

2026 Regular Session

HOUSE BILL NO. 841

BY REPRESENTATIVE GEYMANN

PROPERTY/EXPROPRIATION: Provides for expropriation procedures

1 AN ACT

2 To enact R.S. 19:2.1(C), 2.2(A)(1)(d), and 2.3 and R.S. 30:4.4, relative to expropriation
3 procedures; to establish a code of conduct for pipeline owners and operators issued
4 a certificate granting expropriation authority; to provide for the powers of the
5 secretary of the Department of Conservation and Energy; to provide relative to
6 appraisals; to provide for court costs; to establish procedures for contesting the
7 validity of a proposed taking; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 19:2.1(C), 2.2(A)(1)(d), and 2.3 and R.S. 30:4.4 are hereby enacted
10 to read as follows:

11 §2.1. Petition for expropriation; place of filing; contents; claims for damages;
12 prescription

13 * * *

14 C. The court costs for any expropriation proceeding initiated by an
15 expropriating authority identified in R.S. 19.2 other than the state or its political
16 corporations or subdivisions, shall be borne by the expropriating authority.

17 * * *

18 §2.2. Expropriation by expropriating authorities referred to in R.S. 19:2

19 A. Before exercising the rights of expropriation provided by R.S. 19:2, any
20 expropriating authority referred to in R.S. 19:2 shall comply with the following:

1 (1) Provide the owner whose property is to be taken with the following
2 information from its appraisal or evaluation as to the amount of compensation due
3 the owner for the full extent of his loss:

4 * * *

5 (d) A sworn statement that the appraiser is a disinterested third party with
6 no monetary interest in any transaction related to the expropriation other than
7 undertaking a fair and accurate appraisal of the landowner's property.

8 * * *

9 §2.3. Contesting the validity of proposed taking

10 A. Any defendant in an expropriation proceeding desiring to contest the
11 validity of the taking on any of the following grounds may file a motion to dismiss
12 the suit at any time prior to a final judgement:

13 (1) The plaintiff is not an expropriating authority under R.S. 19:2.

14 (2) The expropriating authority did not negotiate in good faith prior to filing
15 suit.

16 (3) The expropriating authority did not comply with the requirements of this
17 Part or the requirements of any other applicable law that imposes duties on the
18 expropriating authority prior to initiating an expropriation proceeding.

19 (4) The expropriating authority acted arbitrarily, capriciously, or otherwise
20 in bad faith.

21 B. Failure of a defendant to file a motion to dismiss on these grounds
22 provided in Subsection A of this Section shall not constitute a waiver of any rights
23 to bring a separate action on these grounds.

24 C. A defendant filing a motion to dismiss pursuant to this Section shall be
25 entitled to dismissal with prejudice if it is established that the expropriating authority
26 has used threats, coercion, harassment, or other manipulative tactics under the color
27 of law to pressure the defendant into accepting an offer.

28 Section 2. R.S. 30:4.4 is hereby enacted to read as follows:

29 §4.4. Pipeline certificates; code of conduct

1 A. Any pipeline owner or operator issued a certificate pursuant to this
2 Subtitle that confers the right to expropriate property shall, in addition to any other
3 legal requirements, comply with the following prior to exercising that right:

4 (1) Provide written notice to the landowner of the intent to acquire property
5 or property rights. The notice shall be sent to all property owners whose addresses
6 are known, unless those owners have jointly designated a representative to receive
7 such communications. The notice shall include:

8 (a) The name and contact information of the owner or operator.

9 (b) Identifying information regarding the certificate under which the owner
10 or operator has been delegated expropriating authority.

11 (c) Contact information for the Department of Conservation and Energy.

12 (d) A clear statement of the owner or operator's interest in the property.

13 (e) A copy of the statutory requirements the certificate holder is required to
14 perform prior to initiating an expropriation proceeding.

15 (2) Provide the landowner or designated representative a reasonable
16 opportunity to be present during any inspection of the property conducted for
17 appraisal purposes. Regardless of whether the landowner or representative is present
18 during an inspection or appraisal, they shall be allowed the opportunity to provide
19 information to the appraiser regarding the condition and features of the property,
20 comparable rights of use on the subject property or nearby, and any other
21 information the landowner may deem relevant for valuation purposes.

22 (3) Engage in good faith negotiations with the landowner or their
23 representative as required by R.S. 19:2 et seq. Such negotiations shall include no
24 fewer than five in-person meetings or documented attempts to meet in person. The
25 in-person requirement may be satisfied with other forms of real-time communication
26 requested by the landowner.

27 (4) Submit a written offer to the landowner or their representative that
28 includes:

29 (a) The amount offered as just compensation.

1 (b) A legal description of the property and the specific interest to be
2 acquired.

3 (c) A list and description of any buildings or improvements located on the
4 property to be affected by the acquisition.

5 (5) Allow the landowner or their representative at least thirty calendar days
6 from receipt of the written offer to respond with additional information or a
7 counteroffer.

8 B. If the secretary finds that any owner or operator has failed to comply with
9 this Section or has otherwise misused or abused the authority delegated to them as
10 an expropriating authority under a certificate issued, the secretary may, after notice
11 to the owner or operator and an opportunity to be heard, revoke the certificate and
12 impose penalties for a violation of this Title pursuant to R.S. 30:18.

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 841 Original

2026 Regular Session

Geymann

Abstract: Establishes additional pre-expropriation requirements for pipeline operators that are issued a certificate by the Dept. of Conservation and Energy that confers the right of eminent domain, authorizes the secretary to enforce those requirements, requires that private expropriating authorities bear the court costs for an expropriation proceeding, and provides procedures to contest a proposed expropriation on the grounds of bad faith of an expropriating authority.

Present law establishes the types of companies that may expropriate property and the procedures these expropriating authorities must follow prior to initiating an expropriation proceeding.

Proposed law retains present law.

Proposed law adds a new requirement that a company authorized to expropriate under present law, excluding public entities, will be responsible for paying court costs of an expropriation proceeding.

Present law requires an expropriating authority to provide a property owner with specific information regarding the appraisal of their property.

Proposed law retains present law and adds a requirement that the expropriating authority provide the property owner with a sworn statement from the appraiser that they are a disinterested 3rd party with no interest in the expropriation other than a professional one.

Proposed law provides a procedure for a defendant in an expropriation proceeding to contest the validity of a proposed taking on the following grounds:

- (1) The plaintiff is not an expropriating authority under present law.
- (2) The expropriating authority did not negotiate in good faith prior to filing suit.
- (3) The expropriating authority did not satisfy all legal requirements prior to initiating the expropriation proceeding.
- (4) The expropriating authority acted arbitrarily, capriciously, or otherwise in bad faith.

Present law authorizes the Department of Conservation and Energy to regulate pipelines and authorizes the secretary to issue certificates of convenience and necessity and certificates of transportation for pipelines, which give the certificate holder the right to exercise eminent domain.

Proposed law retains present law.

Proposed law establishes a code of conduct for pipeline owners and operators who have been issued a certificate by the secretary which confers the right to expropriate.

Proposed law requires that prior to initiating an expropriation proceeding, the certificate holder must provide written notice to the landowners that includes contact and identifying information of the certificate holder, department contact information, a copy of the legal requirements the certificate holder must meet prior to filing an expropriation suit, and a clear statement of the certificate holder's interest in the property.

Proposed law requires that prior to initiating an expropriation proceeding, the certificate holder must allow the landowner to be present for appraisals and allow the landowner to provide the appraiser with any information the landowner believes is relevant to valuation, including comparable rights of way.

Proposed law requires that the certificate holder conduct or try to conduct at least five in-person meetings, or meetings via other means of communication if requested by the landowner. Further provides that this proposed law is required to for satisfaction of the requirement to negotiate in good faith under present law.

Proposed law requires that a written offer be made to the landowner that includes the amount offered, a legal description of the property interest to be acquired, and a description of any improvements on the property that would be affected.

Proposed law requires that a landowner be given at least 30 days to respond to a written offer.

Proposed law allows the secretary to revoke a pipeline certificate and impose penalties provided under present law on the certificate holder if they fail to comply with the pre-expropriation requirements under proposed law or if they misuse or abuse the eminent domain authority delegated to them by the certificate.

(Adds R.S. 19:2.1(C), 2.2(A)(1)(d), and 2.3 and R.S. 30:4.4)