

§354. Powers and duties of secretary of natural resources

A. In addition to the functions, powers, and duties otherwise vested in the secretary by law, he shall:

- (1) Represent the public interest in the administration of this Chapter and shall be responsible to the governor, the legislature, and the public therefor.
- (2) Determine the policies of the department except as otherwise provided by this Title.
- (3) Make, alter, amend, and promulgate rules and regulations necessary for the administration of the functions of the department, except as otherwise provided by this Title.
- (4) Organize, plan, supervise, direct, administer, execute, and be responsible for the functions and programs vested in the department, in the manner and to the extent provided by this Title.
- (5) Advise the governor on problems concerning the administration of the department.
- (6) Study existing energy policies of the state and formulate plans and advise the governor and the legislature with respect to short and long-term energy policies of the state.
- (7) Undertake, or in necessary cases, designate one of the offices within the department or its assistant secretary to prepare all necessary studies regarding alternate fuel sources for the state of Louisiana.
- (8) Assist the institutions of higher learning in this state desiring to establish programs dealing with the utilization of the natural resources of this state.
- (9) Conduct or cause to be conducted public meetings for the purpose of receiving suggestions from the public regarding the energy policy of the state.
- (10) Act as the sole agent of the state or, in necessary cases, designate one of the offices within the department or its assistant secretary to cooperate with the federal government and with other state and local agencies in matters of mutual concern and in the administration of federal funds granted to the state or directly to the department or an office thereof to aid in the furtherance of any function of the department and its offices. For this purpose he may take such actions, in accordance with applicable state law, necessary to meet such federal standards as are established for the administration and use of such federal funds, except as otherwise specifically provided in this Title or by the constitution and laws of this state.
- (11) Make reports and recommendations on his own initiative or upon request by the governor, the legislature, or any committee or member thereof.
- (12) Provide for the ongoing merger and consolidation of the agencies and functions transferred to his department and submit a report thereon to the governor and the legislature, which report shall accompany the budget statement which he submits under provisions of R.S. 39:45. Such report shall include a statement of the goals of the department and of the programs thereof and shall summarize the accomplishments of the department in meeting such goals and implementing such programs. The report shall also contain a specific statement of the reorganization and consolidation plan for the department for the next year and shall include a report on the implementation of such reorganization and consolidation plan for the previous year. The report concerning reorganization shall specifically detail the extent to which the department has achieved goals stated the previous year with respect to merger and consolidation of functions, abolition of agencies, consolidation of offices, elimination of job positions, and efficiency and economy in delivery of services. The report shall contain any recommendations with respect to organization which may require legislative action under the provisions of this Title. A copy of the report and recommended legislation shall also be submitted by the secretary to the presiding officer of each house of the legislature. The presiding officer shall refer the report to the appropriate committee having jurisdiction of the subject matter as provided in the rules of the respective house.
- (13) Contract, if the secretary so desires, or, if the secretary deems necessary, designate one of the offices within the department or its assistant secretary, under the secretary's supervision, to do so, with private or public research organizations for the purchase, out of funds available to the Department of Natural Resources, of services in scientific, economic, and technological research, including but not limited to surveys, studies, and experiments with a view toward protecting and replenishing the natural resources of the state under the jurisdiction of the Department of Natural Resources, toward preventing the waste, wasteful use, and wasteful utilization thereof, except as defined in

R.S. 30:3, toward preventing the use of said natural resources in such a manner and in such quantities as will threaten with premature exhaustion, extinction, and destruction of the supply of these resources in the state, and toward the energy policy of this state, and to prepare and implement plans and programs in relation thereto.

(14) Prepare an analysis of all potential gas prospects in the state and develop a plan for state owned lands which will promote and encourage the exploration and production of gas from such prospects for use in Louisiana.

(15) Set priorities for coastal energy impact program funds as provided in R.S. 49:213.10(D).

(16) Review all proposals for the lease or use of state property and resources within the jurisdiction of the department to determine if they meet current policies regarding the development and/or use of such property and resources, periodically review the activities of lessees and users of such property and resources and ascertain if they likewise conform to such current policies, and formulate programs, and take the necessary action through the appropriate office of the department to implement his findings with respect thereto.

(17) Deposit or cause to be deposited in the state treasury receipts from royalties, rentals, and bonuses derived from state lands under mineral leases or any other contract.

B. The secretary shall have authority to:

(1)(a) Except as otherwise specifically provided in R.S. 36:801, R.S. 36:803, and R.S. 36:806:

(i) Employ, appoint, remove, assign, and promote such personnel as is necessary for the efficient administration of the executive office of the secretary and the performance of its powers, duties, functions, and responsibilities and such other personnel, who are not assigned to an office, as may be necessary for the efficient administration of the department and for the performance of the responsibilities, powers, duties, and functions of agencies transferred to it;

(ii) Employ, assign, and remove all personnel employed for the department on a contractual basis, and

(iii) Transfer the personnel of the department as necessary for the efficient administration of the department and its programs.

(b) All of the above are to be accomplished in accordance with applicable civil service laws, rules, and regulations, and with policies and rules of the Department of Natural Resources, and all are subject to budgetary control and applicable laws.

(2) Appoint, subject to gubernatorial approval, advisory councils, boards, and commissions necessary in the administration of the department, except as otherwise provided by law or by executive order.

(3) Employ such officers, agents, employees, and professional personnel, including legal counsel, as he deems necessary for the performance of his powers and duties and prescribe the powers and duties and fix the compensation of such officers, agents, employees, and professional personnel.

(4) Contract upon such terms as he may agree upon, for legal, financial, engineering, and other professional services necessary or expedient in the conduct of the affairs of the Department of Natural Resources under the provisions of this Chapter.

(5) Utilize the services of the other executive departments in the executive branch of the state government upon mutually agreeable terms and conditions.

(6) Represent, or designate the assistant secretary of the office of conservation to represent, the state in all matters involving or affecting the interest of the state and its residents, relative to energy and natural resources within the jurisdiction of the Department of Natural Resources before all federal agencies, offices, and officials, and congressional committees, and in all judicial actions arising out of the proceedings of such agencies, offices, and committees or in relation thereto. Those employed or contracted with as provided by this Section shall be entitled to represent the state and the secretary and to appear in the courts and before agencies of this state or the agencies, officials, and courts of the United States and of other states, to carry out the purposes of this Chapter.

(7) Accept and use, in accordance with law, gifts, grants, bequests, and endowments for purposes consistent with the responsibilities and functions of the department and take such actions as are necessary to comply with any conditions required for such acceptance.

(8) Obtain from the federal government and its agencies, the offices of the Department of Natural Resources, and other state agencies any information and data collected by such entities relating to energy, natural resources, or the

environment, upon mutually agreeable terms and conditions or as required by law; however, information and data subject to nondisclosure under R.S. 44:4 shall maintain such status while in the custody of the secretary.

(9) Formulate and promulgate rules of administration for the department relating to employment and management.

(10) Establish in his office a capacity for policy analysis, development of information and statistics, and generation of economic information relating to the natural resources and environmental affairs of the state.

(11) Delegate to the deputy secretary any and all duties, functions, and authority of the secretary as provided by this Title or other applicable laws.

(12) Do such other things not inconsistent with law, as are necessary to perform properly the functions vested in him.

C. The provisions of this Chapter are not intended, nor shall they be construed to affect the statutory duties, functions, and responsibilities of the attorney general with respect to the department and the agencies reorganized thereunder as provided by R.S. 30:132, R.S. 41:3, and R.S. 56:1477.

D. The procedures set forth in the Administrative Procedure Act shall be utilized for the adoption, promulgation, amendment, or rescission of rules and regulations authorized in this Section.

E. The secretary or his designee shall perform and exercise the following powers, duties, functions, and responsibilities relative to land, water, and research, all in accordance with law:

(1) Plan and execute an energy research and development program, including but not limited to research necessary to assist the secretary in the formulation of energy plans and policy and the administration and implementation of energy conservation programs, and other energy studies, all in accordance with law. Specifically excluded from these functions are the functions of the secretary as provided in R.S. 36:354(B)(10). In implementing these functions the secretary or his designee may conduct a program to disseminate information relating to energy for the citizens of Louisiana whereby they can be advised of methods to conserve energy.

(2) Administer and implement laws relating to the foregoing, including without limitation the laws relative to research and development of solar energy sources, building energy conservation, including the regulation of training, certification, and quality control of home energy raters throughout the state, and energy impacted area assistance; the laws relative to coastal energy impact assistance; the laws relative to power plants and industrial fuel use; the laws relative to the Underwater Obstruction Removal Program and the Underwater Obstruction Removal Fund; and the laws relative to the Fishermen's Gear Compensation Fund.

Acts 1976, No. 513, §1. Amended by Acts 1977, No. 83, §1, eff. June 22, 1977; Acts 1983, No. 705, §1, eff. Sept. 1, 1983; Acts 1983, No. 590, §1, eff. July 14, 1983; Acts 1983, No. 494, §1, eff. Sept 1, 1983; Acts 1986, No. 318, §1; Acts 1987, No. 736, §1; Acts 1989, No. 282, §§2, 6, eff. June 27, 1989; Acts 1995, No. 95, §1, eff. June 12, 1995; Acts 1997, No. 666, §1; Acts 2004, No. 219, §1.

NOTE: See Acts 1987, No. 736, §3.

NOTE: See Acts 1989, No. 282, §5.

NOTE: See Acts 1999, No. 599, §3, eff. July 1, 1999, relative to termination date of Underwater Obstruction Removal Program (See R.S. 36:354(E)(2) and R.S. 30:101.1 et seq.)