

2024 Regular Session

HOUSE BILL NO. 276

BY REPRESENTATIVE ROBBY CARTER

ENERGY: Requires that carbon dioxide sequestration activity comply with local land use planning

1 AN ACT

2 To enact R.S. 30:1113, relative to the effect of local land use planning and zoning laws on
3 the geologic sequestration of carbon dioxide; to provide for the authority of the
4 commissioner of conservation; to provide for the applicability of local land use
5 planning and zoning requirements to carbon dioxide sequestration projects; and to
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 30:1113 is hereby enacted to read as follows:

9 §1113. Compliance with local land use planning and zoning

10 Neither the authority granted to the commissioner in this Title regarding the
11 geologic sequestration of carbon dioxide nor the issuance of a permit or order
12 pursuant to this Chapter shall be construed to relieve an owner or operator from
13 compliance with applicable local land use planning and zoning ordinances.

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 276 Original

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Abstract: Requires compliance with local land use planning and zoning laws in addition to a Class VI permit and despite the commissioner of conservation's broad authority over carbon capture activity in the state.

Present law authorizes the commissioner of conservation to perform any act necessary to carry out the requirements of the federal Safe Drinking Water Act related to the state's participation in the underground injection control program and the sequestration of carbon dioxide, including the authority to promulgate administrative rules and issue permits and orders.

Proposed law clarifies that the authority of the commissioner under present law does not preempt local enforcement of applicable land use planning and zoning ordinances.

Present law further clarifies that the issuance of an order or permit under the carbon dioxide sequestration laws does not preempt local enforcement of applicable land use planning and zoning ordinances.

(Adds R.S. 30:1113)