

2026 Regular Session

HOUSE BILL NO. 841

BY REPRESENTATIVES GEYMANN, BRAUD, CARRIER, COATES, DEWITT,  
DOMANGUE, TRAVIS JOHNSON, KERNER, JACOB LANDRY, MCCORMICK,  
ORGERON, AND SAWYER

PROPERTY/EXPROPRIATION: Provides for expropriation procedures

1 AN ACT

2 To amend and reenact R.S. 30:1108(C)(1), to enact R.S. 19:2.2(A)(1)(d) and R.S. 30:4.4,  
3 and to repeal R.S. 30:1108(C)(2), relative to expropriation procedures; to establish  
4 a code of conduct for owners and operators issued a certificate granting expropriation  
5 authority; to provide for the powers of the secretary of the Department of  
6 Conservation and Energy; to provide relative to appraisals; to provide for penalties;  
7 and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 19:2.2(A)(1)(d) is hereby enacted to read as follows:

10 §2.2. Expropriation by expropriating authorities referred to in R.S. 19:2

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

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

16 \* \* \*

17 (d) A sworn statement that the appraiser is a disinterested third party with  
18 no monetary interest in any transaction related to the expropriation other than  
19 undertaking a fair and accurate appraisal of the landowner's property and receiving  
20 a reasonable fee for the appraiser's services.

21 \* \* \*

1 Section 2. R.S. 30:1108(C)(1) is hereby amended and reenacted and R.S. 30:4.4 is  
2 hereby enacted to read as follows:

3 §4.4. Pipeline and other certificates; code of conduct

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

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

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

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

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

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

16 (e) A copy of the statutory requirements the certificate holder is required to  
17 comply with prior to initiating an expropriation proceeding.

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

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

1 operator shall not threaten the imposition of attorneys fees or costs in connection  
2 with any expropriation proceeding.

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

5 (a) The amount offered as just compensation.

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

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

10 (5) Allow the landowner or their representative at least fifteen calendar days  
11 from delivery of the written offer, or from the sender's receipt of notification of a  
12 failed attempt to deliver the written offer by United States certified mail or  
13 commercial courier, to respond with additional information or a counteroffer.

14 B. If the secretary finds, after notice and an opportunity to be heard, that any  
15 owner or operator has failed to comply with this Section or has otherwise misused  
16 or abused the authority delegated to them as an expropriating authority under a  
17 certificate issued, the owner or operator shall be subject to the penalties provided for  
18 in this Subsection.

19 (1) The secretary may revoke any certificate granting the owner or operator  
20 expropriating authority.

21 (2)(a) Any person found to have violated this Section shall be liable to the  
22 department for a civil penalty as follows:

23 (i) One thousand dollars for the first violation.

24 (ii) Two thousand dollars for the second violation.

25 (iii) Ten thousand dollars for a third or subsequent violation.

26 (b) The penalty shall be assessed by the secretary by written notice. The  
27 secretary or the attorney general may bring a civil action to recover any penalties  
28 assessed pursuant to this Paragraph.



disinterested 3<sup>rd</sup> party with no interest in the expropriation other than a professional interest and reasonable fees for their appraisal services.

Present law authorizes the Dept. of Conservation and Energy to regulate energy-related industries and authorizes the secretary to issue certificates of convenience and necessity and certificates of transportation which give the certificate holder the right to exercise eminent domain.

Proposed law retains present law.

Proposed law establishes a code of conduct for 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 prohibits the use of threats that the property owner will have to pay court costs and attorneys fees in an expropriation proceeding during negotiations.

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 15 days to respond to a written offer and provides that the 15 days starts on the date the offer is delivered to the property owner or the date the sender receives notification of a failed attempt to deliver the offer by certified mail of commercial courier.

Proposed law provides that a violation of the code of conduct or any other misuse or abuse of the expropriating authority delegated to them by the certificate will subject the violator to the following civil penalties after notice and an opportunity to be heard:

- (1) The secretary may revoke the certificate under which the owner or operator is acting.
- (2) The secretary must impose a fine of \$1,000 for a first offense, \$2,000 for a second offense, and \$10,000 for a third or subsequent offense.
- (3) The department must maintain a list of persons who have violated proposed law on their website.

Proposed law provides that the secretary may assess fines by written notice and that the collection of fines may be enforced by civil suit brought by the secretary or the attorney general.

Proposed law requires that any fines collected by the dept. be deposited into the Oil and Gas Regulatory Dedicated Fund Account.

Present law establishes pre-expropriation procedures applicable to carbon dioxide storage facility and pipelines operators.

Proposed law repeals present law and provides that the exercise of the right of eminent domain for carbon dioxide sequestration purposes is subject to the code of conduct contained in proposed law.

(Amends R.S. 30:1108(C)(1), Adds R.S. 19:2.2(A)(1)(d) and R.S. 30:4.4, Repeals R.S. 30:1108(C)(2))

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Natural Resources and Environment to the original bill:

1. Make technical changes.
2. Expand applicability of the code of conduct to all owners and operators issued a certificate by the Department of Conservation and Energy that conveys expropriating authority, rather than applying just to pipelines issued such a certificate.
3. Remove provision regarding court costs in expropriation proceedings.
4. Remove provisions creating procedures for contesting a proposed taking.
5. Add a statement that an appraiser's interest in a transaction related to an expropriation can include reasonable fees for their appraisal services.
6. Add to the code of conduct provisions a prohibition against threatening that a landowner will have to pay court costs and attorneys fees in an expropriation proceeding.
7. Reduce the delay for a landowner to respond to a written offer from 30 days to 15 days and establish that this delay is from either the date the written offer is delivered to the property owner or the date the sender receives notification of a failed attempt to deliver the written offer by certified mail or commercial courier.
8. Repeal pre-expropriation procedural requirements that apply to specifically to carbon dioxide sequestration storage operators and pipelines and add language making these expropriations subject to the code of conduct in proposed law.
9. Remove application of penalties under present law for a violation of the code of conduct.
10. Add graduated civil fines for violations of the code of conduct and provide for how fines are assessed and collected and provide for the deposit of fines collected in the Oil and Gas Regulatory Dedicated Fund Account.
11. Add provision requiring the Department of Conservation and Energy to maintain a list of persons who have violated the code of conduct on their website.