

SENATE BILL NO. 108

BY SENATOR SEABAUGH

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AN ACT

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

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 19:2(7) is 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 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:

\* \* \*

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

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

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

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_