

2026 Regular Session

HOUSE BILL NO. 7

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

PROPERTY/EXPROPRIATION: Enacts the Louisiana Landowners Protection Act

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

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

13 C. No order, permit, or certificate issued prior to the effective date of this
14 Section shall confer any right of eminent domain or expropriating authority.

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

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

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1 §1102. Policy; jurisdiction

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

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

12 * * *

13 §1104. Duties and powers of the secretary; rules and regulations; permits

21 * * *

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

1 30:6, held in the parish where the storage facility is to be located, shall have found
2 at least one of the following:

* * *

4 §1107. Certificates of public convenience and necessity, certificate of completion
5 of injection operations

6 A.(1) The secretary shall issue a certificate of public convenience and
7 necessity or a certificate of completion of injection operations to each person
8 applying therefor if, after a public hearing pursuant to the provisions of R.S. 30.6
9 held in the parish where the storage facility is to be located, the secretary determines
10 that it is required by the present or future public convenience and necessity, and such
11 decision is based upon the following criteria:

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

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

18 B. The secretary may issue a certificate of public convenience and necessity
19 to each transporter of carbon dioxide applying therefor, whether or not such
20 transporter is also the storage operator for the laying, maintaining, and operating of
21 a pipeline for the transportation of carbon dioxide to a storage facility, and such
22 rights necessary and incidental thereto if, after a public hearing pursuant to the
23 provisions of R.S. 30.6, the secretary determines that it is or will be in the present or
24 future public interest to do so and finds one of the following:

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

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

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

convenience and necessity prior to the effective date of this Subsection, that
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:

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)