

SENATE SUMMARY OF HOUSE AMENDMENTS

**SB 423 By Senator Allain**

**KEYWORD AND SUMMARY AS RETURNED TO THE SENATE**

MINERALS. Provides for alternative dispute resolution in suits involving oilfield sites and exploration and production sites. (8/1/14)

**SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL**

1. Adds prohibition against a court, prior to trial, from enjoining DNR in its review, approval, or structuring of a plan to approve or structure a remediation of environmental damage.

**DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE**

Allain (SB 423)

Present law, relative to remediation of oilfield sites and exploration and production sites, requires the court and DNR to retain oversight to ensure compliance with the remediation plan.

Proposed law retains these provisions but provides that, prior to trial, the court not enjoin the department in its review, approval, or structuring of a plan to approve or structure a plan for remediation of environmental damage.

Present law provides a procedure and time delays for the litigation of judicial demands arising from or alleging environmental damage.

Proposed law provides that all litigation making a judicial demand arising from or alleging environmental damage will be subject to the provisions of proposed law.

Proposed law requires that within 60 days of the filing of any litigation or pleading making a judicial demand arising from or alleging environmental damage that is subject to the provisions of present law, a dispute assessment meeting will be held in which all the parties and principals who are authorized to make decisions regarding settlement must discuss all of the issues involved in the litigation and any other matters needed to evaluate the claim. Further allows all persons to use telephone, conference call, videoconferencing, or similar telecommunication methods.

Proposed law provides that if the litigation is removed to federal court and then remanded back to state court, the dispute assessment meeting will be held within 60 days from the date of the order of remand.

Proposed law provides that prior to trial, any case governed by the provisions of present law will be referred to mediation in accordance with the La. Mediation Act.

Effective August 1, 2014.

(Amends R.S. 30:29(F); adds R.S. 30:29.2)

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