

Regular Session, 2010

ACT No. 930

HOUSE BILL NO. 841

BY REPRESENTATIVE ARNOLD AND SENATOR MICHOT

1 AN ACT

2 To amend and reenact R.S. 30:124, relative to the State Mineral and Energy Board; to
3 provide for alternate energy resources; to authorize the State Mineral and Energy
4 Board to lease state lands for the exploration, development, and production of energy
5 from alternative energy resources; to provide definitions, terms, and conditions; to
6 provide for rulemaking authority; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 30:124 is hereby amended and reenacted to read as follows:

9 §124. Board may lease public lands; fee

10 A. The legislature finds that the state, through the Department of Natural
11 Resources, should promote the generation and use of alternative energy sources,
12 including but not limited to wind energy, geothermal energy, solar energy, and
13 hydrokinetic energy, throughout the state to ensure the viability of the state's natural
14 resources, to provide a continuing utility-scale clean energy source for the citizens
15 and businesses of Louisiana, to support economic development through job retention
16 and creation in Louisiana, and to promote a clean environment.

17 B. The State Mineral and Energy Board, hereinafter referred to as the
18 "board", has authority to lease for the development and production of minerals, oil,
19 and gas, or alternative energy sources, any lands belonging to the state, or the title
20 to which is in the public, including road beds, water bottoms, vacant state lands, and
21 lands adjudicated to the state at tax sale. The board, in consultation with the
22 Department of Transportation and Development, shall adopt rules and regulations
23 in accordance with the Administrative Procedure Act to implement the provisions
24 of this Subpart.

1 C. As used in this Section, "alternative energy sources" means energy
 2 sources other than oil, gas, and other liquid, solid, or gaseous minerals. It shall
 3 include, but not be limited to, wind energy, geothermal energy, solar energy, and
 4 hydrokinetic energy. It shall not include the cultivation or harvesting of biomass
 5 fuels or the use of state land or water bottoms for facilities which utilize biomass fuel
 6 to produce energy.

7 D. No lease shall be granted for hydrokinetic energy development that is
 8 inconsistent with the terms of a preliminary permit, license, exemption, or other
 9 authorization issued by the Federal Energy Regulatory Commission pursuant to its
 10 authority under the Federal Power Act, 16 U.S.C. 791a, et seq.

11 E. The ~~mineral~~ board is further authorized to collect a fee for such leasing
 12 in the amount of ten percent of the total cash bonus paid at the lease sale. The fee
 13 shall be in addition to the total cash bonus paid.

14 Section 2. This Act shall take effect and become operative if and when the Act
 15 which originated as Senate Bill No. 183 of this 2010 Regular Session of the Legislature is
 16 enacted and becomes effective.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____