

2025 Regular Session

HOUSE BILL NO. 553

BY REPRESENTATIVE SCHAMERHORN

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

ENERGY/CONSERVATION: Prohibits the exercise of eminent domain or unitization for a pipeline that carries carbon dioxide

1 AN ACT

2 To amend and reenact R.S. 19:2(10) and R.S. 30:1108(A)(1), (C), and (D) and to enact R.S.
3 30:1108.1, relative to the acquisition of property for carbon sequestration related
4 activities; to prohibit the exercise of eminent domain or unitization for the purposes
5 of constructing or operating a pipeline for carbon dioxide transport; and to provide
6 for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 19:2(10) is hereby amended and reenacted to read as follows:

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

11 Prior to filing an expropriation suit, an expropriating authority shall attempt
12 in good faith to reach an agreement as to compensation with the owner of the
13 property sought to be taken and comply with all of the requirements of R.S. 19:2.2.

14 If unable to reach an agreement with the owner as to compensation, any of the
15 following may expropriate needed property:

16 * * *

17 (10) Any domestic or foreign corporation, limited liability company, or other
18 legal entity created for the purpose of, or engaged in, the piping or marketing of
19 carbon dioxide for use in connection with a secondary or tertiary recovery project for
20 the enhanced recovery of liquid or gaseous hydrocarbons approved by the

1 condition that the traffic thereon is not interfered with, and that such road or highway
2 is promptly restored to its former condition of usefulness, at the expense of the
3 storage facility ~~and the pipeline owner if different from the storage operator~~, the
4 restoration to be subject also to the supervision and approval of the proper local
5 authorities.

6 * * *

7 C. ~~The eminent domain authority authorized under this Chapter shall be~~
8 ~~exercised pursuant to the procedures found in R.S. 19:2, and shall be in addition to~~
9 ~~any other power of eminent domain authorized by law.~~

10 D. The commissioner is neither a necessary nor indispensable party to an
11 eminent domain proceeding, and if named as a party or third party has an absolute
12 right to be dismissed from said action at the expense of the party who names the
13 commissioner. The commissioner shall recover all costs reasonably incurred to be
14 dismissed from the action, including attorney fees.

15 §1108.1. Prohibition of eminent domain or unitization for carbon dioxide transport

16 A. Notwithstanding any provision of law to the contrary, no corporation,
17 person, or other entity shall exercise the right of eminent domain to acquire surface
18 rights or property interests to construct or operate a pipeline for the primary purpose
19 of transporting carbon dioxide.

20 B. No unitization order shall be issued by the commissioner to authorize the
21 use of private property to construct or operate a pipeline for the primary purpose of
22 transporting carbon dioxide without the property owner's consent.

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 553 Original

2025 Regular Session

Schamerhorn

Abstract: Prohibits the exercise of eminent domain or unitization for the purposes of constructing or operating a pipeline for carbon dioxide transport.

Present law provides for expropriation by the state or certain corporations, limited liability companies, or other legal entities.

Present law (R.S. 19:2(10)) provides for expropriation by any domestic or foreign corporation, limited liability company, or other legal entity created for the purpose of, or engaged in, the piping or marketing of carbon dioxide for use in connection with a secondary or tertiary recovery project for the enhanced recovery of liquid or gaseous hydrocarbons approved by the commissioner of conservation, or created for the purpose of, or engaged in, the transportation of carbon dioxide by pipeline for underground storage or for property located in La. for the transportation of carbon dioxide for underground injection in connection with such projects located in La. or in other states or jurisdictions.

Proposed law removes the provision contained in present law that allows for expropriation by any legal entity of property for the transportation of carbon dioxide for underground injection.

Present law (R.S. 30:1108) authorizes any storage operator, after obtaining any permit and any certificate of public convenience and necessity from the commissioner, to exercise the power of eminent domain and expropriate needed property to acquire surface and subsurface rights and property interests necessary or useful for the purpose of constructing, operating, or modifying a storage facility and the necessary infrastructure including the laying, maintaining, and operating of pipelines for the transportation of carbon dioxide to a storage facility.

Proposed law removes the provision in present law authorizing any storage operator to exercise the power of eminent domain and expropriate needed property for the laying, maintaining, and operating of pipelines for the transportation of carbon dioxide to a storage facility.

Proposed law (R.S. 30:1108.1) prohibits any person or legal entity from exercising the right of eminent domain or unitization to acquire rights for the construction or operation of a carbon dioxide pipeline. However, authorizes unitization with consent of the property owner.

(Amends R.S. 19:2(10) and R.S. 30:1108(A)(1), (C), and (D); Adds R.S. 30:1108.1)