

SENATE BILL NO. 108

BY SENATOR SEABAUGH

1 AN ACT

2 To amend and reenact R.S. 19:2(7), relative to expropriation; to provide for the generating,
3 transmitting, and distributing of electricity and steam by certain corporations and
4 other legal entities; to prohibit the expropriation of certain transmission lines; and
5 to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 19:2(7) is hereby amended and reenacted to read as follows:

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

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

15 * * *

16 (7) Any domestic or foreign corporation, limited liability company, or other
17 legal entity created for the purpose of, or engaged in, generating, transmitting, and
18 distributing or for transmitting or distributing electricity and steam for power,
19 lighting, heating, or other such uses subject to the following qualifications.
20 Property located in Louisiana may be expropriated exclusively by an electric
21 public utility as defined in R.S. 45:121 or an affiliated entity either for a
22 transmission or generation project that is approved and included in a multi-
23 state regional transmission organization's or independent system operator's
24 transmission expansion plan or identified by such regional transmission
25 organization or independent system operator as necessary for the reliability of
26 the electric system or necessary for the interconnection of a generator, or for

generating plants, buildings, transmission lines, stations or substations, distribution lines, or other associated facilities if a majority of the electricity or steam power to be generated, transmitted, or distributed in connection with these intended facilities will be delivered to end-users located within Louisiana.

The generating plants, buildings, transmission lines, stations, and substations expropriated or for which property was expropriated shall be so located, constructed, operated, and maintained as not to be dangerous to persons or property nor interfere with the use of the wires of other wire using companies or, more than is necessary, with the convenience of the landowners. The terms "Regional Transmission Organization" and "Independent System Operator" shall have the meanings provided by 16 U.S.C. 796. In the event that any provision or provisions of this Paragraph are declared invalid or unenforceable by any court of competent jurisdiction, the remaining terms and provisions that are not affected thereby shall remain in full force and effect.

* * *

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____