

2026 Regular Session

HOUSE BILL NO. 37

BY REPRESENTATIVE OWEN

PROPERTY/EXPROPRIATION: Prohibits foreign entities from conducting expropriation activities

1 AN ACT

2 To amend and reenact R.S. 19:2, relative to expropriation by a foreign entity; to prohibit  
3 expropriation by a foreign entity in certain circumstances; and to provide for related  
4 matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 19:2 is hereby amended and reenacted to read as follows:

7 §2. Expropriation by state or certain corporations, limited liability companies, or  
8 other legal entities

9 A. Prior to filing an expropriation suit, an expropriating authority shall  
10 attempt in good faith to reach an agreement as to compensation with the owner of the  
11 property sought to be taken and comply with all of the requirements of R.S. 19:2.2.  
12 If unable to reach an agreement with the owner as to compensation, any of the  
13 following may expropriate needed property:

14 (1) The state or its political corporations or subdivisions created for the  
15 purpose of exercising any state governmental powers.

16 (2) Any domestic or foreign corporation, limited liability company, or other  
17 legal entity created for, or engaged in, the construction of railroads, toll roads, or  
18 navigation canals.

1           (3) Any domestic or foreign corporation, limited liability company, or other  
2       legal entity created for, or engaged in, the construction or operation of street  
3       railways, urban railways, or inter-urban railways.

4           (4) Any domestic or foreign corporation, limited liability company, or other  
5       legal entity created for, or engaged in, the construction or operation of waterworks,  
6       filtration and treating plants, or sewerage plants to supply the public with water and  
7       sewerage.

8           (5) Any domestic or foreign corporation, limited liability company, or other  
9       legal entity created for, or engaged in, the piping and marketing of natural gas for the  
10      purpose of supplying the public with natural gas as a common carrier or contract  
11      carrier or any domestic or foreign corporation, limited liability company, or other  
12      legal entity which is or will be a natural gas company or an intrastate natural gas  
13      transporter as defined by federal or state law, composed entirely of such entities or  
14      composed of the wholly owned subsidiaries of such entities. As used in this  
15      Paragraph, "contract carrier" means any legal entity that transports natural gas for  
16      compensation or hire pursuant to special contract or agreement with unaffiliated third  
17      parties.

18          (6) Any domestic or foreign corporation, limited liability company, or other  
19      legal entity created for the purpose of, or engaged in, transmitting intelligence by  
20      telegraph or telephone.

21          (7) Any domestic or foreign corporation, limited liability company, or other  
22      legal entity created for the purpose of, or engaged in, generating, transmitting, and  
23      distributing or for transmitting or distributing electricity and steam for power,  
24      lighting, heating, or other such uses subject to the following qualifications. Property  
25      located in Louisiana may be expropriated exclusively by an electric public utility as  
26      defined in R.S. 45:121 or an affiliated entity either for a transmission or generation  
27      project that is approved and included in a multistate regional transmission  
28      organization's or independent system operator's transmission expansion plan or  
29      identified by such regional transmission organization or independent system operator

1 as necessary for the reliability of the electric system or necessary for the  
2 interconnection of a generator, or for generating plants, buildings, transmission lines,  
3 stations or substations, distribution lines, or other associated facilities if a majority  
4 of the electricity or steam power to be generated, transmitted, or distributed in  
5 connection with these intended facilities will be delivered to end-users located within  
6 Louisiana. The generating plants, buildings, transmission lines, stations, and  
7 substations expropriated or for which property was expropriated shall be so located,  
8 constructed, operated, and maintained as not to be dangerous to persons or property  
9 nor interfere with the use of the wires of other wire using companies or, more than  
10 is necessary, with the convenience of the landowners. The terms "Regional  
11 Transmission Organization" and "Independent System Operator" shall have the  
12 meanings provided by 16 U.S.C. 796. In the event that any provision or provisions  
13 of this Paragraph are declared invalid or unenforceable by any court of competent  
14 jurisdiction, the remaining terms and provisions that are not affected thereby shall  
15 remain in full force and effect.

16 (8) All persons included in the definition of common carrier pipelines as set  
17 forth in R.S. 45:251.

18 (9) Any domestic or foreign corporation, limited liability company, or other  
19 legal entity created for the purpose of, or engaged in, piping or marketing of coal or  
20 lignite in whatever form or mixture convenient for transportation within a pipeline  
21 as otherwise provided for in R.S. 30:721 through 723.

22 (10) Any domestic or foreign corporation, limited liability company, or other  
23 legal entity created for the purpose of, or engaged in, the piping or marketing of  
24 carbon dioxide for use in connection with a secondary or tertiary recovery project for  
25 the enhanced recovery of liquid or gaseous hydrocarbons approved by the  
26 commissioner of conservation, or created for the purpose of, or engaged in, the  
27 transportation of carbon dioxide by pipeline for underground storage, including but  
28 not limited to through connecting to an existing pipeline transporting carbon dioxide  
29 for underground storage, whether owned or operated by the same entity, and which

1 has received a certificate of public convenience and necessity pursuant to the  
2 provisions of R.S. 30:1107(B). Property located in Louisiana may be so  
3 expropriated for the transportation of carbon dioxide for underground injection in  
4 connection with such projects located in Louisiana or in other states or jurisdictions.

5 (11) Any domestic or foreign corporation, limited liability company, or other  
6 legal entity created for the purpose of, or engaged in, the injection of carbon dioxide  
7 for the underground storage of carbon dioxide and that has received a certificate of  
8 public convenience and necessity pursuant to the provisions of R.S. 30:1107(A).  
9 Property located in Louisiana may be so expropriated for the underground storage  
10 of carbon dioxide in connection with such storage facility projects located in  
11 Louisiana, including but not limited to surface and subsurface rights, mineral rights,  
12 and other property interests necessary or useful for the purpose of constructing,  
13 operating, or modifying a carbon dioxide storage facility. This Paragraph shall not  
14 allow for the expropriation of reservoir storage rights for geologic storage of carbon  
15 dioxide, except in connection with any project as to which R.S. 30:1108(B)(2) is  
16 applicable. This Paragraph shall have no effect on nor does it grant expropriation of  
17 the mineral rights or other property rights associated with the approvals required for  
18 injection of carbon dioxide into enhanced recovery projects approved by the  
19 commissioner under R.S. 30:4.

20 (12) Subject to any applicable limitations in this Section, any domestic or  
21 foreign corporation, limited liability company, or other legal entity created for the  
22 purpose of, or engaged in, any of the activities otherwise provided for in this Section.

23 B. The provisions of this Title shall not apply to any foreign corporation,  
24 limited liability company, or other legal entity not incorporated or registered to do  
25 business under the laws of any state or territory of the United States or the District  
26 of Columbia.

27 C. The provisions of this Title shall not apply to any foreign corporation,  
28 limited liability company, or other legal entity whose country of primary ownership

1       or incorporation does not have a reciprocal expropriation agreement with the United  
2       States.

# 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 37 Original

2026 Regular Session

Owen

**Abstract:** Prohibits expropriation by a foreign entity in certain circumstances.

Proposed law prohibits the expropriation of property by any foreign corporation, limited liability company, or other legal entity not incorporated or registered to do business under the laws of any state or territory of the U.S. or the District of Columbia.

Proposed law prohibits the expropriation of property by any foreign corporation, limited liability company, or other legal entity whose country of primary ownership or incorporation does not have a reciprocal expropriation agreement with the U.S.

(Amends R.S. 19:2)