

2024 Regular Session

SENATE BILL NO. 108

BY SENATOR SEABAUGH

EXPROPRIATION. Provides relative to expropriation. (8/1/24)

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

1 distributing or for transmitting or distributing electricity and steam for power,  
 2 lighting, heating, or other such uses; **provided that, except as to a transmission or**  
 3 **generation project that is approved and included in a multi-state regional**  
 4 **transmission organization's or independent system operator's transmission**  
 5 **expansion plan or identified by such regional transmission organization or**  
 6 **independent system operator as necessary for the reliability of the electric**  
 7 **system or necessary for the interconnection of a generator, this Paragraph is not**  
 8 **applicable to, and no expropriation is authorized, whether for generating plants,**  
 9 **buildings, transmission lines, stations or substations, or other associated**  
 10 **facilities, unless a majority of the electricity or steam power to be generated,**  
 11 **transmitted, or distributed in connection with these intended facilities will be**  
 12 **delivered to end-users located within Louisiana.** The generating plants, buildings,  
 13 transmission lines, stations, and substations expropriated or for which property was  
 14 expropriated shall be so located, constructed, operated, and maintained as not to be  
 15 dangerous to persons or property nor interfere with the use of the wires of other wire  
 16 using companies or, more than is necessary, with the convenience of the landowners.

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

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DIGEST

SB 108 Engrossed                      2024 Regular Session                      Seabaugh

Present law provides expropriating authority to the state and its political subdivisions, and certain corporations, limited liability companies, or other legal entities.

Present law authorizes domestic and foreign corporations, limited liability companies, or other legal entities created for the purpose of generating, transmitting, and distributing electricity and steam for power, lighting, heating, or other such uses to expropriate needed property.

Proposed law retains present law and provides that except as to 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, proposed law is not applicable to, and no expropriation is authorized, whether for generating plants, buildings, transmission lines, stations or substations, or associated facilities, unless at the time of the expropriation a majority of the electricity or steam power to be generated, transmitted, or

distributed is intended to be delivered to end-users located within Louisiana.

Effective August 1, 2024.

(Amends R.S. 19:2(7))

Summary of Amendments Adopted by Senate

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

1. Clarifies present law that except as to 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.