

2026 Regular Session

SENATE BILL NO. 61

BY SENATOR WHEAT

CONSERVATION. Authorizes parish governing authorities and citizens to determine whether Class VI injection wells, carbon dioxide sequestration, or carbon dioxide pipelines may be permitted within a parish. (gov sig)

AN ACT

To enact R.S. 30:4(C)(17)(c), 1104(F), and 1104.3, relative to carbon dioxide sequestration and pipeline permitting determinations by parishes; to authorize parish governing authorities to determine whether Class VI injection wells, carbon dioxide sequestration, and pipelines transporting carbon dioxide may be permitted within a parish; to authorize local option elections to determine whether Class VI wells, carbon dioxide sequestration, and pipelines transporting carbon dioxide may be permitted within a parish; to provide procedures for local option elections; to provide for the authority of the secretary of the Department of Conservation and Energy; to provide for notice to the department; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 30:4(C)(17)(c), 1104(F), and 1104.3 are hereby enacted to read as follows:

§4. Jurisdiction, duties, and powers of the secretary; rules and regulations

* * *

C. The secretary has authority to make, after notice and hearings as provided

in this Chapter, any reasonable rules, regulations, and orders that are necessary from time to time in the proper administration and enforcement of this Chapter, including rules, regulations, or orders for the following purposes:

* * *

(17)

* * *

(c) The secretary's authority pursuant to this Paragraph shall be subject to the local option procedures set forth in Chapter 11 of this Subtitle.

* * *

§1104. Duties and powers of the secretary; rules and regulations; permits

* * *

F.(1) Notwithstanding any provision of law to the contrary, the secretary shall not issue any order, permit, or certificate authorizing Class VI injection wells, carbon dioxide sequestration, or pipelines transporting carbon dioxide in any parish where prohibited pursuant to the local option procedure set forth in this Chapter.

(2) The prohibition in this Section shall prevent the final issuance of any order, permit, or certificate, regardless of whether the application was previously submitted to the department.

* * *

§1104.3. Local option

A. A parish governing authority and the citizens of a parish may determine whether Class VI injection wells, carbon dioxide sequestration, or pipelines transporting carbon dioxide are permitted within a particular parish as provided in this Section.

B.(1) A parish governing authority may, by ordinance, determine whether or not Class VI injection wells, carbon dioxide sequestration, or pipelines transporting carbon dioxide may be permitted within the parish.

(2) A copy of any ordinance passed for this purpose shall be provided to

1 the department by the governing authority.

2 (3) Any prohibition passed by a governing authority pursuant to this
3 Subsection shall become effective upon its adoption by the parish governing
4 authority.

5 C. In addition to the procedure provided in Subsection B of this Section,
6 a parish-wide election may be held to determine whether or not Class VI
7 injection wells, carbon dioxide sequestration, or pipelines transporting carbon
8 dioxide shall be permitted within that parish pursuant to the following
9 procedures:

10 (1) A parish governing authority may call an election for this purpose
11 upon its own initiative and shall call an election for this purpose when requested
12 to do so by written petition signed by a least fifteen percent of the qualified
13 electors of the parish, as certified by the parish registrar of voters. Whether
14 initiated by the parish governing authority or by petition, the election shall be
15 ordered by a resolution adopted by the parish governing authority that states
16 the purpose for which the election is being called and the date the election is to
17 be held.

18 (2) Any election called pursuant to this Section shall be held in
19 accordance with the provisions of the Louisiana Election Code governing
20 proposition or question elections.

21 (3)(a) If a majority of the electors voting in the election vote to allow
22 Class VI injection wells, carbon dioxide sequestration, or pipelines transporting
23 carbon dioxide, then such activity may be permitted within the parish as
24 provided by law.

25 (b) If a majority of the electors voting in the election vote not to allow
26 Class VI injection wells, carbon dioxide sequestration, or pipelines transporting
27 carbon dioxide, then such activity shall be prohibited within the parish.

28 (4) The parish governing authority that ordered the election shall
29 promulgate the results of the election by ordinance adopted at its first regular

1 meeting after the election and shall notify the department of the results.

2 (5) Elections authorized by this Section shall not be held more than once
3 in a five-year period.

4 (6) Any prohibition determined by an election pursuant to this
5 Subsection shall be effective upon certification of the election results by the
6 parish registrar of voters.

7 D. In the event that there are conflicting determinations made by a
8 parish governing authority adopting an ordinance pursuant to Subsection B of
9 this Section and the results of an election held pursuant to Subsection C of this
10 Section, the results of the election shall govern and may not be superseded by
11 subsequent action taken by the parish governing authority alone until the
12 expiration of five years from the date of the most recent election held for this
13 purpose.

14 E. Notwithstanding any provision of law to the contrary, a local
15 determination made pursuant to this Section shall supersede and preempt any
16 conflicting state or local law, regulation, order, permit, or certificate. No
17 application, option agreement, site control agreement, or preliminary or draft
18 approval shall confer vested rights or grandfathered authority inconsistent with
19 a parish prohibition adopted pursuant to this Section.

20 Section 2. If any provision of this Act or the application thereof is held invalid, such
21 invalidity shall not affect other provisions or applications of this Act which can be given
22 effect without the invalid provisions or applications, and to this end the provisions of this
23 Act are hereby declared severable.

24 Section 3. This Act shall become effective upon signature by the governor or, if not
25 signed by the governor, upon expiration of the time for bills to become law without signature
26 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
27 vetoed by the governor and subsequently approved by the legislature, this Act shall become
28 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, 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)]

	DIGEST	
SB 61 Original	2026 Regular Session	Wheat

Present law authorizes the Dept. of Conservation and Energy (C&E) to permit and regulate Class VI carbon dioxide injection wells, geologic storage of carbon dioxide, and pipelines transporting carbon dioxide within the state.

Proposed law creates an exception to C&E's permitting authority for a parish where Class VI wells, carbon dioxide sequestration, or pipelines transporting carbon dioxide have been prohibited by parish governing authority ordinance, or by local option election.

Proposed law provides that such prohibition by ordinance shall be effective upon its adoption.

Proposed law authorizes a parish governing authority to order a parish-wide election for electors of the parish to determine whether Class VI wells, carbon dioxide sequestration, or pipelines transporting carbon dioxide are permitted in the parish.

Proposed law requires a parish governing authority to order a parish-wide election to determine whether Class VI wells, carbon dioxide sequestration, or pipelines transporting carbon dioxide are permitted in the parish, if requested to do so by written petition signed by a least fifteen percent of the qualified electors of the parish, as certified by the parish registrar of voters.

Proposed law requires a parish governing authority to pass the results of any election by ordinance, and provides that any prohibition determined by election is effective upon certification of the election results.

Proposed law limits such elections to once every five years.

Proposed law provides that a conflict between action of a parish governing authority and results of an election called for this purpose shall be resolved in favor of the election results. Further prohibits superseding action by the parish governing authority for five years following the election.

Proposed law requires a parish governing authority to notify C&E of an election result and to provide C&E a copy of any ordinance passed pursuant to proposed law.

Proposed law provides that a local determination made pursuant to proposed law supersedes and preempts any conflicting state or local law, regulation, order, permit, or certificate.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 30:4(C)(17)(c), 1104(F), and 1104.3)