

2022 Regular Session

SENATE RESOLUTION NO. 161

BY SENATOR ALLAIN

MINERALS. Establishes the Emerging Energy Codification Task Force.

1 A RESOLUTION

2 To establish the Emerging Energy Codification Task Force to study and make
3 recommendations regarding the codification of laws relative to emerging energy
4 technologies.

5 WHEREAS, blessed with its abundance of oil and gas deposits, as Louisiana was
6 poised to boom at the dawn of the petrochemical age over one hundred years ago, it is also
7 well positioned to prosper from the expansion of energy sources beyond hydrocarbon based
8 energy towards emerging energy technologies, including solar, wind, hydropower, and
9 carbon dioxide capture and sequestration; and

10 WHEREAS, these technologies and similar emerging technologies will become
11 increasingly important to provide the energy resources needed for future generations and the
12 prosperity of our state and the nation; and

13 WHEREAS, Louisiana has developed a rich history and expertise in developing both
14 public and private lands for energy development, and has established laws, customs,
15 obligations, and covenants, both stated and implied, addressing the rights, responsibilities,
16 and obligations between landowners and energy developers; and

17 WHEREAS, these rights, responsibilities, and obligations are well known between
18 lessors, lessee's, other interested parties, the judiciary, and practicing attorneys, and are

1 found in the Louisiana Mineral Code; and

2 WHEREAS, while the right to explore and develop one's property for the production
3 of energy, whether it be oil and gas, solar, wind, or other source, belongs exclusively to the
4 landowner, the landowner may convey, reserve, or lease this privilege; and

5 WHEREAS, in Louisiana it is well settled law that the conventional energy lease
6 arrangement between a landowner and a developer is in the nature of a cooperative venture
7 in which the lessor contributes the land and the lessee, the capital and expertise necessary
8 to develop the land for the mutual benefit of both parties; and

9 WHEREAS, the lessor-lessee relationship ensues from a reciprocal contract in which
10 the obligation of each party is the cause of the other, and includes covenants, both stated and
11 implied, including the lessee's obligation to protect the lessor's interest, the lessee's
12 obligation to act as a good administrator, or reasonably prudent operator having due regard
13 to the interest of both contracting parties; and

14 WHEREAS, for instance, the Louisiana Mineral Code addresses many issues
15 including the simultaneous use of the same property by different interest holders for different
16 purposes, ongoing liability and responsibility, assignability of ownership, prescription, and
17 others; and

18 WHEREAS, there is not a unified body of law like the Louisiana Mineral Code to
19 address and provide guidance for landowners, developers, attorneys, the judiciary, or state
20 and local governments related to the leasing, development, rights, responsibilities, and
21 obligations related to the development of new emerging energy technologies on public and
22 private land; and

23 WHEREAS, a comprehensive body of law brings clarity and certainty to those
24 entering this space and will foster growth in this highly competitive industry.

25 THEREFORE, BE IT RESOLVED that the Senate of the Legislature of Louisiana
26 does hereby establish the Emerging Energy Codification Task Force to study and make
27 recommendations regarding the codification of laws relative to emerging energy
28 technologies and related issues.

29 BE IT FURTHER RESOLVED that the Emerging Energy Codification Task Force
30 shall be comprised of the following members:

1 (1) One member appointed by the president of the Senate representing Louisiana
2 landowner interests.

3 (2) One member appointed by the Public Service Commission.

4 (3) One member appointed by the chair of the Senate Committee on Natural
5 Resources representing an electric utility provider regulated by the Public Service
6 Commission.

7 (4) One member appointed by the chair of the Senate Committee on Commerce
8 representing a cooperative-owned electric utility provider regulated by the Public Service
9 Commission.

10 (5) The attorney general, or his designee.

11 (6) The secretary of the Department of Natural Resources, or his designee.

12 (7) One member appointed by the Louisiana State Law Institute.

13 (8) The director of the Louisiana Mineral Law Institute, or his designee.

14 (9) One member to be appointed jointly by the Louisiana Oil and Gas Association
15 and the Louisiana Mid-Continent Oil and Gas Association.

16 (10) One member appointed by the secretary of the Department of Natural Resources
17 representing the emerging energy industry.

18 BE IT FURTHER RESOLVED that the members of this task force shall serve
19 without compensation, except per diem or expenses reimbursement to which they may be
20 individually entitled as members of the constituent organizations.

21 BE IT FURTHER RESOLVED that the member appointed by the president of the
22 Senate shall call the first meeting and preside as chair until the task force elects a chair and
23 vice chair at that meeting, and the task force shall follow applicable rules for committee
24 procedure found in the Louisiana Senate Rules of Order.

25 BE IT FURTHER RESOLVED that a majority of the total membership shall
26 constitute a quorum of the task force and any official action by the task force shall require
27 an affirmative vote of a majority of the quorum present and voting.

28 BE IT FURTHER RESOLVED that the task force shall meet as necessary and shall
29 be assisted by Senate staff and employees of the Department of Natural Resources.

30 BE IT FURTHER RESOLVED that the task force shall report an update on or before

1 February 10, 2023, on its findings and recommendations, submit a final report on or before
2 February 9, 2024, to the Senate Committee on Natural Resources and the Senate Committee
3 on Judiciary A, and upon submission of the final report, cease to exist.

4 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
5 executive secretary of the Public Service Commission, the attorney general, the director of
6 the Louisiana State Law Institute, the secretary of the Department of Natural Resources, the
7 director of the Louisiana Mineral Law Institute, the executive director of the Louisiana Oil
8 and Gas Association, the executive director of the Louisiana Mid-Continent Oil and Gas
9 Association, and the executive director of the Louisiana Landowners Association.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Tyler S. McCloud.

SR 161 Original	DIGEST 2022 Regular Session	Allain
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Establishes the Emerging Energy Codification Task Force to study and make recommendations regarding the codification of laws relative to emerging energy technologies and related issues. Requires the task force report an update of its findings and recommendations on or before Feb. 10, 2023, and a final report on or before Feb. 9, 2024.