

Regular Session, 2014

SENATE BILL NO. 546

BY SENATOR ADLEY

CIVIL PROCEDURE. Provides relative to preemption of civil actions against certain permittees of the state. (gov sig)

1 AN ACT

2 To enact Part IV-A of Chapter 1 of Subtitle 1 of Title 30 of the Louisiana Revised Statutes
3 of 1950, to be comprised of R.S. 30:55, relative to minerals, oil and gas, and
4 environmental quality; to provide relative to political subdivisions and other local
5 governing authorities; to prohibit certain claims and actions by political subdivisions
6 and other local governing authorities as preempted and precluded by state law; to
7 provide certain terms, conditions, procedures, requirements, exceptions, and effects;
8 and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Part IV-A of Chapter 1 of Subtitle 1 of Title 30 of the Louisiana Revised
11 Statutes of 1950, to be comprised of R.S. 30:55, is hereby enacted to read as follows:

12 **PART IV-A: PREEMPTION BY STATE OF CERTAIN CLAIMS**

13 **§55. Preemption of certain actions by political subdivision or local government**
14 **subdivision**

15 **A. The governing authority of any political subdivision or local**
16 **governmental subdivision of the state shall be precluded and preempted from**
17 **making any claim or bringing suit to recover damages to property or seek**

1 injunctive relief arising from the lawful activities of an oil and gas permittee of
 2 the state relating to the activities set forth in Subsection B. The authority to
 3 bring such claims or actions shall be reserved exclusively to the state.

4 B. This Section shall apply to activities requiring a coastal use permit
 5 from the state for the exploration, production, and transportation of oil, gas,
 6 and other minerals, including all dredge and fill uses associated therewith, and
 7 all pipelines used for the gathering, transportation or transmission of oil, gas,
 8 and other minerals.

9 C. The provisions of this Section shall not apply to a claim or action by
 10 a natural or juridical person who is not acting in an official capacity on behalf
 11 of a political subdivision or local governmental subdivision.

12 D. The provisions of this Section shall be given retroactive application
 13 to all claims existing or actions pending on its effective date.

14 Section 2. This Act shall become effective upon signature by the governor or, if not
 15 signed by the governor, upon expiration of the time for bills to become law without signature
 16 by the governor, as provided in Article III, Section 18 of the Constitution of Louisiana. If
 17 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 18 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Julie J. Baxter.

DIGEST

Adley (SB 546)

Proposed law provides that the governing authority of any political subdivision or local governmental subdivision of the state shall be precluded and preempted from making any claim or bringing suit to recover damages to property or seek injunctive relief arising from the lawful activities of an oil and gas permittee of the state relating to the activities set forth in proposed law. Proposed law further provides that the authority to bring such claims or actions shall be reserved exclusively to the state.

Proposed law further provides that proposed law shall apply to activities requiring a coastal use permit for the exploration, production, and transportation of oil, gas, and other minerals, including all dredge and fill uses associated therewith, and all pipelines used for the gathering, transportation, or transmission of oil, gas, and other minerals.

Proposed law further provides that proposed law shall not apply to a claim or action by a natural or juridical person who is not acting in an official capacity on behalf of a political subdivision or local governmental subdivision.

Proposed law provides that proposed law shall be given retroactive application to all claims existing or actions pending on its effective date.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 30:55)