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The original instrument was prepared by Jacob Wilson. The following digest, which does not constitute a part of the legislative instrument, was prepared by Hanna Gettys.

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SB 238 Engrossed

DIGEST  
2024 Regular Session

Seabaugh

Present law provides that a right of use includes both rights contemplated or necessary at the time of creation and rights that may later become necessary, provided that a greater burden is not imposed on the property.

Proposed law specifies that present law applies to both rights necessary at the time of creation and those that later may become necessary, unless otherwise stipulated, and to the extent allowed by law.

Proposed law provides a summary procedure for providing written notice of a planned pipeline crossing. Proposed law provides that a person intending to construct a pipeline for gathering or transmitting natural gas, oil, or carbon dioxide may utilize the procedure to notify the owner of the existing pipeline.

Proposed law provides that the notice shall be sent to the owner's publicly designated email address or by courier or certified mail to the registered agent if no email is designated.

Proposed law provides that the notice shall include contact information for the entity proposing the crossing; a crossing drawing; pipe specifications; the vertical separation and angle between the pipelines; and the method of installation.

Proposed law provides that after 30 days of receipt of the notice by the existing pipeline owner, the notifying party may commence a summary proceeding to determine or enforce his rights in accordance with state law.

Proposed law provides that nothing in proposed law precludes the notifying party from pursuing judicial relief or any remedy provided by law.

Proposed law provides that it shall not affect any rights or obligations under Louisiana Underground Utilities and Facilities Damage Prevention Law, and proposed law shall be effective as to all pipeline crossing, including those subject to pending judicial demand.

Present law requires that a person obtaining a personal servitude or right of way across private property for certain facilities attach to the servitude or right of way instrument a plat, sketch, or aerial photograph of the servitude location, and record the same in parish records.

Proposed law retains present law and adds predial servitudes and rights of way upon private property to the documentation requirements.

Proposed law provides that unless otherwise stipulated, a pipeline servitude or right of way shall be limited to the physical space in which the pipeline rests and the surface area and space required to perform activities expressly contemplated in the instrument. Further provides limitations must be delineated on a plat or sketch showing the boundaries.

Present law provides that present law shall apply only to a servitude or right of way obtained after August 1, 1970.

Proposed law deletes present law and provides that nothing in proposed law shall alter or impair the rights of any person under an existing servitude.

Effective August 1, 2024.

(Amends C.C. Art 642 and R.S. 9:2726; adds R.S. 9:1114)

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Judiciary A to the original bill

1. Removes present law application date of servitudes.
2. Provides that nothing shall alter or impair the rights of any person under an existing servitude.