

Regular Session, 2014

HOUSE BILL NO. 1281 (Substitute for House Bill No. 933 by Representative Montoucet)

BY REPRESENTATIVE MONToucET

ENERGY/PIPELINES: Provides for pipeline disclosures and registrations

1 AN ACT

2 To amend and reenact R.S. 45:260 and to enact R.S. 30:4(N), relative to pipelines; to
3 provide for the duties and powers of the commissioner of conservation and the
4 Public Service Commission; to provide for the authority to promulgate rules and
5 regulations; to provide for a declaration of right for landowners; to provide for a
6 registry of entities with expropriation or condemnation authority; and to provide for
7 related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 30:4(N) is hereby enacted to read as follows:

10 §4. Jurisdiction, duties, and powers of the assistant secretary; rules and regulations

11 * * *

12 N.(1) After notice and hearings as provided in this Chapter, the
13 commissioner shall promulgate any reasonable rules, regulations, and orders, in
14 accordance with the Administrative Procedure Act, that are necessary to prepare a
15 written declaration of the rights of a landowner whose immovable property may be
16 acquired by an entity authorized by R.S. 19:2(5),(8),(9),(10), or (12) to expropriate
17 property or authorized by federal law to condemn property for the purpose of
18 construction and operation of interstate pipelines transmitting any form of
19 hydrocarbon in a liquid or gaseous state and to maintain a registry of such entities.

1 (2) The declaration of rights shall include a description of the expropriation
2 and condemnation procedure; the acquiring entity's obligations to the landowner; and
3 the landowner's right to compensation, to trial by a court, and to appeal. When an
4 entity delineated in Paragraph (1) of this Subsection makes first contact with a
5 landowner whose immovable property may be acquired, the entity shall provide to
6 the landowner a printed copy of the declaration of rights and a written disclosure of
7 the product the pipeline will transport, the agency or agencies that regulate the
8 pipeline, and contact information for any such agency.

9 (3) The rules, regulations, and orders authorized by this Subsection shall
10 require entities with the authority to expropriate or condemn as delineated in
11 Paragraph (1) of this Subsection to register with the department. The department
12 shall make the registry available to the public, including access through the
13 department's website.

14 (4) The commissioner shall cooperate with any state, federal, or private
15 entity, including the Public Service Commission, the Federal Energy Regulatory
16 Commission, and the United States Department of Transportation, that is convenient
17 or necessary to ensure the distribution of the declaration of rights to the greatest
18 extent possible or to maintain the accuracy of the registry of entities.

19 Section 2. R.S. 45:260 is hereby amended and reenacted to read as follows:

20 §260. Rules and regulations, general or applicable to particular fields

21 The commission shall make and enforce all other needful rules and
22 regulations, either general in their nature or applicable to particular oil fields,
23 covering fully the duties of common carrier pipe lines as defined in R.S. 45:251,
24 including rules and regulations to carry out the purposes of R.S. 30:4(N).

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Montoucet

HB No. 1281

Abstract: Requires the commissioner of conservation to prepare a written declaration of rights to be distributed to landowners and to maintain a registry of entities with expropriation and condemnation authority.

Proposed law requires the commissioner of conservation to promulgate any reasonable rules, regulations, and orders that are necessary to prepare a written declaration of the rights of a landowner whose immovable property may be acquired by expropriation or condemnation as authorized by state or federal law for the purpose of construction and operation of pipelines transmitting any form of hydrocarbon or for injection of carbon dioxide for underground storage and to maintain a registry of such entities.

Proposed law requires the declaration of rights to include the following:

- (1) A description of the expropriation and condemnation procedure.
- (2) The acquiring entity's obligations to the landowner.
- (3) The landowner's right to compensation, to trial by a court, and to appeal.

Proposed law requires when an entity makes first contact with a landowner whose immovable property may be acquired, to provide the landowner with a printed copy of the declaration of rights and a written disclosure of the product the pipeline will transport, the agency or agencies that regulate the pipeline, and the agency's or agencies' contact information.

Proposed law requires the commissioner to make the registry of entities with the authority to expropriate or condemn available to the public, including access through the department's website.

Proposed law requires the commissioner to cooperate with any state, federal, or private entity, including the Public Service Commission, the Federal Energy Regulatory Commission, and the U.S. Dept. of Transportation, to ensure the distribution of the declaration of rights to the greatest extent possible or to maintain the accuracy of the registry.

Present law requires the Public Service Commission to make and enforce all other needful rules and regulations, either general in their nature or applicable to particular oil fields, covering fully the duties of common carrier pipelines.

Proposed law retains preset law and includes rules and regulations to carry out the purposes of proposed law.

(Amends R.S. 45:260, Adds R.S. 30:4(N))