

RÉSUMÉ DIGEST

ACT 620 (HB 492)

2024 Regular Session

Geymann

Prior law specified that the right of eminent domain cannot prejudice an owner's land or mineral rights not acquired for a storage facility or necessary for use of acquired property.

New law clarifies that the protections afforded land owners relative to eminent domain extend to all other uses not acquired for a storage facility or necessary for use of acquired property.

Prior law provided for expropriation by the state or certain corporations, limited liability companies, or other legal entities.

New law expands expropriation beyond corporate entities by providing for expropriation by legal entities created for the purpose of, or engaged in the transportation of carbon dioxide by pipeline for underground storage, including but not limited to through connecting to an existing pipeline transporting carbon dioxide for underground storage, whether owned or operated by the same entity, and which has received a certificate of public convenience and necessity pursuant to the provisions of new law (R.S. 30:1107(B)).

Prior law authorized any domestic or foreign corporation, limited liability company, or other legal entity engaged in specified activities to expropriate needed property.

New law requires enumerated business entities to be subject to any applicable limitations contained in existing law and new law.

New law prohibits expropriation of reservoir storage rights for geologic storage of carbon dioxide, except in connection with any project as to which existing law (R.S. 30:1108(B)(2)) is applicable.

Prior law defined "storage operator" as the person authorized by the commissioner to operate a storage facility.

New law changes the definition of "storage operator" to mean the person recognized by the commissioner as the operator of a proposed or existing storage facility.

New law clarifies the duties and powers of the commissioner as they relate to eminent domain proceedings.

New law provides for issuance of certificates of public convenience and necessity to each transporter of carbon dioxide applying therefore, whether or not such transporter is also the storage operator for the laying, maintaining, and operating of a pipeline for the transportation of carbon dioxide to a storage facility, and such rights necessary and incidental thereto, if after a public hearing pursuant to the provisions of existing law, the commissioner determines that it is or will be in the present or future public interest to do so.

New law provides that the exercise of eminent domain or expropriation powers under existing law does not allow for the expropriation of reservoir storage rights for geologic storage. Specifies that this prohibition against the use of expropriation of reservoir storage rights for geologic storage does not apply to the exercise of expropriation powers in connection with any parish as to which existing law is applicable.

New law will take effect and become operative if and when the Act originating as HB 966 of the 2024 R.S. is enacted and becomes effective.

Effective August 1, 2024.

(Amends R.S. 19:2(9) - (12) and R.S. 30:1103(12), 1104(C)(intro. para.), 1107, and 1108(A)(2) and (B)(1); Adds R.S. 30:1108(A)(3))