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**HOUSE COMMITTEE AMENDMENTS**

2024 Regular Session

Amendments proposed by House Committee on Natural Resources and Environment to  
Original House Bill No. 492 by Representative GeymannAMENDMENT NO. 1

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 (B)(1) and to enact R.S. 30:1108(A)(3)"

AMENDMENT NO. 2

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:

§2. Expropriation by state or certain corporations, limited liability 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.~~

(12) 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 injection of carbon dioxide for the underground storage of carbon dioxide and that has received a certificate of public convenience and necessity pursuant to the provisions of R.S. 30:1107(A) approved by the commissioner of conservation. Property located in Louisiana may be so expropriated for the underground storage of carbon dioxide in connection with such storage facility projects located in Louisiana, including but not limited to surface and subsurface rights, mineral rights, and other property interests necessary or useful for the purpose of constructing, operating, or modifying a carbon dioxide storage facility or transporting carbon dioxide by pipeline to such storage facility. This Paragraph shall not allow for the expropriation of reservoir storage rights for geologic storage of carbon dioxide, except in connection with any project as to which R.S.

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1 30:1108(B)(2) is applicable. This Paragraph shall have no effect on nor does it grant  
2 expropriation of the mineral rights or other property rights associated with the  
3 approvals required for injection of carbon dioxide into enhanced recovery projects  
4 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

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:

14 §1103. Definitions

15 \* \* \*

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

22 \* \* \*

23 §1104. Duties and powers of the commissioner; rules and regulations;  
24 permits

25 \* \* \*

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

34 \* \* \*

35 §1107. Certificates of public convenience and necessity; certificate of  
36 completion of injection operations

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

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

