HLS 11RS-801 ORIGINAL

Regular Session, 2011

HOUSE BILL NO. 564

1

BY REPRESENTATIVES SEABAUGH, CHAMPAGNE, AND KATZ AND SENATOR KOSTELKA

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

MINERALS/LEASES: Provides relative to surface and subsurface restoration under a mineral lease or servitude

AN ACT

2	To enact R.S. 30:84(A)(3) and 86(D)(7) and R.S. 31:134.1, relative to the remediation of
3	oilfield sites; to provide for the authority of the secretary; to provide for funding of
4	the Oilfield Site Restoration Fund; to provide for preferred remedies for failure to
5	restore the property leased under a mineral lease or mineral servitude; and to provide
6	for related matters.
7	Be it enacted by the Legislature of Louisiana:
8	Section 1. R.S. 30:84(A)(3) and 86(D)(7) and (E)(7) are hereby enacted to read as
9	follows:
10	§84. Powers of the secretary
11	A. The powers of the secretary shall include without limitation the power to
12	do the following:
13	* * *
14	(3) Take any legal action necessary to meet the purpose of this Part.
15	* * *
16	§86. Oilfield Site Restoration Fund
17	* * *
18	D. The following monies shall be placed into the Oilfield Site Restoration
19	Fund:
20	* * *

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	(7) Any monies recovered from activities conducted pursuant to this Part.
2	* * *
3	Section 2. R.S. 31:134.1 is hereby enacted to read as follows:
4	§134.1. Restoration of property; notice
5	In the case of a claim for surface or subsurface restoration under a mineral
6	lease or mineral servitude, the preferred remedy shall be specific performance,
7	subject to written notice and a reasonable opportunity to respond and perform.

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)]

Seabaugh HB No. 564

Abstract: Authorizes the secretary of the Dept. of Natural Resources to take legal action to meet the purpose of the La. Oilfield Site Restoration Law and provides that specific performance is the preferred remedy in a case of failure to restore the property subject to a mineral lease or mineral servitude.

<u>Present law</u> provides for the proper and timely cleanup, closure, and restoration of orphaned oilfield sites and creates the Oilfield Site Restoration Fund (fund) for that purpose.

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

<u>Proposed law</u> authorizes the secretary of the Dept. of Natural Resources to take legal action to meet the purpose of the La. Oilfield Site Restoration Law.

<u>Proposed law</u> provides that specific performance is the preferred remedy in a case of failure to restore the property subject to a mineral lease or mineral servitude.

<u>Proposed law</u> requires notice be sent to the lessor or grantee and a reasonable opportunity to respond and perform.

(Adds R.S. 30:84(A)(3) and 86(D)(7) and R.S. 31:134.1)