
DIGEST

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HB 841 Engrossed

2026 Regular Session

Geymann

Abstract: Establishes a code of conduct for pre-expropriation procedural requirements applicable to owners and operators issued a certificate by the Dept. of Conservation and Energy that confers expropriating authority, authorizes the secretary to enforce the code of conduct, and establishes penalties for violations of the code of conduct.

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.

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 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.