

Regular Session, 2014

HOUSE BILL NO. 854

BY REPRESENTATIVE GAROFALO

CIVIL/PROCEDURE: Requires certain documents to be filed with the court before proceeding to trial in certain actions relative to oilfield remediation

1 AN ACT

2 To amend and reenact R.S. 30:29(C)(1), relative to the remediation of oilfield sites and
3 exploration and production sites; to provide for the admission of liability by certain
4 parties; to prohibit the court from proceeding to trial until an approved feasible plan
5 is filed with the court; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 30:29(C)(1) is hereby amended and reenacted to read as follows:

8 §29. Remediation of oilfield sites and exploration and production sites

9 * * *

10 C.(1)(a) If at any time during the proceeding a party admits liability for
11 environmental damage or the finder of fact determines that environmental damage
12 exists and determines the party or parties who caused the damage or who are
13 otherwise legally responsible therefor, the court shall order the party or parties who
14 admit responsibility or whom the court finds legally responsible for the damage to
15 develop a plan or submittal for the evaluation or remediation to applicable regulatory
16 standards of the contamination that resulted in the environmental damage. The court
17 shall order that the plan be developed and submitted to the department and the court
18 within a time that the court determines is reasonable and shall allow the plaintiff or
19 any other party at least thirty days from the date each plan or submittal was made to
20 the department and the court to review the plan or submittal and provide to the

1 department and the court a plan, comment, or input in response thereto. The
 2 department shall consider any plan, comment, or response provided timely by any
 3 party. The department shall submit to the court a schedule of estimated costs for
 4 review of the plans or submittals of the parties by the department and the court shall
 5 require the party admitting responsibility or the party found legally responsible by
 6 the court to deposit in the registry of the court sufficient funds to pay the cost of the
 7 department's review of the plans or submittals. Any plan or submittal shall include
 8 an estimation of cost to implement the plan.

9 (b) If at any time during the proceeding a party admits liability for
 10 environmental damage and a plan has been submitted to the department, the court
 11 shall not proceed to a trial on the merits until the department has filed with the court
 12 the approved feasible plan for the evaluation or remediation of the environmental
 13 damage.

14 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Garofalo

HB No. 854

Abstract: Prohibits the court from proceeding to trial against a party admitting liability for environmental damage until the department has filed the approved feasible plan for evaluation or remediation with the court.

Present law provides procedures for civil actions for the remediation of oilfield sites and exploration and production sites.

Proposed law retains present law and, once a plan has been submitted to the department, prohibits the court from proceeding to trial against a party who has admitted liability for environmental damage until the department has filed the approved feasible plan for evaluation or remediation of the environmental damage with the court.

(Amends R.S. 30:29(C)(1))