

Regular Session, 2014

SENATE BILL NO. 423

BY SENATOR ALLAIN

MINERALS. Provides relative to alternative dispute resolution in suits involving oilfield sites and exploration and production sites. (8/1/14)

1 AN ACT
2 To enact R.S. 30:29.2, relative to alternative dispute resolution of remediation of oilfield
3 sites and exploration and production sites; to require mediation of certain claims
4 involving oilfield sites and exploration and production sites; to provide for a dispute
5 assessment meeting; to provide certain procedures, terms, conditions, and effects;
6 and to provide for related matters.
7 Be it enacted by the Legislature of Louisiana:
8 Section 1. R.S. 30:29.2 is hereby enacted to read as follows:
9 §29.2. Alternative dispute resolution; remediation of oilfield sites and
10 exploration and production sites
11 A. To facilitate an expedited remediation for environmental damage and
12 to assist the parties in the settlement of disputed claims, all litigation or pleading
13 making a judicial demand arising from or alleging environmental damage that
14 is subject to the provisions of R.S. 30:29 shall be referred to mediation pursuant
15 to the provisions of this Section.
16 B. Within sixty days of the filing or amendment of any litigation or
17 pleading making a judicial demand arising from or alleging environmental

1 **damage that is subject to the provisions of R.S. 30:29, a dispute assessment**
 2 **meeting shall be held in which all of the parties and principals who are**
 3 **authorized to make decisions regarding settlement shall discuss all of the issues**
 4 **involved in the litigation and any other matters needed to evaluate the claim.**
 5 **The parties or principals who are authorized to make decisions regarding**
 6 **settlement may attend the meeting by use of telephone conference call,**
 7 **videoconferencing, or other similar telecommunication methods.**

8 **C. If the litigation is removed to federal court and then remanded back**
 9 **to state court, the dispute assessment meeting shall be held within sixty days**
 10 **from the date of the order of remand.**

11 **D. Prior to trial, any case governed by the provisions of R.S. 30:29 shall**
 12 **be referred to mediation in accordance with the Louisiana Mediation Act.**

The original instrument was prepared by J. W. Wiley. The following digest, which does not constitute a part of the legislative instrument, was prepared by McHenry Lee.

DIGEST

Allain (SB 423)

Present law provides a procedure and time delays for the litigation of judicial demands arising from or alleging environmental damage.

Proposed law provides that all litigation making a judicial demand arising from or alleging environmental damage must be referred to mediation pursuant to the provisions of proposed law.

Proposed law requires that within 60 days of the filing of any litigation or pleading making a judicial demand arising from or alleging environmental damage that is subject to the provisions of present law, a dispute assessment meeting will be held in which all the parties and principals who are authorized to make decisions regarding settlement must discuss all of the issues involved in the litigation and any other matters needed to evaluate the claim. Further allows all persons to use telephone, conference call, videoconferencing, or similar telecommunication methods.

Proposed law provides that if the litigation is removed to federal court and then remanded back to state court, the dispute assessment meeting will be held within 60 days from the date of the order of remand.

Proposed law provides that prior to trial, any case governed by the provisions of present law will be referred to mediation in accordance with the La. Mediation Act.

Effective August 1, 2014.

(Adds R.S. 30:29.2)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Natural Resources to
the original bill

1. Removes substantive provisions of proposed law.
2. Provides for a dispute assessment meeting.
3. Requires mediation.