

2023 Regular Session

HOUSE BILL NO. 10

BY REPRESENTATIVE ROBBY CARTER

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

ENERGY/CONSERVATION: Removes eminent domain authority of carbon dioxide storage facility operators

1 AN ACT

2 To amend and reenact R.S. 30:1104(C)(introductory paragraph) and to repeal R.S. 19:2(12)
3 and R.S. 30:1108, relative to eminent domain for carbon dioxide storage facilities;
4 to remove eminent domain authority for operators of storage facilities; to remove
5 procedures related to the exercise of eminent domain by storage facility operators;
6 and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 30:1104(C)(introductory paragraph) is hereby amended and
9 reenacted to read as follows:

10 §1104. Duties and powers of the commissioner; rules and regulations; permits

11 * * *

12 C. Prior to the use of any reservoir for the storage of carbon dioxide ~~and~~
13 ~~prior to the exercise of eminent domain by any person, firm, or corporation having~~
14 ~~such right under laws of the state of Louisiana, and as a condition precedent to such~~
15 ~~use or to the exercise of such rights of eminent domain,~~ the commissioner, after
16 public hearing pursuant to the provisions of R.S. 30:6, held in the parish where the
17 storage facility is to be located, shall have found at least one of the following:

18 * * *

19 Section 2. R.S. 19:2(12) and R.S. 30:1108 are hereby repealed in their entirety.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 10 Original

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Abstract: Removes the authority of carbon dioxide storage facility operators to use eminent domain to acquire property or rights without the property owner's consent.

Present law provides for expropriation by the state and other specified legal entities. (R.S. 19:2)

Proposed law retains present law.

Present law authorizes expropriation by corporations, limited liability companies, and other business entities engaged in the injection of carbon dioxide for underground storage. (R.S. 19:2(12))

Proposed law repeals present law.

Present law requires the commissioner of conservation to make certain findings prior to the use of a reservoir for carbon dioxide storage or the exercise of eminent domain by a storage facility operator. (R.S. 30:1104(C))

Proposed law retains the required findings for the use of a reservoir, but removes language referencing the exercise of eminent domain.

Present law provides the purposes for which eminent domain may be exercised by storage facility operators, compensation for damage to public roads, the effect of expropriation on others' right to drill, and civil procedures for eminent domain proceedings. (R.S. 30:1108)

Proposed law repeals present law.

(Amends R.S. 30:1104(C)(intro. para.); Repeals R.S. 19:2(12) and R.S. 30:1108)