

2026 Regular Session

HOUSE BILL NO. 5

BY REPRESENTATIVES MIKE JOHNSON, BUTLER, DEWITT, FIRMENT, OWEN,
AND SCHAMERHORN

ENERGY: Authorizes parish governing authorities and citizens to determine whether Class VI injection wells, carbon dioxide sequestration, and carbon dioxide pipelines may be permitted within a parish

1 AN ACT

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

12 Be it enacted by the Legislature of Louisiana:

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

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

16 * * *

17 C. The secretary has authority to make, after notice and hearings as provided
18 in this Chapter, any reasonable rules, regulations, and orders that are necessary from

1 time to time in the proper administration and enforcement of this Chapter, including
2 rules, regulations, or orders for the following purposes:

3 * * *

4 (17)

5 * * *

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

8 * * *

9 §1104. Duties and powers of the secretary; rules and regulations; permits

10 * * *

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

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

18 * * *

19 §1104.3. Local option

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

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

27 (2) A copy of any resolution or ordinance passed for this purpose shall be
28 provided to the department by the governing authority.

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

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

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

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

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

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

24 (4) The parish governing authority that ordered the election shall promulgate
25 the results of the election by resolution or ordinance adopted at its first regular
26 meeting after the election and shall notify the department of the results.

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

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

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

10 E. Any local determination made pursuant to this Section shall supersede and
11 preempt any conflicting state or local law, regulation, order, permit, or certificate.
12 No application, option agreement, site control agreement, or preliminary or draft
13 approval shall confer vested rights or grandfathered authority inconsistent with a
14 parish prohibition adopted pursuant to this Section.

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

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

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 5 Original

2026 Regular Session

Mike Johnson

Abstract: Authorizes individual parishes to determine whether or not Class VI carbon dioxide injection wells, carbon dioxide sequestration, and pipelines transporting

carbon dioxide may be permitted within their parish by action of the parish governing authority or by local option election.

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

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

Proposed law authorizes parish governing authorities to determine by resolution or ordinance whether Class VI wells, carbon dioxide sequestration, or pipelines transporting carbon dioxide may be permitted within the parish.

Proposed law provides that any prohibition by a local governing authority will be effective upon its adoption.

Proposed law further authorizes parish governing authorities to order a parish-wide election on their own initiative for electors of the parish to determine whether Class VI wells, carbon dioxide sequestration, or pipelines transporting carbon dioxide should be permitted in the parish.

Proposed law requires a parish governing authority to order a parish-wide election if 15% of the qualified electors of the parish sign a petition requesting an election on the question of whether Class VI wells, carbon dioxide sequestration, or pipelines transporting carbon dioxide should be permitted within the parish. Proposed law requires that this petition be certified by the parish registrar of voters.

Proposed law requires the parish governing authority to pass the results of any election by resolution or ordinance.

Proposed law provides that any prohibition determined in an election will be effective upon certification of the election results.

Proposed law only allows for one election to be held for this purpose within a five-year period.

Proposed law provides that any conflict between an independent action of the parish governing authority and the results of an election called for this purpose will be resolved in favor of the election results. If such a conflict occurs, proposed law also provides that the prevailing election results cannot be superseded by any independent action of the parish governing authority for five years following the election.

Proposed law requires the parish governing authority to notify the dept. of any resolution, ordinance, or election results stemming from proposed law.

Proposed law provides that a local determination made under proposed law will supersede any conflicting laws, regulations, or actions of the dept.

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

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