
DIGEST

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HB 492 Engrossed

2024 Regular Session

Geymann

Abstract: Clarifies the rights of land owners relative to eminent domain.

Present law specifies 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.

Proposed law clarifies that the protections afforded land owners in present law extend to all other uses not acquired for a storage facility or necessary for use of acquired property.

Present law provides for expropriation by state or certain corporations, limited liability companies, or other legal entities. Proposed law adds to the provisions of present law by providing for expropriation by legal entities, certain 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 proposed law (R.S. 30:1107(B)).

Present law authorizes any domestic or foreign corporation, limited liability company, or other legal entity engaged in activities provided in present law to expropriate needed property.

Proposed law removes present law.

Proposed law provides that for a prohibition on the expropriation of reservoir storage rights for geologic storage of carbon dioxide, except in connection with any project as to which present law (R.S. 30:1108(B)(2)) is applicable.

Proposed law adds to the definition of "storage operator" by defining it as the person authorized by the commissioner as the operator of a proposed or existing storage facility.

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

Proposed 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 present law, the commissioner determines that it is or will be in the

present or future public interest to do so.

Proposed law provides that the exercise of eminent domain or expropriation powers under present law 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 present law is applicable.

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

Summary of Amendments Adopted by House

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

1. Add to present law providing for expropriation by legal entities, certain 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 proposed law (R.S. 30:1107(B)).
2. Specify that proposed law does not allow for the expropriation of reservoir storage rights for geologic storage of carbon dioxide, except in connection with any project as to which present law (R.S. 30:1108(B)(2)) is applicable.
3. Remove expropriation powers granted in present law to any domestic or foreign corporation, limited liability company, or other legal entity engaged in any activities provided in present law.
4. Clarify the definition of "storage operator".
5. Specify the duties and powers of the commissioner as it relates to eminent domain.
6. Provide 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 present law, he determines that it is or will be in the present or future public interest to do so.
7. Specify that the exercise of eminent domain or expropriation powers under present law 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 present law is applicable.

8. Make technical changes.