

SENATE BILL NO. 79

BY SENATOR ALLAIN (On Recommendation of the Louisiana State Law Institute)

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

1 AN ACT

2 To enact R.S. 30:29.2, relative to the remediation of oilfield sites and exploration and
3 production sites; to provide alternative dispute resolution in lawsuits involving the
4 remediation of oilfield sites and exploration and production sites; to authorize the
5 court to compel nonbinding mediation; to provide for the payment of mediation fees
6 and expenses; to provide terms, conditions, requirements, and effects; to provide for
7 effectiveness; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 30:29.2 is hereby enacted to read as follows:

10 **§29.2. Alternative dispute resolution for disputes relating to remediation of**
11 **oilfield sites and exploration and production sites**

12 **A. This Section establishes procedures that apply to any dispute subject**
13 **to the provisions of R.S. 30:29.**

14 **B. Within sixty days after the end of the stay of litigation required by**
15 **R.S. 30:29(B)(1), the parties shall meet and confer in an effort to assess the**
16 **dispute, narrow the issues, and reach agreements useful or convenient for the**
17 **litigation of the action.**

18 **C. On any party's motion filed subsequent to the close of all discovery or**
19 **five hundred fifty days after commencement of the action, whichever occurs**
20 **first, the court shall enter an order compelling the parties to enter nonbinding**
21 **mediation. The motion shall be served on all parties, but a contradictory**
22 **hearing shall not be required.**

23 **D. If the court enters an order compelling mediation, the clerk of court**
24 **shall mail or otherwise deliver a copy of the order to all parties.**

25 **E.(1) If the court has entered an order compelling mediation and the**
26 **parties cannot agree within fifteen days after notice of the order to such matters**
27 **as the date, time, and place of the mediation, the identity of the mediator,**

1 provisions for compensation of the mediator, or any other details regarding the
 2 conduct of the mediation, the parties shall so notify the court and, after
 3 contradictory hearing, the court may issue orders reasonably necessary to
 4 determine such matters and any other matters, except as provided in Subsection
 5 F of this Section, necessary or convenient to provide for the conduct of the
 6 mediation.

7 (2) A mediator appointed pursuant to this Section shall qualify as a
 8 mediator pursuant to R.S. 9:4106(A)(1)(a) or (2).

9 F. Responsibility for the mediator's fees and any expenses associated
 10 with the location of the mediation shall be based on the parties' agreement. In
 11 the absence of an agreement, the party moving for the mediation shall be
 12 responsible for payment of those fees and expenses.

13 G. At any mediation held pursuant to this Section, a representative of
 14 each party who has settlement authority or who is in direct contact with a
 15 person having settlement authority on behalf of the party shall be present. If a
 16 party fails to comply with this requirement, the court may, in its discretion and
 17 after contradictory hearing, order that party to pay costs and attorney fees
 18 associated with the mediation.

19 Section 2. This Act shall apply to actions filed on or after the effective date of this
 20 Act. This Act shall also apply to other actions: for which a trial date has not been set as of
 21 the effective date of this Act; for which trial is scheduled to begin more than one hundred
 22 eighty days after the effective date of this Act; or for which the start of trial is continued to
 23 a date more than one hundred eighty days after the effective date of this Act.

 PRESIDENT OF THE SENATE

 SPEAKER OF THE HOUSE OF REPRESENTATIVES

 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____