

2025 Regular Session

HOUSE BILL NO. 380

BY REPRESENTATIVE SCHAMERHORN

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

ENERGY/CONSERVATION: Removes eminent domain authority for carbon dioxide sequestration

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AN ACT

To amend and reenact R.S. 19:2(introductory paragraph) and (10) and R.S. 30:1102(A) and 1104(C)(introductory paragraph) and to repeal R.S. 19:2(11) and R.S. 30:1108, relative to eminent domain for carbon dioxide sequestration; to remove expropriation authority for carbon dioxide sequestration; to remove expropriation authority for pipelines for the transportation of carbon dioxide for geologic sequestration; to remove the declaration of public interest and public purpose for carbon dioxide sequestration; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 19:2(introductory paragraph) and (10) are hereby amended and reenacted to read as follows:

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

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

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

* * *

1 federal Safe Drinking Water Act, including any amendments thereto related to the
2 underground injection of carbon dioxide.

3 * * *

4 §1104. Duties and powers of the commissioner; rules and regulations; permits

5 * * *

6 C. Prior to the use of any reservoir for the storage of carbon dioxide ~~and~~
7 ~~prior to the exercise of eminent domain pursuant to the provisions of R.S. 19:2(11)~~
8 ~~and R.S. 30:1108 by any person, firm, or corporation having such right under laws~~
9 ~~of the state of Louisiana, and as a condition precedent to such use or to the exercise~~
10 ~~of such rights of eminent domain pursuant to the provisions of R.S. 19:2(11) and~~
11 ~~R.S. 30:1108~~, the commissioner, after public hearing pursuant to the provisions of
12 R.S. 30:6, held in the parish where the storage facility is to be located, shall have
13 found at least one of the following:

14 * * *

15 Section 3. R.S. 19:2(11) and R.S. 30:1108 are hereby repealed in their entirety.

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 380 Original

2025 Regular Session

Schamerhorn

Abstract: Removes eminent domain authority for carbon dioxide sequestration.

Present law authorizes the use of eminent domain, or expropriation, for companies that inject carbon dioxide for geologic sequestration and for companies that transport carbon dioxide through pipelines for geologic sequestration.

Proposed law removes all eminent domain authority related to carbon dioxide sequestration.

Present law states that geologic storage of carbon dioxide is in the public interest for a public purpose.

Proposed law removes present law.

(Amends R.S. 19:2(intro. para.) and (10) and R.S. 30:1102(A) and 1104(C)(intro. para.); Repeals R.S. 19:2(11) and R.S. 30:1108)