
HOUSE COMMITTEE AMENDMENTS

2024 Regular Session

Amendments proposed by House Committee on Natural Resources and Environment to
Original House Bill No. 492 by Representative Geymann

1 AMENDMENT NO. 1

2 On page 1, line 2, after "reenact" and before the comma "," delete "R.S. 30:1108(B)(1)" and
3 insert "R.S. 19:2(9) through (12) and R.S. 30:1103(12), 1104(C), 1107, 1108(A)(2) and
4 (B)(1) and to enact R.S. 30:1108(A)(3)"

5 AMENDMENT NO. 2

6 On page 1, between lines 4 and 5, insert the following:

7 "Section 1. R.S. 19:2(9) through (12) are hereby amended and reenacted to
8 read as follows:

9 §2. Expropriation by state or certain corporations, limited liability
10 companies, or other legal entities.

11 * * *

12 (9) Any domestic or foreign corporation, limited liability company, or other
13 legal entity created for the purpose of, or engaged in, piping or marketing of coal or
14 lignite in whatever form or mixture convenient for transportation within a pipeline
15 as otherwise provided for in R.S. 30:721 through 723.

16 (10) Any domestic or foreign corporation, limited liability company, or other
17 legal entity ~~composed of such corporations or wholly owned subsidiaries thereof~~
18 created for the purpose of, or engaged in, the piping or marketing of carbon dioxide
19 for use in connection with a secondary or tertiary recovery project for the enhanced
20 recovery of liquid or gaseous hydrocarbons approved by the commissioner of
21 conservation, or created for the purpose of, or engaged in the transportation of
22 carbon dioxide by pipeline for underground storage, including but not limited to
23 through connecting to an existing pipeline transporting carbon dioxide for
24 underground storage, whether owned or operated by the same entity, and which has
25 received a certificate of public convenience and necessity pursuant to the provisions
26 of R.S. 30:1107(B). Property located in Louisiana may be so expropriated for the
27 transportation of carbon dioxide for underground injection in connection with such
28 projects located in Louisiana or in other states or jurisdictions.

29 (11) ~~Any domestic or foreign corporation, limited liability company, or other~~
30 ~~legal entity engaged in any of the activities otherwise provided for in this Section.~~

31 (12) Any domestic or foreign corporation, limited liability company, or other
32 legal entity ~~composed of such corporations or wholly owned subsidiaries thereof~~
33 created for the purpose of, or engaged in, the injection of carbon dioxide for the
34 underground storage of carbon dioxide and that has received a certificate of public
35 convenience and necessity pursuant to the provisions of R.S. 30:1107(A) approved
36 by the commissioner of conservation. Property located in Louisiana may be so
37 expropriated for the underground storage of carbon dioxide in connection with such
38 storage facility projects located in Louisiana, including but not limited to surface and
39 subsurface rights, mineral rights, and other property interests necessary or useful for
40 the purpose of constructing, operating, or modifying a carbon dioxide storage facility
41 ~~or transporting carbon dioxide by pipeline to such storage facility.~~ This Paragraph
42 shall not allow for the expropriation of reservoir storage rights for geologic storage
43 of carbon dioxide, except in connection with any project as to which R.S.
44 30:1108(B)(2) is applicable. This Paragraph shall have no effect on nor does it grant
45 expropriation of the mineral rights or other property rights associated with the
46 approvals required for injection of carbon dioxide into enhanced recovery projects
47 approved by the commissioner under R.S. 30:4.

1 (12) Any domestic or foreign corporation, limited liability company, or other
 2 legal entity created for the purpose of, or engaged in, any of the activities otherwise
 3 provided for in this Section.

4 AMENDMENT NO. 3

5 On page 1, line 5, change "Section 1." to "Section 2." and delete "R.S. 30:1108(B)(1) is
 6 hereby amended and reenacted" and insert "R.S. 30:1103(12), 1104(C), 1107, 1108(A)(2)
 7 and (B)(1) are hereby amended and reenacted and R.S. 30:1108(A)(3) is hereby enacted"

8 AMENDMENT NO. 4

9 On page 1, between lines 5 and 6, insert the following:

10 "§1103. Definitions

11 * * *

12 (12) "Storage operator" means the person ~~authorized~~ recognized by the
 13 commissioner ~~to operate a~~ as the operator of a proposed or existing storage facility.
 14 A storage operator can, but need not be, the owner of carbon dioxide injected into
 15 a storage facility. Ownership of carbon dioxide and use of geologic storage is a
 16 matter of private contract between the storage operator and owner, shipper, or
 17 generator of carbon dioxide, as applicable.

18 * * *

19 §1104. Duties and powers of the commissioner; rules and regulations;
 20 permits

21 * * *

22 C. Prior to the use of any reservoir for the storage of carbon dioxide and
 23 prior to the exercise of eminent domain pursuant to the provisions of R.S. 19:2(11)
 24 and R.S. 30:1108 by any person, firm, or corporation having such right under laws
 25 of the state of Louisiana, and as a condition precedent to such use or to the exercise
 26 of such rights of eminent domain pursuant to the provisions of R.S. 19:2(11) and
 27 R.S. 30:1108, the commissioner, after public hearing pursuant to the provisions of
 28 R.S. 30:6, held in the parish where the storage facility is to be located, shall have
 29 found at least one of the following:

30 * * *

31 §1107. Certificates of public convenience and necessity; certificate of
 32 completion of injection operations

33 A. The commissioner shall issue a certificate of public convenience and
 34 necessity or a certificate of completion of injection operations to each person
 35 applying therefor if, after a public hearing pursuant to the provisions of R.S. ~~30:6~~
 36 30:6, held in the parish where the storage facility is to be located, he determines that
 37 it is required by the present or future public convenience and necessity, and such
 38 decision is based upon the following criteria; (1) the proposed storage facility meets
 39 the requirements of R.S. 30:1104(C) and (2) the proposed storage facility meets the
 40 requirements of any rules adopted under this Chapter. However, if any person has
 41 previously been issued a certificate of public convenience and necessity or a
 42 certificate of completion of injection operations by the commissioner, that certificate
 43 continues to remain valid and in force.

44 B. The commissioner shall issue a certificate of public convenience and
 45 necessity to each transporter of carbon dioxide applying therefore, whether or not
 46 such transporter is also the storage operator for the laying, maintaining, and
 47 operating of a pipeline for the transportation of carbon dioxide to a storage facility,
 48 and such rights necessary and incidental thereto, if after a public hearing pursuant
 49 to the provisions of R.S. 30:6, he determines that it is or will be in the present or
 50 future public interest to do so.

51 ~~B. C.~~ C. The commissioner shall issue a certificate of completion of injection
 52 operations to the operator applying therefor, if after a public hearing pursuant to R.S.
 53 30:6, it is determined that such operator has met all of the conditions required for
 54 such certificate, including the requirements of R.S. 30:1109.

1 ~~C. D.~~ Notwithstanding any provision of this Chapter or any rule, regulation,
2 or order issued by the commissioner under this Chapter to the contrary, accepting or
3 acting pursuant to a certificate of public convenience and necessity or a certificate
4 of completion of injection operations issued under this Chapter, compliance with the
5 provisions of this Chapter or with rules, regulations, or orders issued by the
6 commissioner under this Chapter or voluntarily performing any act which could be
7 required by the commissioner pursuant to this Chapter or rules, regulations, or orders
8 issued by the commissioner under this Chapter shall not have the following
9 consequences:

10 (1) Cause any storage operator or transporter of carbon dioxide for storage
11 to become or be classified as a common carrier or a public utility for any purpose
12 whatsoever.

13 (2) Subject any storage operator or transporter of carbon dioxide for storage
14 to any duties, obligations, or liabilities as a common carrier or public utility under
15 the constitution and laws of this state.

16 (3) Increase the liability of any storage operator or transporter of carbon
17 dioxide for storage for any taxes otherwise due to the state of Louisiana in the
18 absence of any additions or amendments to any tax laws of this state.

19 * * *

20 AMENDMENT NO. 5

21 On page 1, delete line 7 in its entirety and insert the following:

22 "A.

23 * * *

24 (2) The exercise of eminent domain or expropriation powers under this
25 Section shall not allow for the expropriation of reservoir storage rights for geologic
26 storage. This prohibition against the use of expropriation of reservoir storage rights
27 for geologic storage shall not apply to the exercise of expropriation powers in
28 connection with any parish as to which Paragraph (B)(2) of this Section is applicable.

29 ~~(2)~~ (3) In the exercise of the privilege herein conferred, owners or operators
30 of such storage facilities and pipelines shall compensate the parish, municipality, or
31 road district, respectively, for any damage done to a public road, in the construction
32 of storage facilities, and the laying of pipelines, utility, telegraph, or telephone lines,
33 along, under, over, or across the road. Nothing in this Chapter shall be construed to
34 grant any transporter the right to use any public street or alley of any parish,
35 incorporated city, town, or village, except by express permission from the parish,
36 city, or other governing authority."

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored
are additions.