

SENATE BILL NO. 466

BY SENATOR SEABAUGH

1 AN ACT

2 To amend and reenact R.S. 19:2, relative to expropriation of property by foreign entities; to  
3 provide for foreign powers; to provide for majority ownership; to provide for  
4 identification of foreign adversaries; to provide for geographic limitations; to provide  
5 for military bases; to provide relative to aircraft, airports, and other navigation and  
6 aerospace facilities; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

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

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

11 A. Prior to filing an expropriation suit, an expropriating authority shall  
12 attempt in good faith to reach an agreement as to compensation with the owner of the  
13 property sought to be taken and comply with all of the requirements of R.S. 19:2.2.

14 If unable to reach an agreement with the owner as to compensation, any of the  
15 following may expropriate needed property:

16 (1) The state or its political corporations or subdivisions created for the  
17 purpose of exercising any state governmental powers.

18 (2) Any domestic or foreign corporation, limited liability company, or other  
19 legal entity created for, or engaged in, the construction of railroads, toll roads, or  
20 navigation canals.

21 (3) Any domestic or foreign corporation, limited liability company, or other

1 legal entity created for, or engaged in, the construction or operation of street  
2 railways, urban railways, or inter-urban railways.

3 (4) Any domestic or foreign corporation, limited liability company, or other  
4 legal entity created for, or engaged in, the construction or operation of waterworks,  
5 filtration and treating plants, or sewerage plants to supply the public with water and  
6 sewerage.

7 (5) Any domestic or foreign corporation, limited liability company, or other  
8 legal entity created for, or engaged in, the piping and marketing of natural gas for the  
9 purpose of supplying the public with natural gas as a common carrier or contract  
10 carrier or any domestic or foreign corporation, limited liability company, or other  
11 legal entity which is or will be a natural gas company or an intrastate natural gas  
12 transporter as defined by federal or state law, composed entirely of such entities or  
13 composed of the wholly owned subsidiaries of such entities. As used in this  
14 Paragraph, "contract carrier" means any legal entity that transports natural gas for  
15 compensation or hire pursuant to special contract or agreement with unaffiliated third  
16 parties.

17 (6) Any domestic or foreign corporation, limited liability company, or other  
18 legal entity created for the purpose of, or engaged in, transmitting intelligence by  
19 telegraph or telephone.

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

1 stations or substations, distribution lines, or other associated facilities if a majority  
2 of the electricity or steam power to be generated, transmitted, or distributed in  
3 connection with these intended facilities will be delivered to end-users located within  
4 Louisiana. The generating plants, buildings, transmission lines, stations, and  
5 substations expropriated or for which property was expropriated shall be so located,  
6 constructed, operated, and maintained as not to be dangerous to persons or property  
7 nor interfere with the use of the wires of other wire using companies or, more than  
8 is necessary, with the convenience of the landowners. The terms "Regional  
9 Transmission Organization" and "Independent System Operator" shall have the  
10 meanings provided by 16 U.S.C. 796. In the event that any provision or provisions  
11 of this Paragraph are declared invalid or unenforceable by any court of competent  
12 jurisdiction, the remaining terms and provisions that are not affected thereby shall  
13 remain in full force and effect.

14 (8) All persons included in the definition of common carrier pipelines as set  
15 forth in R.S. 45:251.

16 (9) Any domestic or foreign corporation, limited liability company, or other  
17 legal entity created for the purpose of, or engaged in, piping or marketing of coal or  
18 lignite in whatever form or mixture convenient for transportation within a pipeline  
19 as otherwise provided for in R.S. 30:721 through 723.

20 (10) Any domestic or foreign corporation, limited liability company, or other  
21 legal entity created for the purpose of, or engaged in, the piping or marketing of  
22 carbon dioxide for use in connection with a secondary or tertiary recovery project for  
23 the enhanced recovery of liquid or gaseous hydrocarbons approved by the  
24 commissioner of conservation, or created for the purpose of, or engaged in, the  
25 transportation of carbon dioxide by pipeline for underground storage, including but  
26 not limited to through connecting to an existing pipeline transporting carbon dioxide  
27 for underground storage, whether owned or operated by the same entity, and which  
28 has received a certificate of public convenience and necessity pursuant to the  
29 provisions of R.S. 30:1107(B). Property located in Louisiana may be so expropriated  
30 for the transportation of carbon dioxide for underground injection in connection with

1 such projects located in Louisiana or in other states or jurisdictions.

2 (11) Any domestic or foreign corporation, limited liability company, or other  
3 legal entity created for the purpose of, or engaged in, the injection of carbon dioxide  
4 for the underground storage of carbon dioxide and that has received a certificate of  
5 public convenience and necessity pursuant to the provisions of R.S. 30:1107(A).  
6 Property located in Louisiana may be so expropriated for the underground storage  
7 of carbon dioxide in connection with such storage facility projects located in  
8 Louisiana, including but not limited to surface and subsurface rights, mineral rights,  
9 and other property interests necessary or useful for the purpose of constructing,  
10 operating, or modifying a carbon dioxide storage facility. This Paragraph shall not  
11 allow for the expropriation of reservoir storage rights for geologic storage of carbon  
12 dioxide, except in connection with any project as to which R.S. 30:1108(B)(2) is  
13 applicable. This Paragraph shall have no effect on nor does it grant expropriation of  
14 the mineral rights or other property rights associated with the approvals required for  
15 injection of carbon dioxide into enhanced recovery projects approved by the  
16 commissioner under R.S. 30:4.

17 (12) Subject to any applicable limitations in this Section, any domestic or  
18 foreign corporation, limited liability company, or other legal entity created for the  
19 purpose of, or engaged in, any of the activities otherwise provided for in this Section.

20 **(13) Any domestic corporation, any foreign corporation organized or**  
21 **incorporated under the laws of another state and authorized or registered to do**  
22 **business in this state, any limited liability company, or any other legal entity**  
23 **that is created for the purpose of, or that engages in, any activity involving the**  
24 **research, development, testing, operation, manufacture, or construction of**  
25 **aircraft, airports, or related aviation facilities, including but not limited to**  
26 **spaceflight activities, landing fields, landing strips, and navigation facilities,**  
27 **when the property utilized for such purposes consists of not less than twenty**  
28 **thousand contiguous acres and contains no residential structures.**

29 **B. No foreign power, alien, or corporation in which the majority of stock**  
30 **is controlled by any foreign power, alien, or alien corporation that is considered**

1            **a foreign adversary as identified in 15 CFR 7.4(a) and identified in the database**  
2            **maintained by the United States Department of the Treasury, office of foreign**  
3            **assets shall expropriate property under the authority of this Section if the**  
4            **property to be expropriated is within fifty miles of a military base.**

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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: \_\_\_\_\_