

Regular Session, 2014

SENATE BILL NO. 467

BY SENATOR ADLEY

MINERALS. Requires the court to stay proceedings under certain conditions in a lawsuit involving the remediation of oilfield sites and exploration and production sites. (8/1/14)

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AN ACT

To amend and reenact R.S. 30:29(C)(1), relative to the remediation of oilfield sites and exploration and production sites; to provide for the admission or finding of liability by certain parties; to require a stay of the court proceedings under certain conditions; to provide procedures, terms, conditions, and requirements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

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

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

* * *

C.(1)(a) If at any time during the proceeding a party admits liability for environmental damage or the finder of fact determines that environmental damage exists and determines the party or parties who caused the damage or who are otherwise legally responsible therefor, the court shall order the party or parties who admit responsibility or whom the court finds legally responsible for the damage to develop a plan or submittal for the evaluation or remediation to applicable regulatory standards of the contamination that resulted in the environmental damage. The court

1 shall order that the plan be developed and submitted to the department and the court
 2 within a time that the court determines is reasonable and shall allow the plaintiff or
 3 any other party at least thirty days from the date each plan or submittal was made to
 4 the department and the court to review the plan or submittal and provide to the
 5 department and the court a plan, comment, or input in response thereto. The
 6 department shall consider any plan, comment, or response provided timely by any
 7 party. The department shall submit to the court a schedule of estimated costs for
 8 review of the plans or submittals of the parties by the department and the court shall
 9 require the party admitting responsibility or the party found legally responsible by
 10 the court to deposit in the registry of the court sufficient funds to pay the cost of the
 11 department's review of the plans or submittals. Any plan or submittal shall include
 12 an estimation of cost to implement the plan.

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

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The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by McHenry Lee.

DIGEST

Adley (SB 467)

Present law provides that if at any time during a proceeding a party admits liability for environmental damage or the finder of fact determines the party who caused the damage is legally responsible, the court will order the responsible party to develop a plan for the evaluation or remediation of the damage.

Proposed law provides that if a party admits liability for environmental damage and a plan has been submitted to the department, the court shall not proceed to a trial on the merits until the department has filed with the court the approved feasible plan for remediation of damages.

Effective August 1, 2014.

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