

2026 Regular Session

HOUSE BILL NO. 7

BY REPRESENTATIVES MIKE JOHNSON, BUTLER, DEWITT, FIRMENT,
GEYMANN, OWEN, AND SCHAMERHORN

PROPERTY/EXPROPRIATION: Enacts the Louisiana Landowners Protection Act

1 AN ACT

2 To amend and reenact R.S. 30:4(C)(17)(a), 1102(A), 1104(A)(1) and (C)(introductory
3 paragraph), and 1107, to enact R.S. 19:2.3, and to repeal R.S. 19:2(10) and (11) and
4 R.S. 30:4(C)(17)(b), 1104.2, and 1108, relative to the transportation and
5 sequestration of carbon dioxide without a property owner's consent; to remove
6 expropriation authority related to the sequestration of carbon dioxide; to remove
7 expropriation authority for carbon dioxide pipelines; to prohibit expropriation by
8 private entities related to carbon dioxide transport and sequestration; to provide for
9 public policy regarding carbon dioxide transport and sequestration; to provide for the
10 powers of the secretary of the Department of Energy and Conservation; to remove
11 the secretary's authority to order unit operation for carbon dioxide sequestration; to
12 remove the secretary's authority to issue certificates of public convenience and
13 necessity related to carbon dioxide transportation and sequestration; to provide an
14 effective date; and to provide for related matters.

15 Be it enacted by the Legislature of Louisiana:

16 Section 1. This Act shall be known and may be cited as the "Louisiana Landowners
17 Protection Act."

18 Section 2. R.S. 19:2.3 is hereby enacted to read as follows:

19 §2.3. Expropriation for carbon dioxide transport and geologic storage prohibited

A. Notwithstanding any provision of law to the contrary, expropriation by private entities for the purpose, in whole or in part, of transporting carbon dioxide by pipeline or the geologic storage of carbon dioxide is prohibited.

B. For the purposes of this Section, "private entities" shall include any juridical person other than the state, its political subdivisions, or political corporations or the United States or its agencies, including but not limited to domestic, foreign, and alien associations, business organizations, and legal entities privately owned in whole or in part; public-private partnerships and private associations, corporations, or individuals engaged in a cooperative endeavor with the state, its political subdivisions, or political corporations; and any contractors, subsidiaries, affiliates, and other entities acting on behalf of or in conjunction with a private entity.

C. No order, permit, or certificate issued prior to the effective date of this

Section shall confer any right of eminent domain or expropriating authority.

Section 3. R.S. 30:4(C)(17)(a), 1102(A), 1104(A)(1) and (C)(introductory paragraph), and 1107 are hereby amended and reenacted to read as follows:

§4. Jurisdiction, duties, and powers of the secretary; rules and regulations

* * *

C. The secretary has authority to make, after notice and hearings as provided in this Chapter, any reasonable rules, regulations, and orders that are necessary from time to time in the proper administration and enforcement of this Chapter, including rules, regulations, or orders for the following purposes:

* * *

(17)(a) To regulate the construction design and operation of pipelines transmitting carbon dioxide to serve secondary and tertiary recovery projects for increasing the ultimate recovery of oil or gas, ~~including the issuance of certificates of public convenience and necessity for pipelines serving such projects approved hereunder.~~

* * *

§1102. Policy; jurisdiction

~~A. It is declared to be in the public interest for a public purpose and the policy of Louisiana that:~~

~~(1) Carbon dioxide is a valuable commodity to the citizens of the state.~~

(2) It is the public policy of Louisiana and the purpose of this Chapter to provide for a coordinated statewide program related to the transport and geologic storage of carbon dioxide and to also fulfill the state's primary ~~responsibility for~~ responsibilities of assuring compliance with the federal Safe Drinking Water Act, including any amendments thereto, related to the underground injection of carbon dioxide, protecting the natural resources of the state, and safeguarding the individual rights protected by the Constitution of Louisiana.

* * *

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

A. The department's actions under this Chapter shall be directed and controlled by the secretary. The secretary shall have authority to:

(1) Regulate the development and operation of storage facilities and pipelines transporting carbon dioxide to storage facilities, including unitization in accordance with the provisions of R.S. 30:1104.2 and the issuance of certificates of public convenience and necessity for storage facilities and pipelines in accordance with the provisions of R.S. 30:1107.

* * *

C. Prior to the use of any reservoir for the storage of carbon dioxide and prior to the exercise of eminent domain pursuant to the provisions of R.S. 19:2(11) and R.S. 30:1108 by any person, firm, or corporation having such right under laws of the state of Louisiana, and as a condition precedent to such use or to the exercise of such rights of eminent domain pursuant to the provisions of R.S. 19:2(11) and R.S. 30:1108, the secretary, after public hearing pursuant to the provisions of R.S.

30:6, held in the parish where the storage facility is to be located, shall have found at least one of the following:

* * *

§1107. Certificates of ~~public convenience and necessity~~; certificate of completion of injection operations

A.(1) ~~The secretary shall issue a certificate of public convenience and necessity or a certificate of completion of injection operations to each person applying therefor if, after a public hearing pursuant to the provisions of R.S. 30:6 held in the parish where the storage facility is to be located, the secretary determines that it is required by the present or future public convenience and necessity, and such decision is based upon the following criteria:~~

(a) ~~The proposed storage facility meets the requirements of R.S. 30:1104(C).~~

(b) ~~The proposed storage facility meets the requirements of any rules adopted under this Chapter.~~

(2) ~~However, if any person has previously been issued a certificate of public convenience and necessity or a certificate of completion of injection operations by the secretary, that certificate continues to remain valid and in force.~~

B. ~~The secretary may issue a certificate of public convenience and necessity to each transporter of carbon dioxide applying therefor, whether or not such transporter is also the storage operator for the laying, maintaining, and operating of a pipeline for the transportation of carbon dioxide to a storage facility, and such rights necessary and incidental thereto if, after a public hearing pursuant to the provisions of R.S. 30:6, the secretary determines that it is or will be in the present or future public interest to do so and finds one of the following:~~

(1) ~~The applicant requires the use of expropriation due solely to the presence of absentee owners that cannot be located after a reasonable attempt to do so.~~

(2) ~~The applicant is or intends to operate as a common carrier.~~

C. ~~Notwithstanding the provisions of Subsection B of this Section, if any transporter of carbon dioxide has previously been issued a certificate of public~~

1 ~~convenience and necessity prior to the effective date of this Subsection, that~~
2 ~~certificate shall continue to remain valid and in force.~~

3 ~~D.~~ The secretary shall issue a certificate of completion of injection
4 operations to the operator applying therefor if, after a public hearing pursuant to R.S.
5 30:6, it is determined that such operator has met all of the conditions required for
6 such certificate, including the requirements of R.S. 30:1109.

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

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

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

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

24 * * *

25 Section 4. R.S. 19:2(10) and (11) and R.S. 30:4(C)(17)(b), 1104.2, and 1108 are
26 hereby repealed in their entirety.

27 Section 5. This Act shall become effective upon signature by the governor or, if not
28 signed by the governor, upon expiration of the time for bills to become law without signature
29 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

- 1 vetoed by the governor and subsequently approved by the legislature, this Act shall become
2 effective on the day following such approval.
-

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 7 Original

2026 Regular Session

Mike Johnson

Abstract: Removes expropriation authority for carbon dioxide pipelines and storage facilities, prohibits expropriation by private entities related to carbon dioxide transport and sequestration, and removes unitization authority for carbon dioxide storage facilities.

Present law authorizes the use of expropriation by companies that inject carbon dioxide for geologic sequestration.

Proposed law repeals present law.

Present law authorizes the use of expropriation by pipeline companies that transport carbon dioxide for geologic storage.

Proposed law repeals present law.

Present law authorizes the use of expropriation by pipeline companies that transport carbon dioxide for enhanced oil recovery.

Proposed law repeals present law.

Proposed law further prohibits expropriation by private entities related to carbon dioxide sequestration and the transportation of carbon dioxide by pipeline.

Present law authorizes the secretary of the Dept. of Conservation and Energy to issue certificates of public convenience and necessity for carbon dioxide pipelines and carbon dioxide storage facilities.

Proposed law repeals present law.

Present law declares that it is in the public interest for a public purpose and the policy of the state that carbon dioxide is a valuable commodity to the citizens of the state.

Proposed law removes the present law declaration.

Present law provides that the state's primary responsibility related to the geologic storage of carbon dioxide is to assure compliance with the federal Safe Drinking Water Act.

Proposed law retains present law and adds that the state's primary responsibilities also include protecting the state's natural resources and safeguarding individual constitutional rights.

Present law authorizes the secretary of the Dept. of Conservation and Energy to order the unit operation of carbon dioxide storage facilities.

Proposed law removes the unitization authorized under present law.

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

(Amends R.S. 30:4(C)(17)(a), 1102(A), 1104(A)(1) and (C)(intro para), and 1107; Adds R.S. 19:2.3; Repeals R.S. 19:2(10) and (11) and R.S. 30:4(C)(17)(b), 1104.2, and 1108)