

SENATE BILL NO. 36

BY SENATOR HENSGENS

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

1 AN ACT

2 To amend and reenact R.S. 30:1107(C) and (D) and to enact R.S. 30:1105(D) and 1107(E),  
3 relative to carbon sequestration; to provide for the jurisdiction, powers, and duties  
4 of the commissioner of conservation; to provide for public hearings; to provide for  
5 certificates of public convenience and necessity; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 30:1107(C) and (D) are hereby amended and reenacted and R.S.  
8 30:1105(D) and 1107(E) are hereby enacted to read as follows:

9 §1105. Hearings; notice; ~~rules of procedures; emergency; service of process; public~~  
10 ~~records; request for hearings; orders and compliance orders~~

11 \* \* \*

12 **D. The secretary shall give substantial consideration to local government**  
13 **comments when determining the appropriate course of action to take in any**  
14 **matter requiring a public comment period or public hearing pursuant to this**  
15 **Chapter or rules adopted pursuant to this Chapter.**

16 \* \* \*

17 §1107. Certificates of public convenience and necessity; certificate of completion

1 of injection operations

2 \* \* \*

3 C. Notwithstanding the provisions of Subsection B of this Section, if any  
4 transporter of carbon dioxide has previously been issued a certificate of public  
5 convenience and necessity prior to the effective date of this Subsection, that  
6 certificate shall continue to remain valid and in force.

7 ~~C.D.~~ The commissioner shall issue a certificate of completion of injection  
8 operations to the operator applying therefor if, after a public hearing pursuant to R.S.  
9 30:6, it is determined that such operator has met all of the conditions required for  
10 such certificate, including the requirements of R.S. 30:1109.

11 ~~D.E.~~ Notwithstanding any provision of this Chapter or any rule, regulation,  
12 or order issued by the commissioner under this Chapter to the contrary, accepting or  
13 acting pursuant to a certificate of public convenience and necessity or a certificate  
14 of completion of injection operations issued under this Chapter; compliance with the  
15 provisions of this Chapter or with rules, regulations, or orders issued by the  
16 commissioner under this Chapter; or voluntarily performing any act which could be  
17 required by the commissioner pursuant to this Chapter or rules, regulations, or orders  
18 issued by the commissioner under this Chapter shall not have the following  
19 consequences:

20 (1) Cause any storage operator or transporter of carbon dioxide for storage  
21 to become or be classified as a common carrier or a public utility for any purpose  
22 whatsoever.

23 (2) Subject any storage operator or transporter of carbon dioxide for storage  
24 to any duties, obligations, or liabilities as a common carrier or public utility under  
25 the constitution and laws of this state.

26 (3) Increase the liability of any storage operator or transporter of carbon  
27 dioxide for storage for any taxes otherwise due to the state of Louisiana in the  
28 absence of any additions or amendments to any tax laws of this state.

29 Section 2. This Act shall become effective upon signature by the governor or, if not  
30 signed by the governor, upon expiration of the time for bills to become law without signature

1 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
2 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
3 effective on the day following such approval.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_