

2024 Regular Session

HOUSE BILL NO. 937

BY REPRESENTATIVE GEYMANN

1 AN ACT

2 To amend and reenact R.S. 30:1104(A)(10) and 1109(A)(3) and to enact R.S. 30:1103(14)
3 and 1109.1, relative to landowner liability for carbon dioxide sequestration; to
4 provide for definitions; to clarify the parties responsible for obligations established
5 by law; to provide for landowner liability; to direct the Louisiana State Law Institute
6 to make technical changes; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 30:1104(A)(10) and 1109(A)(3) are hereby amended and reenacted
9 and R.S. 30:1103(14) and 1109.1 are hereby enacted to read as follows:

10 §1103. Definitions

11 Unless the context otherwise requires, the words defined in this Section have
12 the following meaning when found in this Chapter:

13 * * *

14 (14) "Landowner" means any person who owns the surface and subsurface
15 of land or water bottoms used for geologic storage, injection, or transportation of
16 carbon dioxide who is not the owner or operator of the storage facility or carbon
17 dioxide transmission pipeline or the generator of the carbon dioxide being handled
18 by either the facility or pipeline. The term "landowner" as used in this Chapter does
19 not include the state.

1 §1104. Duties and powers of the commissioner; rules and regulations; permits

2 A. The office of conservation's actions under this Chapter shall be directed
3 and controlled by the commissioner. The commissioner shall have authority to:

4 * * *

5 (10) Promulgate rules and regulations requiring ~~interested persons~~ storage
6 operators to place monitoring equipment of a type approved by the commissioner on
7 all storage facilities, and ancillary equipment necessary and proper to monitor, verify
8 carbon dioxide injections, and to prevent waste. It shall be a violation of this
9 Chapter for any ~~person~~ operator to refuse to attach or install a monitor within a
10 reasonable period of time when ordered to do so by the commissioner, or in any way
11 to tamper with the monitors so as to produce a false or inaccurate reading.

12 * * *

13 §1109. Cessation of storage operations; limited liability release

14 A.

15 * * *

16 (3) Upon the issuance of the certificate of completion of injection operations,
17 the storage operator, all generators of any injected carbon dioxide, all owners of
18 carbon dioxide stored in the storage facility, landowners, and all owners otherwise
19 having any interest in the storage facility shall be released from any and all future
20 duties or obligations under this Chapter and any and all liability associated with or
21 related to that storage facility which arises after the issuance of the certificate of
22 completion of injection operations. The release from duties or obligations under this
23 Chapter shall not apply to a current or former owner or operator of a storage facility
24 when the duties or obligations arise from that owner or operator's noncompliance
25 with applicable underground injection control laws and regulations prior to issuance
26 of the certificate of completion of injection operations.

27 * * *

28 §1109.1. Landowner liability limitation

29 A. A landowner shall not assume or have any liability associated with or
30 related to carbon dioxide, at any time, by the mere fact of being a landowner or by

1 the mere fact of entering a contract to allow his property to be used for geologic
2 storage, injection, or transportation of carbon dioxide.

3 B. Nothing in this Section shall alter the terms of or supersede any
4 contractual agreement between a landowner and an owner or operator of a storage
5 facility, a carbon dioxide transmission pipeline, or a generator of the carbon dioxide.

6 Section 2. The Louisiana State Law Institute is hereby authorized and directed to
7 alphabetize and renumber the definitions contained in R.S. 30:1103 and to correct any
8 cross-references to the renumbered paragraphs if necessary, consistent with the provisions
9 of this Act.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____