

2016 Regular Session

SENATE BILL NO. 428

BY SENATOR ALLAIN

TAX/ENERGY. Dedicates certain funds to oilfield site-specific trust accounts in order to provide for oilfield site restoration. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 47:645(B) and to enact R.S. 30:88.1, relative to site-specific  
3 oilfield trust accounts; to provide for the use of certain funds in the state treasury  
4 derived from orphan wells for oilfield site restoration; to provide for an effective  
5 date; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 30:88.1 is hereby enacted to read as follows:

8 **§88.1. Oilfield site trust accounts for orphaned wells**

9 **A. Orphan Wells. (1) For purposes of this Section, an orphan well shall**  
10 **mean an oil or gas well that is designated as part of an orphaned oilfield site as**  
11 **of August 1, 2016, and thereafter, and that has had no reported production for**  
12 **a period of greater than two years immediately prior to the production of oil,**  
13 **gas, or condensate to which this Section applies.**

14 **(2) After satisfying the provisions of Article VII, Sections 4, 9(B), 10-A,**  
15 **and 10.2 of the Constitution of Louisiana relative to the allocation and**  
16 **distribution of severance tax proceeds and as further provided in R.S.**  
17 **47:645(B), the remaining portion of the monies credited to the state treasury**

1 originally derived from the severance tax levied on oil, gas, and condensate from  
2 an orphaned well as defined in this Subsection shall be credited to the associated  
3 site-specific trust account in accordance herein.

4 (3) Upon full funding of the associated site-specific trust account in  
5 accordance with a plan approved by the assistant secretary as provided in this  
6 Section, all monies remaining in the account shall be credited in full to the state  
7 treasury as provided by R.S. 47:645(B).

8 (4) When the conditions of this Subsection are met relative to the funding  
9 of the site-specific trust account, the assistant secretary shall not require  
10 additional financial security for the well associated with that site-specific trust  
11 account.

12 B. New Production. In the event of new production from a formerly  
13 orphaned well, a site-specific trust account shall be established to separately  
14 account for each such site for the purpose of providing a source of funds for site  
15 restoration of that oilfield site at such time in the future when restoration of that  
16 oilfield site is required. Once established, the site-specific trust account shall  
17 remain in effect until completion of site restoration of the associated oilfield site.

18 C. Site Restoration Assessment. When establishing a site-specific trust  
19 account under this Section, the assistant secretary shall require an oilfield site  
20 restoration assessment to be made to determine the site restoration  
21 requirements existing at the time the site-specific trust account is established.

22 The oilfield site restoration assessment shall be conducted by approved site  
23 assessment contractors appearing on a list approved by the commission or  
24 acceptable to the commission. The oilfield site restoration assessment shall  
25 specifically detail the site's restoration needs and shall provide an estimate of  
26 the restoration costs needed to restore the oilfield site based on the conditions  
27 existing at the time the site-specific trust account is established.

28 D. Trust Account Monitoring. The assistant secretary shall monitor each  
29 trust account to assure that it is being properly funded. The funds in each trust

1 account shall remain the property of the commission. In the event that the  
 2 site-specific trust account is not funded through the payment of the severance  
 3 tax due the state for a period of greater than six months, the assistant secretary  
 4 shall require financial security in accordance with the office of conservation's  
 5 rules and regulations.

6 E. Transfers of Oilfield Sites. When transfers of oilfield sites occur  
 7 subsequent to the formation of site-specific trust accounts pursuant to this  
 8 Section but prior to the end of the oilfield site's economic life, the assistant  
 9 secretary and the acquiring party shall, in the manner provided in this Section,  
 10 redetermine cost. The balance of any site-specific trust account at the time of  
 11 transfer shall remain associated with the oilfield site and shall be a factor in the  
 12 redetermination.

13 F. Good Faith Disclosure. The failure of a transferring party to make a  
 14 good faith disclosure of all oilfield site conditions existing at the time of the  
 15 transfer may render that party liable for the costs of restoration of such  
 16 undisclosed conditions in excess of the balance of the site-specific trust account.

17 G. Unusable Oilfield Sites. For unusable oilfield sites, after site  
 18 restoration has been completed and approved by the assistant secretary, funds  
 19 from a site-specific trust account shall be disbursed as follows:

20 (1) The balance of the funds existing in the site-specific trust account will  
 21 be remitted to the responsible party.

22 (2) Such account shall thereafter be closed.

23 H. The assistant secretary shall make, after notice and public hearings  
 24 as provided in this Chapter, any reasonable rules, regulations, and orders that  
 25 are necessary to implement this Section.

26 Section 2. R.S. 47:645(B) is hereby amended and reenacted to read as follows:

27 §645. Disposition of collections

28 \* \* \*

29 B. One-third of the sulphur severance tax but not to exceed one hundred

1 thousand dollars, one-fifth of the severance tax on all natural resources other than  
 2 sulphur or timber but not to exceed five hundred thousand dollars, and three-fourths  
 3 of the timber severance tax shall be allocated to the governing authority of the parish  
 4 within which severance or production occurs and shall be credited to such parish by  
 5 the treasurer for allocation to the governing authority of the parish in which  
 6 severance or production occurs as provided in Article VII, Section 4 of the  
 7 Constitution of 1974. When these limits have been reached, there shall be no further  
 8 allocation, and all additional collections for the year shall be credited in full to the  
 9 state treasury **except as provided in R.S. 30:88.1.**

10 \* \* \*

11 Section 3. This Act shall become effective upon signature by the governor or, if not  
 12 signed by the governor, upon expiration of the time for bills to become law without signature  
 13 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
 14 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
 15 effective on the day following such approval.

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The original instrument and the following digest, which constitutes no part  
 of the legislative instrument, were prepared by Jay R. Lueckel.

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#### DIGEST

SB 428 Engrossed

2016 Regular Session

Allain

Proposed law creates oilfield site trust accounts for certain orphaned well sites.

Proposed law provides that an orphan well shall mean an oil or gas well that is designated as part of an orphaned oilfield site as of August 1, 2016, and thereafter and that has had no reported production for a period of greater than two years immediately prior to the production of oil, gas, or condensate.

Proposed law provides that after satisfying the provisions of the Constitution of Louisiana relative to the allocation and distribution of severance tax proceeds and as further provided in statute, the remaining portion of the monies credited to the state treasury originally derived from the severance tax levied on oil, gas, and condensate from an orphaned well as defined in proposed law shall be credited to the associated site-specific trust account.

Proposed law provides that upon full funding of the associated site-specific trust account in accordance with a plan approved by the assistant secretary as provided in proposed law, all monies remaining in the account shall again be credited in full to the state treasury. Also provides that so long as the conditions are met relative to the funding of the site-specific trust account, the assistant secretary shall not require additional financial security for the well.

Proposed law provides that in the event of new production from a formerly orphaned well,

a site-specific trust account shall be established to separately account for each such site for the purpose of providing a source of funds for site restoration of that oilfield site at such time in the future when restoration of that oilfield site is required. Once established, the site-specific trust account shall survive until completion of site restoration of the associated oilfield site.

Proposed law provides that when establishing a site-specific trust account, the assistant secretary shall require an oilfield site restoration assessment to be made to determine the site restoration requirements existing at the time the site-specific trust account is established. The oilfield site restoration assessment shall be conducted by approved site assessment contractors appearing on a list approved by the commission or acceptable to the commission. The oilfield restoration assessment shall specifically detail the site's restoration needs and shall provide an estimate of the restoration costs needed to restore the oilfield site based on the conditions existing at the time the site-specific trust account is established. The assistant secretary shall monitor each trust account to assure that it is being properly funded and the funds in each trust account shall remain the property of the commission. Further provides that in the event that the site-specific trust account is not funded through the payment of the severance tax due the state for a period of greater than six months, then the assistant secretary shall require financial security in accordance with the office of conservation's rules and regulations.

Proposed law provides that for transfers of oilfield sites that occur subsequent to the formation of site-specific trust accounts pursuant to proposed law but prior to the end of their economic life, the assistant secretary and the acquiring party shall, in the manner provided in proposed law, again redetermine cost. The balance of any site-specific trust account at the time of transfer shall remain associated with the oilfield site and shall be a factor in the redetermination.

Proposed law provisions provide for the distribution of funds associated with the site for unusable oilfield sites, after site restoration has been completed and approved by the assistant secretary.

Proposed law provides for the distribution of certain collections of severance taxes to site-specific oilfield site trust accounts for orphaned wells.

Proposed law directs the assistant secretary to make any necessary rules, regulations, and orders to implement the provisions of the Act.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 47:645(B); adds R.S. 30:88.1)

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Finance to the original bill

1. Deletes all provisions relative to inactive wells and limits the Act to orphan wells.
2. Directs the assistant secretary to make any necessary rules, regulations, and orders to implement the provisions of the Act.