

HB 259 is Dead

March 6, 2013

This morning in the house energy committee the revised version of the natural resource trustee bill HB 259 was discussed. The new bill would have expanded the authority of the trustee to sue companies for dangerous to ground or surface water in a state CERCLA type action. There was no cap to damages assessed and the funds from the suit could be used to restore the resource to prior condition or towards other projects like the one that was paid for by the defendant company. In addition the amount of money recovered would cover the cost of restoration and a monetary determination of the loss of current use and future use of the water resource. The determination of value of future use of ground or surface water could result in unlimited damages. In addition there is no deminus requirement of injury to the resource. Thus if one of the attorney contingency fee bills passes This legislature and if this bill passes, suits could be brought for any and all impacts, perceived or real could be brought against industry.

Representative Magdalena crossed party lines and voted with all the Republican Reps Gray, Lewis, Ezzell, Strickler and Bratton.

Representative Magdalena made statements about the importance of our industry and the desire to continue to have oil and gas operations in his district. This is not the first time he has supported industry.