

HOUSE SUMMARY OF SENATE AMENDMENTS

HB 492

2024 Regular Session

Geymann

PROPERTY/EXPROPRIATION: Provides relative to eminent domain

Synopsis of Senate Amendments

1. Makes technical changes.
2. Provides that proposed law will take effect and become operative if and when the Act originating as HB 966 of the 2024 Regular Session is enacted and becomes effective.

Digest of Bill as Finally Passed by Senate

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 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 prohibits 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.

Present law defines "storage operator" as the person authorized by the commissioner to operate a storage facility.

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 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 present law is applicable.

Proposed law provides that proposed 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.

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