2024 Regular Session

HOUSE BILL NO. 810

BY REPRESENTATIVES GEYMANN AND JACOB LANDRY

ENROLLED

ACT No. 727

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

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water, minerals, and other such natural resources of the state, including coastal management, <u>state water bottom management and permitting</u>, the issuance of energyrelated rights of way on state water bottoms and state lands, and energy-related leasing of state water bottoms and state lands as further set forth in law, but not including except timber <u>or and</u> 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 Whenever the secretary determines that the administration of the (2) 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 * *

§354. Powers and duties of secretary of <u>energy and</u> natural resources

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

27 * *

28 (15) Set priorities for coastal energy impact program funds as provided in
20 P.S. 40:212 10(D) 20:2482

29 R.S. 49:213.10(D) <u>30:2483</u>.

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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	* * *

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1 2 §356. Undersecretary; functions; office of management and finance

* *

3 B. The undersecretary shall direct and be responsible for the functions of the 4 office of management and finance and the Louisiana Natural Resources Trust 5 Authority within the Department of Energy and Natural Resources. In this capacity, 6 the undersecretary shall be responsible for accounting and budget control, 7 procurement and contract management, data processing, management and program 8 analysis, personnel management, and grants management for the department and all 9 of its offices, including all agencies transferred to the Department of Energy and 10 Natural Resources, except as otherwise specifically provided in this Title. The 11 undersecretary shall employ, appoint, remove, assign, and promote personnel as is 12 necessary for the efficient administration of the office of management and finance 13 and the Louisiana Natural Resources Trust Authority and the performance of its their 14 powers, duties, functions, and responsibilities, in accordance with applicable civil 15 service laws, rules, and regulations, and with policies and rules of the department, 16 all subject to budgetary control and applicable laws. The undersecretary shall 17 exercise all powers and authority granted to him in this Title subject to the overall 18 direction and control of the secretary. 19 20 §356.1. Louisiana Natural Resources Trust Authority; establishment; powers 21 A. The Louisiana Natural Resources Trust Authority, empowered and 22 governed by the State Mineral and Energy Board pursuant to R.S. 30:121 et seq., 23 possesses the authorities outlined in this Chapter, operating in conjunction with and 24 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.

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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 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

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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.

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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
18 19	§359. Transfer of agencies and functions to Department of Energy and Natural Resources
19	Resources
19 20	Resources * * *
19 20 21	Resources * * * B. The following agencies are transferred to the Department of Energy and
19 20 21 22	Resources * * * B. The following agencies are transferred to the Department of Energy and Natural Resources and shall exercise and perform their powers, duties, functions, and
19 20 21 22 23	Resources * * * B. The following agencies are transferred to the Department of Energy and Natural Resources and shall exercise and perform their powers, duties, functions, and responsibilities in accordance with the provisions of R.S. 36:802:
19 20 21 22 23 24	Resources * * * B. The following agencies are transferred to the Department of Energy and Natural Resources and shall exercise and perform their powers, duties, functions, and responsibilities in accordance with the provisions of R.S. 36:802: (1) State Department of Conservation (Article V, Section 18 and Article VI,
 19 20 21 22 23 24 25 	Resources * * * B. The following agencies are transferred to the Department of Energy and Natural Resources and shall exercise and perform their powers, duties, functions, and responsibilities in accordance with the provisions of R.S. 36:802: (1) State Department of Conservation (Article V, Section 18 and Article VI, Section 1(C) of the 1921 Constitution of Louisiana made statutory by Article XIV,
 19 20 21 22 23 24 25 26 	Resources * * * B. The following agencies are transferred to the Department of Energy and Natural Resources and shall exercise and perform their powers, duties, functions, and responsibilities in accordance with the provisions of R.S. 36:802: (1) State Department of Conservation (Article V, Section 18 and Article VI, Section 1(C) of the 1921 Constitution of Louisiana made statutory by Article XIV, Section 16(A)(2) and (3) of the 1974 Constitution of Louisiana; Part I of Chapter 1

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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; vouth services; creation; domicile; composition;

corrections services; youth services; creation; domicile; composition; purposes and functions

26 27 C.(1)

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

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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.

- Section 3. This Act shall become effective July 1, 2024; if vetoed by the governor
 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: _____