
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Jerry G. Jones.

SB 57 Original

DIGEST
2020 Regular Session

McMath

Present law provides relative to remediation of oilfield sites and exploration and production sites.

Present law provides under certain circumstances for judgments of dismissal, including recovery from the party who asserted the dismissed claims an award of reasonable attorney fees and costs, as may be determined by the court. Proposed law deletes language authorizing award of attorney fees and provides that attorney fees shall not be included as costs awarded.

Present law provides that in any civil action in which a party is responsible for damages or payments for the evaluation or remediation of environmental damage, a party providing evidence, in whole or in part, upon which the judgment is based shall be entitled to recover from the party or parties admitting responsibility or the party or parties found legally responsible by the court, in addition to any other amounts to which the party may be entitled, all costs attributable to producing that portion of the evidence that directly relates to the establishment of environmental damage, including but not limited to expert witness fees, environmental evaluation, investigation, testing, the cost of developing a plan of remediation and reasonable attorney fees incurred in the trial court and the department. Proposed law deletes language authorizing award of attorney fees and provides that attributable costs shall not include attorney fees.

Present law provides that in any civil action in which the Dept. of Natural Resources or the attorney general, or their employees, are parties or witnesses, provide evidence, or otherwise contribute to the determination of responsibility for evaluation or remediation, or the approval of a plan of remediation, the department or attorney general shall be entitled to recover from the party or parties admitting responsibility or the party or parties found legally responsible by the court all costs thereof, including but not limited to investigation, evaluation, and review costs, expert witness fees, and reasonable attorney fees. Proposed law deletes language authorizing award of attorney fees and provides that costs shall not include attorney fees.

Present law provides that in the event a settlement is agreed to between the parties in a case in which the Dept. of Natural Resources or the attorney general has intervened, such agency shall be entitled to recover from the settling defendants all costs, including investigation, evaluation, and review costs, expert witness fees, and reasonable attorney fees. Proposed law deletes language authorizing award of attorney fees and provides that costs shall not include attorney fees.

Present law also provides relative to alternative dispute resolution for disputes relating to remediation of oilfield sites and exploration and production sites. Provides that at any mediation held pursuant to present law, a representative of each party who has settlement authority or who is in direct contact with a person having settlement authority on behalf of the party shall be present. If a party fails to comply with this requirement, the court may, in its discretion and after contradictory

hearing, order that party to pay costs and attorney fees associated with the mediation. Proposed law deletes language authorizing award of attorney fees and provides that costs shall not include attorney fees.

Effective August 1, 2020.

(Amends R.S. 30:29(B)(6), (E)(1) and (2), (J)(2) and (M)(2) and 29.2(G))