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 insert "R.S. 19:2(9) through (12) and R.S. 30:1103(12), 1104(C), 1107, 1108(A)(2) and 3 (B)(1) and to enact R.S. 30:1108(A)(3)"

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- 5 AMENDMENT NO. 2

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

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

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

Prior to filing an expropriation suit, an expropriating authority shall attempt in good faith to reach an agreement as to compensation with the owner of the property sought to be taken and comply with all of the requirements of R.S. 19:2.2. If unable to reach an agreement with the owner as to compensation, any of the following may expropriate needed property:

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

(10) Any domestic or foreign corporation, limited liability company, or other legal entity composed of such corporations or wholly owned subsidiaries thereof created for the purpose of, or engaged in, the piping or marketing of carbon dioxide for use in connection with a secondary or tertiary recovery project for the enhanced recovery of liquid or gaseous hydrocarbons approved by the commissioner of conservation, or 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 R.S. 30:1107(B). Property located in Louisiana may be so expropriated for the transportation of carbon dioxide for underground injection in connection with such projects located in Louisiana or in other states or jurisdictions.

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

36 (12) Any domestic or foreign corporation, limited liability company, or other 37 legal entity composed of such corporations or wholly owned subsidiaries thereof 38 created for the purpose of, or engaged in, the injection of carbon dioxide for the 39 underground storage of carbon dioxide and that has received a certificate of public 40 convenience and necessity pursuant to the provisions of R.S. 30:1107(A) approved 41 by the commissioner of conservation. Property located in Louisiana may be so 42 expropriated for the underground storage of carbon dioxide in connection with such 43 storage facility projects located in Louisiana, including but not limited to surface and 44 subsurface rights, mineral rights, and other property interests necessary or useful for 45 the purpose of constructing, operating, or modifying a carbon dioxide storage facility 46 or transporting carbon dioxide by pipeline to such storage facility. This Paragraph 47 shall not allow for the expropriation of reservoir storage rights for geologic storage 48 of carbon dioxide, except in connection with any project as to which R.S.

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<u>30:1108(B)(2) is applicable.</u> This Paragraph shall have no effect on nor does it grant expropriation of the mineral rights or other property rights associated with the approvals required for injection of carbon dioxide into enhanced recovery projects approved by the commissioner under R.S. 30:4.

5 (12) Any domestic or foreign corporation, limited liability company, or other 6 legal entity created for the purpose of, or engaged in, any of the activities otherwise 7 provided for in this Section.

8 AMENDMENT NO. 3

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9 On page 1, line 5, change "Section 1." to "Section 2." and delete "R.S. 30:1108(B)(1) is 10 hereby amended and reenacted" and insert "R.S. 30:1103(12), 1104(C), 1107, 1108(A)(2) 11 and (B)(1) are hereby amended and reenacted and R.S. 30:1108(A)(3) is hereby enacted"

- 12 AMENDMENT NO. 4
- 13 On page 1, between lines 5 and 6, insert the following:

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"§1103. Definitions * *

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

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

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

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

A. The commissioner shall issue a certificate of public convenience and necessity or a certificate of completion of injection operations to each person applying therefor if, after a public hearing pursuant to the provisions of R.S. 30.630:6, held in the parish where the storage facility is to be located, he determines that it is required by the present or future public convenience and necessity, and such decision is based upon the following criteria; (1) the proposed storage facility meets the requirements of R.S. 30:1104(C) and (2) the proposed storage facility meets the requirements of any rules adopted under this Chapter. However, if any person has previously been issued a certificate of public convenience and necessity or a certificate of completion of injection operations by the commissioner, that certificate continues to remain valid and in force.

B. The commissioner shall issue a certificate 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 R.S. 30:6, he determines that it is or will be in the present or
future public interest to do so.

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

C: <u>D.</u> Notwithstanding any provision of this Chapter or any rule, regulation, or order issued by the commissioner under this Chapter to the contrary, accepting or acting pursuant to a certificate of public convenience and necessity or a certificate of completion of injection operations issued under this Chapter, compliance with the provisions of this Chapter or with rules, regulations, or orders issued by the commissioner under this Chapter or rules, regulations, or orders issued by the commissioner pursuant to this Chapter or rules, regulations, or orders issued by the commissioner pursuant to this Chapter or rules, regulations, or orders issued by the commissioner under this Chapter or rules, regulations, or orders issued by the commissioner under this Chapter shall not have the following consequences:

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

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

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

24 AMENDMENT NO. 5

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

"A.

* * *

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

33 (2) (3) In the exercise of the privilege herein conferred, owners or operators 34 of such storage facilities and pipelines shall compensate the parish, municipality, or 35 road district, respectively, for any damage done to a public road, in the construction 36 of storage facilities, and the laying of pipelines, utility, telegraph, or telephone lines, 37 along, under, over, or across the road. Nothing in this Chapter shall be construed to grant any transporter the right to use any public street or alley of any parish, 38 39 incorporated city, town, or village, except by express permission from the parish, 40 city, or other governing authority."