * *

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

21 * * *

22 (6) Permit requirements that include the following:

23 * * *

24 (b) Reimbursement to the state or any political subdivision of the state for
25 reasonable and extraordinary costs incurred in responding to or mitigating a disaster
26 or emergency due to a violation of this Subsection or any rule, regulation, or order
27 promulgated or issued pursuant to this Subsection. The costs shall be subject to
28 approval by the director of the Governor's Office of Homeland Security and
29 Emergency Preparedness prior to being submitted to the ~~permittee~~ **permittee** for

1 reimbursement. The payments shall not be construed as an admission of
 2 responsibility or liability for the emergency or disaster. The Department of
 3 **Conservation and** Energy ~~and Natural Resources, office of conservation,~~ is hereby
 4 authorized to adopt rules and regulations in accordance with the Administrative
 5 Procedure Act to collect reimbursement under this Section.

6 * * *

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

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

28 * * *

29 P. The ~~commissioner of conservation~~ **secretary** has the authority to

1 promulgate rules and regulations under the Administrative Procedure Act to regulate
2 the location, construction, operation, and maintenance of a liquefied natural gas
3 facility within the state.

4 Q.(1)(a) The ~~commissioner~~ secretary is authorized to develop and implement
5 a program to ~~expedite the~~ of expedited processing or review of permits,
6 modifications, licenses, registrations, plans, proposals, exceptions, or variances and
7 related correspondence for applicants who may request such services. In addition to
8 any applicable fees charged pursuant to this Subtitle state law, including but not
9 limited to R.S. 30:21.1, a fee for an expedited review shall be charged to each
10 applicant equal to the cost of every overtime hour, or portion thereof, an employee
11 or contractor works processing the expedited review and an amount not exceeding
12 twenty percent for administrative costs. However, the administrative fee shall not be
13 less than five hundred dollars. The overtime rate shall not exceed the maximum per
14 hour overtime salary, calculated at one and one-half times the hourly wage and
15 including associated related benefits, of a civil service employee of the ~~office of~~
16 conservation department.

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

21 (i) The procedure for requesting expedited processing.

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

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

28 (iv) Document keeping requirements including but not limited to where
29 documents may be stored, which documents shall be made available for

1 inspection upon forty-eight hours notice, and markings to be placed on
2 information that is exempted from public records as proprietary or
3 confidential. The department shall notify the applicant of any public records
4 request pursuant to this Subparagraph and provide up to three business days
5 for the applicant to review records prior to any release.

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

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

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

14 (4) The expedited processing timeline commences upon:

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

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

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

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

26 R. The ~~commissioner~~ secretary shall make, after notice and public hearings
27 as provided in this Chapter, any rules, regulations, and orders that are necessary to
28 require reasonable bond with security for the performance of the duty to plug each
29 dry and abandoned well and the closure and to perform the site cleanup required by

1 Item (C)(1)(a)(iv) of this Section. The rules, regulations, and orders may classify
2 based on location of the well and shall provide for the following exceptions from the
3 reasonable bond and security requirement:

4 * * *

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

12 §4.1. Underground injection control

13 * * *

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

20 (1) To regulate, by rules, the drilling, casing, cementing, disposal interval,
21 monitoring, plugging, and permitting of disposal wells which are used to inject
22 hazardous waste products in the subsurface, and to regulate all surface and storage
23 waste facilities incidental to oil and gas exploration and production, in such a manner
24 as to prevent the escape of such hazardous waste product into a fresh groundwater
25 aquifer or into oil or gas strata; may require the plugging of each abandoned well or
26 each well which is of no further use and the closure of associated pits, the removal
27 of equipment, structures, and trash, and the general site cleanup of such abandoned
28 or unused well sites; and may require reasonable bond with security for the
29 performance of the duty to plug each abandoned well or each well which is of no

1 further use and to perform the site cleanup required by this Section. Only an owner
2 as defined in R.S. 30:3(8) shall be held or deemed responsible for the performance
3 of any actions required by the ~~commissioner~~ secretary.

4 (2) To require by rule that before a permit to operate a new commercial
5 operations' hazardous waste disposal well may be granted, a public hearing shall be
6 held on the application for a permit, and shall fix the date, time, and place therefor.
7 The operator or owner, prior to such public hearing, shall give public notice on three
8 separate days within a period of thirty days prior to the public hearing, with at least
9 five days between each publication of the notice, both in the official state journal and
10 in the official journal of the parish in which the well is to be located, that application
11 for a permit for a new commercial operations' hazardous waste disposal well has
12 been made and that a public hearing on the matter will be held on the date and at the
13 time and place which shall be stated in the public notice. The ~~assistant~~ secretary shall
14 prescribe the form of the advertisement. In addition, the applicant for a permit shall
15 place an advertisement in the same newspapers, but not in the classified
16 advertisement or public notice section of the newspapers, in a form which shall be
17 not less than one-half page in size and printed in bold face type; which shall inform
18 the public that application for a permit has been made for a new commercial
19 operations' hazardous waste disposal well and that a public hearing, at which all
20 interested persons are charged to be present and to present their views and which
21 shall state the date, time, and place at which the meeting will be held. The content
22 of both the public notice and the one-half page announcement or advertisement also
23 shall include the name of the owner or operator, location of the proposed well,
24 materials to be disposed in the well, a statement that comments may be sent to the
25 ~~assistant commissioner of the Office of Conservation~~ secretary prior to the public
26 meeting, ~~and the mailing address of the assistant secretary.~~

27 * * *

28 C.(1) No person shall inject, pump, dispose, or in any manner allow the
29 escape of any hazardous waste into any well or underground strata by way of an

1 injection well without obtaining a permit from the ~~assistant~~ secretary or in violation
2 of any permit issued by the ~~assistant~~ secretary; or violate any rule, regulation, or
3 order of the ~~assistant~~ secretary issued under the authority of this Section.

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

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

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

28 F. Penalties. (1) Except as otherwise provided by law, any person to whom
29 a compliance order or a cease and desist order is issued and who fails to take

1 corrective action within the time specified and said order or any person found by the
 2 ~~assistant~~ secretary to be in violation of any requirement of this Section, may be liable
 3 for a civil penalty, to be assessed by the ~~assistant~~ secretary or court, of not more than
 4 twenty-five thousand dollars for each day of the continued noncompliance or
 5 violation. The ~~assistant~~ secretary in order to enforce the provisions of this Section
 6 may suspend or revoke any permit, compliance order, license, or variance which has
 7 been issued to said person.

8 * * *

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

14 * * *

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

19 §4.2. Effective enforcement of wildlife and fisheries laws

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

28 §4.3. Financial security

29 A. As required by R.S. 30:4, an applicant for a permit to drill or to amend a

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

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

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

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

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

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

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

26 A. In order to prevent waste of natural gas, the ~~commissioner~~ secretary may
27 grant to bona fide applicants permits for the building and operation of plants and to
28 burn natural gas into carbon black for the period of time fixed by the ~~commissioner~~
29 secretary in the permit, not to exceed twenty-five years and subject to the provisions

1 of the laws of the state and the rules and regulations of the department. It shall be a
2 violation of this Chapter for any person to build or operate a new plant, for these
3 purposes without the permit required by this Section.

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

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

16 (a) The ~~assistant~~ secretary of the office of conservation upon the application
17 of any interested party, also is authorized and empowered to enter an order requiring
18 the unit operation of any pool or a combination of two pools in the same field,
19 productive of oil or gas, or both, in connection with the institution and operation of
20 systems of pressure maintenance by the injection of gas, water, or any other
21 extraneous substance, or in connection with any program of secondary or tertiary
22 recovery; and

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

27 (2) In connection with such an order of unit operation, the ~~assistant~~ secretary
28 of the office of conservation shall have the right to unitize, pool, and consolidate all
29 separately owned tracts and other property ownerships. Any order for such a unit

1 operation shall be issued only after notice and hearing and shall be based on all of
 2 the following findings:

3 * * *

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

19 * * *

20 (4) Upon application and after notice and a public hearing and consideration
 21 of all available geological and engineering evidence, the ~~Assistant Secretary of the~~
 22 ~~Office of Conservation~~ **secretary**, to the extent required by such evidence, may
 23 revise any reservoirwide unit or units heretofore created by the ~~Assistant Secretary~~
 24 ~~of the Office of Conservation~~ **secretary**.

25 * * *

26 (6) No order of the ~~commissioner~~ **secretary** entered pursuant hereto shall
 27 have the effect of enlarging, displacing, varying, altering, or in anywise whatsoever
 28 modifying or changing contracts in existence on the effective date of this Act
 29 concerning the unitization of any pool (reservoir) or pools (reservoirs) or field (as

1 defined in the contract) for the production of oil, gas, brine, or any combination
2 thereof.

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

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

22 * * *

23 §5.1. Deep pool order; ultra deep structure units; application; procedure; allocation
24 of costs; rules and regulations

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

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

1 pool and to adopt a development plan for such deep unit.

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

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

13 * * *

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

17 * * *

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

22 (6) The order creating the unit shall designate a unit operator and shall also
23 make provision for the proportionate allocation to the owners (lessees or owners of
24 unleased interests) of the costs and expenses of the unit operation, which allocation
25 shall be in the same proportion that the separately owned tracts share in unit
26 production. The cost of capital investment in wells and physical equipment and
27 intangible drilling costs, in the absence of voluntary agreement among the owners
28 to the contrary, shall be shared in like proportion. However, no such owner who has
29 not consented to the unitization shall be required to contribute to the costs or

1 expenses of the unit operation or to the cost of capital investment in wells and
2 physical equipment and intangible drilling costs except out of the proceeds of
3 production accruing to the interest of such owner out of production from such unit
4 operation. In the event of a dispute relative to the calculation of unit well costs or
5 depreciated unit well costs, the ~~commissioner~~ secretary shall determine the proper
6 costs after notice to all interested owners and public hearing thereon.

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

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

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

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

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

28 (2) Without in any way modifying the authority granted to the ~~commissioner~~
29 secretary by R.S. 30:9(B) to establish a drilling unit or units for a pool and in

1 addition to the authority conferred by R.S. 30:5 and 5.2, the ~~commissioner~~ secretary,
 2 upon the application of any interested party, may enter an order requiring the unit
 3 operation of any ultra deep structure when such unit operation will promote the
 4 development of such ultra deep structure, prevent waste, and avoid the drilling of
 5 unnecessary wells.

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

12 * * *

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

16 * * *

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

21 * * *

22 (9) The initial well and each subsequent well proposed or drilled pursuant to
 23 the plan of development shall be deemed a unit well. The provisions of R.S.
 24 30:10(A)(2) shall be applicable to ultra deep structure units, including the applicable
 25 risk charge. In the event of a dispute relative to the calculation of unit well costs or
 26 depreciated unit well costs, the ~~commissioner~~ secretary shall determine the proper
 27 costs after notice to all interested owners and public hearing thereon.

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

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

12 * * *

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

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

20 §5.2. Coal seam natural gas producing areas order; application; procedure;
 21 allocation of costs; rules and regulations

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

27 B. Without in any way modifying the authority granted to the ~~commissioner~~
 28 secretary in R.S. 30:9(B) to establish a drilling unit or units for a pool and in
 29 addition to the authority conferred in R.S. 30:5, the ~~commissioner~~ secretary, upon

1 the application of any interested party, may enter an order requiring the unit
2 operation of any coal seam natural gas producing area when such unit operation will
3 promote the development of such coal seam natural gas producing area, prevent
4 waste, and avoid the drilling of unnecessary wells.

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

11 * * *

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

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

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

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

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

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

15 B. No rule, regulation, order, or change, renewal, or extension thereof, shall,
16 in the absence of an emergency, be made by the ~~commissioner~~ secretary under the
17 provisions of this Chapter except after a public hearing upon at least ten days' notice
18 given in the manner and form prescribed by him. This hearing shall be held at a time
19 and place and in the manner prescribed by the ~~commissioner~~ secretary. The
20 ~~commissioner~~ secretary, in his discretion, may designate a member of his staff to
21 conduct public hearings on his behalf. Any person having an interest in the subject
22 matter of the hearing shall be entitled to be heard. Whenever any application shall
23 be made to the ~~commissioner of conservation~~ secretary for creation, revision, or
24 modification of any unit or units for production of oil or gas, or for adoption of any
25 plan for spacing of wells or for cycling of gas, pressure maintenance or restoration,
26 or other plan of secondary recovery, the applicant shall be required to file with the
27 application two copies of a map of such unit or units or well spacing pattern or two
28 explanations of such plan of cycling, pressure maintenance or restoration, or other
29 secondary recovery program and at least thirty days' notice shall be given of the

1 hearings to be held thereon, in the manner prescribed by the ~~commissioner of~~
2 ~~conservation~~ secretary and a copy of such plat or explanation of program shall
3 remain on file in the ~~office of conservation~~ department in Baton Rouge and in the
4 office of the district manager of the conservation district in which the property is
5 located, and be open for public inspection, at least thirty days prior to such hearing.

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

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

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

24 F. Any interested person has the right to have the ~~commissioner~~ secretary
25 call a hearing for the purpose of taking action in respect to a matter within the
26 jurisdiction of the ~~commissioner~~ secretary by making a request therefor in writing.
27 Upon receiving the request the ~~commissioner~~ secretary shall promptly call a
28 hearing. After the hearing, and with all convenient speed and in any event within
29 thirty days after the conclusion of the hearing the ~~commissioner~~ secretary shall take

1 whatever action he deems appropriate with regard to the subject matter. In the event
2 of failure or refusal of the ~~commissioner~~ secretary to issue an order within the
3 period of thirty days, he may be compelled to do so by mandamus at the suit of any
4 interested person.

5 G. Notwithstanding the provisions of Subsections B and C to the contrary,
6 the ~~commissioner~~ secretary, upon determining that a violation of this Chapter or the
7 regulations adopted hereunder has occurred, may impose a civil penalty as provided
8 in this Chapter. Additionally, upon determining that a violation of this Chapter or the
9 regulations adopted hereunder has occurred, the ~~commissioner~~ secretary may issue
10 an order requiring compliance. Any such order issued shall state, with reasonable
11 specificity, the nature of the violation, any cessation of activities or affirmative
12 operations required to achieve compliance, and a time limit within which compliance
13 with the order must be achieved. Noncompliance with any such order to comply shall
14 constitute a violation of this Chapter, and the ~~commissioner~~ secretary may impose
15 a civil penalty for such violation. Any person subjected to a civil penalty shall have
16 the right to a public hearing if requested in writing, which written request shall
17 suspend the imposition of the penalty until final action is taken by the ~~commissioner~~
18 secretary after hearing.

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

27 §6.1. Declaration of emergency

28 A. Notwithstanding any other provision of this Title, upon receipt of evidence
29 that there is an incident occurring or threatening to occur imminently at an oilfield

1 site or other facility, structure, or pipeline under the ~~commissioner's~~ **department's**
2 jurisdiction pursuant to R.S. 30:1 et seq., which is of such magnitude as to require
3 immediate action to prevent substantial or irreparable damage to the environment or
4 a serious threat to life or safety based on recognized criteria, standards or industry
5 practices, the ~~commissioner~~ **department** may declare in writing that an emergency
6 exists.

7 B. Upon declaration of an emergency, the ~~commissioner~~ **department** shall
8 notify the operator of record. Notification shall be made by telephone at the
9 emergency number on file in the ~~commissioner~~ **department**, telegraph, facsimile,
10 or personal appearance. If the operator cannot be contacted for notification within
11 twenty-four hours or if the operator of record fails to begin abatement procedures
12 within twenty-four hours after notice by the ~~commissioner~~ **department**, the
13 ~~commissioner~~ **department** shall begin the emergency procedures provided for in this
14 Section. Refusal on the part of the operator to begin abatement procedures after
15 notification by the ~~commissioner~~ **department** shall constitute a failure or refusal to
16 comply with the provisions of this Title and rules, regulations, and orders issued
17 thereunder.

18 C. When an emergency situation is declared, the ~~commissioner~~ **department**
19 is authorized to undertake the containment and abatement of the pollution source and
20 pollutants and may retain personnel or contract for these purposes with persons who
21 shall operate under his direction. All contracts let by the ~~commissioner~~ **department**
22 to respond to a declared emergency shall be exempt from the provisions of Chapter
23 10 of Title 38 of the Louisiana Revised Statutes of 1950 and the Louisiana
24 Procurement Code. However, the ~~commissioner~~ **department** may employ an
25 informal bidding procedure by which bids are solicited from at least three bidders:
26 **He and** may order the operator of record or owner to undertake the containment,
27 abatement, or cleanup of such pollution source and pollutants. Failure to comply with
28 his order shall be a violation of this Title and shall be punishable as provided in this
29 Title. The ~~commissioner~~ **department** shall submit an annual report to the House

1 Committee on Natural Resources and Environment and Senate Committee on
2 Natural Resources listing the number and type of emergencies declared within the
3 previous year.

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

10 * * *

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

17 * * *

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

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

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

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

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

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

8 * * *

9 B. In the case of failure or refusal of a person to comply with a subpoena
 10 issued by the ~~commissioner~~ secretary, or in the case of the refusal of a witness to
 11 testify or answer as to a matter regarding which he may be lawfully interrogated, any
 12 district court on the application of the ~~commissioner~~ secretary may, in term time or
 13 in vacation, issue an attachment for the person to compel him to comply with the
 14 subpoena and to attend before the ~~commissioner~~ secretary with the desired
 15 documents and to give his testimony upon whatever matters are lawfully required.

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

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

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

21 * * *

22 B. For the prevention of waste and to avoid the drilling of unnecessary wells,
 23 the ~~commissioner~~ secretary shall establish a drilling unit or units for each pool,
 24 except for those pools which, prior to July 31, 1940, had been developed to an extent
 25 and where conditions exist making it impracticable or unreasonable to use a drilling
 26 unit at the present stage of development. A drilling unit, as contemplated herein,
 27 means the maximum area which may be efficiently and economically drained by the
 28 well or wells designated to serve the drilling unit as the unit well, substitute unit
 29 well, or alternate unit well. This unit shall constitute a developed area as long as a

1 well is located thereon which is capable of producing oil, gas, or brine in paying
2 quantities.

3 C. Each well permitted to be drilled upon a drilling unit hereafter established
4 shall be drilled at the location designated by the ~~commissioner of conservation~~
5 secretary, after public hearing, in the order creating the unit. The ~~commissioner of~~
6 ~~conservation~~ secretary shall consider all available geological and engineering
7 evidence and shall provide for the unit well to be located at the optimum position in
8 the drilling unit for the most efficient and economic drainage of such unit with such
9 exceptions as may be reasonably necessary where topographical conditions exist that
10 would make such a location of the unit well unduly burdensome or where the
11 designated unit well was drilled or commenced prior to the creation of the drilling
12 unit; provided, however, the ~~commissioner of conservation~~ secretary shall fix the
13 well location for each drilling unit so that the producer thereof shall be allowed to
14 produce no more than his just and equitable share of the oil and gas in the pool, as
15 this share is set forth in this Section.

16 D. Subject to the reasonable necessities for the prevention of waste, and to
17 reasonable adjustment because of structural position, a producer's just and equitable
18 share of the oil, gas, or brine in the pool, also referred to as a tract's just and equitable
19 share, is that part of the authorized production of the pool, whether it be the total
20 which could be produced without any restriction on the amount of production or
21 whether it be an amount less than that which the pool could produce if no restriction
22 on amount were imposed, which is substantially in the proportion that the quantity
23 of recoverable oil, gas, or brine in the developed area of his tract or tracts in the pool
24 bears to the recoverable oil, gas, or brine in the total developed area of the pool,
25 insofar as these amounts can be practically ascertained. To that end, the rules,
26 regulations, and orders of the ~~commissioner~~ secretary shall be such as will prevent
27 or minimize reasonably avoidable net drainage from each developed area, that is,
28 drainage not equalized by counter drainage, and will give to each producer the
29 opportunity to use his just and equitable share of the production. In determining each

1 producer's just and equitable share of the production authorized for the pool, the
 2 ~~commissioner~~ secretary is authorized to give due consideration to the productivity
 3 of the well or wells located thereon, as determined by flow tests, bottom hole
 4 pressure tests, or any other practical method of testing wells and producing
 5 structures, and to consider other factors and geological and engineering tests and data
 6 as may be determined by the ~~commissioner~~ secretary to be pertinent or relevant to
 7 ascertaining each producer's just and equitable share of the production of the field
 8 or pool.

9 * * *

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

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

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

19 * * *

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

25 (a)(i) Any owner drilling, intending to drill, or who has drilled a unit well, a
 26 substitute unit well, an alternate unit well, or a cross-unit well on any drilling unit
 27 heretofore or hereafter created by the ~~commissioner~~ secretary, may, by registered
 28 mail, return receipt requested, or other form of guaranteed delivery and notification
 29 method, not including electronic communication or mail, notify all other owners in

1 the unit of the drilling or the intent to drill and give each owner an opportunity to
2 elect to participate in the risk and expense of such well. Such notice shall be called
3 a "risk charge notice" and shall contain:

4 * * *

5 (b)(i) * * *

6 (ii)(aa) * * *

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

16 * * *

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

19 * * *

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

22 * * *

23 (c) Should a drilling unit be created by order of the ~~commissioner~~ **secretary**
24 around a well already drilled or drilling and including one or more tracts as to which
25 the owner or owners thereof had not participated in the risk and expense of drilling
26 such well, then the provisions of this Subsection for notice, election, and
27 participation shall be applicable as if a well were being proposed by the owner who
28 drilled or was drilling such well; however, the cost of drilling, testing, completing,
29 equipping, and operating the well allocable to each tract included in the unit shall be

1 reduced in the same proportion as the recoverable reserves in the unitized pool have
 2 been recovered by prior production, if any, in which said tract or tracts did not
 3 participate prior to determining the share of cost allocable to such tract or tracts.

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

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

18 * * *

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

22 * * *

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

1 days of such sale or other disposition.

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

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

11 * * *

12 (7) "Unitized interval" means the subsurface interval defined in the ~~office of~~
13 ~~conservation~~ **department** order creating the unit or units that the existing wellbore
14 is serving as a unit well, alternate unit well, substitute unit well, or cross-unit well.
15 §10.1. Authority of governor with advice of the ~~commissioner of conservation~~
16 **secretary** to enter unitization agreements affecting the production
17 from state and federal waterbottoms

18 * * *

19 B. Unit Agreement. (1) In accordance with the terms of such Offshore
20 Production Agreement or any act of the United States Congress providing with
21 respect thereto, the governor or his designee is authorized to enter into agreements
22 for the unit operations of all or any portion or portions of any common potentially
23 hydrocarbon bearing area underlying the federal and state boundary offshore if
24 reasonably necessary to prevent waste, protect correlative rights, or avoid the drilling
25 of unnecessary wells.

26 * * *

27 (3) Upon a determination by the governor that a common potentially
28 hydrocarbon bearing area may underlie the federal and state boundary offshore, all
29 or any portion or portions of which the governor has reason to believe may be

1 appropriate for unit operations, the governor shall direct the ~~commissioner of~~
2 ~~conservation~~ secretary to call a hearing for the purpose of receiving evidence from
3 affected state or federal lessees or from any other interested persons. The
4 ~~commissioner~~ secretary shall, after a review of all testimony and evidence, transmit
5 to the governor an advisory opinion containing such information and
6 recommendations as may be requested by the governor. The advisory opinion shall
7 be deemed confidential and shall be exempt from the provisions of R.S. 44:1 et seq.,
8 in accordance with the provisions of R.S. 44:4(8) and 4.1(B).

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

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

20 §11.1. Filing and recording of orders creating drilling or production units

21 Within thirty days after the issuance thereof, the ~~commissioner of~~
22 ~~conservation~~ secretary of the state of Louisiana shall cause to be filed and recorded
23 in the conveyance records of the parish or parishes in which the immovable property
24 affected thereby is situated certified copies of all orders and amendments thereof
25 creating drilling or production units.

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

27 A.(1) A person who is aggrieved by any law of this state with respect to
28 conservation of oil or gas, or both, or by a provision of this Chapter, or by a rule,
29 regulation, or order made by the ~~assistant secretary of the office of conservation~~

1 hereunder, or by an act done or threatened hereunder, and who has exhausted his
2 administrative remedy, may obtain court review by a suit for injunction or judicial
3 review against the ~~assistant~~ secretary as defendant.

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

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

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

22 (3) If, before the date set for hearing, application is made to the court for
23 leave to present additional evidence, and it is shown to the satisfaction of the court
24 that the additional evidence is material and that there were good reasons for failure
25 to present it in the proceeding before the ~~assistant~~ secretary, the court may order that
26 the additional evidence be taken before the ~~assistant~~ secretary upon conditions
27 determined by the court. The ~~assistant~~ secretary may modify his findings and
28 decision by reason of the additional evidence and shall file that evidence and any
29 modifications, new findings, or decisions with the reviewing court.

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

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

9 * * *

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

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

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

25 * * *

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

27 A. No temporary restraining order or injunction shall be granted against the
 28 ~~commissioner of conservation~~ **secretary**, the attorney general, or any agent,
 29 employee, or representative of the ~~commissioner~~ **secretary** restraining the

1 ~~commissioner~~ secretary, or any of his agents, employees, or representatives, or the
2 attorney general, from enforcing a statute of this state relating to conservation of oil
3 and gas, or any of the provisions of this Chapter, or any rule, regulation, or order
4 made hereunder, except after due notice to the ~~commissioner~~ secretary, and to all
5 other defendants, and after a hearing. It shall be clearly shown to the court that the
6 act done or threatened is without sanction of law, or that the provisions of this
7 Chapter, or the rule, regulation, or order complained of, is invalid, and that, if
8 enforced against the complaining party, will cause an irreparable injury. The nature
9 and extent of the probable invalidity of the law, or provision of this Chapter, or of
10 any rule, regulation, or order thereunder involved in the suit, shall be recited in the
11 order or decree granting the temporary relief, as well as a clear statement of the
12 probable damage relied upon by the court as justifying temporary injunctive relief.

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

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

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

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

26 C. In this suit, the ~~commissioner~~ secretary may obtain injunctions,
27 prohibitory and mandatory, including temporary restraining orders and preliminary
28 injunctions, as the facts warrant, including, when appropriate, injunctions restraining
29 a person from moving or disposing of illegal oil, illegal gas, or an illegal product.

1 Any or all of these illegal commodities may, in the court's discretion, be ordered
2 impounded or placed under the control of an agent appointed by the court.

3 §15. Appeal

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

12 * * *

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

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

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

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

1 (4) Whoever willfully and knowingly violates the provisions of R.S.
2 30:4(C)(16) or the rules, regulations and orders of the ~~commissioner~~ **department**
3 made thereunder in the disposal of hazardous wastes identified and designated as
4 such by the department under the provisions of R.S. 30:2173 shall be fined not more
5 than twenty-five thousand dollars per day of violation and costs of prosecution or
6 imprisoned for not more than one year, or both, and in such instances the prosecution
7 may be instituted by the district attorney having criminal jurisdiction.

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

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

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

29 * * *

1 (b) Any person to whom a compliance order or a cease and desist order is
2 issued pursuant to this ~~Chapter~~ Subtitle who fails to take corrective action within the
3 time specified in said order shall be liable for a civil penalty to be assessed by the
4 ~~commissioner~~ department or the court of not more than fifty thousand dollars for
5 each day of continued violation or noncompliance.

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

9 * * *

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

14 * * *

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

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

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

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

1 required to be refunded by the ~~commissioner~~ department.

2 B. Whoever knowingly and willfully aids or abets a person in the violation
3 of a law of this state relating to the conservation of oil or gas, or the violation of a
4 provision of this ~~Chapter~~ Subtitle, or any rule, regulation, or order made thereunder,
5 shall be subject to the same penalties provided ~~herein~~ in this Section for the
6 principal violator.

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

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

22 * * *

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

29 * * *

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

4 A. The ~~commissioner of conservation of the office of conservation~~ secretary
5 shall periodically review the fees collected by ~~his office~~ the department, and, in
6 addition to other statutory authorization, may revise such fees pursuant to the
7 rulemaking provisions of the Administrative Procedure Act.

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

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

26 (c) There shall be an annual regulatory fee payable to the ~~office of~~
27 ~~conservation~~ department, in a form and schedule prescribed by the ~~office of~~
28 ~~conservation~~ department, on Class II wells, Class III wells, storage wells, Type A
29 facilities, and Type B facilities in an amount not to exceed two million one hundred

1 eighty-seven thousand five hundred dollars for Fiscal Year 2015-2016 and thereafter.

2 No fee shall be imposed on a Class II well of an operator who is also an operator of
3 a stripper crude oil well or incapable gas well certified pursuant to R.S. 47:633 by
4 the severance tax division of the Department of Revenue and located in the same
5 field as such Class II well.

6 (d) There shall be an application fee payable to the ~~office of conservation~~
7 department, in a form and schedule prescribed by the ~~office of conservation~~
8 department, by industries under the jurisdiction of the ~~office of conservation~~
9 department. In addition to any other fee that is on the schedule on July 1, 2015, the
10 ~~commissioner~~ secretary may collect the following fees:

11 * * *

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

19 (i) ~~office of conservation~~ Department-permitted off-site commercial
20 facilities.

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

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

26 (2)(a) There is hereby established a special statutorily dedicated fund account
27 in the state treasury to be known as the Oil and Gas Regulatory Dedicated Fund
28 Account, hereafter referred to as the "account". After deposit in the Bond Security
29 and Redemption Fund and after a sufficient amount is allocated from that fund to pay

1 all the obligations secured by the full faith and credit of the state that become due
2 and payable within each fiscal year, the treasurer shall pay into the account an
3 amount equal to the monies generated from collection of the fees provided for in this
4 Title, R.S. 40:1749.11 et seq., or Title 47 of the Louisiana Revised Statutes of 1950,
5 the rules and regulations promulgated thereunder, any fines and civil penalties or any
6 other provision of law relative to fees, fines, or civil penalties attributable to the
7 ~~office of conservation~~ **department**, and fifty percent of any annual assessment paid
8 by an operator who chooses not to plug a well classified as inactive with the
9 remainder being deposited into the Oilfield Site Restoration Fund.

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

24 * * *

25 **§21.1. Natural Resources Financial Security Fund**

26 **A.(1) There is hereby created, in the state treasury, a special fund to be**
27 **known as the Natural Resources Financial Security Fund, hereinafter referred**
28 **to as the "fund". The fund shall be used exclusively to support the Department**
29 **of Conservation and Energy in administering, managing, and responding to**

1 financial security obligations related to oil and gas, injection and mining,
2 surface mining, solar, wind, or any other natural resource or energy-related
3 regulatory program for which financial security or financial assurance are
4 required by law or regulation.

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

11 (3) The funds received shall be placed in the Natural Resources Financial
12 Security Fund in the custody of the state treasurer to be used only in accordance
13 with this Part and shall not be placed in the general fund. The funds provided
14 to the trust authority pursuant to this Section shall at all times be and remain
15 the property of the trust authority. The monies in this fund shall be used solely
16 as provided in this Section and only in the amount appropriated by the
17 legislature. All unexpended and unencumbered monies remaining in this fund
18 at the end of the fiscal year shall remain in the fund. Except for the pledge of the
19 revenues provided in R.S. 30:83.1, it is the intent of the legislature that this fund
20 and its increments shall remain intact and inviolate. Monies in the fund shall be
21 invested by the state treasurer in the same manner as monies in the state
22 general fund. At the request of the Natural Resources Trust Authority, the state
23 treasurer may invest monies in the fund, or any portion thereof, in accordance
24 with the provisions of R.S. 33:2955, and any interest earned on such investments
25 shall be credited to the fund.

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

28 C. The fund shall consist of:

29 (1) Annual payments, premiums, or fees collected from operators

1 participating in financial security programs administered by the Natural
2 Resources Trust Authority.

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

5 (3) Investment earnings on monies in the fund.

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

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

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

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

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

15 (4) To cover administrative and program costs associated with managing
16 financial security instruments, including but not limited to risk assessment,
17 compliance monitoring, rulemaking, legal services, actuarial evaluations, and
18 reporting.

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

25 (6) Upon request by the Natural Resources Trust Authority and with the
26 approval of the Mineral and Energy Board, the state treasurer is hereby
27 authorized and directed to transfer from the Natural Resources Financial
28 Security Fund to the Mineral and Energy Operations Fund such amounts as are
29 approved by the Board and deemed necessary to implement the purposes of this

1 Chapter, subject to the availability of funds and in accordance with applicable
2 law.

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

12 * * *

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

14 * * *

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

21 * * *

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

25 * * *

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

1 finds that such reservoir has not been fully depleted, the ~~commissioner~~ secretary
 2 shall determine the amount of the remaining commercially recoverable natural gas,
 3 condensate, or liquid hydrocarbon content of such reservoir.

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

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

25 * * *

26 B. Except as to liquid or gas hydrocarbon, carbon dioxide, hydrogen,
 27 nitrogen, ammonia, compressed air, or noble gas storage projects begun before the
 28 effective date of this Section, and prior to authorizing the use of any salt dome cavity
 29 for the storage of liquid or gaseous hydrocarbons or carbon dioxide, the ~~assistant~~

1 secretary, after public hearing pursuant to the provisions of R.S. 30:6, shall have
2 found all of the following:

3 * * *

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

1 formation; and such rules and regulations as may be necessary pertaining to surface
2 storage facilities for the protection of the environment, drilling into any salt dome
3 for the creation of cavities, and equipping of same for the injection, storage, and
4 withdrawal of liquid or gaseous hydrocarbons, carbon dioxide, hydrogen, nitrogen,
5 ammonia, compressed air, or noble gases not otherwise prohibited by law. Subject
6 to the exception provided in Subsection B of this Section, the ~~commissioner~~
7 secretary shall not allow the use of any salt dome in the state of Louisiana for the
8 purposes mentioned herein until such time as he has prepared and promulgated the
9 regulations required herein according to the Administrative Procedure Act, R.S.
10 49:950 et seq. In addition, the ~~commissioner~~ secretary shall issue necessary orders,
11 rules, and regulations for the protection of the rights of owners of parts of the salt
12 dome which are adjacent to any part thereof sought to be used for the storage of
13 liquid or gaseous hydrocarbons, carbon dioxide, hydrogen, nitrogen, ammonia,
14 compressed air, or noble gases not otherwise prohibited by law.

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

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

1 hereof.

2 §23.1. Recordation of notice of solution mined cavern

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

13 * * *

14 §25. Closure of production pits in the wetlands

15 A.(1) * * *

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

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

29 * * *

1 and whether the violator has acted in good faith.

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

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

12 * * *

13 §26. Applications and notification of completeness

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

28 * * *

29 §27. Authorization to enter lands of another

1 office for drilling permits and may revise such fees pursuant to the rulemaking
2 provisions of the Administrative Procedure Act.

3 * * *

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

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

14 * * *

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

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

1 area of review is within a five-hundred-foot radius of the proposed site, and to the
2 local governing authority in whose jurisdiction the property is located.

3 * * *

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

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

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

19 * * *

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

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

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

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

11 (a) The pre-entry notice shall be sent to the surface owner no less than thirty
 12 days prior to construction operations of a drilling location on the property by the
 13 operator for the purpose of commencing drilling operations on the well described in
 14 the pre-entry notice. Such notice shall be provided in the form required by the
 15 ~~commissioner~~ **secretary**. No subsequent notice to the surface owner shall be
 16 required.

17 * * *

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

23 * * *

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

27 * * *

28 J. No later than thirty days after the issuance of an amended permit to transfer
 29 a well to another operator, the ~~commissioner~~ **secretary** shall require that the operator

1 identify on a form approved by the ~~commissioner~~ secretary the surface owner of
2 lands on which the well site is located. "Surface owner" shall mean the person shown
3 in the assessor's rolls of the parish as the current owner of the surface rights for the
4 land on which the well site is located.

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

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

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

* * *

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

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

§42. Right to purchase gas

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

1 corporation engaged in buying and selling natural gas.

2 * * *

3 §44. Gas to be measured by meter

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

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

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

16 * * *

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

18 A. The ~~commissioner of conservation~~ **secretary** is hereby authorized and
19 empowered, in the absence of the availability of satisfactory actual data based upon
20 observed or recorded specific gravity and flowing temperature determinations, to
21 determine the average specific gravity, and average flowing temperature of the gas
22 at the point of measurement, as produced in each oil or gas field or pool in Louisiana,
23 which after being so determined shall be used to calculate the standard cubic foot.

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

29 C. In the event that the ~~commissioner of conservation~~ **secretary** finds the

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

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

15 * * *

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

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

20 * * *

21 §73. Definitions

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

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

28 * * *

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

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

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

16 (3)(a) Prior to any sheriff's sale or public auction of any property related to
17 the operation of oil and gas wells, the person seeking such sale shall notify the
18 ~~commissioner~~ secretary of such sale not less than thirty days prior to such sale. Such
19 sale shall not occur unless the ~~commissioner~~ secretary consents thereto in writing,
20 and the sale shall include the wellbore unless specifically excluded from the sale. In
21 the event the wellbore is not specifically excluded from the sale as provided herein,
22 the sheriff or person seeking such a sale shall cause to be included in the notice of
23 the sale and in the sale instrument a statement or notice that the purchaser shall be
24 required to file the appropriate documents with the ~~office of conservation~~
25 department to become operator of record of the subject well pursuant to the
26 provisions of R.S. 30:204.

27 (b) The ~~commissioner~~ secretary may, if he deems it appropriate to insure the
28 proper plugging and abandonment of the wells and closure of the associated oilfield
29 pits, retain a first lien and privilege on such property, which lien and privilege shall

1 follow such property into the hands of third persons whether such persons are in
2 good or bad faith. The ~~commissioner~~ secretary shall record a notice of such lien
3 with the clerk of court in the parish in which the property is located and in which the
4 sale is to occur. The lien and privilege may be enforced against any person in
5 possession of the property in the same manner as a lien provided under the Louisiana
6 Oil Well Lien Act.

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

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

19 * * *

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

21 A. In addition to the notice required under R.S. 30:74, any landowner who
22 has notified the ~~office of conservation~~ department that his property contains an
23 abandoned oilfield waste site or who owns property which has been identified by the
24 ~~commissioner~~ secretary as an abandoned oilfield waste site pursuant to R.S. 30:75
25 shall cause notice of the identification of the location of the abandoned oilfield waste
26 site to be recorded in the mortgage and conveyance records of the parish in which
27 the property is located. Such notice shall be made in a form approved by the
28 ~~commissioner~~ secretary and within the time specified by the ~~commissioner~~
29 secretary. If a landowner fails or refuses to record such notice, the ~~commissioner~~

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

4 * * *

5 (6) "Issuer" means a public trust and public corporation organized and
 6 existing by, under, and pursuant to the provisions of R.S. 9:2341 through 2347,
 7 whose beneficiary is the state of Louisiana, and who is authorized to issue revenue
 8 bonds on behalf of the state of Louisiana **or the Louisiana Local Government**
 9 **Environmental Facilities and Community Development Authority, pursuant to**
 10 **the provisions of R.S. 33:4548.1, et seq.**

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

14 * * *

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

22 * * *

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

28 * * *

29 §83. Oilfield site restoration; administration by the Department of **Conservation**

1 connection with the issuance of any bonds, notes, certificates, reimbursement
 2 obligations, or other evidences of indebtedness referred to in this Section. The
 3 provisions of R.S. 9:2347(J) **and R.S. 39:112(G)** shall not apply to bonds or any
 4 contractual obligation, including the pledge of state funds, to be undertaken or
 5 incurred in connection therewith.

6 * * *

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

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

10 * * *

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

13 * * *

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

17 §86. Oilfield Site Restoration Fund

18 A.(1) * * *

19 * * *

20 (2) Out of the funds remaining in the Bond Security and Redemption Fund,
 21 after a sufficient amount is allocated from that fund to pay all the obligations secured
 22 by the full faith and credit of the state that become due and payable within each fiscal
 23 year, the treasurer shall pay into the Oilfield Site Restoration Fund an amount equal
 24 to the revenues generated from collection of the fees provided for in Subsection D
 25 of this Section. ~~The treasurer shall also transfer into the Oilfield Site Restoration~~
 26 ~~Fund the amount of thirty million dollars in federal funding from the first federal~~
 27 ~~funds received by the state for which oilfield site restoration or plugging orphan~~
 28 ~~wells is an allowable use, as determined by the Joint Legislative Committee on the~~
 29 ~~Budget.~~ Such funds shall constitute a special custodial trust fund which shall be

1 administered by the Natural Resources Trust Authority, which shall make
2 disbursements from the fund solely in accordance with the purposes and uses
3 authorized by this Part.

4 * * *

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

7 * * *

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

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

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

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

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 the Natural Resources Trust Authority for the following purposes and uses:

26 * * *

27 (2) Upon approval of the trust authority, the administration of this Part by the
28 department in an amount not to exceed ~~nine hundred fifty thousand dollars~~ **the**
29 **department's federal approved indirect cost rate or, if no such rate exists, the**

1 de minimis rate of fifteen percent of all direct costs, each fiscal year. Amounts
2 expended pursuant to Paragraph (4) of this Subsection shall not count towards the
3 administrative expenditure limitation.

4 * * *

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

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

28 * * *

29 G. Upon declaration of an emergency as defined in R.S. 30:6.1, the assistant

1 secretary shall notify the trust authority and the State Mineral and Energy Board of
2 the declared emergency. Upon notification, the trust authority, in consultation with
3 the State Mineral and Energy Board, may direct that no monies in the fund be
4 disbursed or spent for response activity related to the emergency declaration.

5 H. At the direction of the secretary or the Natural Resources Trust Authority,
6 ~~federal monies dedicated pursuant to Paragraph (D)(9) or (10) of this Section~~ **monies**
7 **from federal appropriations or any federal grant program established by the**
8 **United States Congress for the purpose of restoring orphan oilfield sites** shall be
9 placed into the department's federal funds account instead of the Oilfield Site
10 Restoration Fund, ~~but such money shall otherwise be subject to the same~~
11 ~~requirements applicable to money identified in Paragraph (D)(9) or (10) of this~~
12 ~~Section.~~ **Except for administrative costs not exceeding federal limits as set by**
13 **Congress or the administering federal agency, all such federal monies shall be**
14 **used exclusively for orphan oilfield site assessment and restoration, including**
15 **plugging of orphan wells.**

16 **I. Notwithstanding any other provision of this Part, such monies from the**
17 **Oilfield Site Restoration Fund may be expended by the secretary through**
18 **contracts entered into under any competitive process authorized by Title 38 or**
19 **39 of the Louisiana Revised Statutes of 1950.**

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

27 * * *

28 §88. Oilfield site trust accounts

29 * * *

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

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

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

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

1 oilfield site and shall be a factor in the redetermination.

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

8 * * *

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

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

15 * * *

16 §88.1. Oilfield site trust accounts for orphaned wells

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

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

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

25 * * *

26 C. Site restoration assessment. When establishing a site-specific trust account
27 under this Section, the ~~assistant~~ secretary shall require an oilfield site restoration
28 assessment to be made to determine the site restoration requirements existing at the
29 time the site-specific trust account is established. The oilfield site restoration

1 assessment shall be conducted by approved site assessment contractors appearing on
 2 a list approved by the trust authority or acceptable to the trust authority. The oilfield
 3 site restoration assessment shall specifically detail the site's restoration needs and
 4 shall provide an estimate of the restoration costs needed to restore the oilfield site
 5 based on the conditions existing at the time the site-specific trust account is
 6 established.

7 D. Trust account monitoring. The ~~assistant~~ secretary shall monitor each trust
 8 account to assure that it is being properly funded. The funds in each trust account
 9 shall remain the property of the trust authority. In the event that the site-specific trust
 10 account is not funded through the payment of the severance tax due the state for a
 11 period of greater than six months from the date of first production following
 12 designation of the well as part of an orphaned oilfield site, the ~~assistant~~ secretary
 13 shall require financial security in accordance with the ~~office of conservation's~~
 14 **department's** rules and regulations.

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

21 * * *

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

25 * * *

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

29 §88.2. Orphan well rework program

1 * * *

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

11 * * *

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

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

18 * * *

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

22 §89. Non-orphan site restoration

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

27 B. The ~~assistant~~ secretary, upon notice and hearing, pursuant to rules adopted
 28 by the ~~assistant~~ secretary in accordance with the Administrative Procedure Act, may
 29 declare an oilfield site to be an unusable oilfield site. Upon failure of a responsible

1 party to undertake site restoration as ordered by the ~~assistant~~ secretary, the secretary
2 ~~or assistant secretary~~ is authorized to disburse such funds as are necessary for site
3 restoration from the site-specific trust account.

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

7 * * *

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

13 (3) If the funds in the site-specific trust account are depleted prior to the
14 payment of all site restoration costs, and if the ~~assistant~~ secretary subsequently
15 declares that oilfield site to be an orphaned oilfield site and upon approval of the
16 trust authority, the Oilfield Site Restoration Fund shall contribute the balance of the
17 restoration costs for that orphaned oilfield site.

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

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

22 * * *

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

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

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

28 * * *

29 (4) The status of enforcement proceedings for all sites in violation of the

1 ~~assistant~~ secretary's rules and the time period during which the sites have been in
2 violation, including the status of the ~~assistant~~ secretary's attempts to recover
3 reimbursement for restoration costs.

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

5 * * *

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

10 * * *

11 §91. Orphaned oilfield sites

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

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

16 * * *

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

29 (2)(a) In the event that a site is being declared orphaned, the ~~assistant~~

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

11 * * *

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

17 (3) Sale or removal of property from an oilfield site which has been declared
 18 orphaned without the written consent of the ~~assistant~~ secretary is prohibited. The
 19 secretary shall have a claim against the person or persons who have sold or removed
 20 such property for the fair market value of the property sold or removed, and the lien
 21 and privilege provided herein shall follow such property into the hands of third
 22 persons whether such persons are in good or bad faith.

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

25 * * *

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

29 §92. Orphan site restoration

1 the ~~commissioner's~~ secretary's jurisdiction pursuant to R.S. 30:1 et seq. in
2 accordance with the following:

3 * * *

4 C. The secretary may enter into a site restoration contribution
5 agreement prior to undertaking restoration of an orphaned oilfield site under
6 this Part. In such agreement the secretary shall accept and agree to specific
7 levels of monetary or other contribution towards the cost of restoring an
8 orphaned oilfield site by a party or parties who have operated or held a working
9 interest in such orphaned oilfield site. Upon entering into a site restoration
10 contribution agreement and following final payment by a party to the
11 department of the contribution amount agreed to therein, the party shall be
12 deemed to have met their obligations under this Part and the secretary shall
13 have no right to recover costs incurred by the secretary, penalties, or other
14 relief as contemplated in this Section. Any party who has operated or held a
15 working interest in an orphaned oilfield site covered by a site restoration
16 contribution agreement but has either failed to enter into such agreement or
17 failed to pay the department the agreed upon amount shall be liable for cost
18 recovery pursuant to this Section. The secretary shall have no right of action to
19 seek recovery of the costs contributed to restoration of an orphaned oilfield site
20 by another party pursuant to a site restoration contribution agreement. Site
21 restoration contribution agreements may include provisions resolving
22 regulatory compliance and compliance with obligations set forth in a state lease,
23 operating agreement, right of way, servitude or other contract associated with
24 the orphaned oilfield site at issue.

25 * * *

26 §94. Penalties

27 A. Failure of a responsible party to comply with its obligation under this Part
28 may cause that responsible party to lose all rights of an operator under this Subtitle
29 in the state of Louisiana. The ~~assistant~~ secretary may cancel forthwith any allowables

1 and deny any permits until restitution is received by cashier's check for costs
2 incurred by the ~~assistant~~ secretary under this Part. Costs shall include without
3 limitation restoration costs, legal expenses, and interest. The fund shall be
4 reimbursed for any expenditures made on behalf of the oilfield site.

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

7 * * *

8 (2) An individual or entity has committed a violation of Statewide Order
9 29-B if any one of the following has occurred:

10 * * *

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

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

15 * * *

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

20 * * *

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

22 * * *

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

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

29 D. No party contracting with the Department of **Conservation and** Energy

1 ~~and Natural Resources, office of conservation,~~ or the trust authority under the
 2 provisions of this Part shall be deemed to be a public employee or an employee
 3 otherwise subject to the provisions of Parts I through IV of Chapter 15 of Title 42 of
 4 the Louisiana Revised Statutes of 1950.

5 * * *

6 Part VIII. WATER RESOURCE MANAGEMENT

7 §98.1. Legislative Declaration; Purpose

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

16 §98.2. Definitions

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

20 §98.3. Powers of the Department of Conservation and Energy

21 A. Notwithstanding any other provision of law to the contrary, in
 22 carrying out the provisions of this Part, the Department of Conservation and
 23 Energy is exclusively empowered to do the following:

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

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

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

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

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

11 **§98.4. Groundwater districts; water resource management**

12 **A. The department may designate aquifer-specific groundwater districts**
13 **based on rules and regulations adopted by the department.**

14 **B. The department may do all things necessary to prevent waste of**
15 **groundwater resources, and to prevent or alleviate damaging or potentially**
16 **damaging subsidence of the land surface caused by withdrawal of groundwater.**
17 **Notwithstanding any other provision of law to the contrary, the department**
18 **shall have the exclusive authority to do, as required, the following within a**
19 **district designated by the department:**

20 **(1) To hold hearings.**

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

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

28 **(4) To require that all users of groundwater register with the department**
29 **showing the number, location, and capacity of wells owned or operated by them**

1 or solely for their benefit and designating the beneficial use or uses of that
2 groundwater. The department shall classify each user as an industrial user or
3 as a commercial, rural or municipal user of groundwater upon the basis of such
4 information. The department shall have authority in its discretion to require
5 periodical renewals of registrations to determine alterations in uses of water.
6 Such registrations may be required on an annual basis or such greater periods
7 of time as the department may deem appropriate.

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

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

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

20 (8) To collect data; to make investigations and inspections; to examine
21 properties, papers, books, and records relevant to groundwater use or
22 conservation; to examine, survey, check test, and gauge all water wells; to
23 require well owners who are users or well owners providing water to other
24 users, at their own expense, to meter wells to permit accurate determination of
25 rates of use. Metering may be required on a continuous or periodic basis, and
26 the department may require approval by it of metering devices; to provide for
27 the keeping of records and making of reports by owners of water wells
28 providing water to users, and users of groundwater.

29 (9) To require that an authorized representative of the department be

1 enabled to enter property at reasonable times and under reasonable conditions
2 to inspect wells, perform tests and examine records.

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

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

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

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

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

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

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

25 (17) Within affected areas, to limit rates of production of water from any
26 aquifer or aquifers, after detailed research, considering both recharge and
27 withdrawal data, when the quality or quantity of the supply of water afforded
28 by such aquifer or aquifers is in danger for any reason or where the danger of
29 damaging subsidence exists.

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

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

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

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

15 D. The department shall have the exclusive authority to make, after
16 notice and hearing and to enforce reasonable rules, regulations, or orders
17 necessary from time to time to achieve the purposes and powers as outlined in
18 this Part, and such rules, regulations and orders shall be effective and
19 enforceable immediately upon promulgation in the official journal of each
20 parish affected.

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

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

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

28 (c) Ensures proper operation of the metering device through installation,
29 calibration, validation, and maintenance practices that are consistent with the

1 accepted capability of that type of metering device. Calibration of each metering
2 device shall be performed at least once per year by a qualified source, which is
3 a person or entity that has received formal training or has practical field
4 experience in the calibration of that type of metering device.

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

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

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

18 F. The department is hereby vested with the exclusive authority and
19 responsibility for the comprehensive management, conservation, and protection
20 of the state's water resources.

21 G. Notwithstanding any other provision of law to the contrary, the
22 department shall have the exclusive authority to adopt rules and regulations
23 necessary to implement and enforce this Part, encompassing all water resource
24 management activities currently regulated, authorized, or practiced within the
25 state, including but not limited to:

26 (1) Regulation and permitting of surface and groundwater usage.

27 (2) Identification and protection of water recharge areas.

28 (3) Monitoring and evaluation of water quality and quantity.

29 (4) Planning and coordinating water resource development projects.

1 (5) Implementing conservation measures and best practices for water
2 resource sustainability.

3 §98.5. Comprehensive water resource plan

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

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

12 §98.6. Enforcement and compliance

13 A. Notwithstanding any other provision of law to the contrary, the
14 department shall have the exclusive authority to:

15 (1) Conduct inspections and investigations necessary for compliance and
16 enforcement of rules adopted under this Chapter.

17 (2) Issue notices of violation, compliance orders, and penalties consistent
18 with established regulations.

19 B. The department shall have the authority to collaborate with federal,
20 state, and local agencies to ensure coordinated enforcement efforts.

21 §98.7. Administrative review and appeals

22 Any party adversely affected by a decision or action of the department
23 under this Chapter shall be entitled to an administrative hearing in accordance
24 with rules adopted pursuant to the Administrative Procedure Act. Judicial
25 review shall be available following the exhaustion of administrative remedies as
26 provided by law.

27 §98.8. Immunity from liability

28 The department and its officers, employees, agents, and designated
29 representatives acting in the discharge of their duties under this Chapter shall

1 be immune from civil liability for actions taken in good faith in compliance with
 2 established rules and regulations.

3 §98.9. Cooperation with other agencies

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

7 §98.10. Funding and financial assistance

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

11 §98.11. Severability

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

16 * * *

17 §101.2. Policy and purpose

18 A. The legislature finds and declares that it is in the public interest and within
 19 the police power of this state to establish a fishermen's gear compensation and
 20 underwater obstruction removal program and a fishermen's gear compensation and
 21 underwater obstruction removal dedicated fund account to provide for the proper and
 22 timely identification, inventory, and removal of underwater obstructions that are a
 23 hazard to navigation and commercial fishing in the state, and to compensate
 24 commercial fishermen for damage to their fishing gear from the underwater
 25 obstructions. The program and fund account shall be administered, for purposes of
 26 fishermen's gear compensation, by the ~~assistant~~ secretary of the office of coastal
 27 management and, for purposes of underwater obstruction, by the ~~assistant~~ secretary
 28 of the office of conservation, both with the Department of **Conservation and** Energy
 29 and Natural Resources.

* * *

§101.3. Definitions

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

* * *

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

* * *

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

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

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

§101.5. Powers of the secretary

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

* * *

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

* * *

1 §101.6. Powers of the ~~assistant~~ secretary

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

4 * * *

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

8 §101.7. Contracts; parties

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

17 * * *

18 §101.8. Liability

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

22 §101.9. Fishermen's Gear Compensation and Underwater Obstruction Removal

23 Dedicated Fund Account

24 * * *

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

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

29 (2) The administration of this Part by the ~~office of conservation~~ **department**

1 in an amount not to exceed two hundred thousand dollars in any fiscal year.

2 * * *

3 §101.10. ~~assistant secretary's~~ **Secretary** annual report to the legislature

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

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

10 * * *

11 §101.13. Disbursement of funds; eligibility; hearings

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

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

21 * * *

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

26 * * *

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

29 * * *

1 (4) Shall be made for any claim at a site that has been certified by the
 2 ~~assistant secretary of the office of conservation for~~ the Department of **Conservation**
 3 **and Energy and Natural Resources** as having been cleared under the provisions of
 4 this Part. Once a site has been cleared under the Louisiana Fishermen's Gear
 5 Compensation and Underwater Obstruction Removal Program, the ~~assistant~~ secretary
 6 shall certify that the site of at least two hundred yards in diameter is free of
 7 obstructions, and future claims at a site so certified shall be denied. Whenever four
 8 or more claims are reported after a site has been certified as clear, the site shall be
 9 revisited and the new or leftover obstruction shall be located and, if the department
 10 determines it is feasible, removed.

11 * * *

12 §101.14. Facilities reports; survey of obstruction; labeling

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

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

23 * * *

24 §103.1. Operators and producers to report to owners of unleased oil, gas or brine
 25 interests

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

1 of the interests by a sworn, detailed, itemized statement:

2 * * *

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

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

10 * * *

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

22 D. The board shall administer the state's proprietary interest in minerals **and**
23 **water resources** as herein provided. The governor may appoint to the board
24 members engaged in the industry and related business activity which members and
25 which board shall be subject to the provisions of R.S. 42:1101 through R.S. 42:1168.

26 * * *

27 **§124.1. Confidential information**

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

property may be deemed confidential and withheld from public disclosure by the Board or office of mineral resources if disclosure of such information would be reasonably likely to:

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

B. Give any advantage to a competitor.

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

* * *

§125. Application for lease; fee

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

* * *

§127.1. Tertiary recovery incentive

* * *

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

* * *

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

(11) Any other method approved by the ~~assistant secretary of the office of~~

1 ~~conservation~~ as constituting tertiary recovery within the contemplation of that term
2 in the profession of petroleum engineering.

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

10 * * *

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

13 * * *

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

22 * * *

23 §135. Secretary and other employees

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

28 * * *

29 §136.3. Mineral and Energy Operation Fund

* * *

B. Out of the funds remaining in the Bond Security and Redemption Fund, after a sufficient amount is allocated from that fund to pay all obligations secured by the full faith and credit of the state which become due and payable within any fiscal year as required by Article VII, Section 9(B) of the Constitution of Louisiana, the treasurer in each fiscal year shall pay into the fund revenues and amounts from the following sources:

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

* * *

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

C. Monies in the fund shall be invested by the state treasurer in the same manner as monies in the state general fund. **At the request of the Natural Resources Trust Authority, the state treasurer may invest monies in the fund, or any portion thereof, in accordance with the provisions of R.S. 33:2955.** Interest earned on investment of monies in the fund shall be credited to the ~~state~~ **general** fund.

D. The monies in the fund shall be appropriated by the legislature to the Department of **Conservation and** ~~Energy and Natural Resources~~ to be used solely for the administration and regulation of minerals, ground water, and related **conservation and** energy activities. Additionally, monies deposited into the fund

1 pursuant to Paragraph (B)(5) of this Section shall be used solely for the
2 administration and regulation of solar power generation facilities.

3 * * *

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

5 * * *

6 D.(1)

 * * *

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

17 (3) Except as otherwise provided herein, the hearing required hereby shall be
18 conducted in accordance with and pursuant to the provisions of Chapter 13 of Title
19 49 of the Louisiana Revised Statutes of 1950 and such regulations as the secretary
20 of the Department of ~~Resources~~ Conservation and Energy may issue hereunder.

21 * * *

22 §148.8. Oil, gas, and mineral rights not affected; exceptions

23 Nothing in this Subpart is intended to authorize the leasing of lands or bodies
24 of lakes, bays or coves, sea, arms of the sea, or other navigable waters and beds
25 thereof for the exploration and development of same for the production of oil, gas,
26 sulphur, or other minerals, provided, however, such absence of authorization shall
27 not be construed as prohibiting drilling for the purpose of injection, storage, or
28 withdrawal of any stored oil, natural gas, liquid hydrocarbons, or carbon dioxide into
29 or from any underground reservoirs or salt dome caverns, or the drilling of wells for

1 the purpose of making caverns in salt domes covered by any lease granted pursuant
 2 to the provisions of this Subpart. Such absence of authorization shall not be
 3 construed to prohibit the production of any oil, natural gas, or liquid hydrocarbons
 4 which may remain in a partially depleted underground reservoir determined by the
 5 ~~commissioner of conservation of the state of Louisiana~~ secretary of the
 6 Department of Conservation and Energy to be suitable for use as an underground
 7 storage reservoir in accordance with the provisions of this Title.

8 §148.9. Oil; natural gas; liquid hydrocarbons; carbon dioxide; lease for underground
 9 storage

10 A. Any lease for the underground storage of oil, natural gas, liquid
 11 hydrocarbons, or carbon dioxide granted pursuant to the provisions of this Subpart
 12 shall be granted conditionally and shall not be final until the following conditions are
 13 met:

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

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

19 * * *

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

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

29 B. Upon request, the State Mineral and Energy Board may administer and

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

6 * * *

7 §172. Lessees may construct breakwaters, etc.

8 Any person holding or acquiring a lease from the state for the development
 9 and production of minerals from lands including water bottoms belonging to the
 10 state, shall be authorized, in the conduct of the operations under the lease, to build,
 11 install and exclusively control, upon the shores, banks or water bottoms covered by
 12 the lease, breakwaters, platforms, fills, islands, (through excavation, pumping
 13 process or otherwise) and other constructions and facilities that he may find
 14 necessary or convenient for the exploitation, production, storing, treating, processing,
 15 refining, conveying, transporting and marketing of minerals produced under such
 16 lease and under leases covering other lands in the vicinity. Should any island or fill
 17 be made within navigable waters, a permit shall first be secured from the Register
 18 of the State Land Office and approved by the ~~commissioner of conservation~~
 19 **secretary**.

20 * * *

21 §209. State Mineral and Energy Board; authority

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

24 * * *

25 (4)(a) Enter into operating agreements whereby the state receives a share of
 26 revenues from the production of oil, gas, and other minerals, and wind energy, after
 27 deduction of costs, in whole or in part, such as for drilling, testing, completion,
 28 equipping, or operating a well or wells, as may be agreed upon by the parties, and
 29 assumes all or a portion of the risk cost of development or production activity in

1 those situations where the board determines it is in the best interest of the state,
 2 either in equity or in developmental productivity, to do so, such as but not limited to
 3 the following illustrations:

4 * * *

5 (e) Upon a two-thirds vote of the members of the State Mineral and Energy
 6 Board and after notification to the governing authority of the affected parish, which
 7 may be made by electronic mail to the parish president, police jury president, or
 8 mayor-president, depending on the form of parish government, and a public hearing
 9 conducted by a hearing officer appointed by the ~~assistant~~ secretary for the office of
 10 mineral resources in each affected parish pursuant to R.S. 30:6, enter into operating
 11 agreements whereby the state receives a share of revenues from the storage of oil,
 12 natural gas, liquid or liquefied hydrocarbons, or carbon dioxide, in whole or in part,
 13 as may be agreed upon by the parties, and assumes all or a portion of the risk of the
 14 cost of the activity in those situations where the board determines it is in the best
 15 interest of the state either in equity or in the promotion of conservation to do so, such
 16 as but not limited to the following illustrations:

17 * * *

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

25 §209.1. Acquisition of ~~geological~~ information **and data**

26 A. The right of the State Mineral and Energy Board under R.S. 30:209 ~~to~~
 27 ~~conduct or contract for geophysical and geological surveys and other operations on~~
 28 ~~lands which the board might lease for the state in order to carry out the provisions~~
 29 ~~of R.S. 30:208, relative to exploration and development of mineral resources shall~~

1 ~~include the right to acquire and receive, either as owner in its own right or licensee,~~
 2 ~~from the company acquiring and processing the data under the geophysical or~~
 3 ~~geological surveys, and geophysical, geological, and engineering information and~~
 4 ~~data acquired or processed from the surveys or operations conducted on any lands,~~
 5 ~~whether public or private, for evaluation, administration, and development of the~~
 6 ~~mineral resources of state-owned properties~~ **the right to acquire and receive, either**
 7 **as owner in its own right or licensee, information and data acquired or**
 8 **processed from geological and geophysical surveys or other operations**
 9 **conducted on any lands, whether public or private, for evaluation,**
 10 **administration, and development of the mineral resources of state-owned**
 11 **properties.**

12 B.(1) Information and data acquired as authorized by Subsection A of this
 13 Section shall be confidential for all purposes consistent with the terms of acquisition
 14 and shall be made available only to the State Mineral and Energy Board, and the
 15 ~~commissioner of conservation~~ **secretary** at the sole discretion of the board, who shall
 16 keep such information and data confidential and may use such information and data
 17 only in the lawful, official administration and development of publicly owned lands.
 18 Whoever knowingly and willfully violates the provisions of this Subsection shall be
 19 punished by the penalties provided by R.S. 30:213(B).

20 * * *

21 §413. Certified emergencies; suspension of act

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

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

1 issue an official order to that effect.

2 * * *

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

5 A. Whenever there has been a failure to supply natural gas as a result of
6 compulsory reallocation or curtailment procedures other than as provided for at R.S.
7 30:571 and R.S. 30:413, the ~~assistant~~ secretary shall call a public hearing pursuant
8 to the Louisiana Administrative Procedure Act for the purpose of determining the
9 reasons for the compulsory action, the sustained and impending harm to the health,
10 safety and welfare of the citizens of the state as a result of the compulsory action,
11 and the beneficiaries of the natural gas otherwise made available as a result of the
12 compulsory action.

13 * * *

14 §502. Declaration of energy emergency; purpose of Chapter

15 * * *

16 D. Notwithstanding anything herein to the contrary, this Chapter shall not
17 apply to natural gas, not to exceed twenty five million cubic feet per day, owned or
18 purchased by a person at or near the field where produced and transported by the
19 purchaser through his own pipeline solely for his own consumption or to gas
20 acquired, through an exchange of any portion of such gas, solely for his own
21 consumption; provided that such gas may be made subject to the provisions of Part
22 IV of this Chapter in cases where the ~~commissioner~~ secretary finds that an extreme
23 emergency exists impairing gas otherwise required for the priorities set forth in R.S.
24 30:572(1)(a), (b), (c), (d), and (e) which cannot be substantially otherwise provided
25 for.

26 * * *

27 §503. Definitions

28 As used in this Chapter, the following words and phrases have the meaning
29 ascribed to them in this Section except as otherwise provided in this Chapter or

1 unless a different meaning is plainly required by the context:

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

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

6 * * *

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

17 * * *

18 (6) "Intrastate natural gas" is defined as that gas produced, transported, and
19 utilized wholly within the state of Louisiana, through the use of intrastate pipelines
20 or of interstate pipelines where such use of interstate pipelines is or may hereafter
21 be exempt from the control of the Federal ~~Power~~ **Energy Regulatory** Commission
22 under the Natural Gas Act and/or rules and regulations promulgated by the Federal
23 Power Commission thereunder; and gas, wherever produced, which is or may be
24 transported into this state and delivered to an intrastate pipeline in this state to be
25 used or consumed wholly within this state.

26 * * *

27 (8) "Intrastate pipeline" is defined as a pipeline which is located and operated
28 ~~wholly within~~ **in** the state of Louisiana **and is or may hereafter be exempt from**
29 **the control of the Federal Energy Regulatory Commission** ~~for the transportation~~

1 of intrastate natural gas within the state of Louisiana, which does not extend beyond
2 the boundaries of the state of Louisiana, and which is not merely a local branch of
3 an interstate pipeline system.

4 * * *

5 §504. ~~Division of Natural Resources~~ **Department of Conservation** and Energy;
6 **powers of the secretary**

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

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

16 §521. Merger and consolidation of agencies or functions

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

23 * * *

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

1 the ~~commissioner~~ secretary by Subsection B of this Section.

2 * * *

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

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

16 §525. Transfer of employees

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

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

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

27 * * *

28 (2) Contract, upon such terms as he may agree upon, for legal, financial,
29 engineering, and other professional services necessary or expedient in the conduct

1 of the affairs of the ~~office of conservation~~ **department** under the provisions of this
2 Chapter; however, counsel retained by the ~~assistant~~ secretary to represent the
3 interests of the state before the congress and the federal energy agencies and to
4 advise the ~~assistant~~ secretary regarding the same shall not be deemed to be a public
5 employee within the meaning of Chapter 15 of Title 42 of the Louisiana Revised
6 Statutes of 1950.

7 * * *

8 §544. Violation; penalties, civil and criminal

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

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

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

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

28 * * *

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

1 for:

2 * * *

3 §551. Regulatory designation

4 A. Pursuant to Section 2(A) of Article IX of the Louisiana Constitution of
5 1974, the ~~assistant~~ secretary shall be the authority to regulate natural gas and natural
6 gas transporters and distribution companies as provided in this Chapter; provided,
7 however, that the Louisiana Public Service Commission shall remain the authority
8 to regulate the sale of natural gas moving by pipeline to local distributing systems
9 for resale, and shall regulate resales by those distributing companies, for the
10 purposes of fixing and regulating the rates and services charged and rendered by
11 public utilities in such sale; except that those distribution companies or systems
12 owned or operated by the governing authority of one or more political subdivisions
13 or subject to regulation in accordance with the provisions of a home rule charter or
14 plan of government shall be regulated, except as provided in Subsection B, hereof,
15 by the owning or operating governing authority or as provided by such home rule
16 charter or plan of government.

17 B. Notwithstanding the provisions of Subsection A of this Section, the
18 ~~assistant~~ secretary shall be the authority to regulate persons engaged in the
19 transportation of gas or who own or operate intrastate pipeline facilities for the
20 transportation of gas. The ~~assistant~~ secretary shall establish by regulation minimum
21 safety standards for pipeline facilities and the transportation of gas, and those
22 regulations shall be consistent with the rules and regulations authorized by 49 U.S.C.
23 60101 et seq.

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

1 associated with those facilities.

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

5 E. The ~~commissioner of conservation~~ secretary, as permitted by 49 U.S.C.
6 60101, et seq., may certify annually to the United States Department of
7 Transportation that the state, through the ~~office of conservation~~ Department of
8 Conservation and Energy, has regulatory jurisdiction over the safety standards and
9 practices of intrastate underground gas storage facilities not otherwise regulated by
10 the Federal Energy Regulatory Commission and the transportation of gas and the
11 storage of gas at those facilities. The ~~commissioner of conservation~~ secretary, as
12 permitted by 49 U.S.C. 60101 et seq., may enter into an agency relationship with the
13 United States Department of Transportation to enforce compliance with safety
14 standards with respect to interstate gas storage facilities or the transportation of gas
15 associated with those facilities.

16 * * *

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

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

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

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

11 C. The ~~commissioner~~ secretary may borrow funds not to exceed
12 ~~\$50,000,000.00~~ fifty million dollars for implementation of the purposes of this
13 Section and mortgage and pledge any lease or leases granted by, assigned or
14 subleased by the ~~commissioner~~ secretary.

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

1 provide the services contemplated by the ~~commissioner~~ secretary, fails to
2 commence same within sixty days from the date of notification of the ~~commissioner~~
3 secretary of such intention, the ~~commissioner~~ secretary may proceed to perform the
4 acts, construct the facilities or provide the services originally contemplated.

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

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

15 * * *

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

1 G. Within 90 days after December 8, 1973, the ~~commissioner of conservation~~
2 secretary shall promulgate a set of rules and regulations for intrastate pipeline
3 safety, using as a guideline those rules and regulations authorized by 49 U.S.C.A.
4 §1671 to 1684 inclusive as established by the United States Secretary of
5 Transportation.

6 §558. Bond issue for pipeline

7 A. In order to finance capital improvements authorized by R.S. 30:557, the
8 ~~commissioner~~ secretary shall have the power to borrow money not to exceed
9 \$50,000,000.00 and evidence the borrowing in the issuance and sale of bonds or
10 other obligations of the ~~State~~ Department of Conservation and Energy, the principal
11 and interest of which shall be payable solely out of revenues herein authorized to be
12 dedicated and pledged for such payment.

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

28 * * *

29 D. Any bonds or other obligations issued hereunder shall be payable from

1 and be secured by the pledge of the revenues derived from the operation of the
2 pipeline system or systems, as constructed, acquired, extended or improved with the
3 proceeds of the bonds, subject only to prior payment of the reasonable and necessary
4 expenses of operating and maintaining the system or systems. Any holder of the
5 bonds or other obligations or of any of the coupons thereto attached may by
6 appropriate legal action compel performance of all duties required of the
7 ~~commissioner~~ secretary in order to enforce payment of the bonds when due. If any
8 bonds or other obligations issued hereunder are permitted to go into default as to
9 principal or interest, any court of competent jurisdiction may, pursuant to the
10 application of the holder of the bonds or other obligations, appoint a receiver for the
11 system or systems who shall operate the system or systems and collect and distribute
12 the revenues thereof pursuant to the provisions and requirements of the
13 ~~commissioner's~~ secretary's written authorization for the bonds.

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

24 * * *

25 F. When the ~~commissioner~~ secretary has issued bonds and pledged the
26 revenues of the pipeline system or systems for the payment thereof as herein
27 provided, the ~~commissioner~~ secretary shall operate and maintain the system or
28 systems and shall impose and collect fees and charges for the services furnished by
29 the system or systems, including those furnished to the ~~State~~ Department of

1 Conservation **and Energy**, in such amounts and at such rates as shall be fully
2 sufficient at all times to (1) pay the expenses of operating and maintaining the
3 system or systems, (2) provide a sinking fund sufficient to assure the prompt
4 payment of principal of and interest on the bonds or other obligations as each falls
5 due, (3) provide such reasonable fund for contingencies as may be required by the
6 ~~commissioner's~~ **secretary's** written authorization for the bonds or other obligations,
7 and (4) provide an adequate depreciation fund for repairs, extensions and
8 improvements to the system or systems necessary to assure adequate and efficient
9 service to the public. No board or commission other than the ~~commissioner~~
10 **secretary** shall have authority to fix or supervise the making of such fees and
11 charges, which shall be in amounts reasonably necessary for the purposes herein
12 stated.

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

26 H. The ~~commissioner~~ **secretary** may by written authorization authorize the
27 issuance of bonds or other obligations for the purpose of refunding, extending and
28 unifying the whole or any part of the principal, interest and redemption premiums
29 on any outstanding bonds or other obligations issued under the authority of this

1 Section. The refunding bonds or other obligations may either be sold and the
 2 proceeds applied to or deposited in escrow for the retirement of the outstanding
 3 bonds or other obligations, or may be delivered in exchange for the outstanding
 4 bonds or other obligations. The refunding bonds or other obligations shall be
 5 authorized in all respects as original bonds or other obligations are herein required
 6 to be authorized. The ~~commissioner~~ **secretary**, in authorizing the refunding bonds
 7 or other obligations, shall provide for the security of the bonds or other obligations,
 8 the sources from which the bonds or other obligations are to be paid and for the
 9 rights of the holders thereof in all respects as herein provided for other bonds or
 10 other obligations issued under the authority of this Section. The ~~commissioner~~
 11 **secretary** may also provide that the refunding bonds or other obligations shall have
 12 the same priority of lien on the revenues pledged for their payment as was enjoyed
 13 by the bonds or other obligations refunded.

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

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

19 * * *

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

25 §560. Pipeline safety inspection fees

26 * * *

27 B. There is hereby imposed upon all distributors of jurisdictional gas who
 28 own and operate any jurisdictional gas distribution system that comes under the
 29 supervision of the ~~assistant~~ secretary pursuant to R.S. 30:551(B) an annual safety and

1 odorization inspection fee not to exceed one dollar per service line, or four hundred
2 dollars per pipeline facility, whichever is greater. The ~~commissioner~~ secretary shall
3 annually review the fee amount and may revise it in accordance with the
4 Administrative Procedure Act.

5 C. There is hereby imposed upon all distributors of jurisdictional gas who
6 own or operate any jurisdictional gas gathering or transmission system that comes
7 under the supervision of the ~~assistant~~ secretary pursuant to R.S. 30:551(B) an annual
8 safety inspection fee not to exceed forty-four dollars and eighty cents per mile of
9 pipeline used in a jurisdictional gas pipeline system, or eight hundred dollars per
10 pipeline facility, whichever is greater. The ~~commissioner~~ secretary shall annually
11 review the fee amount and may revise it in accordance with the Administrative
12 Procedure Act.

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

19 §561. Collection of inspection fees

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

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

28 C. All money received or collected by the ~~commissioner of conservation~~
29 secretary under R.S. 30:560 and this Section shall be deposited immediately upon

1 receipt in the state treasury and shall be credited to the Oil and Gas Regulatory
2 Dedicated Fund Account.

3 * * *

4 §571. Establishment, promulgation and implementation of plan

5 The governor of Louisiana shall have the authority pursuant to the police
6 powers granted him by the constitution of this state, from time to time to declare a
7 state of emergency as a result of extreme shortages of existing intrastate natural gas
8 for human needs pursuant to Paragraphs (a) through (e) of Subsection (1) of R.S.
9 30:572. In connection therewith, as soon as practicable, the ~~commissioner~~ secretary
10 shall establish and promulgate a plan for statewide emergency intrastate natural gas
11 conservation, allocation or rationing, which shall be implemented and enforced by
12 the ~~commissioner~~ secretary under controls and enforcement procedures hereinafter
13 provided. The plan shall remain in effect as implemented and changed from time to
14 time by the ~~commissioner~~ secretary, until the governor, by proclamation, shall
15 declare that a state energy emergency no longer exists. The plan shall maintain,
16 preserve and protect all vital services in the state depending upon intrastate natural
17 gas and, to the extent deemed practicable by the ~~commissioner~~ secretary, shall
18 provide for the curtailment of unnecessary and lesser priority uses of intrastate
19 natural gas.

20 §572. Priorities

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

23 (1) A priority system and plan to be implemented without delay, for
24 conservation, allocation, and/or rationing of intrastate natural gas qualitatively and
25 quantitatively among distributors and consumers. To the extent practicable, such
26 priority allocation or rationing programs shall include, but not be limited to,
27 measures to insure that available intrastate natural gas will be distributed on a
28 priority basis to users within the state to avoid or minimize adverse impacts on the
29 public health, welfare, and economic well-being of the state; provided, however, that

1 unless the ~~assistant~~ secretary rules otherwise, in the event of a serious emergency and
2 until hearings can be had as hereinafter provided for, the priorities of mandatory
3 allocations and rationing shall, to the maximum extent practicable, be as follows:

4 * * *

5 (f) Sixth priority shall be given to the preservation of an economically sound
6 and competitive petroleum, petrochemical, and chemical industry, provided that,
7 except in cases where the ~~commissioner~~ secretary finds that an extreme emergency
8 exists and the above priority needs cannot be substantially otherwise provided for,
9 those industries requiring the use of intrastate natural gas for plant protection,
10 feedstock or process needs, and public utilities generating electricity for sale to
11 consumers listed above under Paragraphs (a), (b), (c), (d), and (e), which own or
12 have acquired at the wellhead their own source of intrastate natural gas supply or
13 which acquires such gas supply or any portion thereof from a wholly owned
14 subsidiary company and which are using such supply in the operation of their own
15 facilities, shall, as long as they continue to use said gas for plant protection,
16 feedstock or process needs, or for generating electricity for sale to consumers listed
17 above under Paragraphs (a), (b), (c), (d), and (e), have and be recognized as
18 possessing first priority, above all others, for use of said gas. Industrial companies
19 not owning intrastate natural gas reserves for their own use for plant protection,
20 feedstock or process needs shall be subject to curtailment first, and those companies
21 owning intrastate natural gas reserves for their own use or which acquires such gas
22 supply or any portion thereof from a wholly owned subsidiary company for such
23 purposes shall be subject to curtailment second; provided, further, that any person
24 to whom those industries requiring the use of intrastate natural gas for plant
25 protection, feedstock or process needs which own their own source of intrastate
26 natural gas may have heretofore contracted to sell a portion of their own gas for plant
27 protection, feedstock or process needs shall have a priority for the use of said gas for
28 plant protection, feedstock or process needs equal to the priority accorded to their
29 vendor by this Paragraph;

1 having a present requirement for boiler fuel use, in those instances where alternate
2 fuel capabilities now exist, or may be installed with relatively minimal cost and
3 delay. Industries possessing existing alternate fuel capabilities or, if the
4 ~~commissioner~~ **secretary** determines that alternate fuel capability can be installed
5 with relatively minimal cost or delay, may be curtailed in their gas supply by the
6 ~~commissioner~~ **secretary**, and directed by the ~~commissioner~~ **secretary** to change
7 from use of intrastate natural gas to use of alternate fuels within a limited time to be
8 fixed by the ~~commissioner~~ **secretary** considering all pertinent circumstances. The
9 ~~commissioner~~ **secretary** may, if he determines that intrastate natural gas is available
10 for such use, and if the ~~commissioner~~ **secretary** determines that it is economically
11 unfeasible to operate a plant with alternate fuels, grant to the plant a higher priority
12 of use.

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

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

1 circumstances.

2 * * *

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

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

15 B. For the purpose of any investigation or any other proceeding under this
16 Part, the ~~commissioner~~ secretary or any officer or employee of the ~~State~~ Department
17 of Conservation **and Energy** designated by him is empowered to administer oaths
18 and affirmations, subpoena witnesses, compel their attendance, take evidence, and
19 require the production of any books, papers, correspondence, memoranda, contracts,
20 agreements, or other records which the ~~commissioner~~ secretary finds relevant or
21 material to the inquiry. Witnesses summoned by the ~~commissioner~~ secretary to
22 appear before him shall be paid the same fees and mileage that are paid witnesses in
23 the courts of the state.

24 C. In case of contumacy by, or refusal to obey a subpoena issued to, any
25 person, the ~~commissioner~~ secretary may invoke the aid of any court of competent
26 jurisdiction in requiring the attendance and testimony of witnesses and the
27 production of books, papers, correspondence, memoranda, contracts, agreements,
28 and other records. Such court may issue an order requiring such person to appear
29 before the ~~commissioner~~ secretary or officer or employee of the ~~State~~ Department

1 of Conservation **and Energy** designated by the ~~commissioner~~ **secretary**, there to
2 produce records, if so ordered, or to give testimony touching the matter under
3 investigation or in question; and any failure to obey such order of the court may be
4 punished by such court as a contempt thereof. All process in any such case may be
5 served in the judicial district whereof such person is an inhabitant or wherever he
6 may be found or may be doing business. Any person who willfully shall fail or refuse
7 to attend and testify or to answer any lawful inquiry or to produce books, papers,
8 correspondence, memoranda, contracts, agreements, or other records, if in his or its
9 power so to do, in obedience to the subpoena of the ~~commissioner~~ **secretary**, shall
10 be guilty of a misdemeanor and upon conviction shall be subject to a fine of not more
11 than \$1,000 or to imprisonment for a term of not more than one year, or both.

12 D. The testimony of any witness may be taken at the instance of a party, in
13 any proceeding or investigation pending before the ~~commissioner~~ **secretary**, by
14 deposition at any time after the proceeding is at issue. The ~~commissioner~~ **secretary**
15 may also order testimony to be taken by deposition in any proceeding or
16 investigation pending before him at any stage of such proceeding or investigation.
17 Such depositions may be taken before any person authorized to administer oaths not
18 being of counsel or attorney to either of the parties, nor interested in the proceeding
19 or investigation. Reasonable notice must first be given in writing by the party or his
20 attorney proposing to take such deposition to the opposite party or his attorney of
21 record, as either may be nearest, which notice shall state the name of the witness and
22 the time and place of the taking of his deposition. Any person may be compelled to
23 appear and depose, and to produce documentary evidence, in the same manner as
24 witnesses may be compelled to appear and testify and produce documentary
25 evidence before the ~~commissioner~~ **secretary**, as hereinbefore provided. Such
26 testimony shall be reduced to writing by the person taking deposition, or under his
27 direction, and shall, after it has been reduced to writing, be subscribed by the
28 deponent.

29 E. If a witness whose testimony may be desired to be taken by deposition be

1 in a foreign country, the deposition may be taken before an officer or person
2 designated by the ~~commissioner~~ secretary, or agreed upon by the parties by
3 stipulation in writing to be filed with the ~~commissioner~~ secretary. All depositions
4 must be promptly filed with the ~~commissioner~~ secretary.

5 * * *

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

19 §604. Hearings; rules of procedure

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

23 B. All hearings, investigations, and proceedings under this Part shall be
24 governed by rules of practice and procedure to be adopted by the ~~commissioner~~
25 secretary, and in the conduct thereof the technical rules of evidence need not be
26 applied. No informality in any hearing, investigation, or proceeding or in the manner
27 of taking testimony shall invalidate any order, decision, rule or regulation issued
28 under the authority of this Part.

29 * * *

1 §681.1. Legislative findings

2 The Legislature of Louisiana hereby finds that:

3 * * *

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

9 * * *

10 (8) By Act 16 of the 1973 Extraordinary Session, 1 the Louisiana Legislature
11 created the Louisiana Energy Commission and included in its duties the
12 authorization to undertake or contract for studies and research regarding alternate
13 fuel resources for the state; that the ~~commissioner of conservation~~ **secretary**, by Act
14 16, is authorized to prepare all necessary studies on the sources of energy available
15 to Louisiana and to conduct appropriate research in connection therewith; and that
16 the ~~State~~ Department of Conservation **and Energy** is staffed and administratively
17 capable of exercising this authority.

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

21 §681.2. Definitions

22 For the purpose of this Subpart:

23 * * *

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

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

28 * * *

29 §702. Definitions

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

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

5 (2) "Hazardous liquid" means:

6 * * *

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

12 * * *

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

18 * * *

19 §703. Regulatory designation

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

26 B. The ~~assistant~~ secretary, as permitted by 49 U.S.C. 60101 et seq., may
27 certify annually to the secretary of the United States Department of Transportation
28 that the state, through the ~~office of conservation~~ **Department of Conservation and**
29 **Energy**, has regulatory jurisdiction over the safety standards and practice of

1 intrastate pipeline facilities and the transportation of hazardous liquids associated
2 with those facilities. The ~~assistant~~ secretary, as permitted by 49 U.S.C. 60101 et seq.,
3 may enter into an agency relationship with the United States Department of
4 Transportation to enforce compliance with safety standards with respect to interstate
5 pipeline facilities or the transportation of hazardous liquids associated with those
6 facilities.

7 §704. Administration and enforcement

8 * * *

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

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

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

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

11 §705. Violation; penalties, civil and criminal

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

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

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

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

1 penalty.

2 * * *

3 §706. Fees

4 In order to implement this Part, every person engaged in the transportation
5 of hazardous liquids or who owns or operates intrastate pipeline facilities for the
6 transportation of hazardous liquids shall be assessed an annual fee which shall not
7 exceed forty-four dollars and eighty cents for each mile or fraction thereof of
8 pipeline operated or eight hundred dollars per pipeline facility, whichever is greater.

9 The ~~commissioner~~ **secretary** shall annually review the fee amount and may revise
10 it not to exceed forty-four dollars and eighty cents per mile in accordance with the
11 Administrative Procedure Act. All fees collected by the ~~commissioner~~ **secretary**
12 shall be reasonably related to the services provided and shall be used by the ~~office~~
13 ~~of conservation~~ **department** solely for the purposes of that program.

14 §707. Collection of fees

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

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

26 * * *

27 §722. Application

28 A. Except as may otherwise be specifically provided by the constitution of
29 this state, the provisions of Parts I, II and III of this Chapter, including the powers,

1 duties and functions of the ~~assistant~~ secretary, shall apply to coal or lignite slurry
2 transportation.

3 B. The ~~assistant~~ secretary shall promulgate regulations governing the
4 licensing and operation of slurry pipelines in this state and shall implement
5 procedures necessary for the orderly and efficient administration of this Part,
6 including assessment of reasonable fees to cover the costs of administration.

7 §723. Expropriation authority

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

25 * * *

26 F. Nothing in this Part or under the general expropriation laws of this state
27 shall be construed as permitting the expropriation of water or water rights for use in
28 transportation of coal by pipeline. No Louisiana water from any source shall be used
29 in connection with the transportation, maintenance or operation of a coal slurry

1 pipeline within the state, except water used for drinking, toilet, bath, or other
 2 personal uses, unless the ~~assistant~~ secretary shall have determined, after public
 3 hearing, that such use will not be detrimental to the water supply of the area from
 4 which the water is sought to be extracted. In that event, nothing in this Part shall
 5 authorize expropriation of water or water rights.

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

16 * * *

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

27 * * *

28 §731. Definitions

29 As used in this Part, the following words and phrases shall have the meanings

1 hereinafter ascribed to them:

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

4 * * *

5 §732. Regulation of compressed natural gas

6 The ~~assistant~~ secretary shall have the authority to regulate all activities
7 related to the safety of compressed natural gas and shall establish by regulation
8 minimum safety standards for compressed natural gas compression and conversion
9 equipment including the installation and operation of such equipment. For vehicles
10 equipped for and capable of using liquefied petroleum gas, each vehicle shall first
11 be inspected for safety of operation by an inspector of the Louisiana Liquefied
12 Petroleum Gas Commission.

13 * * *

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

15 Full regulatory authority over all geothermal exploration, drilling,
16 development, and production as well as subsurface disposal of geothermal waters
17 and/or waste is hereby vested in the ~~state~~ Department of Conservation **and Energy**.
18 The provisions of the Louisiana Conservation Act R.S. 30:1, et seq., including
19 particularly, but without limitation, R.S. 30:5 and R.S. 30:9 thereof, are hereby
20 extended to all geothermal operations. The ~~commissioner of conservation~~ secretary
21 is further authorized to promulgate such additional rules and regulations relating
22 specifically to geothermal operations that are deemed by him to be needed in the
23 interest of conservation if they are not inconsistent with the provisions of this
24 Chapter. All geothermal operations shall be exempt from the provisions of R.S.
25 38:3091 et seq.

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

29 * * *

1 §904. Definitions

2 * * *

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

10 * * *

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

15 * * *

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

20 * * *

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

26 * * *

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

* * *

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

* * *

§905. Jurisdiction and powers; rules and regulations

A. The Department of **Conservation and** Energy ~~and Natural Resources~~, ~~office of conservation~~, or such persons as may be designated by the ~~commissioner~~ **secretary**, ~~is~~ **are** hereby designated as the official agency whose duty it is to administer the regulations and guidelines contained in this Chapter and to institute other reasonable regulations and guidelines, after notice and public hearing, as may become necessary pursuant to this Chapter to protect state and private lands from unreasonable degradation by any operator engaged in surface coal mining operations. Exclusive jurisdiction over all aspects of surface coal mining and reclamation shall be vested in the Department of **Conservation and** Energy ~~and Natural Resources~~, ~~office of conservation~~. The secretary of natural resources shall be responsible for the policies of the state relating to the development of the state's lignite reserves, including the transportation and utilization thereof, and shall formulate plans and shall advise the governor and the Legislature with respect to short and long term policies of the State concerning the development of the state's lignite reserves, including the transportation and utilization thereof, and the integration of the development of the state's lignite reserves into the development of the state's fuel sources. The secretary of the Department of **Conservation and** Energy ~~and Natural Resources~~ ~~in cooperation with the commissioner of conservation~~ shall establish, for the purpose of avoiding duplication, a process for coordinating the review and issuance of permits for surface coal mining and reclamation operations with any other federal or state permit process applicable to the proposed operations.

B. The authority shall be vested in the ~~commissioner~~ **secretary**, and such other persons as may be designated by the ~~commissioner~~ **secretary**, to administer

1 and enforce the provisions of this Chapter, and the ~~commissioner~~ secretary shall
2 seek the accomplishment of the purposes of this Chapter by all practicable and
3 economically feasible methods and in so doing shall have the following duties and
4 powers:

5 * * *

6 (2) To adopt, amend, and issue rules and regulations in accordance with the
7 requirements of the Louisiana Administrative Procedure Act, except where the
8 provisions of the Louisiana Administrative Procedure Act are in conflict with the
9 provisions of this Chapter, in which case the provisions of this Chapter and the
10 regulations issued by the ~~commissioner~~ secretary pursuant to this Chapter shall
11 govern, pertaining to surface coal mining and reclamation operations consistent with
12 the general intent and purposes of this Chapter, including regulations consistent with
13 regulations issued by the secretary of the Interior pursuant to the Surface Mining
14 Control and Reclamation Act, as amended as required for the state to assume and
15 retain exclusive jurisdiction over the regulation of surface coal mining and
16 reclamation operations pursuant to Section 503 of the Surface Mining Control and
17 Reclamation Act, as amended. The ~~commissioner~~ secretary may issue regulations
18 without public notice and hearing in the event regulations must be issued to ensure
19 timely action by the state in the assumption or retention by the state of exclusive
20 jurisdiction over the regulation of surface coal mining and reclamation operations
21 pursuant to Section 503 of the Surface Mining Control and Reclamation Act, as
22 amended.

23 * * *

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

1 affected by the operator's surface coal mining operation.

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

6 * * *

7 C. A rule, regulation or order, or any amendment thereof, adopted by the
8 ~~commissioner~~ secretary may differ in its terms and provisions as between particular
9 conditions, particular mining techniques, particular areas of the state or any other
10 conditions that appear relevant and necessary so long as the action taken is consistent
11 with the attainment of the general intent and purpose of this Chapter. In adopting
12 rules, regulations and orders the ~~commissioner~~ secretary shall give due recognition
13 to the fact that although certain surface coal mining and reclamation operations may
14 cause a need for particular regulatory control in one area of the state, such control
15 may not be necessary or desirable for another area of the state due to the unique
16 characteristics of each type of surface mining and the various economic and
17 environmental factors relating to same, and the ~~commissioner~~ secretary shall take
18 into account, in this connection, all factors found by him to be proper and just,
19 including the existing climatology, topography, vegetation and all other physical
20 conditions, populations, mining and reclamation techniques, the economic and social
21 impact of the proposed rule, regulation or order, and the fact that the rule, regulation
22 or order and the degrees of conformance therewith which may be proper as to one
23 area of the state may not be proper or practicable as to another area of the state.

24 §905.1. Abandoned mine reclamation; fund participation

25 A. The ~~commissioner~~ secretary is authorized to take all action necessary to
26 ensure Louisiana's participation to the fullest extent practicable in the abandoned
27 mines reclamation fund established by the Surface Mining Control and Reclamation
28 Act, 30 U.S.C. 1201 et seq., as amended, and ~~the office of conservation of the~~
29 Department of Conservation and Energy ~~and Natural Resources~~ shall function as

1 the state's agency for participation. Pursuant to the Surface Mining Control and
 2 Reclamation Act, 30 U.S.C. 1201 et seq., as amended, the ~~commissioner~~ secretary
 3 shall by rule establish priorities that meet the terms of the Surface Mining Control
 4 and Reclamation Act, 30 U.S.C. 1201 et seq., as amended, and applicable federal
 5 regulations for the expenditure of those funds; designate the land and water eligible
 6 for reclamation or abatement expenditures; submit reclamation plans, annual
 7 projects, and applications to the appropriate authorities; undertake emergency
 8 reclamation projects pursuant to the terms of the Surface Mining Control and
 9 Reclamation Act, 30 U.S.C. 1201 et seq., as amended, and applicable federal
 10 regulations; and administer all money received for abandoned mine reclamation or
 11 related purposes.

12 B.(1)

13 * * *

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

19 * * *

20 §905.3. Implementation of the plan

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

23 * * *

24 B. The agents, employees, or contractors of the ~~office of conservation~~
 25 **department** shall have the right to enter upon any property for the purpose of
 26 conducting studies or exploratory work to determine the existence of adverse effects
 27 of past solid mineral development practices and to determine the feasibility of
 28 restoration, reclamation, abatement, control, or prevention of these adverse effects.
 29 This entry shall be construed as an exercise of the police power for the protection of

1 public health, safety, and general welfare and shall not be construed as an act of
2 condemnation of property nor trespass on it.

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

7 * * *

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

14 * * *

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

21 * * *

22 §906.1. Surface mining and reclamation fees

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

* * *

§907. Application requirements

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

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

* * *

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

* * *

(11) A determination of the probable hydrologic consequences of the mining and reclamation operations both on and off the mine site with respect to the hydrologic regime, quantity and quality of water in surface and ground water systems including the dissolved and suspended solids under seasonal flow conditions and the collection of sufficient data for the mine site and surrounding areas so that an assessment can be made by the ~~commissioner~~ secretary of the probable cumulative impacts of all anticipated mining in the area upon the hydrology of the area and particularly upon water availability: Provided, however, that this determination shall not be required until such time as hydrologic information on the general area prior to mining is made available from an appropriate Federal or State agency: Provided further, that the permit shall not be approved until such

1 information is available and is incorporated into the application.

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

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

7 * * *

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

15 * * *

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

24 * * *

25 (17) A description of the nature of cultural, historical, and archaeological
26 resources listed or eligible for listing on the National Register of Historic Places and
27 known archaeological features within the proposed mine plan and adjacent areas.
28 The description shall be based on all available information including but not limited
29 to data of state and local archaeological, historical, and cultural preservation

1 agencies. Each plan shall describe the measures to be used to prevent adverse impact
 2 to any publicly owned parks or any places listed on the National Register of Historic
 3 Places that may be adversely affected by the proposed operation. However, if joint
 4 agency approval is to be obtained or if there are valid existing rights in the public
 5 parks or historic places, the plan shall describe the measures to be used to minimize
 6 adverse impact to such public parks or historic places. The ~~office of conservation~~
 7 **department** may require the applicant to protect historic or archaeological properties
 8 listed on or eligible for listing on the National Register of Historic Places through
 9 appropriate mitigation and treatment measures. At the time of its issuance, a surface
 10 mining permit may require that appropriate mitigation and treatment be required to
 11 be taken after permit issuance, provided that the required measures are completed
 12 before the properties are affected by any mining operation.

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

27 * * *

28 C.(1) If the ~~commissioner~~ **secretary** finds that the probable total annual
 29 production at all locations of any coal surface mining operator will not exceed three

1 hundred thousand tons, the determination of probable hydrologic consequences,
2 including the engineering analyses and designs necessary for the determination,
3 required by Paragraph (B)(11) of this Section, cross-section maps and plans required
4 by Paragraph (B)(14) of this Section, the drilling and statement of the result of test
5 borings or core samplings required by Paragraph (B)(15) of this Section, the
6 collection of archaeological and historical information and related plans required by
7 Paragraph (B)(17) of this Section, the collection of site-specific resources
8 information required by Paragraph (B)(18) of this Section, the production of
9 protection and enhancement plans for fish and wildlife habitats required by
10 Paragraph (B)(19) of this Section, and information and plans for any other
11 environmental values required by the ~~office of conservation~~ **department** and this
12 Chapter, and pre-blast surveys required by R.S. 30:915(B)(15) shall, upon the written
13 request of the operator, be performed by a qualified public or private laboratory
14 designated by the ~~commissioner~~ **secretary** and the cost of the preparation of such
15 determination and statement shall be assumed by the ~~commissioner~~ **secretary**.

16 * * *

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

21 * * *

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

1 including use of explosives, and entitled to compensation under the applicable
2 provisions of State law. Such policy shall be maintained in full force and effect
3 during the term of the permit, or any renewal, including the length of all reclamation
4 operations.

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

9 §908. Reclamation plan requirements

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

14 * * *

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

23 * * *

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

26 * * *

27 §915. Environmental protection performance standards

28 * * *

29 B. General performance standards shall be applicable to all surface coal

1 mining and reclamation operations and shall require the operator as a minimum to:

2 * * *

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

7 * * *

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

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

21 * * *

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

23 * * *

24 (12) Refrain from surface coal mining within five hundred feet from active
25 and abandoned underground mines in order to prevent breakthroughs and to protect
26 health or safety of miners: Provided, that the ~~commissioner~~ **secretary** shall permit
27 an operator to mine near, through or partially through an abandoned underground
28 mine or closer to an active underground mine if (a) the nature, timing, and
29 sequencing of the approximate coincidence of specific surface mine activities with

1 specific underground mine activities are jointly approved by the regulatory
 2 authorities concerned with surface mine regulation and the health and safety of
 3 underground miners, and (b) such operations will result in improved resource
 4 recovery, abatement of water pollution, or elimination of hazards to the health and
 5 safety of the public.

6 * * *

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

10 * * *

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

18 * * *

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

* * *

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

* * *

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

* * *

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

C.(1) * * *

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

* * *

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

* * *

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

* * *

(4) The ~~commissioner~~ **secretary** shall promulgate specific regulations to

1 govern the granting of permits in accord with the provisions of this subsection, and
 2 may impose such additional requirements as he deems to be necessary.

3 * * *

4 D. The following performance standards shall be applicable to steep-slope
 5 surface coal mining and shall be in addition to those general performance standards
 6 required by this Section: Provided, however, that the provisions of this Subsection
 7 shall not apply to those situations in which an operator is mining on flat or gently
 8 rolling terrain, on which an occasional steep slope is encountered through which the
 9 mining operation is to proceed, leaving a plain or predominantly flat area or where
 10 an operator is in compliance with provisions of Subsection C of this Section:

11 * * *

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

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

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

25 * * *

26 (4) In granting a variance pursuant to this subsection the ~~commissioner~~
 27 secretary shall require that only such amount of spoil will be placed off the mine
 28 bench as is necessary to achieve the planned postmining land use, insure stability of
 29 the spoil retained on the bench, meet all other requirements of this Chapter, and all

1 spoil placement off the mine bench must comply with Paragraph (B)(22) of this
2 Section.

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

6 * * *

7 §917. Inspections and monitoring

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

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

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

22 * * *

23 (d) Monitoring sites to record precipitation.

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

27 (3) The authorized representatives of the ~~commissioner~~ secretary without
28 advance notice and upon presentation of appropriate credentials (a) shall have the
29 right of entry to, upon, or through any surface coal mining and reclamation

1 operations or any premises in which any records required to be maintained under
 2 paragraph (1) of this subsection are located; and (b) may at reasonable times, and
 3 without delay, have access to and copy any records, inspect any monitoring
 4 equipment or method of operation required under this Chapter.

5 B. The inspections by the ~~commissioner~~ secretary shall (1) occur on an
 6 irregular basis averaging not less than one partial inspection per month and one
 7 complete inspection per calendar quarter for the surface coal mining and reclamation
 8 operation covered by each permit; (2) occur without prior notice to the permittee or
 9 his agents or employees except for necessary onsite meetings with the permittee; and
 10 (3) include the filing of inspection reports adequate to enforce the requirements of
 11 and to carry out the terms and purposes of this Chapter.

12 * * *

13 D. Each inspector, upon detection of each violation of any requirement of this
 14 Chapter or the regulations issued pursuant to this Chapter, shall forthwith inform the
 15 operator in writing, and shall report in writing any such violation to the
 16 ~~commissioner~~ secretary.

17 E. Copies of any records, reports, inspection materials, or information
 18 obtained under this Chapter by the ~~commissioner~~ secretary shall be made
 19 immediately available to the public at central and sufficient locations in the parish
 20 of the area of mining so that they are conveniently available to residents in the areas
 21 of mining.

22 F. After the State has assumed exclusive jurisdiction of surface coal mining
 23 operations as provided in section 503 of Public Law 95-87,1 and as long as the State
 24 retains such jurisdiction, then no employee of the ~~office of conservation~~ department
 25 performing any function or duty under this Chapter shall have a direct or indirect
 26 financial interest in any surface coal mining operation. Whoever knowingly violates
 27 the provisions of this Subsection shall, upon conviction, be punished by a fine of not
 28 more than \$2,500.00, or by imprisonment of not more than one year, or by both. The
 29 ~~commissioner~~ secretary shall by regulation establish methods by which the

1 provisions of this Subsection will be monitored and enforced by the ~~commissioner~~
2 secretary, including appropriate provisions for the filing by such employees in the
3 review of statements and supplements thereto concerning any financial interest
4 which may be effected by this subsection. This Subsection shall not be given effect
5 (1) if the Secretary of the Interior does not require the inclusion of similar provisions
6 in state laws as a condition for approval by the Secretary of the Interior of state
7 programs of regulation of surface coal mining and reclamation operations pursuant
8 to Section 503 of Public Law 95-87 or (2) if any such requirement of the Secretary
9 of the Interior is declared invalid by final decree of a court of competent jurisdiction:
10 Provided, that if similar provisions are required by the Secretary of the Interior to be
11 included in state laws, the Secretary of Natural Resources and the ~~commissioner~~
12 secretary may commence and prosecute an action in the appropriate federal court
13 to have the regulation requiring inclusion declared invalid.

14 G.(1) Any person who is or may be adversely affected by a surface coal
15 mining operation may notify the ~~commissioner~~ secretary or any representative of
16 the ~~commissioner~~ secretary responsible for conducting the inspection, in writing,
17 of any violation of this Chapter which he has reason to believe exists at the surface
18 mining site. The ~~commissioner~~ secretary shall, by regulation, establish procedures
19 for informal review of any refusal by a representative of the ~~commissioner~~ secretary
20 to issue a citation with respect to any such alleged violation. The ~~commissioner~~
21 secretary shall furnish such persons requesting the review a written statement of the
22 reasons for the ~~commissioner~~ secretary's final disposition of the case.

23 (2) The ~~commissioner~~ secretary shall also, by regulation, establish
24 procedures to insure that adequate and complete inspections are made. Any such
25 person may notify the ~~commissioner~~ secretary of any failure to make such
26 inspections, after which the ~~commissioner~~ secretary shall determine whether
27 adequate and complete inspections have been made. The ~~commissioner~~ secretary
28 shall furnish such persons a written statement of the reasons for the ~~commissioner~~
29 secretary's determination that adequate and complete inspections have or have not

1 imminent danger to health or safety of the public or the significant imminent
2 environmental harm to land, air, or water resources, the ~~commissioner~~ secretary
3 shall, in addition to the cessation order, impose affirmative obligations on the
4 operator requiring him to take whatever steps the ~~commissioner~~ secretary deems
5 necessary to abate the imminent danger or the significant environmental harm.

6 (3)(a) When, on the basis of an inspection, the ~~commissioner~~ secretary or his
7 authorized representative determines that any permittee is in violation of any
8 requirement of this Chapter or any permit condition required by this Chapter, but
9 such violation does not create an imminent danger to the health or safety of the
10 public, or cannot be reasonably expected to cause significant, imminent
11 environmental harm to land, air, or water resources, the ~~commissioner~~ secretary or
12 authorized representative shall issue a notice to the permittee or his agent fixing a
13 reasonable time but not more than ninety days for the abatement of the violation and
14 providing opportunity for public hearing.

15 (b) If, upon expiration of the period of time as originally fixed or
16 subsequently extended, for good cause shown and upon the written finding of the
17 ~~commissioner~~ secretary or his authorized representative, the ~~commissioner~~
18 secretary or his authorized representative finds that the violation has not been
19 abated, he shall immediately order a cessation of surface coal mining and
20 reclamation operations or the portion thereof relevant to the violation. Such cessation
21 order shall remain in effect until the ~~commissioner~~ secretary or his authorized
22 representative determines that the violation has been abated, or until modified,
23 vacated, or terminated by the ~~commissioner~~ secretary or his authorized
24 representative pursuant to Paragraph (5) of this Subsection. In the order of cessation
25 issued by the ~~commissioner~~ secretary under this Subsection, the ~~commissioner~~
26 secretary shall determine the steps necessary to abate the violation in the most
27 expeditious manner possible, and shall include the necessary measures in the order.

28 (4) When, on the basis of an inspection, the ~~commissioner~~ secretary or his
29 authorized representative determines that a pattern of violations of any requirements

1 of this Chapter or any permit conditions required by this Chapter exists or has
2 existed, and if the ~~commissioner~~ secretary or his authorized representative also finds
3 that such violations are caused by the unwarranted failure of the permittee to comply
4 with any requirements of this Chapter or any permit conditions, or that such
5 violations are willfully caused by the permittee, the ~~commissioner~~ secretary or his
6 authorized representative shall forthwith issue an order to the permittee to show
7 cause as to why the permit should not be suspended or revoked and shall provide
8 opportunity for a public hearing. If a hearing is requested the ~~commissioner~~
9 secretary shall inform all interested parties of the time and place of the hearing.
10 Upon the permittee's failure to show cause as to why the permit should not be
11 suspended or revoked, the ~~commissioner~~ secretary or his authorized representative
12 shall forthwith suspend or revoke the permit.

13 (5) Notices and orders issued pursuant to this Section shall set forth with
14 reasonable specificity the nature of the violation and the remedial action required,
15 the period of time established for abatement, and a reasonable description of the
16 portion of the surface coal mining and reclamation operation to which the notice or
17 order applies. Each notice or order issued under this section shall be given promptly
18 to the permittee or his agent by the ~~commissioner~~ secretary or his authorized
19 representative who issues such notice or order, and all such notices and orders shall
20 be in writing and shall be signed by such authorized representatives. Any notice or
21 order issued pursuant to this section may be modified, vacated, or terminated by the
22 ~~commissioner~~ secretary or his authorized representative. Provided, that any notice
23 or order issued pursuant to this Section which requires cessation of mining by the
24 operator shall expire within thirty days of actual notice to the operator unless a
25 public hearing is held at the site or within such reasonable proximity to the site that
26 any viewings of the site can be conducted during the course of public hearing.

27 B. The ~~commissioner~~ secretary may institute a civil action for relief,
28 including a permanent or temporary injunction, restraining order, or any other
29 appropriate order in the district court for the parish in which the surface coal mining

1 and reclamation operation is located or in which the permittee thereof has his
 2 principal office, whenever such permittee or his agent (a) violates or fails or refuses
 3 to comply with any order or decision issued by the ~~commissioner~~ **secretary** under
 4 this Chapter, or (b) interferes with, hinders, or delays the ~~commissioner~~ **secretary**
 5 or his authorized representatives in carrying out the provisions of this Chapter, or (c)
 6 refuses to admit such authorized representative to the mine, or (d) refuses to permit
 7 inspection of the mine by such authorized representative, or (e) refuses to furnish any
 8 information or report requested by the ~~commissioner~~ **secretary** in furtherance of the
 9 provisions of this Chapter, or (f) refuses to permit access to, and copying of, such
 10 records as the ~~commissioner~~ **secretary** determines necessary in carrying out the
 11 provisions of this Chapter. Such court shall have jurisdiction to provide such relief
 12 as may be appropriate. Temporary restraining orders may be issued in accordance
 13 with the Louisiana Rules of Civil Procedure. Any relief granted by the court to
 14 enforce an order under clause (a) of this Section shall continue in effect until the
 15 completion or final termination of all proceedings for review of such order under this
 16 title, unless, prior thereto, the district court granting such relief sets it aside or
 17 modifies it.

18 C. Any person who shall, except as permitted by law, willfully resist, prevent,
 19 impede, or interfere with the ~~commissioner of conservation~~ **secretary** or any of his
 20 agents in the performance of duties required by this Chapter or regulations
 21 thereunder shall be punished by a fine of not more than five thousand dollars or by
 22 imprisonment for not more than one year, or both.

23 * * *

24 §1102. Policy; jurisdiction

25 * * *

26 B. The ~~commissioner of conservation~~ **secretary** shall have jurisdiction and
 27 authority over all persons and property necessary to enforce effectively the
 28 provisions of this Chapter relating to the geologic storage of carbon dioxide and
 29 subsequent withdrawal of stored carbon dioxide.

1 §1103. Definitions

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

4 * * *

5 (10) "Office" means ~~the office of conservation of~~ the Department of
6 **Conservation and Energy and Natural Resources**.

7 * * *

8 (14) "Storage facility" means the underground reservoir, carbon dioxide
9 injection wells, monitoring wells, underground equipment, and surface buildings and
10 equipment utilized in the storage operation. The underground reservoir component
11 of the storage facility includes any necessary and reasonable aerial buffer and
12 subsurface monitoring zones designated by the ~~commissioner~~ **secretary** for the
13 purpose of ensuring the safe and efficient operation of the storage facility for the
14 storage of carbon dioxide and shall be chosen to protect against pollution, and escape
15 or migration of carbon dioxide.

16 (15) "Storage operator" means the person recognized by the ~~commissioner~~
17 **secretary** as the operator of a proposed or existing storage facility. A storage
18 operator can, but need not be, the owner of carbon dioxide injected into a storage
19 facility. Ownership of carbon dioxide and use of geologic storage is a matter of
20 private contract between the storage operator and owner, shipper, or generator of
21 carbon dioxide, as applicable.

22 * * *

23 §1104. Duties and powers of the ~~commissioner~~ **secretary**; rules and regulations;
24 permits

25 A. The ~~office of conservation's~~ **department's** actions under this Chapter shall
26 be directed and controlled by the ~~commissioner~~ **secretary**. The ~~commissioner~~
27 **secretary** shall have authority to:

28 * * *

29 (3) Make such inquiries as he deems proper to determine whether or not

1 waste, over which he has jurisdiction, exists or is imminent. In the exercise of this
 2 power the ~~commissioner~~ secretary has the authority to collect data; to make
 3 investigations and inspections; to examine properties, papers, books, and records; to
 4 examine, survey, check, test, and gauge injection, withdrawal and other wells used
 5 in connection with carbon storage; to examine, survey, check, test, and gauge tanks,
 6 and modes of transportation; to hold hearings; to provide for the keeping of records
 7 and the making of reports; to require the submission of an emergency phone number
 8 by which the operator may be contacted in case of an emergency; and to take any
 9 action as reasonably appears to him to be necessary to enforce this Chapter.

10 * * *

11 (9) Approve conversion to geologic storage facilities of hydrocarbon-bearing
 12 formations, including depleted oil formations as well as existing or pre-existing
 13 enhanced oil or gas recovery operations, if necessary, taking into consideration prior
 14 approvals of the ~~commissioner~~ secretary regarding such enhanced oil recovery
 15 operations.

16 (10) Promulgate rules and regulations requiring storage operators to place
 17 monitoring equipment of a type approved by the ~~commissioner~~ secretary on all
 18 storage facilities, and ancillary equipment necessary and proper to monitor, verify
 19 carbon dioxide injections, and to prevent waste. It shall be a violation of this Chapter
 20 for any operator to refuse to attach or install a monitor within a reasonable period of
 21 time when ordered to do so by the ~~commissioner~~ secretary, or in any way to tamper
 22 with the monitors so as to produce a false or inaccurate reading.

23 * * *

24 B. Unless that person is also the owner or operator of the facility or activity
 25 regulated under the provisions of this Chapter, the owner, shipper, or generator of
 26 carbon dioxide shall not be deemed responsible for the performance of any actions
 27 required by the ~~commissioner~~ secretary under this Chapter.

28 C. Prior to the use of any reservoir for the storage of carbon dioxide and prior
 29 to the exercise of eminent domain pursuant to the provisions of R.S. 19:2(11) and

1 R.S. 30:1108 by any person, firm, or corporation having such right under laws of the
2 state of Louisiana, and as a condition precedent to such use or to the exercise of such
3 rights of eminent domain pursuant to the provisions of R.S. 19:2(11) and R.S.
4 30:1108, the ~~commissioner~~ secretary, after public hearing pursuant to the provisions
5 of R.S. 30:6, held in the parish where the storage facility is to be located, shall have
6 found at least one of the following:

7 * * *

8 D. The ~~commissioner~~ secretary shall determine with respect to any such
9 reservoir proposed to be used as a storage reservoir, whether or not such reservoir
10 is fully depleted of the original commercially recoverable natural gas, condensate,
11 or other commercial mineral therein. If the ~~commissioner~~ secretary finds that such
12 reservoir has not been fully depleted, the ~~commissioner~~ secretary shall determine
13 the amount of the remaining commercially recoverable natural gas, condensate, or
14 other commercial mineral of such reservoir.

15 E. The ~~commissioner~~ secretary may issue any necessary order providing that
16 all carbon dioxide which has previously been reduced to possession and which is
17 subsequently injected into a storage reservoir shall at all times be deemed the
18 property of the party that owns such carbon dioxide, whether at the time of injection
19 or pursuant to a change of ownership by agreement while the carbon dioxide is
20 located in the storage facility, his successors and assigns; and in no event shall such
21 carbon dioxide be subject to the right of the owner of the surface of the lands or of
22 any mineral interest therein under which such storage reservoir shall lie or be
23 adjacent to or of any person other than the owner, his successors, and assigns to
24 produce, take, reduce to possession, waste, or otherwise interfere with or exercise
25 any control there over, provided that the owner, his successors, and assigns shall
26 have no right to gas, liquid hydrocarbons, salt, or other commercially recoverable
27 minerals in any stratum or portion thereof not determined by the ~~commissioner~~
28 secretary to constitute an approved storage reservoir. The ~~commissioner~~ secretary
29 shall issue such orders, rules, and regulations as may be necessary for the purpose

1 of protecting any such storage reservoir, strata, or formations against pollution or
 2 against the escape of carbon dioxide therefrom, including such necessary rules and
 3 regulations as may pertain to the drilling into or through such storage reservoir.

4 F. The ~~commissioner of conservation~~ secretary, in order to facilitate orderly
 5 application reviews in conjunction with the United States Environmental Protection
 6 Agency (EPA) and in anticipation of being granted primary enforcement authority
 7 from the EPA, shall adopt and apply the "Reasons of business confidentiality"
 8 defined in 40 CFR 2.201 in the same manner and to the same extent as the EPA, and
 9 shall not treat any confidential business information contained within the permit
 10 applications as a public record. The ~~commissioner~~ secretary shall promulgate any
 11 rules or regulations necessary to implement the provisions of this Subsection.

12 * * *

13 §1108. Eminent domain; expropriation

14 A.(1) Any storage operator is hereby authorized, after obtaining any permit
 15 and any certificate of public convenience and necessity from the ~~commissioner~~
 16 secretary required by this Chapter, to exercise the power of eminent domain and
 17 expropriate needed property to acquire surface and subsurface rights and property
 18 interests necessary or useful for the purpose of constructing, operating, or modifying
 19 a storage facility and the necessary infrastructure including the laying, maintaining,
 20 and operating of pipelines for the transportation of carbon dioxide to a storage
 21 facility, together with utility, telegraph, and telephone lines necessary and incidental
 22 to the operation of these storage facilities and pipelines, over private property thus
 23 expropriated; and have the further right to construct and develop storage facilities
 24 and the necessary infrastructure, including the laying, maintaining, and operating of
 25 pipelines along, across, over, and under any navigable stream or public highway,
 26 street, bridge, or other public place; and also have the authority, under the right of
 27 expropriation herein conferred, to cross railroads, street railways, and other
 28 pipelines, by expropriating property necessary for the crossing under the general
 29 expropriation laws of this state. The right to run along, across, over, or under any

1 public road, bridge, or highway, as before provided for, may be exercised only upon
2 condition that the traffic thereon is not interfered with, and that such road or highway
3 is promptly restored to its former condition of usefulness, at the expense of the
4 storage facility and the pipeline owner if different from the storage operator, the
5 restoration to be subject also to the supervision and approval of the proper local
6 authorities.

7 * * *

8 B.(1) Except as provided in Paragraph (2) of this Subsection, the exercise of
9 the right of eminent domain granted in this Chapter shall not prevent persons having
10 the right to do so from drilling through the storage facility in such manner as shall
11 comply with the rules of the ~~commissioner~~ **secretary** issued for the purpose of
12 protecting the storage facility against pollution or invasion and against the escape or
13 migration of carbon dioxide. Furthermore, the right of eminent domain set out in this
14 Section shall not prejudice the rights of the owners of the lands or minerals as to all
15 other uses not acquired for the storage facility and not reasonably necessary for the
16 use of the acquired property.

17 (2) The exercise of the right of eminent domain granted in this Section may
18 prohibit persons having the right to do so from drilling through the storage facility
19 located in Caldwell Parish only when the following requirements are satisfied:

20 (a) A period of five years has elapsed from the actual drilling or operation of
21 any oil or gas well within the boundaries of the storage facility to depths below the
22 base of the underground reservoir component of the storage facility as determined
23 by the ~~commissioner of conservation~~ **secretary**.

24 (b) All reservoirs below the underground reservoir component of the storage
25 facility that were drilled to and produced in any oil or gas well located within the
26 boundaries of the storage facility are no longer capable of producing minerals in
27 paying quantities as determined by the ~~commissioner of conservation~~ **secretary**.

28 (3) If a party who has the right to explore for and produce minerals from
29 depths below the base of the underground reservoir component of the storage facility

1 is prohibited from drilling through the storage facility under Paragraph (2) of this
 2 Subsection by the exercise of the right of eminent domain granted in this Section,
 3 that prohibition shall terminate upon a finding by the ~~commissioner~~ secretary, after
 4 notice and hearing conducted in accordance with R.S. 30:1105(C), that the storage
 5 facility operator abandoned all reasonable efforts to use, or cause others to use, the
 6 storage facility prior to any use of the underground reservoir component of the
 7 storage facility for the storage of carbon dioxide.

8 * * *

9 D. The ~~commissioner~~ secretary is neither a necessary nor indispensable party
 10 to an eminent domain proceeding, and if named as a party or third party has an
 11 absolute right to be dismissed from said action at the expense of the party who names
 12 the ~~commissioner~~ secretary. The ~~commissioner~~ secretary shall recover all costs
 13 reasonably incurred to be dismissed from the action, including attorney fees.

14 §1109. Cessation of storage operations; limited liability release

15 A.(1) Fifty years after cessation of injection into a storage facility, or any
 16 other time frame established on a site-specific basis by application of the rules
 17 regarding the time frame for a storage operator's post-injection site care and site
 18 closure plan, the ~~commissioner~~ secretary shall issue a certificate of completion of
 19 injection operations, upon a showing by the current storage operator of all of the
 20 following:

21 * * *

22 C. Nothing in this Chapter shall establish or create any liability or
 23 responsibility on the part of the ~~commissioner~~ secretary or the state to pay any costs
 24 associated with site restoration from any source other than the funds or trusts created
 25 by this Chapter, nor shall the ~~commissioner~~ secretary or the state of Louisiana have
 26 any liability or responsibility to make any payments for costs associated with site
 27 restoration if the trusts created herein are insufficient to do so.

28 D. The ~~commissioner~~ secretary or his agents, on proper identification, may
 29 enter the land of another for purposes of site assessment or restoration.

1 E. The ~~commissioner~~ secretary and his agents are not liable for any damages
 2 arising from an act or omission if the act or omission is part of a good faith effort to
 3 carry out the purpose of this Chapter.

4 F. No party contracting with the Department of Conservation and Energy
 5 ~~and Natural Resources, office of conservation,~~ or the ~~commissioner~~ secretary under
 6 the provisions of this Chapter shall be deemed to be a public employee or an
 7 employee otherwise subject to the provisions of Parts I through IV of Chapter 15 of
 8 Title 42 of the Louisiana Revised Statutes of 1950.

9 G. The ~~commissioner~~ secretary shall implement this Section in a manner
 10 consistent with and as the ~~commissioner~~ secretary deems necessary to carry out the
 11 purposes and requirements of the federal Safe Drinking Water Act, as amended,
 12 relating to the state's participation in the underground injection control program
 13 established under that Act with respect to the storage and sequestration of carbon
 14 dioxide, including but not limited to the state's authority to restrain any person from
 15 engaging in any unauthorized activity which is endangering or causing damage to
 16 public health or the environment.

17 * * *

18 §1110. Carbon Dioxide Geologic Storage Trust Fund

19 A.(1) There is hereby established a fund in the custody of the state treasurer
 20 to be known as the Carbon Dioxide Geologic Storage Trust Fund, hereinafter
 21 referred to as the "fund", which shall constitute a special custodial trust fund which
 22 shall be administered by the ~~commissioner~~ secretary, who shall make disbursements
 23 from the fund solely in accordance with the purposes and uses authorized by this
 24 Chapter.

25 (2) After compliance with the requirements of Article VII, Section 9(B) of
 26 the Constitution of Louisiana relative to the Bond Security and Redemption Fund,
 27 and after a sufficient amount is allocated from that fund to pay all of the obligations
 28 secured by the full faith and credit of the state which become due and payable within
 29 any fiscal year, the treasurer shall pay into the fund, an amount equal to the monies

1 received by the state treasury pursuant to this Chapter. The monies in this fund shall
 2 be used solely as provided in this Section and only in the amount appropriated by the
 3 legislature. All unexpended and unencumbered monies remaining in this fund at the
 4 end of the fiscal year shall remain in the fund. The monies in the fund shall be
 5 invested by the state treasurer in the same manner as monies in the state general fund
 6 and all returns of such investment shall be deposited to the fund. At the request of
 7 the Natural Resources Trust Authority, the state treasurer may invest monies
 8 in the fund, or any portion thereof, in accordance with the provisions of R.S.
 9 33:2955, and any interest earned on such investments shall be credited to the
 10 fund. The funds received shall be placed in the special trust fund in the custody of
 11 the state treasurer to be used only in accordance with this Chapter and shall not be
 12 placed in the general fund. The funds provided to the ~~commissioner~~ secretary
 13 pursuant to this Section shall at all times be and remain the property of the
 14 ~~commissioner~~ secretary. The funds shall be used only for the purposes set forth in
 15 this Chapter and for no other governmental purposes, nor shall any branch of
 16 government be allowed to borrow any portion of the funds. It is the intent of the
 17 legislature that this fund and its increments shall remain intact and inviolate.

18 B. The following monies shall be placed into the fund:

19 (1) The fees, penalties, and bond forfeitures collected pursuant to this
 20 Chapter. All fees and self-generated revenue remaining on deposit for the ~~office of~~
 21 ~~conservation~~ department at the end of any fiscal year shall be deposited into the
 22 fund.

23 * * *

24 C. The ~~commissioner~~ secretary is hereby authorized to levy on each storage
 25 facility the following fees or costs for the purpose of funding the fund:

26 (1) A fee payable to the ~~office of conservation~~ department, in a form and
 27 schedule prescribed by the ~~office of conservation~~ department, for each ton of
 28 carbon dioxide injected for storage into that storage facility. This fee is to be
 29 determined based upon the following formula:

* * *

(b) "F" is a per unit fee in dollars per ton set by the ~~office of conservation~~
department.

* * *

(f) Once five million dollars has been contributed to the fund for a storage facility, the fee assessments to that storage facility under this Section shall cease until such time as funds begin to be expended for that storage facility. The secretary of the Department of **Conservation and** ~~Energy and Natural Resources~~ shall certify to the ~~commissioner~~ **secretary** the date on which the balance in the fund for a storage facility equals or exceeds five million dollars. The fund fees shall not be collected or required to be paid on or after the first day of the second month following the certification, except that the ~~commissioner~~ **secretary** shall resume collecting the fees on receipt of a certification from the secretary of the Department of **Conservation and** ~~Energy and Natural Resources~~ that, based on the expenditures or commitments to expend monies, the fund has fallen below four million dollars for that storage facility.

(g) Notwithstanding the total number of storage facilities owned or operated by a storage operator, once ten million dollars has been contributed to the fund by a storage operator, the fee assessment to that storage operator under this Section shall cease until such time as funds begin to be expended for any storage facility owned or operated by that storage operator. The secretary of the Department of **Conservation and** ~~Energy and Natural Resources~~ shall certify to the ~~commissioner~~ **secretary** the date on which the balance in the fund for a storage operator equals or exceeds ten million dollars. The fund fees shall not be collected or required to be paid on or after the first day of the second month following the certification, except that the ~~commissioner~~ **secretary** shall resume collecting the fees upon receipt of a certification from the secretary of the Department of **Conservation and** ~~Energy and Natural Resources~~ that, based on the expenditures or commitments to expend monies, the fund has fallen below eight million dollars for that storage operator.

1 (h) At the end of each fiscal year, the fee may be redetermined by the
 2 ~~commissioner~~ secretary based upon the estimated cost of administering and
 3 enforcing this Chapter for the upcoming year divided by the tonnage of carbon
 4 dioxide expected to be injected during the upcoming year. The total fee assessed
 5 shall be sufficient to assure a balance in the fund not to exceed five million dollars
 6 for any active storage facility within the state at the beginning of each fiscal year.
 7 Any amount received that exceeds the annual balance required shall be deposited in
 8 the fund, but appropriate credits shall be given against future fees or fees associated
 9 with other storage facilities operated by the same storage operator.

10 (2) An annual regulatory fee for storage facilities that have not received a
 11 certificate of completion of injection operations payable to the ~~office of conservation~~
 12 department, in a form and schedule prescribed by the ~~office of conservation~~
 13 department, on the carbon dioxide storage facility in an amount not to exceed fifty
 14 thousand dollars for Fiscal Year 2010-2011 and thereafter. Such fee shall be based
 15 upon the annual projected costs to the ~~office of conservation~~ department for
 16 oversight and regulation of such storage facilities.

17 (3) An application fee payable to the ~~office of conservation~~ department, in
 18 a form and schedule prescribed by the ~~office of conservation~~ department, by
 19 industries under the jurisdiction of the ~~office of conservation~~ department. The
 20 ~~commissioner~~ secretary may, by rule in accordance with the Administrative
 21 Procedure Act, charge a fee that shall not exceed the actual or anticipated cost to the
 22 state for the review of the permit or application.

23 * * *

24 G. The ~~commissioner~~ secretary is authorized to enter into agreements and
 25 contracts and to expend money in the fund for the following purposes:

26 * * *

27 H. The ~~commissioner~~ secretary shall keep accurate accounts of all receipts
 28 and disbursements related to the administration of the fund and site-specific trust
 29 funds and shall make a specific annual report addressing the administration of the

1 funds to the Senate Committee on Natural Resources, the House Committee on
 2 Natural Resources and Environment, and the Senate Committee on Environmental
 3 Quality before March first.

4 I. Every five years the ~~commissioner~~ secretary shall submit a report to the
 5 Senate Committee on Natural Resources, the House Committee on Natural
 6 Resources and Environment, and the Senate Committee on Environmental Quality
 7 before March first that assesses the effectiveness of the fund and other related
 8 provisions in this Chapter and provides other information as may be requested by the
 9 legislature to allow the legislature to assess the effectiveness of this Chapter.

10 * * *

11 §2200. Subsurface injection

12 Nothing herein shall limit the power of the ~~assistant secretary of the office~~
 13 ~~of conservation~~ to issue permits and make regulations relative to the subsurface
 14 injection of waste products and oil and gas field salt water in compliance with
 15 Chapter 1 of Title 30 of the Louisiana Revised Statutes of 1950 and the subsurface
 16 injection of hazardous wastes in compliance with the Safe Drinking Water Act, 42
 17 USC §300(F) et seq., and the Resource Conservation and Recovery Act of 1976, 42
 18 USC §6901 et seq.

19 * * *

20 §2454. Definitions

21 In this Chapter:

22 * * *

23 **(33) "Secretary" means the secretary of the Department of Conservation**
 24 **and Energy.**

25 §2455. Office of the Louisiana oil spill coordinator

26 The office of the Louisiana oil spill coordinator is hereby created within the
 27 Department of ~~Public Safety and Corrections, public safety services~~ **Conservation**
 28 **and Energy**, and shall exercise the powers and duties set forth in this Chapter or
 29 otherwise provided by law. The office shall be administered by the coordinator who

1 shall be ~~appointed by the governor, subject to Senate confirmation~~ a director
2 pursuant to R.S. 36:357. The initial coordinator shall not perform any official duties
3 prior to confirmation.

4 §2456. General powers and duties of the coordinator

5 A. The coordinator, under the direction and control of the deputy secretary
6 ~~for public safety services~~, shall:

7 * * *

8 Section 2. R.S. 31:115(C)(1)(b) is hereby amended and reenacted to read as follows:

9 §115. Requirement of term; limitation of continuation without drilling or mining
10 operations or production

11 * * *

12 C.(1) Any lease, granting the right to explore for and produce lignite or
13 another form of coal, which is included within a mining plan and upon which no
14 actual operations have begun, may provide for an extension beyond the initial ten
15 year term for a period of thirty years by the payment of rent, an advance royalty
16 payment or any other form of periodic payment to the lessor, provided the following
17 requirements are satisfied:

18 * * *

19 (b) A mining plan for the ultimate production of lignite or other forms of
20 coal, together with a permit issued by the ~~commissioner of conservation~~ secretary,
21 is filed in the conveyance records of the parish or parishes in which the leased land
22 is located.

23 * * *

24 Section 3. R.S. 36:351, 352, 353, 354(A)(7), (10), (13), and (15), (B)(1)(b), (2), (4),
25 (6), (8), (10), and (12), 355, 356, 357, 358, the introductory paragraphs of R.S. 36:359(A)
26 and (B), 359(B)(1) and (2), and (C) are hereby amended and reenacted and R.S. 36:351.1,
27 354(B)(13) and (14), 354.1, 356.1(B)(6) and (7) and (D) are hereby enacted to read as
28 follows:

29 CHAPTER 8. DEPARTMENT OF CONSERVATION AND

1 ENERGY AND NATURAL RESOURCES

2 §351. Department of Conservation and Energy and Natural Resources; creation;
3 domicile; composition; purposes and functions

4 A. The Department of Conservation and Energy and Natural Resources is
5 created and shall be a body corporate with the power to sue and be sued. The
6 domicile of the department shall be in Baton Rouge.

7 B. The Department of Conservation and Energy and Natural Resources,
8 through its offices and officers, shall be responsible for the conservation,
9 management, and development of water, minerals, and other such natural resources
10 of the state, including coastal management, state water bottom management and
11 permitting, the issuance of energy-related rights of way on state water bottoms and
12 state lands, and energy-related leasing of state water bottoms and state lands as
13 further set forth in law, but not including timber or fish and wildlife and their
14 habitats.

15 C.(1) The Department of Conservation and Energy and Natural Resources
16 shall be composed of the executive office of the secretary, the office of ~~management~~
17 ~~and finance, the office of conservation, the office of mineral resources, the office of~~
18 ~~coastal management~~ administration, the office of enforcement, the office of energy,
19 the office of ~~land and water, the Oilfield Site Restoration Commission~~ permitting
20 and compliance, the office of state resources, and other offices as shall be created
21 by law.

22 (2) ~~Whenever the secretary determines that the administration of the~~
23 ~~functions of the department may be more efficiently performed by eliminating,~~
24 ~~merging, or consolidating existing offices or establishing new offices, the secretary~~
25 ~~shall present a plan therefor to the legislature for its approval by statute. In addition,~~
26 ~~beginning January 15, 2026, and thereafter in the same year as the sunset of the~~
27 ~~Department of Energy and Natural Resources, the secretary shall recommend to the~~
28 ~~Senate Committee on Natural Resources and the House Committee on Natural~~
29 ~~Resources and Environment to either terminate or continue the boards and~~

1 commissions provided for in this Chapter. Any recommendation to terminate a board
2 or commission shall include a plan to eliminate, merge, or consolidate the functions
3 and responsibilities of that board or commission.

4 **§351.1. Natural Resources Commission; creation composition; purposes and**
5 **functions**

6 **A. The Natural Resources Commission is hereby reconstituted within the**
7 **Department of Conservation and Energy. The commission shall not have**
8 **authority to grant or deny permits, to take enforcement action, or to take other**
9 **action which has traditionally been within the sole jurisdiction of the**
10 **department.**

11 **B. The Natural Resources Commission shall be composed of the**
12 **following individuals, who shall not have the ability to serve by proxy or**
13 **designee:**

14 **(1)The secretary of the Department of Conservation and Energy.**

15 **(2) The secretary of Louisiana Economic Development.**

16 **(3)The secretary of the Department of Environmental Quality.**

17 **(4)The secretary of the Department of Revenue.**

18 **(5) The secretary of the Department of Wildlife and Fisheries.**

19 **(6) The executive secretary of the Louisiana Public Service Commission.**

20 **(7) One individual, appointed by the governor, who shall represent**
21 **statewide flood control interests. This individual shall be one of the following:**

22 **(a) The secretary of the Department of Transportation and Development.**

23 **(b) The executive director of the Coordinated Use of Resources for**
24 **Recreation, Economy, Navigation, and Transportation Authority.**

25 **(c) The executive director of the Coastal Protection and Restoration**
26 **Authority.**

27 **(d) The chief resilience officer.**

28 **C. The department shall staff the commission and may engage the**
29 **legislative auditor for reports requested by legislature or commission. The**

1 commission shall meet four times per year, preferably quarterly. The
 2 commission will facilitate strategic alignment and coordination amongst
 3 members. The commission shall coordinate with the legislative auditor to
 4 provide investigative oversight to the commission.

5 D. The commission shall:

6 (1) Serve as primary coordination body for water management planning,
 7 statewide flood protection, and develop a process for its centralization striving
 8 for uniformity.

9 (2) Develop a process in which agencies coordinate intergovernmental
 10 responses.

11 (3) Develop a process in responding to legislative study requests,
 12 including their prioritization.

13 (4) Engage legislative auditor for staffing on matters related to
 14 investigation, reporting, and review of the executive branch.

15 (5) Develop a process to identify, review, receive, clarify and act on
 16 matters of agency overlap, including independent agencies and political
 17 subdivisions.

18 E. The commission shall meet on the first Wednesday of March, June,
 19 September, and December of each year. In the event of a state declared
 20 emergency or holiday, the meeting shall be held on the next working day. The
 21 date may be changed by unanimous agreement of the members in writing.

22 §352. Officers of the department; compensation for one office only

23 A. The officers of the department shall be the secretary, the undersecretary,
 24 the deputy secretary if a deputy secretary is appointed, and ~~assistant secretaries~~
 25 directors, each of whom shall be selected and shall perform functions as provided
 26 in this Title.

27 B. No person serving as a secretary, deputy secretary, undersecretary, or
 28 ~~assistant secretary~~ director shall receive any additional salary from the state other
 29 than that salary which he receives by virtue of serving in any one of such offices.

1 Any statewide elected official appointed to serve as a secretary, deputy secretary,
 2 undersecretary, or ~~assistant secretary~~ **director** shall not receive any additional salary
 3 from the state other than that salary which he receives as a statewide elected official.

4 C. Notwithstanding any provision herein to the contrary, subject to approval
 5 of the governor, any person, including any statewide elected official, serving or
 6 appointed to serve as a secretary, undersecretary, deputy secretary, or ~~assistant~~
 7 ~~secretary~~ **director** may receive additional compensation for part-time services
 8 rendered as an instructor in post-secondary educational institutions, or as a member
 9 of the National Guard.

10 §353. Secretary of ~~natural resources~~ **conservation and energy**

11 There shall be a secretary of ~~natural resources~~ **conservation and energy**,
 12 who shall be appointed by the governor with consent of the Senate and who shall
 13 serve at the pleasure of the governor at a salary fixed by the governor, which salary
 14 shall not exceed the amount approved for the position by the legislature while in
 15 session. The secretary shall serve as the executive head and chief administrative
 16 officer of the Department of **Conservation and Energy** ~~and Natural Resources~~ and
 17 shall have the responsibility for the policies of the department except as otherwise
 18 provided by this Title and for the administration, control, and operation of the
 19 functions, programs, and affairs of the department, provided that the secretary shall
 20 perform his functions under the general control and supervision of the governor. ~~The~~
 21 ~~secretary shall be an ex officio member of the State Mineral and Energy Board~~ **The**
 22 **secretary shall also assume all duties and functions of the commissioner of**
 23 **conservation as set forth in law.**

24 §354. Powers and duties of secretary of **conservation and** energy ~~and natural~~
 25 ~~resources~~

26 A. In addition to the functions, powers, and duties otherwise vested in the
 27 secretary by law, the secretary shall:

28 * * *

29 (7) Undertake, or in necessary cases, designate one of the offices within the

1 department or its ~~assistant secretary~~ **directors** to prepare all necessary studies
 2 regarding alternate fuel sources for the state of Louisiana.

3 * * *

4 (10) Act as the sole agent of the state or, in necessary cases, designate one of
 5 the offices within the department or its ~~assistant secretary~~ **directors** to cooperate
 6 with the federal government and with other state and local agencies in matters of
 7 mutual concern and in the administration of federal funds granted to the state or
 8 directly to the department or an office thereof to aid in the furtherance of any
 9 function of the department and its offices. For this purpose he may take such actions,
 10 in accordance with applicable state law, necessary to meet such federal standards as
 11 are established for the administration and use of such federal funds, except as
 12 otherwise specifically provided in this Title or by the constitution and laws of this
 13 state.

14 * * *

15 (13) Contract, if the secretary so desires, or, if the secretary deems necessary,
 16 designate one of the offices within the department or its ~~assistant secretary~~ **director**,
 17 under the secretary's supervision, to do so, with private or public research
 18 organizations for the purchase, out of funds available to the Department of
 19 **Conservation and** Energy ~~and Natural Resources~~, of services in scientific,
 20 economic, and technological research, including but not limited to surveys, studies,
 21 and experiments with a view toward protecting and replenishing the natural
 22 resources of the state under the jurisdiction of the Department of **Conservation and**
 23 Energy ~~and Natural Resources~~, toward preventing the waste, wasteful use, and
 24 wasteful utilization thereof, except as defined in R.S. 30:3, toward preventing the use
 25 of the natural resources in such a manner and in such quantities as will threaten with
 26 premature exhaustion, extinction, and destruction of the supply of these resources in
 27 the state, and toward the energy policy of this state, and to prepare and implement
 28 plans and programs in relation thereto.

29 * * *

1 (15) Set priorities for program funds as provided in R.S. 30:2483 and declare
2 emergencies pursuant to R.S. 30:6.1.

3 * * *

4 B. The secretary shall have authority to:

5 (1)(a) * * *

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

10 (2) Appoint, subject to gubernatorial ~~approval~~ disapproval, advisory
11 councils, boards, and commissions necessary in the administration of the department
12 or for providing expertise within the department's jurisdiction, except as otherwise
13 provided by law or by executive order.

14 * * *

15 (4) Contract upon terms as the secretary may agree upon, for legal, financial,
16 engineering, and other professional services necessary or expedient in the conduct
17 of the affairs of the Department of Conservation and Energy ~~and Natural Resources~~
18 under the provisions of this Chapter.

19 * * *

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

1 * * *

2 (8) Obtain from the federal government and its agencies, the offices of the
3 Department of **Conservation and** Energy ~~and Natural Resources~~, and other state
4 agencies any information and data collected by the entities relating to energy, natural
5 resources, or the environment, upon mutually agreeable terms and conditions or as
6 required by law; however, information and data subject to nondisclosure under R.S.
7 44:4 shall maintain that status while in the custody of the secretary.

8 * * *

9 (10) Establish in ~~his office~~ **the department** a capacity for policy analysis,
10 development of information and statistics, and generation of economic information
11 relating to the natural resources and environmental affairs of the state.

12 * * *

13 (12) **Delegate his duties and responsibilities to other personnel within the**
14 **department as necessary for the efficient administration of the department and**
15 **its programs.**

16 (13) Do such other things not inconsistent with law, as are necessary to
17 perform properly the functions vested in him.

18 (14) **Issue directives, acting through an initiative of the deputy secretary**
19 **and upon certification by the undersecretary, that establish immediate agency**
20 **policy effective upon issuance. Such orders shall remain in effect unless and**
21 **until they are superseded by subsequent directive or subjected to additional**
22 **administrative rulemaking through the Louisiana Administrative Procedure**
23 **Act, including but not limited to the processes for emergency rulemaking or**
24 **potpourri notices, if and when the secretary deems further formal rulemaking**
25 **necessary. These directives, which do not constitute "adjudications" within the**
26 **meaning of federal or state administrative law, shall serve as statements of**
27 **policy that the department may apply to its programs and operations forthwith.**

28 * * *

29 **§354.1. Authorization for Administrative Reorganization and Delegation of**

1 Functions, Authority of Secretary

2 A. The purpose of this Section is to streamline and modernize the
3 operations of the department, provide flexibility to the department to respond
4 to changing conditions, and ensure the continuity of effective administration.

5 B. Where consistent with this Title and other applicable laws, the
6 secretary is hereby authorized to:

7 (1) Reorganize, consolidate, create, merge or abolish divisions, offices,
8 bureaus, sections, or other administrative units within the department as
9 deemed necessary for the efficient, economical, and effective performance of its
10 functions.

11 (2) Delegate any function or duty vested in the secretary by law to any
12 subordinate officer or employee within the department. Delegation may be
13 rescinded by the secretary at any time.

14 C. The secretary shall follow the following procedures for reorganization
15 under this Section:

16 (1) Where contemplated reorganization materially affects the procedural
17 rights of the public or substantively changes the department's administrative
18 processes, the secretary shall follow the provisions of the Administrative
19 Procedure Act to implement such changes, but for any provision of this Title.

20 (2) Where contemplated reorganization is internal, ministerial, or
21 otherwise a minor reorganization that does not materially affect the procedural
22 rights of the public or substantively change the department's administrative
23 processes, the reorganization shall be effective upon a written order by the
24 secretary. Such order shall be filed with the secretary of state and shall also be
25 transmitted to the governor, the House Committee on Natural Resources and
26 Environment and the Senate Natural Resources Committee for informational
27 purposes.

28 D. No provision of this Section shall be construed to limit or circumvent
29 any rights of protections afforded to employees of the department under

1 applicable state civil service rules or any other provisions of law. Any workforce
2 adjustments made pursuant to any reorganization under this Section shall
3 comply with the due process requirements set forth in applicable state civil
4 service rules and law.

5 E. The secretary shall submit an annual report to the House Committee
6 on Natural Resources and Environment and the Senate Natural Resources
7 Committee detailing the nature, purpose, and results of any major
8 reorganization undertaken in the preceding year, including any administrative
9 consolidations, transfers of authority, or delegation changes that materially
10 affect the public's procedural rights or the department's administrative
11 processes.

12 F. If any provision or item of this Section, or the application thereof, is
13 held invalid, such invalidity shall not affect other provisions, items, or
14 applications which can be given effect without the invalid provision or item, and
15 to this end, the provisions of this Section are hereby declared severable.

16 §355. Deputy secretary

17 A. There ~~may~~ shall be a deputy secretary of the department, who shall be
18 appointed by the secretary with consent of the Senate and who shall serve at the
19 pleasure of the secretary at a salary fixed by the secretary, which salary shall not
20 exceed the amount approved for such position by the legislature while in session.
21 ~~The duties and functions of the deputy secretary shall be determined and assigned~~
22 ~~by the secretary. If appointed, he~~ He shall serve as acting secretary in the absence of
23 the secretary.

24 B. The deputy secretary shall, in addition to any authorities established
25 elsewhere in law:

26 (1) Oversee the office of natural resources commission, performing all
27 functions, including the authority to employ, appoint, remove, assign, and
28 promote such personnel as is necessary for the efficient administration of this
29 office and its programs and the performance of its powers, duties, functions,

1 and responsibilities, in accordance with applicable civil service laws, rules, and
 2 regulations, and with policies and rules of the department, all subject to
 3 budgetary control and applicable laws.

4 (2) Perform other duties as requested or delegated by the secretary.

5 §356. Undersecretary; functions; office of ~~management and finance~~ administration

6 A. (1) There shall be an undersecretary of the Department of Conservation
 7 and Energy and Natural Resources, who shall be appointed by the governor with
 8 consent of the Senate and who shall serve at the pleasure of the governor at a salary
 9 fixed by the governor, which salary shall not exceed the amount approved for the
 10 position by the legislature while in session.

11 (2) The undersecretary shall be directly responsible to and shall perform his
 12 functions under the supervision and control of the secretary but for this Subsection,
 13 and shall otherwise be vested with the authority provided in the Section.

14 B. ~~The~~ Subject to R.S. 39:1, et seq., the undersecretary shall direct and be
 15 responsible for the functions of the office of ~~management and finance~~
 16 administration and the Louisiana Natural Resources Trust Authority within the
 17 Department of Conservation and Energy and Natural Resources. In this capacity,
 18 the undersecretary shall be responsible for accounting and ~~budget~~ budgetary
 19 oversight, systems of internal control; and financial compliance, procurement and
 20 contract management, information technology and data processing, management
 21 and program analysis, personnel management, and grants management for the
 22 department and all of its offices, including all agencies transferred to the Department
 23 of Conservation and Energy and Natural Resources, except as otherwise
 24 specifically provided in this Title. The undersecretary shall employ, appoint, remove,
 25 assign, and promote personnel as is necessary for the efficient administration of the
 26 office of ~~management and finance~~ administration and the Louisiana Natural
 27 Resources Trust Authority and the performance of their powers, duties, functions,
 28 and responsibilities, in accordance with applicable civil service laws, rules, and
 29 regulations, and with policies and rules of the department, all subject to budgetary

1 control and applicable laws. The undersecretary shall exercise all powers and
2 authority granted to him in this Title subject to the overall direction and control of
3 the secretary.

4 C.(1) The duties and functions of the office of ~~management and finance~~
5 **administration** and of the undersecretary shall be as provided in this Section, and
6 these duties and functions shall not be subject to change by the secretary, except that
7 the undersecretary shall perform such additional duties and functions as are assigned
8 by the secretary. **The undersecretary shall:**

9 **(a) Ensure robust internal-control mechanisms to safeguard**
10 **departmental assets and promote compliance with financial, administrative, and**
11 **regulatory requirements. This responsibility shall include developing and**
12 **enforcing written policies and procedures for the prevention and detection of**
13 **fraud, waste, and abuse, as well as for proper budgeting, accounting, and**
14 **reporting practices.**

15 **(b) Coordinate and oversee auditing, both internal and external, to**
16 **evaluate the department's fiscal integrity and operational compliance. This shall**
17 **include the authority to:**

18 **(i) Initiate or recommend financial, performance, and compliance audits**
19 **of divisions, programs, or processes within the department.**

20 **(ii) Collaborate with the legislative auditor or any external auditor**
21 **authorized by law, ensuring prompt access to records and cooperation by**
22 **departmental staff.**

23 **(iii) Review and respond to audit findings, develop corrective-action**
24 **plans, and monitor their implementation to resolve deficiencies.**

25 **(c) Regularly report to the secretary on the department's financial status,**
26 **the results of any internal or external audits, and identified risks or potential**
27 **areas of concern. In connection therewith, the undersecretary shall recommend**
28 **policies, practices, or remedial actions necessary to enhance accountability and**
29 **protect the department's resources.**

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

8 B. ~~The duties and functions of each office and its assistant secretary shall be~~
 9 ~~determined by the secretary, and all of such duties and functions shall be exercised~~
 10 ~~under the direct supervision and control of the secretary.~~

11 C. Each assistant of Conservation and Energy, except the executive office
 12 of the secretary and the office of administration shall be under the immediate
 13 supervision and direction of a director who shall be appointed by the secretary
 14 and shall be an unclassified employee. The secretary may issue a directive
 15 clearly identifying each director and specifically delegating the authority of such
 16 director.

17 B. The secretary shall employ, appoint, remove, assign, and promote from
 18 any funding sources authorizing administrative costs such personnel as is
 19 necessary for the efficient administration of ~~his office and its programs and the~~
 20 ~~performance of its powers, duties, functions, and responsibilities, in accordance with~~
 21 ~~applicable civil service laws, rules, and regulations, and with policies and rules of~~
 22 ~~the department, all subject to budgetary control and applicable laws.~~

23 D. Each assistant secretary shall exercise all powers and authority granted to
 24 him in this Title subject to the overall direction and control of the secretary this
 25 Chapter. In addition to any other powers, duties, functions, and responsibilities
 26 defined by the secretary.

27 §358. Offices; purposes and functions

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

1 B. The office of coastal management shall perform the functions of the state
2 relative to the coastal zone management program the executive office of the
3 secretary shall be responsible for assisting the secretary in the exercise of the
4 functions and duties established in law of the secretary. Among the divisions
5 included within the executive office of the secretary shall be the office of natural
6 resources commission to be headed by the deputy secretary and the office of
7 legal services to be headed by an attorney designated by the secretary.

8 (1) The office of the natural resources commission may provide any
9 necessary direct support to the natural resources commission. In addition, the
10 office of the natural resources commission shall provide intergovernmental
11 affairs and communications support to the commission and the department.

12 (2) The office of legal services shall provide general legal support for the
13 department and its offices, including specialized support for state lands,
14 minerals, and water resources, and shall oversee and administer the Saltwater
15 and Oil Assessment Process as set forth in law. The secretary and the
16 commissioner of administration shall enter into and maintain a memorandum
17 of understanding regarding receipt, administration and control of said
18 payments to memorialize necessary arrangements associated with funding their
19 respective departments.

20 C. The office of conservation, in accordance with law, shall exercise the
21 functions of the state with respect to the regulation, conservation, permitting,
22 compliance, and use of the natural resources of the state which are not specifically
23 within the jurisdiction of other state departments or agencies. Its functions shall
24 include but not be limited to the conservation of the oil and gas resources of the state
25 and matters pertaining thereto; the promotion and encouragement of exploration,
26 production, and refining efforts for oil, intrastate gas, and other hydrocarbons; the
27 control and allocation of energy supplies and distribution; the lease or construction
28 and operation of intrastate pipeline systems; the implementation and enforcement of
29 any emergency gas shortage allocation plan and the setting of priorities; the

1 regulation of the minimum sale price of intrastate natural gas; and the management
 2 of ground water resources, all in accordance with applicable laws. administration
 3 shall be responsible for accounting and budget control, procurement and
 4 contract management, data processing, management and program analysis,
 5 information technology and geographic information systems, strategic planning,
 6 and personnel management for the department and all of its offices, including
 7 the Natural Resources Trust Authority, subject to R.S. 39:1, et seq.

8 D.(†) The office of permitting and compliance shall perform all
 9 permitting and compliance functions within the jurisdiction of the department
 10 consistent with law, including Act No. 548 of the 2006 Regular Session of the
 11 Legislature.

12 E. The office of ~~mineral state~~ resources shall perform:

13 (1) Perform the functions of the state relating to the lease of or other
 14 contracts for the use of lands and water bottoms of the state for the development
 15 and production of minerals, oil, and gas, storage, and other energy related
 16 activities and supervision of such mineral leases and other agreements, in
 17 accordance with the law, including but not restricted to the exercise of the option of
 18 the state to receive in kind the portion due to the state as royalty of any minerals
 19 produced and severed from leased premises, and shall receive, administer, and
 20 control royalties and other storage and energy related payments due in kind to the
 21 state in accordance with state law.

22 (2) Work in cooperation with the Center for Energy Studies to maintain
 23 current surface and subsurface geological surveys of the state, or otherwise at the
 24 discretion of the ~~assistant secretary of the office of mineral resources~~ or his designee;
 25 conduct geological mapping; prepare geological hazards assessments and resource
 26 inventories; and conduct process investigations and related studies.

27 (3) Provide for the administration of state water bottom management,
 28 the issuance of mineral, storage, and energy-related rights of way on state water
 29 bottoms and state lands, and energy-related leasing of state water bottoms and

1 state lands as further set forth in law, including agreements related to the
 2 subsurface and above-ground storage of minerals, gasses, and products on state
 3 water bottoms or lands and receipt, administration, and control of payments
 4 due to the state under these agreements in accordance with state law.

5 (4) Provide for the administration of groundwater, surface water, and
 6 other water resources for quantity purposes, unless otherwise designated by the
 7 secretary following adequate review set forth by rule.

8 ~~E.F.~~ The office of enforcement shall be responsible for the inspection of the
 9 regulated community and the enforcement of laws and regulations within the
 10 jurisdiction of the department consistent with Act No. 548 of the 2006 Regular
 11 Session of the Legislature.

12 ~~F.G.~~ The office of energy shall organize, plan, supervise, direct, administer,
 13 execute, and be responsible for the functions and programs relating to the
 14 deployment and operation of alternative energy infrastructure in this state in a
 15 manner that results in affordable and reliable energy. The office of energy shall also
 16 work in cooperation with the Center for Energy Studies to create and carry out a
 17 central, comprehensive, and unified energy data and information program which will
 18 collect, evaluate, assemble, analyze, and disseminate data and information which is
 19 relevant to energy resource reserves, energy production, demand, and technology,
 20 and related economic and statistical information, or which is relevant to the adequacy
 21 of energy resources to meet demands in the near and longer term future of the state.

22 ~~G. The office of land and water shall be responsible for the following:~~

23 ~~(1) The administration of state water bottom management, the issuance of~~
 24 ~~energy-related rights of way on state water bottoms and state lands, and energy-~~
 25 ~~related leasing of state water bottoms and state lands as further set forth in law.~~

26 ~~(2) The administration of groundwater, surface water, and other water~~
 27 ~~resources for quantity purposes, unless otherwise designated by the secretary~~
 28 ~~following adequate review set forth by rule.~~

29 * * *

1 §359. Transfer of agencies and functions to Department of Conservation and
 2 Energy ~~and Natural Resources~~

3 A. The following agencies are transferred to the Department of Conservation
 4 and Energy ~~and Natural Resources~~ and shall exercise and perform their powers,
 5 duties, functions, and responsibilities as provided by law:

6 * * *

7 B. The following agencies are transferred to the Department of Conservation
 8 and Energy ~~and Natural Resources~~ and shall exercise and perform their powers,
 9 duties, functions, and responsibilities in accordance with the provisions of R.S.
 10 36:802:

11 (1) State Department of Conservation (Article V, Section 18 and Article VI,
 12 Section 1(C) of the 1921 Constitution of Louisiana made statutory by Article XIV,
 13 Section 16(A)(2) and (3) of the 1974 Constitution of Louisiana; Part I of Chapter 1
 14 of Subtitle I of Title 30 of the Louisiana Revised Statutes of 1950 and other
 15 provisions of Title 30 that directly apply to the department). The ~~assistant~~ secretary
 16 shall be authorized to employ, appoint, remove, assign, and promote personnel as is
 17 necessary for the efficient administration required in making these decisions in
 18 accordance with applicable civil service laws, rules, and regulations, and with
 19 policies and rules, subject to budgetary control of the Department of Conservation
 20 and Energy ~~and Natural Resources~~ and applicable laws.

21 (2) State Mineral and Energy Board (R.S. 30:121 et seq.), except the
 22 secretary undersecretary of the Department of Conservation and Energy ~~and~~
 23 ~~Natural Resources~~ or his designee shall be an ex officio member of the State Mineral
 24 and Energy Board. The State Mineral and Energy Board shall retain the authority to
 25 lease for development and production of minerals, oil, and gas any lands belonging
 26 to the state, or the title to which is in the public, including road beds, water bottoms,
 27 and land adjudicated to the state at tax sale. The State Mineral and Energy Board
 28 shall retain supervision of all mineral leases granted by the state, and it shall retain
 29 general authority to take action for and on behalf of and to protect the interests of the

1 state in accordance with the provisions of Title 30 of the Louisiana Revised Statutes
2 of 1950, as amended, and applicable laws.

3 * * *

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

8 Section 4. The introductory paragraph of R.S. 38:3076(A), 3076(A)(24) and (C),
9 3087.136(4), 3087.138, 3092(2) and (4), 3093, 3094(A)(1) through (4), the introductory
10 paragraph of 3094(B), 3094(B)(7), the introductory paragraph of R.S. 38:3094(C), and
11 3094(C)(1), 3097.1(C), 3097.2(1), (4), (7), and (9), 3097.3(A) and (B), the introductory
12 paragraphs of 3097.3(C) and (C)(4)(a), 3097.3(C)(4)(a)(v) and (b), and (8), (D), (E), (F)(1),
13 the introductory paragraphs of 3097.3(F)(2), (d), and (f), and 3097.3(G), 3097.6(A), the
14 introductory paragraphs of 3097.6(B) and (B)(3), 3097.8(A) and (C), the introductory
15 paragraph of 3098(A), 3098(B) and (E), and 3098.1(4) are hereby amended and reenacted
16 and R.S. 38:3098(G) is enacted to read as follows:

17 §3076. Powers of the board

18 A. The board shall work with the ~~commissioner of conservation~~ **secretary**
19 **of the Department of Conservation and Energy** in his responsibilities to do all
20 things necessary to prevent waste of groundwater resources, and to prevent or
21 alleviate damaging or potentially damaging subsidence of the land surface caused by
22 withdrawal of groundwater within the district. In conjunction with the ~~commissioner~~
23 ~~of conservation~~ **secretary**, the board shall have authority to do, as required, the
24 following:

25 * * *

26 (24) To advise and consult with the ~~commissioner of conservation and the~~
27 ~~Water Resources Commission~~ **secretary** on matters that impact water resources
28 within the board's jurisdiction.

29 * * *

1 C. Anything herein to the contrary notwithstanding, the board formed
 2 hereunder shall have no authority to regulate water produced from formations
 3 producing oil or gas or both for commercial purposes or to issue any rule, regulation,
 4 or order conflicting with regulation of drilling to and production from or disposition
 5 of water from such formations by the ~~commissioner of conservation~~ **secretary**. Nor
 6 shall the board formed hereunder have authority to regulate the production of salt
 7 water used for pressure maintenance, secondary recovery operations, or other
 8 operations for the production of oil or gas.

9 * * *

10 §3087.136. Powers of the board

11 The board shall conduct a study and survey of the groundwater resources in
 12 the district, including but not limited to consideration of what is necessary or
 13 advisable to conserve groundwater resources and where appropriate, prevent or
 14 alleviate damaging or potentially damaging drawdowns, land surface subsidence, and
 15 groundwater quality degradation. For this purpose, the board shall hold hearings and
 16 may:

17 * * *

18 (4) Advise and consult with the ~~commissioner of conservation and the Water~~
 19 ~~Resources Commission~~ **secretary of the Department of Conservation and Energy**
 20 on matters that impact water resources within the board's jurisdiction.

21 * * *

22 §3087.138. Reports regarding groundwater resources

23 The commission shall report, on or before April first annually, the district's
 24 groundwater resources to the ~~commissioner of conservation, the Water Resources~~
 25 ~~Commission, the Water Management Advisory Task Force~~ **secretary**, the Senate
 26 Committee on Natural Resources, and the House Committee on Natural Resources
 27 and Environment. The report shall include but not be limited to the amount of water
 28 used for public supply, industrial, or agricultural purposes, respectively; actual and
 29 projected saltwater intrusion or encroachment; and any current or projected sale of

1 water for use outside of the state, including the amount of water so sold and the price
2 paid by each out-of-state user. For the purposes of this report, the amount of water
3 used for agricultural or industrial purposes may be estimated.

4 * * *

5 §3092. Definitions

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

8 * * *

9 (2) "~~commissioner~~" means the commissioner of conservation **"secretary"**
10 **means the secretary of the Department of Conservation and Energy.**

11 * * *

12 (4) "Office" means the ~~office of conservation~~, Department of **Conservation**
13 **and Energy and Natural Resources.**

14 * * *

15 §3093. Administration; authority

16 This Chapter shall be administered by the ~~commissioner of conservation~~
17 **secretary**, who shall have authority to enforce the provisions of this Chapter.

18 §3094. Rules and regulations; powers of ~~commissioner~~ **secretary**

19 A. The ~~commissioner~~ **secretary** shall make reasonable rules and regulations
20 for the following purposes:

21 (1) To require registration of all wells producing in excess of fifty thousand
22 gallons per day with the ~~commissioner~~ **secretary** showing the date drilled, the name
23 of the driller, if available, and the current ownership together with such other
24 information as the ~~commissioner~~ **secretary** may reasonably require. The
25 ~~commissioner~~ **secretary** may, at his discretion, require registration of smaller wells.

26 (2) To require that all users of ground water within the state register with the
27 ~~commissioner~~ **secretary** showing the number, location, and capacity of wells owned
28 or operated by them or solely for their benefit and designating the beneficial use or
29 uses of ground water by them. The ~~commissioner~~ **secretary** shall classify each user

1 as a domestic, municipal, industrial, agricultural, or recreational or therapeutic user
 2 of ground water upon the basis of such information. The ~~commissioner~~ secretary
 3 shall have authority in his discretion to require periodic renewals of registrations to
 4 determine alterations in uses of water within the state; such registrations may be
 5 required on an annual basis or such greater periods of time as the ~~commissioner~~
 6 secretary may deem appropriate.

7 (3) To establish regulations governing standards for the construction of all
 8 wells drilled after July 26, 1972, except that where authority is exercised by the
 9 Louisiana Department of Health, the ~~commissioner~~ secretary shall work
 10 cooperatively with that department in the establishment of standards for construction.

11 (4) To require well owners to furnish, on request, information pertinent to
 12 wells, such as well logs, chemical analyses, strata samples, water levels, water uses,
 13 drawdowns, grouting, casing sizes, property descriptions, and other pertinent
 14 information reasonably required by the ~~commissioner~~ secretary, provided that as to
 15 wells in existence on July 26, 1972, such information is available.

16 * * *

17 B. In addition to the specific regulatory matters set forth in Subsection A of
 18 this Section, the ~~commissioner~~ secretary shall have authority to do, as required, the
 19 following:

20 * * *

21 (7) To require records to be kept and reports to be made of the drilling,
 22 equipping, and completion of wells into any aquifer or aquifers and the taking and
 23 use of ground water therefrom and to require accurate drillers' logs to be kept of such
 24 wells and a copy thereof and of any electric logs made of such wells to be filed with
 25 the ~~commissioner~~ secretary.

26 C. To provide for uniform protection of public water supply users in the state,
 27 the ~~commissioner~~ secretary with the concurrence and approval of the Louisiana
 28 Department of Health shall be authorized as follows:

29 (1) To assure that all community public water supply systems within the state

1 are developed so as to provide for the proper utilization of the ground water aquifers
 2 and are organized to provide proper operation and maintenance of the system. It shall
 3 be the responsibility of the ~~commissioner~~ **secretary**, with assistance from the
 4 Louisiana Department of Health, to promulgate rules and regulations in accordance
 5 with the Administrative Procedure Act, so as to ensure the safety and welfare of the
 6 general public utilizing such systems.

7 * * *

8 §3097.1. Legislative findings; purpose; effect

9 * * *

10 C. In accordance with the legislative intent provided herein, the statewide
 11 ground water resource management program and any rule, regulation, or order of the
 12 ~~commissioner~~ **secretary** shall recognize historic use of ground water resources in the
 13 state and may incorporate the use of appropriate incentives to encourage
 14 conservation of ground water resources and the appropriate utilization of alternate
 15 water supplies where appropriate. Consistent with the provisions of this Chapter and
 16 in consultation with the ~~commissioner~~ **secretary**, the incentives and provisions of
 17 alternate water resources may be provided by the state, or any local subdivision
 18 thereof, by virtue of tax incentives, tax credits, and physical projects transporting or
 19 providing alternate water resources to existing ground water users and by any private
 20 person with an interest in conserving such ground water resources for public use.

21 §3097.2. Definitions

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

24 (1) "Area of ground water concern" shall mean an area in which, under
 25 current usage and normal environmental conditions, sustainability of an aquifer is
 26 not being maintained due to either movement of a salt water front, water level
 27 decline, or subsidence, resulting in unacceptable environmental, economic, social,
 28 or health impact, or causing serious adverse impact to an aquifer, considering the
 29 areal and temporal extent of all such impacts. An area of ground water concern,

1 declared pursuant to R.S. 38:3097.6, shall be designated a critical area of ground
 2 water concern when the ~~commissioner~~ secretary finds that sustainability cannot be
 3 maintained without withdrawal restrictions.

4 * * *

5 (4) "~~Commissioner~~" shall mean the ~~commissioner of conservation~~
 6 "Secretary" shall mean the secretary of the Department of Conservation and
 7 Energy.

8 * * *

9 (7) "Ground water emergency" shall mean an unanticipated occurrence as a
 10 result of a natural force or a man-made act which causes a ground water source to
 11 become immediately unavailable for beneficial use for the foreseeable future or
 12 drought conditions determined by the ~~commissioner~~ secretary to warrant the
 13 temporary use of drought relief wells to assure the sustained production of
 14 agricultural products in the state.

15 * * *

16 (9) "Large volume well" means a well with an exterior casing size of eight
 17 inches or greater in diameter, or as defined by rules and regulations promulgated by
 18 the ~~commissioner~~ secretary pursuant to the Administrative Procedure Act.

19 * * *

20 §3097.3. ~~Commissioner of conservation~~ Secretary of Conservation and Energy;
 21 powers and duties

22 A. The ~~commissioner~~ secretary, through the ~~office of conservation~~
 23 Department of Conservation and Energy, is empowered and responsible for the
 24 administration of all matters related to the management of the state's groundwater
 25 resources by providing for the most advantageous use of the resource consistent with
 26 the protection, conservation, and replenishment thereof. The ~~commissioner~~ secretary
 27 shall perform these functions to the extent such functions are not specifically within
 28 the jurisdiction of other state departments or agencies. The ~~commissioner~~ secretary
 29 shall seek the advice and consultation of local governmental entities on any actions

1 or decisions which may have an impact upon those entities or residents within the
2 entities' respective jurisdictions.

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

11 C. The ~~commissioner~~ secretary has authority to make, after notice and public
12 hearings in accordance with the Administrative Procedure Act, any reasonable rules,
13 regulations, and orders that are necessary from time to time in the proper
14 administration and enforcement of this Chapter, including rules, regulations, or
15 orders for the following purposes:

16 * * *

17 (4)(a) Require registration of all new wells by the owners. Such registration
18 shall at a minimum require the date drilled or the estimated date to be drilled, the
19 name of the driller, the current ownership, and the projected location of the well in
20 latitude, longitude, and depth, and casing size together with such other information
21 as the ~~commissioner~~ secretary may reasonably require. Registration shall be in the
22 form of a notice of intent to drill submitted to the ~~commissioner~~ secretary at least
23 sixty days prior to drilling the well, except for the following types of wells which
24 shall be registered no later than sixty days after completing the well:

25 * * *

26 (v) All other wells the ~~commissioner~~ secretary exempts for just cause.

27 (b) Within thirty days of receiving the well registration, the ~~commissioner~~
28 secretary shall review the submitted information. During the thirty-day review
29 period, the ~~commissioner~~ secretary may either issue an order to the owner placing

1 restrictions on the well or requesting further reasonable information on the well or
2 may take no action. Prior to any order placing a restriction on a well, the
3 ~~commissioner~~ secretary shall determine, on the basis of good management practices
4 and sound science, that such action is necessary to prevent adverse impacts to the
5 sustainability of the aquifer from which the proposed well is to produce. An order
6 placing restrictions on spacing may also be issued to avoid direct adverse impacts to
7 existing wells. Restrictions and requests for information shall be subject to the
8 following:

9 (i) For large volume wells or wells within a critical area of groundwater
10 concern, the ~~commissioner~~ secretary may issue to the owner of such well an order
11 fixing allowable production, spacing, and metering necessary to properly manage the
12 state's groundwater resources consistent with R.S. 38:3097.6(B)(3). Before issuing
13 any order placing restrictions on a well outside a critical area of groundwater
14 concern, the ~~commissioner~~ secretary shall consider a well owner's efforts to develop
15 alternate water sources.

16 (ii) For all other wells located outside a critical area of groundwater concern,
17 an order issued by the ~~commissioner~~ secretary may only fix spacing of the well.

18 (iii) If more information is requested, the ~~commissioner~~ secretary shall have
19 an additional thirty days after receiving the additional information for review. ~~The~~
20 ~~commissioner's request for further information may be appealed to the commission~~
21 ~~to determine the reasonableness of the request. Such determination shall be made~~
22 ~~within forty-five days from the date of the appeal.~~

23 * * *

24 (8) Develop a contingency plan to respond to a groundwater emergency. Such
25 a plan shall provide that groundwater needed for human consumption shall have the
26 highest priority. If the ~~commissioner~~ secretary declares a groundwater emergency,
27 he shall define the geographical extent of the area included in the emergency by rule
28 or order, may retain personnel or let contracts as necessary with persons who shall
29 operate under his direction to abate the emergency conditions, and may fix the

1 allowable production, spacing, and depth for wells within the area in such a way that
2 the combined production of groundwater will not have long-term adverse effects on
3 the aquifer.

4 * * *

5 D. Any rule or regulation promulgated or any critical groundwater area
6 declared by the Ground Water Management Commission pursuant to authority
7 granted by Act No. 446 of the 2001 Regular Session shall remain in effect until July
8 1, 2004, or until such time as the ~~commissioner~~ secretary promulgates rules pursuant
9 to this Section or reviews any previously declared critical area.

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

14 F.(1) The ~~commissioner~~ secretary, upon determining that a violation of
15 Chapters 13-A, 13-A-1, or 13-B of this Title or the regulations adopted thereunder
16 has occurred, may impose a civil penalty as provided in this Chapter. Additionally,
17 upon determining that a violation of Chapters 13-A, 13-A-1, or 13-B of this Title or
18 the rules and regulations made pursuant to Chapters 13-A, 13-A-1, or 13-B of this
19 Title has occurred, the ~~commissioner~~ secretary may issue an order requiring
20 compliance. Any such order shall state, with reasonable specificity, the nature of the
21 violation, any cessation of activities or affirmative operations required to achieve
22 compliance, and a time limit within which compliance with the order must be
23 achieved. Noncompliance with any such order to comply shall constitute a violation
24 of Chapters 13-A, 13-A-1, or 13-B of this Title, and the ~~commissioner~~ secretary
25 may impose a civil penalty for such violation. Any person subjected to a civil penalty
26 shall have the right to a public hearing if requested in writing, which written request
27 shall suspend the imposition of penalty until final action is taken by the
28 ~~commissioner~~ secretary.

29 (2) The ~~commissioner~~ secretary is hereby authorized to assess civil penalties

1 for each day of violation of the provisions of Chapters 13-A, 13-A-1, or 13-B of this
2 Title as follows:

3 * * *

4 (d) For violations of rules and regulations promulgated pursuant to
5 Subparagraph (C)(4)(b) of this Section - failure to comply with restrictions, terms,
6 or conditions set forth by order of the ~~commissioner~~ **secretary**:

7 * * *

8 (f) For violations of rules and regulations promulgated pursuant to Paragraph
9 (C)(8) of this Section - failure to comply with any restrictions, terms, or conditions
10 set forth by the ~~commissioner~~ **secretary** in response to a groundwater emergency:

11 * * *

12 G. The ~~commissioner~~ **secretary** shall ensure submission of the semiannual
13 reports required of the ground water conservation districts by R.S. 38:3097.8. If the
14 reports are not submitted timely or do not include the pertinent information required,
15 the ~~commissioner~~ **secretary** is authorized to require monthly submissions of the
16 reports until he is satisfied with the adequacy and informative nature of the reports.

17 * * *

18 §3097.6. Determination of area of groundwater concern

19 A. Any owner of a well that is significantly and adversely affected as a result
20 of the movement of a saltwater front, water level decline, or subsidence in or from
21 the aquifer drawn on by such well shall have the right to file an application to request
22 the ~~commissioner~~ **secretary** to declare that an area underlain by such aquifer is an
23 area of groundwater concern. Such application shall contain a statement of facts, and
24 supporting evidence substantiating the area may be an area of groundwater concern
25 as defined in R.S. 38:3097.2. On the basis of the application, good management
26 practices, and sound science, the ~~commissioner~~ **secretary** shall either deny the
27 request, in writing, or issue a draft order which describes the proposed boundaries
28 of the area of groundwater concern. If the ~~commissioner~~ **secretary** issues a draft
29 order describing the proposed boundaries of the area, the ~~commissioner~~ **secretary**

1 shall hold at least one public hearing in the locality of the proposed boundaries. At
 2 least thirty days prior to holding the public hearing, the ~~commissioner~~ secretary
 3 shall provide copies of the draft order to the House Committee on Natural Resources
 4 and Environment and to the Senate Committee on Natural Resources.

5 B. After holding hearings, the ~~commissioner~~ secretary shall issue a written
 6 decision based on good management practices and scientifically sound data gathered
 7 from the application, the participants in the public hearing, and any other relevant
 8 information. If the ~~commissioner~~ secretary has determined that an area of ground
 9 water concern exists, his decision shall be in the form of an order that shall describe
 10 the boundaries of the area which is determined to be an area of ground water
 11 concern. The order shall also contain a plan to preserve and manage the ground water
 12 resources in that area which may include but is not limited to the following:

13 * * *

14 (3) If the ~~commissioner~~ secretary designates an area a critical area of ground
 15 water concern, the order may restrict the amount of withdrawals by any or all users
 16 in the area. In determining restrictions on withdrawals, the ~~commissioner~~ secretary
 17 shall consider the following:

18 * * *

19 §3097.8. Semiannual reports regarding groundwater quality and saltwater intrusion

20 A. On or before May first and November first every year, each ground water
 21 conservation district created by law or designated as a regional body, pursuant to
 22 R.S. 38:3097.4(D)(6), shall submit to the ~~commissioner of conservation, the Water~~
 23 ~~Resources Commission,~~ secretary, the Senate Committee on Environmental Quality,
 24 and the House Committee on Natural Resources and Environment a written report
 25 detailing the district's ground water resources and the activities and actions taken
 26 with respect to each of the district's powers delineated by laws creating the district.
 27 The report shall also include but not be limited to the amount of water used for
 28 residential, commercial or industrial, or agricultural purposes, respectively; actual
 29 and projected saltwater intrusion or encroachment; and any current or projected sale

1 of water for use outside of the state, including the amount of water so sold and the
2 price paid by each out-of-state user.

3 * * *

4 C. The ~~commissioner~~ secretary shall promulgate a form with a checklist of
5 the pertinent information required to be included in the semi-annual report.

6 * * *

7 §3098. Licensing of water well and other drillers

8 A. Every person, firm, or corporation engaged or desiring to engage in the
9 business of drilling water wells for underground water, drilling monitoring wells,
10 geotechnical bore holes, heat pump wells, cathodic protection holes, and/or seismic
11 shot holes, as well as reworking water wells, or plugging and abandoning wells or
12 bore holes, excluding oil and gas wells, in the state of Louisiana shall file an
13 application with the office **Louisiana State Licensing Board for Contractors** for
14 a drilling license, using forms prepared by the office **board**, setting out qualifications
15 therefor and such other information including any examination, oral or written, as
16 may be required by the office **board**. The fees for such license and renewal shall be
17 as follows:

18 * * *

19 B. All licenses shall expire on June thirtieth of each year, and shall not be
20 transferable, and shall be renewable annually, upon completion of six hours of
21 continuing education as approved by the office **board** and upon payment of the
22 required fee.

23 * * *

24 E. A license may be renewed and shall be renewable without examination for
25 the ensuing year by making an application not later than the expiration date and
26 paying the applicable fee. Such application shall have the effect of extending the
27 validity of the current license until the new license is received or the applicant is
28 notified by the ~~department~~ **board** that the license has been refused. On application
29 made after June thirtieth of each year, the license will be renewed only upon

1 payment of the applicable fee, plus a penalty of five dollars for each month the
 2 application is delinquent. Delinquency in excess of one year may, in the discretion
 3 of the advisory committee, be deemed as a waiver of the driller's right for renewal;
 4 and if he should apply thereafter, the ~~department~~ **board** may require that he be
 5 considered as a new applicant, including the requirement for examination.

6 * * *

7 **G. Except in the case of revocation, any license previously issued by the**
 8 **Department of Conservation and Energy, or any successor agency, shall remain**
 9 **valid until expiration.**

10 §3098.1. Qualifications for license

11 In order to be licensed as a drilling contractor, as provided in R.S. 38:3098,
 12 in the state of Louisiana, the applicant must possess the following qualifications:

13 * * *

14 (4) Demonstrate to the satisfaction of the ~~office~~ **Louisiana State Licensing**
 15 **Board for Contractors** a reasonable knowledge of this Chapter and the rules and
 16 regulations adopted by the ~~office~~ **board and the Department of Conservation and**
 17 **Energy** under the provisions of this Chapter.

18 Section 5. R.S. 39:1367(E)(2)(b)(xi) is hereby enacted to read as follows:

19 §1367. State debt; limitations

20 * * *

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

23 * * *

24 (2)(a)

25 * * *

26 (b) "Net state tax supported debt" shall not mean:

27 * * *

28 **(xi) Any bond, note, or other evidence of indebtedness issued pursuant**
 29 **to R.S. 30:83.1 et seq. or any bonds issued to refund such bonds, notes, or**

1 **evidence of indebtedness.**

2 Section 6. R.S. 44:4.1(B)(19) is hereby amended and reenacted to read as follows:

3 §4.1 Exceptions

4 * * *

5 B. The legislature further recognizes that there exist exceptions, exemptions,
6 and limitations to the laws pertaining to public records throughout the revised
7 statutes and codes of this state. Therefore, the following exceptions, exemptions, and
8 limitations are hereby continued in effect by incorporation into this Chapter by
9 citation:

10 * * *

11 (19) R.S. 30:10.1, **124.1**, 209.1, 213, 215, 907, 908, 916, 2030, 2074, 2351,
12 2351.54, 2564

13 * * *

14 Section 7. R.S. 45:252 is hereby amended and reenacted and R.S. 45:251(4) is hereby
15 enacted to read as follows:

16 §251. Common carrier, petroleum, pipe line defined

17 As used in this Chapter, the following terms have the meaning ascribed to
18 them in this Section, unless the context clearly indicates otherwise:

19 * * *

20 **(4) "Secretarial review" means a review by the secretary of the**
21 **Department of Conservation and Energy pursuant to R.S. 45:252. The secretary**
22 **shall simultaneously consider all of the following:**

23 **(a) Connectivity.**

24 **(b) Necessity.**

25 **(c) Physical placement.**

26 **(d) Past and present ownership, including changes in corporate**
27 **structure.**

28 **(e) Regulatory history, including prior determinations or orders by any**
29 **relevant agency.**

1 **(f) Operational characteristics, including but not limited to product type**
2 **or alternative routes.**

3 **(g) Whether the property is truly necessary or integral to the pipeline**
4 **transportation function and necessary for the proper conduct of the business.**

5 **(h) Any indication that the property or its owner does not meet the**
6 **statutory definition of a common carrier.**

7 §252. Pipe lines declared common carriers; control by public service commission

8 **A.** All pipe lines through which petroleum is conveyed from one point in this
9 state to another point in the state are declared to be common carriers as defined in
10 R.S. 45:251 and are placed under the control of and subject to regulation by the
11 Louisiana Public Service Commission.

12 **B. When a complaint, application or other filing concerning the**
13 **classification of a pipe line as a common carrier or the federal equivalent is filed**
14 **with the Public Service Commission, the Public Service Commission or a party**
15 **to the matter may request a secretarial review as defined in R.S. 45:251 and**
16 **pursuant to this Section prior to the Public Service Commission's docketing of**
17 **the matter for a final decision. The secretary may accept or decline such**
18 **request, in writing, to all parties and the Public Service Commission within five**
19 **business days, excluding weekends and state holidays, of receiving such request.**
20 **If the secretary does not accept the request within the five business days, then**
21 **the request shall be deemed declined. If the request is declined then the matter**
22 **may proceed before the Public Service Commission. If the request is accepted**
23 **the matter shall be stayed before the Public Service Commission for thirty days**
24 **from the date the secretary accepts the matter in writing. Once a request is**
25 **accepted, the secretary or his designee shall establish a schedule for discovery,**
26 **filings, and, where necessary, a hearing. The secretary or his designee shall issue**
27 **his finding to the parties and the Public Service Commission following the**
28 **hearing or the last filings submitted in accordance with the schedule approved**
29 **by the secretary or his designee.**

1 Section 8. R.S. 49:214.29(B) is hereby amended and reenacted to read as follows:

2 §214.29. Special areas, projects, and programs

3 * * *

4 B. The secretary ~~shall~~ **may** adopt, after notice and public hearing, rules for
5 the identification, designation, and utilization of special areas and for the establishing
6 of guidelines or priorities of uses in each area.

7 * * *

8 Section 9. R.S. 56:432.1(C)(2), 700.13(B), and 700.14(B) are hereby amended and
9 reenacted to read as follows:

10 §432.1. Oyster Lease Acquisition and Compensation Program

11 * * *

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

25 * * *

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

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

4 * * *

5 §700.13. Establishment of the board

6 * * *

7 B. The board shall include five members consisting of one member
 8 nominated by the Louisiana Oyster Dealers and Growers Association, one member
 9 nominated by the Louisiana Oyster Task Force, two members nominated jointly by
 10 the Louisiana Independent Oil and Gas Association, Louisiana Mid-Continent Oil
 11 and Gas Association and the Louisiana Landowners Association, and one member,
 12 selected by the other four members of the board, who is a practicing administrative
 13 law judge. **A quorum of the board shall consist of at least three members. To**
 14 **maintain concordance with the purposes of this Part as articulated in R.S.**
 15 **56:700.10, at least one member nominated by each of the two industries**
 16 **referenced therein shall be necessary for a quorum.**

17 * * *

18 §700.14. Rules and regulations

19 * * *

20 B. In the formulation of regulations pursuant to this Part, the secretary, in
 21 conjunction with the board, shall establish a procedure whereby an oyster fisherman
 22 **leaseholder** may recover for actual damages to his oyster beds or grounds caused by
 23 oil and gas activities.

24 * * *

25 Section 10. R.S. 17:200 through 220, R.S. 30:4(N), 85(D)(11), 86(F), 2458, and 2470
 26 through 2474, and R.S. 38:3097.4, 3097.7, and 3098.6(A)(1) are hereby repealed.

27 Section 11. The Louisiana Law Institute is hereby directed to replace all references
 28 to "Department of Energy and Natural Resources" in state law with "Department of
 29 Conservation and Energy".

1 Section 12. The Louisiana Law Institute is hereby directed to renumber the
2 paragraphs in R.S. 38:3092 and 3097.2 and to redesignate R.S. 101.1 through 101.15 as Part
3 IX of Chapter 1 of Subtitle I of Title 30 of the Louisiana Revised Statutes of 1950.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

DIGEST

SB 244 Reengrossed

2025 Regular Session

Hensgens

Present law establishes the office of conservation, lead by the commissioner of conservation to oversee the state's natural resources, subsurface disposal wells, and all surface and storage waste facilities related to oil and gas operations. The commissioner has rulemaking authority and jurisdiction over all persons and property necessary to enforce the state's laws on oil and gas conservation, including land use, establishment of drilling units, collection of fees, and permitting of production and injection well operations and pipelines related to oil and gas production.

Present law authorizes the commissioner to implement an expedited permitting program and provides for notice and reporting. Proposed law maintains present law, and requires the secretary to promulgate rules for expedited processing, including, requests, timelines, notice, record keeping, and appeals.

Proposed law maintains present law and moves the authority and responsibilities of the office of conservation and its commissioner under the department and its secretary.

Proposed law repeals the Cross-Unit Well Study Commission, which sunset on August 1, 2015.

Proposed law organizes the Dept. of Conservation and Energy and provides for the secretary, deputy secretary, undersecretary, and directors. The department is organized into the executive office of the secretary that include the office of state resources, the office of legal services, the office of administration, the office of permitting and compliance, the office of mineral resources, the office of enforcement, and the office of energy.

Proposed law requires reporting of oil, gas, and condensate production on an individual well basis.

Proposed law creates the Natural Resources Financial Security Fund to support the department's regulatory programs for which financial security or assurance are required. Provides for collection, custody, expenditure, and use of payments, premiums, and fees collected from operators under programs administered by the Natural Resources Trust Authority.

Proposed law provides that monies in the fund may be used for restoration, reimbursement, and administrative costs. All instruments currently held by the Oilfield Site Restoration Fund are to be transferred to the fund. Further changes the expenditure limit from \$950,000 to the department's federal approved indirect cost rate or if that rate doesn't exist, 15 percent of direct costs.

Proposed law requires federal orphan oilfield site appropriations and grant monies go to the department's federal funds account to be spent on assessment, restoration, and plugging of orphan wells. The secretary may expend such monies through contracts authorized under

present law.

Proposed law authorizes the secretary to enter orphaned oilfield site restoration contribution agreements limiting a party's obligations and resolving regulatory compliance responsibilities.

Proposed law removes minimum expenditure requirements for plugging certain wells between 2016 and 2022.

Proposed law provides that entities authorized to issue bonds on behalf of the Louisiana Local Government Environmental Facilities and Community Development Authority may be "issuers" of debt related to Oilfield Site Restoration Law.

Proposed law provides that the department has exclusive authority to regulate water resource dependent activities and promulgate rules for management, use and protection of water resources and prevention of saltwater intrusion, including water well drilling, use, and abandonment.

Proposed law provides that the department has exclusive authority to create groundwater districts and require permits for drilling or construction of water wells. Requires the department to develop a comprehensive water resource plan.

Present law establishes the State Mineral and Energy Board and provides for its membership and powers. Proposed law authorizes the State Mineral and Energy Board to enter operating agreements for use of state resources under the department's jurisdiction. Changes membership from the secretary to the undersecretary and provides for proxies.

Proposed law requires the secretary and commissioner of administration to enter into an agreement on the management of payments from the Saltwater and Oil Assessment process.

Present law organizes the Dept. of Energy and Natural Resources its officers and offices. Provides that the department is directed by a secretary, appointed by the governor with consent of the Senate.

Proposed law creates the Natural Resources Commission within the Dept. of Conservation and Energy. Proposed law provides that the membership of the commission, who may not serve by proxy or designee.

Proposed law requires the department, under the direction of the deputy secretary, to staff the commission and authorize engagement of the legislative auditor for legislative or commission-requested reports. Proposed law provides for the commission's meeting requirements.

Proposed law requires the commission to serve as the primary coordinating body for water management planning and statewide flood protection and develop a process for centralized, uniform planning; develop processes for interagency and intergovernmental coordination and response; develop a process to respond to and prioritize legislative study requests; engage the legislative auditor for support in executive branch investigations, reports, and reviews; develop a process for identifying, clarifying, and addressing agency overlap, including with independent agencies and political subdivisions.

Proposed law provides for procedures for the secretary to streamline and modernize the organization and operation of the department, including notifying the governor, the House Committee on Natural Resources and the Senate Natural Resources Committee.

Present law establishes the Mineral and Energy Operations Fund.

Proposed law maintains present law and provides that monies may be transferred from the

Natural Resources Financial Security Fund to the Mineral and Energy Operations Fund.

Present law vest responsibilities, powers, and duties in the commissioner of conservation relative to water and groundwater management, including determining an area of groundwater concern and membership on water related boards and commissions. Proposed law replaces the commissioner with the secretary of the Dept. of Conservation and Energy.

Proposed law provides for public records exceptions. Proposed law provides for the secretaries authority to review determinations of pipe lines as common carrier.

Present law requires the secretary to adopt rules providing for special areas within the coastal zone that would require special management procedures. Proposed law retains present law and changes the requirement to an authorization to adopt such rules.

Present law provides for authority of the department relative to oysters and oyster leases. Proposed law retains present law with the authority vesting in the Dept. of Conservation and Energy.

Proposed law repeals the Louisiana Environmental Education Act, the Interagency council, requirements and procedures for obtaining a discharge prevention and response certificate by a terminal facility, and the Water Resources Commission.

Effective August 1, 2025.

(Amends R.S. 30:1(A), (B), and (C), 3(3), (6), (7), (9), and (18), 4(A), (B), introductory paragraph of (C), (C)(1)(a)(v) and (b), 14, (16)(b), (17)(b), introductory paragraph of (D), (D)(1), (2), (3)(a) and (b), and (5), (E), (F), (G), (H), introductory paragraph of (I), (I)(1), (3), (4), (5), (9), and (11), (K), introductory paragraph of (L)(1), introductory paragraph of (M), (M)(3), introductory paragraph of (6) and (6)(b), introductory paragraph of (4), (4)(a), and (5), (O)(1) and (2), (P), (Q), introductory paragraph of (R), and (T), introductory paragraph of R.S. 30:4.1(B)(1) and (2), (C), (D), (E), (F)(1), (I), and (K), 4.2, 4.3, 5(A), (B), (C)(1)(a) and (b), introductory paragraph of (2), (2)(d), (4), and (6), and (D)(1) and (2)(intro para), 5.1(A)(1), (2), introductory paragraph of (3), (3)(e), (5), (6), (7), (8), and (9), (B)(1), (2), and introductory paragraph of (3), (5), (7), (9), (10), (12), and (13), 5.2(A), (B), introductory paragraph of (C), (E), (G), and (H), 6, 6.1(A), (B), (C), (D)(1), and (F), 8(A)(1), (2), (3), and (4), and (B), introductory paragraph of 9(A), (B), (C), and (D), 10(A)(1), (2)(a)(i) and (ii), (b)(ii)(ii), introductory paragraph of (vi), (vi)(bb), (c), (d), and (f), and (3), (B), and (C)(7), 10.1(B)(1), (3), (4), and (5), 11.1, 12(A), (B)(1), (2), (3), (4), introductory paragraph of (5), and (5)(f), and (C), 13, 14, 15, 18(A)(1), (2), (3), (4), (5), (6)(a)(i) and (ii), (b), (c)(i)(ff), (ii), (iii), (d), and (e), and (B), 20(A) and (D), 21(A) and (B)(1) (a), (b), (c), (d)(intro para), and (e) and (2)(a) and (b), 22(B)(intro para), (C), (D), and (E), introductory paragraph of 23(B), (C), and (D), 23.1(A), 25(A)(2), (3), (5), (6), and (7), (D), (E), and (F), 26(A), 27(A), (D), and (F), 28(A), (C), introductory paragraph of (D), (D)(2), (3), (5), (6), and (7), (F), (G), (H), (I)(1)(a)(intro para), (d), and (g), and (J), 29(A) and (B)(1), 41, 42, 44, 45, 48, introductory paragraph of 61, 73(1), 74(A) and (B), 79(A), (B), and (C), 82(1), (6), (7), (11), and (14), 83(A)(5) and (7), 83.1(B)(3), 85(A)(3) and (C), 86(A)(2), (D)(8), (9), and (10), (E)(2), (6) and (7), (F), (G), and (H), 88(B), (C), (D), (E), (F), (I), and introductory paragraph of (J), 88.1(A)(3) and (4), (C), (D), (E), (G), and (H), 88.2(C), (E)(intro para), (E)(1), and (F), 89(A), (B), introductory paragraph of (C), (C)(2) and (3), and (D), 90(C), introductory paragraph of (D), (D)(1) and (4), and (E)(4), introductory paragraph of R.S. 30:91(A), 91(A)(1), (B)(1), (2)(a) and (c), (3), and (4), and (D), 92(A) and (C), introductory paragraph of R.S. 30:93(A), 94(A), introductory paragraph of (B)(1), (2)(b), and (3), and (C), 95(B), (C), and (D), 101.2(A), 101.3(2), 101.4, 101.5(A)(2), introductory paragraph of 101.6(A) and 101.6(B), 101.7(A), 101.8, 101.9(D)(1)(intro para) and (2), 101.10(A) and introductory paragraph of (B), 101.13(A), (B)(2), and (C)(4), 101.14(A) and (B), introductory paragraph of R.S. 30:103.1(A), 121(A), (C), and (D), 125, 127.1(C)(10) and (11), and (D), 129(B)(1)(a), 135, 136.3(B)(1), (C) and (D), 143(D)(2) and (3), 148.8, 148.9(A)(1) and (2), 153, 172, 209(4)(e), 209.1(A) and (B)(1), 413(A) and (B), 414(A),

502(D), 503(1), (2), (4), (6), and (8), 504, the introductory paragraph of 521(A) and 521(C), 524, 525, introductory paragraph of R.S. 30:541 and 541(2), 544(A) and (B), introductory paragraph of 546(A), (A)(5), (B), and (C), introductory paragraph of R.S. 30:548, 551, 557(A), (B), (C), (D), (E)(intro para) and (E)(1), (F), and (G), 558(A), (B), (D), (F), (G), and (H), 559(A) and (C), 560(B), (C), and (D), 561(A), (B), and (C), 571, introductory paragraph of 572(1), (1)(f), (h), and (i), 603(A), (B), (C), (D), (E), and (G), 604, 681.1(5), (8), and (9), 681.2(2) and (3), 702(1), (2)(b), and (5), 703, 704(B), (C), (D), and (E), 705(A) and (B), 706, 707, 722, 723(A), (F), and (H), 731(1), 732, 802, 904(2), (4), (7), (9), (12), (20), 905(A), introductory paragraph of (B), (B)(2), (8), and (9), and (C), 905.1(A) and (B)(2), introductory paragraph of R.S. 30:905.3(A)(1), (B), (C), (E)(1), and (F), 906.1, 907(A) and introductory paragraph of (B), (B)(9), (11), (12), (13)(b), (15), (17), and (18), (C)(1), (D), (F), and (G), 908(A)(12) and (B), 915(B)(7), (9), (10)(f), (12), introductory paragraph of (15), (15)(e), (20), (22)(e), introductory paragraph of (25)(C)(2), (2)(d), introductory paragraph of (3), and (4), (D)(3) and (4), (E)(1), (4), and (5), 917(A)(1), introductory paragraph of (2), (2)(d), (3), (B), (D), (E), (F), and (G), 921, 1102(B), 1103(10), (14), and (15), introductory paragraph of R.S. 30:1104(A), 1104(A)(3), (9), (10), (B), introductory paragraph of (C), (D), (E), and (F), 1108(A)(1), (B), and (D), introductory paragraph of R.S. 30:1109(A)(1), 1109(C), (D), (E), (F), and (G), 1110(A), (B)(1), introductory paragraph of (C), introductory paragraph of (C)(1), (1)(b), (f), (g), and (h), (2), and (3), introductory paragraph of (G), (H), and (I), 2200, 2455, introductory paragraph of R.S. 30:2456(A), R.S. 31:115(C)(1)(b), R.S. 36:351, 352, 353, 354(A)(7), (10), (13), and (15), (B)(1)(b), (2), (4), (6), (8), (10), and (12), 355, 356, 357, 358, the introductory paragraphs of R.S. 36:359(A) and (B), (B)(1) and (2), and (C), the introductory paragraph of R.S. 38:3076(A), 3076(A)(24) and (C), 3087.136(4), 3087.138, 3092(2) and (4), 3093, 3094(A)(1)-(4), the introductory paragraph of R.S. 38:3094(B), 3094(B)(7), the introductory paragraph of R.S. 38:3094(C), and 3094(C)(1), 3097.1(C), 3097.2(1), (4), (7), and (9), 3097.3(A) and (B), the introductory paragraphs of R.S. 38:3097.3(C) and (C)(4)(a), 3097.3(C)(4)(a)(v) and (b), and (8), (D), (E), (F)(1), the introductory paragraphs of R.S. 38:3097.3(F)(2), (d), and (f), and 3097.3(G), 3097.6(A), the introductory paragraphs of R.S. 38:3097.6(B) and (B)(3), 3097.8(A) and (C), the introductory paragraph of R.S. 38:3098(A), 3098(B) and (E), and 3098.1(4), R.S. 44:4.1(B)(19), R.S. 45:252, R.S. 49:214.29(B), R.S. 56:432.1(C)(2), 700.13(B), and 700.14(B); adds R.S. 303(21) and (22), 4(C)(21), (D)(6), 21.1, 86(I) and (J), 93(C), 98.1,-98.11, 124.1, 136.3(B)(6), 209(6), 2454(33), R.S. 36:351.1, 354(B)(13) and (14), 354.1, 356.1(B)(6) and (7) and (D), R.S. 38:3098(G), R.S. 39:1367(E)(2)(b)(xi), and R.S. 45:251(4); repeals R.S. 17:200 through 220, R.S. 30:4(N), 85(D)(11), 86(F), 2458 and 2470 through 2474, and R.S. 38:3097.4, 3097.7, and 3098.6(A)(1)

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Makes technical amendments.
2. Provides the department exclusive rulemaking and implementation authority for water resource management, conservation, and protection, including permitting, water recharge areas, water quality, resource development, and sustainability.
3. Removes limitations on the department's regulatory and pumping charge assessment authority over any well less than 400 feet depth, in the Mississippi River alluvial aquifer, or for agricultural or domestic use and with no more than 50,000 gallons per day capacity.
4. Provides the department exclusive authority to audit flow measurement devices installed by the user.
5. Provides the department exclusive authority for investigations, compliance, enforcement, issuance of notices, and collaboration with federal, state, and

local agencies for coordinated enforcement.

6. Removes transfer of Capital Area and Sparta Groundwater Conservation Districts to the department.