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## DIGEST

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HB 389 Original

2017 Regular Session

Carmody

**Abstract:** With respect to underground utilities and facilities, authorizes the assistant secretary of the office of conservation of the Louisiana Department of Natural Resources to regulate pipelines.

Present law provides for definitions. Proposed law adds definitions of the terms "assistant secretary" and "pipeline".

Proposed law provides that, notwithstanding the provisions of present law (R.S. 40:1749.23), the assistant secretary shall have exclusive authority to enforce the provisions of proposed law regulating pipelines.

Proposed law clarifies that proposed law shall not be construed in any manner to limit or otherwise restrict either of the following:

- (1) The general powers of the assistant secretary as authorized by present law (R.S. 30:541, et seq.).
- (2) The authority of the Dept. of Public Safety and Corrections as established pursuant to present law (R.S. 30:2361, et seq.).

Proposed law provides that the powers of the assistant secretary include but are not limited to the following regarding pipelines:

- (1) Monitoring any excavation or demolition, including requests for the excavator or demolisher to provide the locate request number issued by a regional notification center.
- (2) Issuing citations or ordering other penalties or remedies.
- (3) Seeking restraining orders, injunctions, or any other available civil remedies.
- (4) Utilizing any other enforcement powers that may be provided by law.

Proposed law requires the assistant secretary or his designee to promulgate rules and regulations in accordance with present law (R.S. 49:950, et seq.) for the necessary and proper implementation and administration of the provisions of proposed law. Proposed law requires the assistant secretary to develop a procedure for investigating and reporting any reasonable complaint regarding a violation

of proposed law, and the procedure shall include all of the following:

- (1) Establishing a centralized complaint reporting point using a toll-free phone number that is available to contractors, utility operators, and the general public.
- (2) Establishing a uniform complaint form to record the complainant's name and identifying information, the nature and details of the complaint, the geographic location of the complaint, any information about excavators, the date and time of the complaint, the date and time of the complaint report, and whether any collateral damage or off-site impact incurred including information about the impact or damage.
- (3) Investigating the validity of any complaint using any relevant information, including but not limited to any information provided by a regional notification center with jurisdiction in the reported geographic area.
- (4) Obtaining all information needed to issue a citation, order any other appropriate remedy, or otherwise adjudicate any complaint determined to be valid.

Proposed law requires the assistant secretary to adjudicate all violations involving pipelines and assess civil penalties or other civil remedies for violations of proposed law.

Proposed law provides that all civil penalties or other civil remedies assessed by the assistant secretary pursuant to proposed law shall be assessed in the same manner as prescribed by present law (R.S. 30:544), including consideration of all of the following factors:

- (1) The nature, circumstances, and gravity of the relevant violation.
- (2) The degree of culpability, history of prior violations, the effect on ability to continue to do business, any good faith in attempting to achieve compliance, ability to pay the penalty, and such other matters as justice requires with respect to the person found to have committed the violation.

Proposed law requires all monies received or collected by the assistant secretary pursuant to enforcement of proposed law to be deposited immediately upon receipt in the state treasury and shall be credited to the Oil and Gas Regulatory Fund as created by present law (R.S. 30:21).

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

(Adds R.S. 40:1749.12(17) and (18) and 1749.27)