

Regular Session, 2010

SENATE BILL NO. 592

BY SENATOR MICHOT

ALTERNATE ENERGY. Authorizes the development and production of hydrokinetic energy. (gov sig)

AN ACT

To amend and reenact R.S. 30:121 and to enact R.S. 30:124.1, relative to the development of renewable energy sources; to authorize the Department of Natural Resources to grant servitudes on state lands for the development and production of energy from hydrokinetics; to provide for legislative findings; to provide a process for granting servitudes on state lands for the development and production of energy from hydrokinetics; to provide for the powers and duties of the secretary of natural resources and of the State Mineral and Energy Board; to provide for the promulgation of rules and regulations; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 30:121 is hereby amended and reenacted to read as follows:

§121. State Mineral and Energy Board created; composition and powers

* * *

E. The legislature finds that the state, through the Department of Natural Resources, should promote the generation and use of the renewable energy derived from hydrokinetics in waterways throughout the state to ensure the viability of the state's natural resources, to provide a continuing utility-scale

1 clean energy source for the citizens and businesses of Louisiana to support
2 economic development through job retention and creation in Louisiana, and to
3 promote a clean and lasting environment. The secretary of natural resources
4 shall promulgate rules and regulations pursuant to the Administrative
5 Procedures Act.

6 Section 2. R.S. 30:124.1 is hereby enacted to read as follows:

7 §124.1 Servitudes on state lands

8 Notwithstanding any other provision of law, the State Mineral and
9 Energy Board, in accordance with the provisions of this Chapter and
10 regulations promulgated by the secretary of natural resources pursuant to this
11 Chapter, shall have the authority to grant servitudes for the development and
12 production of hydrokinetic energy on any lands belonging to the state or lands
13 to which title is held by the state, including water bottoms, vacant state lands,
14 and lands adjudicated to the state at tax sale, except lands that form any portion
15 of state highway rights-of-way. A servitude shall be granted only to the holder
16 of a hydro power license or an exemption from a hydro power license covering
17 the location of such servitude issued by the Federal Energy Regulatory
18 Commission pursuant to the authority granted to the commission under the
19 Federal Power Act, 16 USC 791a et seq. Any servitude granted under the
20 provisions of this Chapter shall be subject to and conditioned upon receipt and
21 continued maintenance of a hydro power license issued by the Federal Energy
22 Regulatory Commission pursuant to the authority granted to such Commission
23 under the Federal Power Act.

24 Section 3. This Act shall become effective upon the signature by the governor or, if
25 not signed by the governor, upon expiration of the time for bills to become law without
26 signature by the governor, as provided by Article III, Section 18 of the Constitution of
27 Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act
28 shall become effective on the day following such approval.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Michelle Broussard-Johnson.

DIGEST

Proposed law provides that the Department of Natural Resources (DNR) promotes the generation and usage of renewable energy derived from hydrokinetics.

Proposed law provides that the DNR secretary shall promulgate rules and regulations pursuant to the APA.

Proposed law provides that the State Mineral and Energy Board shall have authority to grant servitudes for development and production of hydrokinetic energy on any state land, to holders of hydro power licenses, or exemptions, issued by the Federal Energy Regulatory Commission.

Effective upon the signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 30:121; adds R.S. 30:124.1)