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## DIGEST

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Montoucet

HB No.

**Abstract:** Provides limitations on the use of property expropriated for pipelines and requires courts to consider the value of property used as a pipeline corridor when deciding the amount of full compensation to landowners when the property is expropriated for the specific purpose of placing pipelines.

Present law provides that before exercising the rights of expropriation provided by R.S. 19:2, any expropriating authority referred to in R.S. 19:2 shall offer to compensate the owner a specific amount not less than the lowest appraisal or evaluation.

Proposed law provides that the expropriating authority shall offer the highest appraisal or evaluation.

Proposed law applies to an expropriating authority which qualifies as a common carrier and which is authorized to expropriate for the purpose of placing or utilizing underground, surface, or overhead pipelines.

Proposed law limits the use of property expropriated by an expropriating authority to the use and maintenance of the pipeline or pipelines specifically designated in the judgment granting the expropriation.

Proposed law prohibits the expropriating authority from constructing any additional pipelines or allowing the construction of additional pipelines by any other expropriating authority without the consent of the landowner or approval of the court, and provides that the landowner shall be entitled to additional compensation for the addition of any pipelines.

Proposed law provides that in compensating the landowner to the full extent of his loss for the expropriation of the property, the court shall consider not only the loss sustained by the landowner from the restricted use of the surface but also the market value of the property interest taken as a pipeline corridor.

Proposed law provides that the landowner is entitled to additional annual payments for the continued interruption of the use of the property taken until the use of the pipeline ceases, and that such payments shall continue to a successor in title to the property.

Proposed law provides for an adjustment of the annual payments every five years by an amount equal to the average annual increase in the Consumer Price Index for All Urban Consumers (CPI-U) for the preceding calendar year.

Proposed law provides that the expropriated property is subject to prescription of nonuse if the use of the pipeline ceases for five consecutive years or if the annual payments cease for three consecutive years, and that upon the running of the applicable prescriptive period, the pipeline shall be deemed abandoned and full ownership shall revert to the owner or his heirs or assigns.

Proposed law provides that the original expropriating authority and any subsequent owner of the pipeline shall be liable for the removal of the abandoned pipeline and for returning the property to its original condition as it existed prior to the expropriation.

Proposed law defines "pipeline corridor".

(Amends R.S. 19:2.2(A)(2); Adds R.S. 19:9.1)