

2022 Regular Session

SENATE BILL NO. 456

BY SENATOR ALLAIN

ENERGY DEVELOPMENT. Provides for certain solar power generation facilities. (8/1/22)

1 AN ACT

2 To amend and reenact the introductory paragraph of R.S. 30:1154(A) and 1154(A)(6), to  
3 enact R.S. 30:1154(A)(9), relative to solar energy; to provide for solar power  
4 generation facilities; to provide for financial security; to provide for site closure  
5 estimates; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. The introductory paragraph of R.S. 30:1154(A) and 1154(A)(6) are hereby  
8 amended and reenacted and R.S. 30:1154(A)(9) is hereby enacted to read as follows:

9 §1154. Regulations governing solar devices; solar leases

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

\* \* \*

(6) Prohibitions on the sale installation of solar devices in a solar power generation facility that do not meet minimum requirements for safety, capacity, and durability as established by the secretary.

\* \* \*

(9)(a) Requirements for a bond or other acceptable financial security in an amount determined by the secretary to ensure proper site closure in order to construct or operate a solar power generation facility. Any bond shall be executed by the facility operator and a corporate surety licensed to do business in the state. The bond or other instrument shall be payable to the Department of Natural Resources and shall ensure the following:

(i) Substantial compliance with this Section and any rule or regulation promulgated pursuant to this Section.

(ii) Compliance, as determined by a court of competent jurisdiction, with provisions of the property lease for the exploration, development, storage, and production of solar energy on which the facility is located and that the violation would require closure of the facility. The department shall notify the lessor of any enforcement action against a facility operator or upon a claim against the bond or other instrument.

(b) In determining the adequacy of the amount or other specific requirements of the bond or other financial security, the secretary shall consider the following:

(i) The assets, debts, and compliance history of the facility operator.

(ii) The condition and capacity of the facilities to be covered by such security.

(iii) The estimated cost of site closure and remediation that includes the estimated cost of removing the solar power generation facilities and associated infrastructure from the property and restoring the property to as near as reasonably possible to the condition of the property prior to the commencement



(Amends R.S. 30:1154(A)(intro para) and 1154(A)(6); adds R.S. 30:1154(A)(9))

Summary of Amendments Adopted by Senate

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

1. Adds the regulations developed by the secretary govern leases for the storage of solar energy.
2. Changes the requirement to execute a bond from a permittee to a facility operator.
3. Adds the requirement for compliance of lease provisions include leases for the storage of solar energy.
4. Requires the update of the estimated cost of site closure and remediation every five years.