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## DIGEST

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HB 312 Engrossed

2023 Regular Session

Robby Carter

**Abstract:** Eliminates limitations on the recovery of noneconomic damages related to carbon dioxide sequestration.

Present law provides for civil liability actions against an owner or operator of a storage facility, carbon dioxide transmission pipeline, or generator of the carbon dioxide being handled by either the facility or pipeline.

Present law provides that the state shall not assume any liability by assuming ownership of a storage facility under present law. Present law also provides that the commissioner of the Dept. of Natural Resources or his agents are not liable for damages arising out of a good faith effort to carry out the purpose of present law.

Present law provides that the compensatory damages for noneconomic loss shall not exceed \$250,000 per occurrence. Present law further provides that in cases of wrongful death, permanent and substantial physical deformity, loss of use of a limb or bodily organ system, or permanent physical or mental functional injury, the maximum amount recoverable for noneconomic loss cannot exceed \$500,000 per occurrence.

Present law provides that if the application of present law is found to be unconstitutional or invalid, the maximum amount recoverable for noneconomic loss cannot exceed \$1 million per occurrence.

Proposed law removes the limitations of the maximum amount recoverable for noneconomic losses.

(Amends R.S. 30:1109(B))

### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Natural Resources and Environment to the original bill:

1. Remove the strict liability provision applicable to damages attributable to an owner or operator's actions concerning the geologic sequestration of carbon dioxide.
2. Make technical changes.