
DIGEST

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HB 601 Original

2025 Regular Session

Geymann

Abstract: Clarifies commissioner of conservation's authority and duties regarding the issuance of certificates of public convenience and necessity for transporters of carbon dioxide for geologic storage; requires transporters to obtain written consent from 95% of the owners in interest in a proposed pipeline right-of-way before obtaining a certificate; and limits the use of expropriation to no more than the remaining 5% of the pipeline length; and prohibits foreign owned legal entities from using expropriation for carbon dioxide sequestration.

Present law provides for expropriation by state or certain corporations, limited liability companies, or other legal entities, including carbon dioxide sequestration operators and pipeline companies.

Proposed law limits the expropriating authority of these pipeline companies by requiring they obtain written consent from 95% of the owners in interest for the total length included in the pipeline right of way.

Proposed law prohibits carbon dioxide sequestration operators and pipeline companies owned by, or with a controlling interest held by, countries other than the United States or persons who aren't American citizens or permanent U.S. residents from being considered expropriating authorities under present law.

Proposed law further requires specified notice be provided to property owners by carbon dioxide sequestration pipelines companies as part of the process required under present law prior to the expropriation of property.

Present law provides for issuance of certificates of public convenience and necessity to each transporter of carbon dioxide applying therefore, and such rights necessary and incidental thereto, if after a public hearing the commissioner determines that it is or will be in the public interest to do so.

Proposed law limits the issuance of a certificate to no more than 5% of the total area within a proposed CO2 pipeline right-of-way.

Proposed law clarifies the duties and powers of the commissioner as they relate to the issuance of certificates of public convenience and necessity for transporters of carbon dioxide for geologic storage. Proposed law further provides that, in addition to a finding that it will be in the public interest, the commissioner must find that:

(1) 95% of the owners in interest within the proposed pipeline right-of-way have consented to

the right-of-way.

- (2) That the applicant considered alternative routes and found them unfeasible. The applicant must provide details regarding the routes considered, the cost of using each alternative route, and the reasons that each was determined to be unfeasible.

Proposed law specifies how the 95% consent threshold must be calculated.

Proposed law requires the commissioner to also consider concerns and alternative routes from opposing landowners.

Proposed law authorizes the commissioner to require the submission of additional information deemed necessary to make an informed ruling.

Proposed law authorizes the commissioner to require modification of the proposed right of way before issuing a certificate.

Proposed law provides for appeal of the commissioner's ruling on a certificate application to the 1st Circuit Court of Appeals.

Present law authorizes the use of eminent domain for CO2 pipelines following receipt of a certificate of public convenience and necessity.

Proposed law adds the 95% consent threshold language for CO2 pipelines to the eminent domain provisions of present law.

(Amends R.S. 19:2(10) and (11) and R.S. 30:1107(B); Adds R.S. 19:2.3 and R.S. 30:1108(A)(4))