

2024 Regular Session

HOUSE BILL NO. 810

BY REPRESENTATIVES GEYMANN AND JACOB LANDRY

1 AN ACT

2 To amend and reenact R.S. 36:351(B) and (C), 354(A)(15) and (B)(2) and (6), 356(B),
3 357(B) and (C), 358(C) and (D)(2), 359(B)(1) and (2), 401(C)(1)(b)(i), and
4 405(A)(1)(b), to enact R.S. 36:354(A)(19), 356.1, 358(E) through (G), and
5 359(B)(4), and to repeal R.S. 36:408(I) and 409(C)(8), relative to the organization,
6 powers, duties, and functions of the Department of Energy and Natural Resources;
7 to create and provide for the office of enforcement, the office of energy, and the
8 office of land and water; to provide for the duties and functions of the secretary and
9 assistant secretaries of the Department of Energy and Natural Resources; to provide
10 relative to the office of conservation; to create and provide for the Louisiana Natural
11 Resources Trust Authority; to provide for the Louisiana oil spill coordinator; to
12 provide for the remediation of oil spills; to provide for the management of state lands
13 and water bottoms; to provide for certain rights of way and leasing on state lands and
14 water bottoms; to provide for an effective date; and to provide for related matters.

15 Be it enacted by the Legislature of Louisiana:

16 Section 1. R.S. 36:351(B) and (C), 354(A)(15) and (B)(2) and (6), 356(B), 357(B)
17 and (C), 358(C) and (D)(2), 359(B)(1) and (2), 401(C)(1)(b)(i), and 405(A)(1)(b) are hereby
18 amended and reenacted and R.S. 36:354(A)(19), 356.1, 358(E) through (G), and 359(B)(4)
19 are hereby enacted to read as follows:

20 §351. Department of Energy and Natural Resources; creation; domicile;
21 composition; purposes and functions

22 * * *

23 B. The Department of Energy and Natural Resources, through its offices and
24 officers, shall be responsible for the conservation, management, and development of

1 water, minerals, and other such natural resources of the state, including coastal
2 management, state water bottom management and permitting, the issuance of energy-
3 related rights of way on state water bottoms and state lands, and energy-related
4 leasing of state water bottoms and state lands as further set forth in law, but not
5 including except timber or and fish and wildlife and their habitats.

6 C.(1) The Department of Energy and Natural Resources shall be composed
7 of the executive office of the secretary, the office of management and finance, the
8 office of conservation, the office of mineral resources, the office of coastal
9 management, the office of enforcement, the office of energy, the office of land and
10 water, the Oilfield Site Restoration Commission, and other offices as shall be created
11 by law.

12 (2) Whenever the secretary determines that the administration of the
13 functions of the department may be more efficiently performed by eliminating,
14 merging, or consolidating existing offices or establishing new offices, he shall
15 present a plan therefor to the legislature for its approval by statute. In addition,
16 beginning January 15, 2026, and thereafter in the same year as the sunset of the
17 Department of Energy and Natural Resources, the secretary shall recommend to the
18 Senate Committee on Natural Resources and the House Committee on Natural
19 Resources and Environment to either terminate or continue the boards and
20 commissions provided for in this Chapter. Any recommendation to terminate a
21 board or commission shall include a plan to eliminate, merge, or consolidate the
22 functions and responsibilities of that board or commission.

23 * * *

24 §354. Powers and duties of secretary of energy and natural resources

25 A. In addition to the functions, powers, and duties otherwise vested in the
26 secretary by law, the secretary shall:

27 * * *

28 (15) Set priorities for ~~coastal energy impact~~ program funds as provided in
29 R.S. ~~49:213-10(D)~~ 30:2483.

30 * * *

1 (19)(a) Organize, plan, supervise, direct, administer, execute, and be
2 responsible for the functions and programs relating to the deployment and operation
3 of energy infrastructure in this state in a manner that results in affordable and reliable
4 energy.

5 (b) Create and carry out a central, comprehensive, and unified energy and
6 natural resources data and information program which will collect, evaluate,
7 assemble, analyze, and disseminate data and information which is relevant to energy
8 and natural resource reserves, energy and natural resource production, demand, and
9 technology, and related economic and statistical information, or which is relevant to
10 the adequacy of energy and natural resources to meet demands for the near and
11 longer term future of the state.

12 B. The secretary shall have authority to:

13 * * *

14 (2) Appoint, subject to gubernatorial approval, advisory councils, boards,
15 and commissions necessary in the administration of the department or for providing
16 expertise within the department's jurisdiction, except as otherwise provided by law
17 or by executive order.

18 * * *

19 (6) Represent, or designate ~~the~~ an assistant secretary ~~of the office of~~
20 ~~conservation~~ to represent, the state in all matters involving or affecting the interest
21 of the state and its residents, relative to energy and natural resources within the
22 jurisdiction of the Department of Energy and Natural Resources before all federal
23 agencies, offices, and officials, and congressional committees, and in all judicial
24 actions arising out of the proceedings of the agencies, offices, and committees or in
25 relation thereto. Those employed or contracted with as provided by this Section shall
26 be entitled to represent the state and the secretary and to appear in the courts and
27 before agencies of this state or the agencies, officials, and courts of the United States
28 and of other states, to carry out the purposes of this Chapter.

29 * * *

§356. Undersecretary; functions; office of management and finance

* * *

B. The undersecretary shall direct and be responsible for the functions of the office of management and finance and the Louisiana Natural Resources Trust Authority within the Department of Energy and Natural Resources. In this capacity, the undersecretary shall be responsible for accounting and budget control, procurement and contract management, data processing, management and program analysis, personnel management, and grants management for the department and all of its offices, including all agencies transferred to the Department of Energy and Natural Resources, except as otherwise specifically provided in this Title. The undersecretary shall employ, appoint, remove, assign, and promote personnel as is necessary for the efficient administration of the office of management and finance and the Louisiana Natural Resources Trust Authority and the performance of ~~its~~ their powers, duties, functions, and responsibilities, in accordance with applicable civil service laws, rules, and regulations, and with policies and rules of the department, all subject to budgetary control and applicable laws. The undersecretary shall exercise all powers and authority granted to him in this Title subject to the overall direction and control of the secretary.

* * *

§356.1. Louisiana Natural Resources Trust Authority; establishment; powers

A. The Louisiana Natural Resources Trust Authority, empowered and governed by the State Mineral and Energy Board pursuant to R.S. 30:121 et seq., possesses the authorities outlined in this Chapter, operating in conjunction with and through the State Bond Commission and the Louisiana Department of Treasury as required by law. The authority shall develop a strategic plan outlining the financial challenges facing energy and natural resources-related projects in the state and the authority's plans and goals in addressing them. The authority may establish an executive committee with delegated responsibilities, excluding interest rate determinations.

1 B. The authority's powers shall also include the following:
2 (1) Setting financial obligations of operators or applicants, consistent with
3 the purposes, authorities, and functions of the Department of Energy and Natural
4 Resources and its officers.

5 (2) Indemnifying members, officers, and employees against liabilities.

6 (3) Executing necessary contracts and instruments.

7 (4) Entering agreements for deductions, payments, and the administration of
8 Paragraph (5) of this Subsection.

9 (5) Soliciting, accepting, and expending grants.

10 C. The authority may adopt rules and regulations in accordance with the
11 Administrative Procedure Act for the following purposes:

12 (1) Establishing residency requirements, participant limits, and account
13 accrual limits.

14 (2) Regulating substitutions, transfers, or other financial instruments
15 necessary to meet plugging or abandonment obligations.

16 (3) Setting interest rates with state treasurer approval.

17 (4) Handling abandoned accounts as provided by law.

18 (5) Adopting investment guidelines.

19 (6) Establishing procedures and standards for worthiness of applications.

20 (7) Establishing fees and other provisions necessary to implement this

21 Chapter.

22 §357. Assistant secretaries

23 * * *

24 ~~B. Except as otherwise expressly provided in this Title,~~ The duties and
25 functions of each office and its assistant secretary shall be determined by the
26 secretary, and all of such duties and functions shall be exercised under the direct
27 supervision and control of the secretary.

28 ~~C. Except as otherwise provided in R.S. 36:801,~~ each Each assistant
29 secretary shall employ, appoint, remove, assign, and promote such personnel as is
30 necessary for the efficient administration of his office and its programs and the

CODING: Words in ~~struck-through~~ type are deletions from existing law; words underscored are additions.

1 performance of its powers, duties, functions, and responsibilities, in accordance with
2 applicable civil service laws, rules, and regulations, and with policies and rules of
3 the department, all subject to budgetary control and applicable laws.

4 * * *

5 §358. Offices; purposes and functions

6 * * *

7 C. The office of conservation, in accordance with law, shall exercise the
8 functions of the state with respect to the regulation, conservation, permitting,
9 compliance, and use of the natural resources of the state which are not specifically
10 within the jurisdiction of other state departments or agencies. Its functions shall
11 include but not be limited to the conservation of the oil and gas resources of the state
12 and matters pertaining thereto; the promotion and encouragement of exploration,
13 production, and refining efforts for oil, intrastate gas, and other hydrocarbons; the
14 control and allocation of energy supplies and distribution; the lease or construction
15 and operation of intrastate pipeline systems; the implementation and enforcement of
16 any emergency gas shortage allocation plan and the setting of priorities; regulation
17 of the minimum sale price of intrastate natural gas, and management of ground water
18 resources all in accordance with applicable laws.

19 D.

20 * * *

21 (2) Work in cooperation with ~~Louisiana State University and Agricultural~~
22 ~~and Mechanical College~~ the Center for Energy Studies to maintain current surface
23 and subsurface geological surveys of the state, or otherwise at the discretion of the
24 assistant secretary of the office of mineral resources or his designee; conduct
25 geological mapping; prepare geological hazards assessments and resource
26 inventories; and conduct process investigations and related studies.

27 E. The office of enforcement shall be responsible for the inspection of the
28 regulated community and the enforcement of laws and regulations within the
29 jurisdiction of the department, consistent with Act No. 548 of the 2006 Regular
30 Session of the Legislature.

1 F. The office of energy shall organize, plan, supervise, direct, administer,
2 execute, and be responsible for the functions and programs relating to the
3 deployment and operation of alternative energy infrastructure in this state in a
4 manner that results in affordable and reliable energy. The office of energy shall also
5 work in cooperation with the Center for Energy Studies to create and carry out a
6 central, comprehensive, and unified energy data and information program which will
7 collect, evaluate, assemble, analyze, and disseminate data and information which is
8 relevant to energy resource reserves, energy production, demand, and technology,
9 and related economic and statistical information, or which is relevant to the adequacy
10 of energy resources to meet demands in the near and longer term future of the state.

11 G. The office of land and water shall be responsible for the following:

12 (1) The administration of state water bottom management, the issuance of
13 energy-related rights of way on state water bottoms and state lands, and energy-
14 related leasing of state water bottoms and state lands as further set forth in law.

15 (2) The administration of groundwater, surface water, and other water
16 resources for quantity purposes, unless otherwise designated by the secretary
17 following adequate review set forth by rule.

18 §359. Transfer of agencies and functions to Department of Energy and Natural
19 Resources

20 * * *

21 B. The following agencies are transferred to the Department of Energy and
22 Natural Resources and shall exercise and perform their powers, duties, functions, and
23 responsibilities in accordance with the provisions of R.S. 36:802:

24 (1) State Department of Conservation (Article V, Section 18 and Article VI,
25 Section 1(C) of the 1921 Constitution of Louisiana made statutory by Article XIV,
26 Section 16(A)(2) and (3) of the 1974 Constitution of Louisiana; Part I of Chapter 1
27 of Subtitle I of Title 30 of the Louisiana Revised Statutes of 1950 and other
28 provisions of Title 30 that directly apply to the department); ~~except that the secretary,~~
29 ~~deputy secretary, and undersecretary of the department shall have no authority to~~

1 ~~exercise, review, administer, or implement the quasi judicial, licensing, permitting,~~
2 ~~regulatory, rulemaking, or enforcement powers or decisions of the assistant secretary~~
3 ~~of the office of conservation.~~ The assistant secretary shall be authorized to employ,
4 appoint, remove, assign, and promote personnel as is necessary for the efficient
5 administration required in making these decisions, in accordance with applicable
6 civil service laws, rules, and regulations, and with policies and rules, subject to
7 budgetary control of the Department of Energy and Natural Resources, and
8 applicable laws.

9 (2) State Mineral and Energy Board (R.S. 30:121 et seq.), except the
10 secretary of the Department of Energy and Natural Resources or his designee shall
11 be an ex officio member of the State Mineral and Energy Board. The State Mineral
12 and Energy Board shall retain the authority to lease for development and production
13 of minerals, oil, and gas, any lands belonging to the state, or the title to which is in
14 the public, including road beds, water bottoms, and land adjudicated to the state at
15 tax sale. The State Mineral and Energy Board shall retain supervision of all mineral
16 leases granted by the state, and it shall retain general authority to take action for and
17 on behalf of and to protect the interests of the state in accordance with the provisions
18 of Title 30 of the Louisiana Revised Statutes of 1950, as amended, and applicable
19 laws.

20 * * *

21 (4) Office of the oil spill coordinator (R.S. 30:2451 et seq.).

22 * * *

23 §401. Department of Public Safety and Corrections; public safety services;
24 corrections services; youth services; creation; domicile; composition;
25 purposes and functions

26 * * *

27 C.(1)

28 * * *

29 (b)(i) Public safety services shall include the office of management and
30 finance for public safety services, the office of state police, the office of legal affairs,

1 the office of motor vehicles, the office of state fire marshal, and code enforcement
2 and building safety; ~~and the office of the Louisiana oil spill coordinator~~ and shall
3 also include the deputy secretary of public safety services, the assistant secretaries
4 of the offices, and personnel necessary to carry out their functions.

5 * * *

6 §405. Deputy secretaries for public safety services, corrections services, and youth
7 services

8 A.(1) There shall be a deputy secretary for public safety services and a
9 deputy secretary for corrections services. Each shall be appointed by the secretary
10 and serve at the pleasure of the secretary at a salary fixed by the secretary, which
11 salary shall not exceed the amount approved for such position by the legislature
12 while in session. Each appointment by the secretary shall be submitted to the Senate
13 for confirmation. The duties and functions of the deputy secretaries provided for in
14 this Subsection shall be determined and assigned by the secretary, except that:

15 * * *

16 (b) Public safety services, including the office of state police, the office of
17 legal affairs, the office of motor vehicles, the office of state fire marshal, and code
18 enforcement and building safety; ~~the office of the Louisiana oil spill coordinator~~; and
19 their assistant secretaries; shall be under the supervision and direction of the deputy
20 secretary for public safety services. The deputy secretary for public safety services
21 shall be an ex officio member of each board and commission in the Department of
22 Public Safety and Corrections which is related to the functions of public safety
23 services. However, the deputy secretary may appoint a designee to be his
24 representative as an ex officio member of each board and commission which is
25 related to the functions of public safety services.

26 * * *

27 Section 2. R.S. 36:408(I) and 409(C)(8) are hereby repealed in their entirety.

1 Section 3. This Act shall become effective July 1, 2024; if vetoed by the governor
2 and subsequently approved by the legislature, this Act shall become effective on July 1,
3 2024, or on the day following such approval by the legislature, whichever is later.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____