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

1	AN ACT
2	To amend and reenact R.S. 19:2(introductory paragraph) and (10) and R.S. 30:1102(A) and
3	1104(C)(introductory paragraph) and to repeal R.S. 19:2(11) and R.S. 30:1108,
4	relative to eminent domain for carbon dioxide sequestration; to remove expropriation
5	authority for carbon dioxide sequestration; to remove expropriation authority for
6	pipelines for the transportation of carbon dioxide for geologic sequestration; to
7	remove the declaration of public interest and public purpose for carbon dioxide
8	sequestration; and to provide for related matters.
9	Be it enacted by the Legislature of Louisiana:
10	Section 1. R.S. 19:2(introductory paragraph) and (10) are hereby amended and
11	reenacted to read as follows:
12	§2. Expropriation by state or certain corporations, limited liability companies, or
13	other legal entities
14	Prior to filing an expropriation suit, an expropriating authority shall attempt
15	in good faith to reach an agreement as to on compensation with the owner of the
16	property sought to be taken, and comply with all of the requirements of R.S. 19:2.2.
17	If unable to reach an agreement with the owner as to compensation, any of the
18	following may expropriate needed property:
19	* * *

Page 1 of 3

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	(10) Any domestic or foreign corporation, limited liability company, or other
2	legal entity created for the purpose of, or engaged in, the piping or marketing of
3	carbon dioxide for use in connection with a secondary or tertiary recovery project for
4	the enhanced recovery of liquid or gaseous hydrocarbons approved by the
5	commissioner of conservation, or created for the purpose of, or engaged in, the
6	transportation of carbon dioxide by pipeline for underground storage, including but
7	not limited to through connecting to an existing pipeline transporting carbon dioxide
8	for underground storage, whether owned or operated by the same entity, and which
9	has received a certificate of public convenience and necessity pursuant to the
10	provisions of R.S. 30:1107(B). Property located in Louisiana may be so
11	expropriated for the transportation of carbon dioxide for underground injection in
12	connection with such projects located in Louisiana or in other states or jurisdictions.
13	* * *
14	Section 2. R.S. 30:1102(A) and 1104(C)(introductory paragraph) are hereby
15	amended and reenacted to read as follows:
16	§1102. Policy; jurisdiction
17	A. It is declared to be in the public interest for a public purpose and the
18	policy of Louisiana that:
19	(1) The geologic storage of carbon dioxide will benefit the citizens of the
20	state and the state's environment by reducing greenhouse gas emissions.
21	(2) Carbon dioxide is a valuable commodity to the citizens of the state.
22	(3) Geologic storage of carbon dioxide may allow for the orderly withdrawal
23	as appropriate or necessary, thereby allowing carbon dioxide to be available for
24	commercial, industrial, or other uses, including the use of carbon dioxide for
25	enhanced recovery of oil and gas.
26	(4) It is the public policy of Louisiana and the purpose of this Chapter to
27	provide for a coordinated statewide program related to the storage of carbon dioxide
28	and to also fulfill the state's primary responsibility for assuring compliance with the

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.

<u>Present law</u> 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.

<u>Present law</u> 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)