

Regular Session, 2011

SENATE BILL NO. 146

BY SENATOR ADLEY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

MINERALS. Provides relative to oilfield sites or exploration and production sites.
(8/15/11)

1 AN ACT

2 To enact R.S. 30:4(L), 84(A)(3) and 86(D)(7) and (E)(7), relative to oilfield sites or

3 exploration and production sites; to provide for the jurisdiction, duties, and powers

4 of the secretary and the assistant secretary of the Department of Natural Resources;

5 to provide for the funding and uses of the Oilfield Site Restoration Fund; and to

6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 30:4(L), 84(A)(3), and 86(D)(7) and (E)(7) are hereby enacted to
9 read as follows:

10 §4. Jurisdiction, duties, and powers of the assistant secretary; rules and regulations

11 * * *

12 **L. The office of conservation shall have primary jurisdiction for all**

13 **demands arising as a result of any actual or potential impact, damage, or injury**

14 **to environmental media caused by contamination resulting from activities**

15 **associated with oilfield sites or exploration and production sites. All judicial**

16 **demands which have been filed or amended as of July 1, 2011, and which the**

17 **office has not approved a plan to evaluate or remediate the environmental**

1 **damage shall be stayed and referred to the office for approval of a plan.**

2 * * *

3 §84. Powers of the secretary

4 A. The powers of the secretary shall include without limitation the power to
5 do the following:

6 * * *

7 **(3) Take any legal action necessary to meet the purpose of this Part.**

8 * * *

9 §86. Oilfield Site Restoration Fund

10 * * *

11 D. The following monies shall be placed into the Oilfield Site Restoration
12 Fund:

13 * * *

14 **(7) Any monies recovered from activities conducted pursuant to this Part.**

15 E. The monies in the fund may be disbursed and expended to pursuant to
16 the authority and direction of the secretary or assistant secretary for the following
17 purposes and uses:

18 * * *

19 **(7) Negotiate and execute contracts, upon such terms as he may agree**
20 **upon, for legal actions pursuant to the Code of Civil Procedure Article 1091,**
21 **financial, engineering, construction, or other professional services necessary**
22 **to meet the purpose of this Part.**

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Michelle Broussard-Johnson.

DIGEST

Present law provides that the commissioner has jurisdiction and authority over all persons and property necessary to enforce effectively the laws relating to the conservation of oil or gas.

Proposed law provides for the office of conservation to have primary jurisdiction for all demands resulting from any actual or potential impact, damage, or injury to environmental media caused by contamination.

Coding: Words which are ~~struck through~~ are deletions from existing law; words in **boldface type and underscored** are additions.

Proposed law requires all judicial demands filed or amended as of July 1, 2011, and not having an approved plan to evaluate or remediate the environmental damage be stayed and referred to the office for a plan.

Present law provides for the proper and timely cleanup, closure, and restoration of orphaned oilfield sites and creates the Oilfield Site Restoration Fund for that purpose.

Proposed law provides that monies recovered from activities conducted pursuant to the La. Oilfield Site Restoration Law shall be placed in the fund.

Proposed law authorizes the secretary of the DNR to take legal action to meet the purpose of the La. Oilfield Site Restoration Law.

Proposed law authorizes the use of the fund for the contracting of legal, financial, engineering, construction, or other professional services as needed to meet the purpose of present law.

Effective August 15, 2011.

(Adds R.S. 30:4(L), 84(A)(3), 86(D)(7) and (E)(7))