

2021 Regular Session

SENATE BILL NO. 185

BY SENATOR ALLAIN

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

NATURAL RESOURCES DEPT. Provides for regulation of leases of land for solar farms.  
(8/1/21)

1 AN ACT

2 To amend and reenact R.S. 30:1154(A) and (C), relative to solar energy; to provide for  
3 leases to explore, develop, and produce solar energy; to provide for the powers and  
4 duties of the secretary of the Department of Natural Resources; to provide for terms,  
5 conditions, and requirements of solar leases; to provide for operations and  
6 construction during rulemaking; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 30:1154(A) and (C) are hereby amended and reenacted to read as  
9 follows:

10 §1154. Regulations governing solar devices; solar leases

11 A. The secretary shall develop and adopt, in cooperation with affected  
12 ~~industry~~ utility, agricultural, and solar industries, landowners, and consumer  
13 representatives and after one or more public hearings, regulations governing solar  
14 devices and property leases for the exploration, development, and production  
15 of solar energy. The regulations shall be designed to encourage the development and  
16 use of solar energy and to provide maximum information to the public concerning  
17 solar devices. The regulations may include all of the following:

1 (1) Standards for testing, inspection, certification, sizing, capacity, and  
2 installation of solar devices; including spacing between installations and  
3 setbacks.

4 (2) Provisions for the enforcement of the standards;

5 (3) Accreditation of laboratories to test and certify solar devices;

6 (4) Requirements for on-site inspection of solar devices, including specifying  
7 methods for inspection, to determine compliance or noncompliance with the  
8 standards;

9 (5) Requirements for submission of any data resulting from the testing and  
10 inspection of solar devices;

11 (6) Prohibitions on the sale of solar devices that do not meet minimum  
12 requirements for safety, capacity, and durability as established by the secretary; ~~and,~~

13 (7) Dissemination of the results of the testing, inspection, and certification  
14 program to the public.

15 (8) Minimum requirements for property leases for the exploration,  
16 development, and production of solar energy, including but not limited to  
17 acreage, access, and maintenance of the property during the lease,  
18 decommissioning, and final site closure upon termination of the lease, and  
19 placement of this program within the department. The rules provided for in this  
20 Paragraph shall be promulgated by the secretary, but not implemented until the  
21 secretary identifies funding through fees, federal grants, or other sources.

22 \* \* \*

23 C. Under no circumstances may the secretary preclude any person from  
24 developing, installing, or operating a solar device on his own property for  
25 residential use.

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The original instrument was prepared by Tyler McCloud. The following digest, which does not constitute a part of the legislative instrument, was prepared by Cathy R. Wells.

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## DIGEST

SB 185 Reengrossed

2021 Regular Session

Allain

Present law requires the secretary of the Dept. of Natural Resources to develop and adopt, in cooperation with affected industry and consumer representatives and after one or more public hearings, regulations governing solar devices.

Proposed law retains present law and also requires cooperation with landowners and utility and agricultural representatives in developing regulations. Also requires such regulations govern property leases for the exploration, development, and production of solar energy.

Proposed law authorizes rules to provide for minimum requirements for property leases for the exploration, development, and production of solar energy including but not limited to acreage, access, and maintenance of the property during the lease, decommissioning and final site closure upon termination of the lease, and placement of the program within the Dept. of Natural Resources.

Proposed law delays implementation of the promulgated rules until the secretary identifies funding through fees, federal grants, or other sources.

Present law requires the regulations to encourage the development and use of solar energy and to provide maximum information to the public concerning solar devices. Proposed law retains present law.

Present law prohibits the secretary from precluding any person from developing, installing, or operating a solar device on his own property.

Proposed law provides that this prohibition applies to residential use only.

Effective August 1, 2021.

(Amends R.S. 30:1154(A) and (C))

Summary of Amendments Adopted by Senate

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

1. Adds that the rules provide for placement of the program within the Dept. of Natural Resources.
2. Delays implementation of the promulgated rules until the secretary identifies funding.
3. Adds to the present law prohibition on the secretary from precluding the use of solar on a landowners property, that the use is a residential use.

Senate Floor Amendments to engrossed bill

1. Provides additional standards that the regulations may include.