The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Jacob K. Wilson.

DIGEST 2024 Regular Session

SB 238 Original

Seabaugh

<u>Present law</u> 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.

<u>Proposed law</u> specifies that <u>present law</u> 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.

<u>Proposed law</u> provides a summary procedure for providing written notice of a planned pipeline crossing. <u>Proposed law</u> 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.

<u>Proposed law</u> 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.

<u>Proposed law</u> 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.

<u>Proposed law</u> 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.

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

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

<u>Present law</u> 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.

<u>Proposed law</u> retains <u>present law</u> 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.

Effective August 1, 2024.

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