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## DIGEST

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HB 841 Original

2026 Regular Session

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**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 3<sup>rd</sup> 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)