

Regular Session, 2010

HOUSE BILL NO. 31

BY REPRESENTATIVE KLECKLEY

PROPERTY/EXPROPRIATION: Grants to the city of Lake Charles quick-take authority for certain purposes

1 AN ACT

2 To amend and reenact the heading of Part III-E of Title 19 of the Louisiana Revised Statutes
3 of 1950, R.S. 19:134, 134.1(A), and 134.2(3)(b) and (c), relative to expropriation by
4 a declaration of taking; to authorize the city of Lake Charles to expropriate property
5 by a declaration of taking for certain purposes; to provide procedures for the
6 expropriation by a declaration of taking; and to provide for related matters.

7 Notice of intention to introduce this Act has been published
8 as provided by Article III, Section 13 of the Constitution of
9 Louisiana.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. The heading of Part III-E of Title 19 of the Louisiana Revised Statutes
12 of 1950, R.S. 19:134, 134.1(A), and 134.2(3)(b) and (c) are hereby amended and reenacted
13 to read as follows:

14 PART III-E. EXPROPRIATION OF PROPERTY BY
15 A DECLARATION OF TAKING BY PARISH OF CALCASIEU
16 AND THE CITY OF LAKE CHARLES

17 §134. Property, governing authority defined

18 As used in this Part, the term "property" means any portion of immovable
19 property, including servitudes, ~~rights-of-way~~ rights-of-way, and other rights in or to
20 immovable property, where there are no buildings or structures for support or shelter;

1 the term "governing authority" means the governing authority of the parish of
2 Calcasieu or the city of Lake Charles.

3 §134.1. Authority to expropriate; acquisition of property for street, drainage, water,
4 utility, or sewerage projects prior to judgment

5 A. When the governing authority cannot amicably acquire property needed
6 by the parish of Calcasieu or the city of Lake Charles for a street, drainage, water,
7 utility, or sewerage project, it may acquire the same by expropriation and may
8 acquire the property prior to judgment in the trial court fixing the amount of
9 compensation due to the owner of the property.

10 * * *

11 §134.2. Contents of petition for expropriation; place of filing

12 The right of expropriation granted by this Part shall be exercised in the
13 following manner:

14 * * *

15 (3) The petition shall have annexed to it the following:

16 * * *

17 (b) A certificate signed by the parish or city engineer declaring that he has
18 fixed the ~~right-of-way~~ right-of-way in a manner sufficient in his judgment to provide
19 for the public interest, safety, and convenience.

20 (c) A certificate signed by the director of public works and the parish or city
21 engineer declaring that the location and design of the proposed improvements are in
22 accordance with the best modern practices adopted in the interest of the safety and
23 convenience of the public.

24 * * *

25 Section 2. This Act shall become effective upon signature by the governor or, if not
26 signed by the governor, upon expiration of the time for bills to become law without signature
27 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
28 vetoed by the governor and subsequently approved by the legislature, this Act shall become
29 effective on the day following such approval.

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)]

Kleckley

HB No. 31

Abstract: Authorizes the expropriation by a declaration of taking, "quick-take", by the city of Lake Charles in order to acquire property for street, drainage, water, utility, or sewerage projects.

Present law provides for general expropriation by the state and political subdivisions. Under existing general expropriation authority, the property owner can demand a jury trial to determine the value of the property expropriated. The governing authority is only entitled to the property after the amount fixed by the final judgment is deposited in the registry of the court.

Present law authorizes the expropriation by a declaration of taking, "quick-take", by the parish of Calcasieu in order to acquire property for street, drainage, water, utility, or sewerage projects.

Present law defines "property" and "governing authority".

Present law provides all of the following:

- (1) The governing authority shall give, at least, a 15-day notice to the property owner before filing a petition for expropriation.
- (2) The governing authority shall file a petition, which includes an itemized statement of the full extent of the owner's loss.
- (3) The court shall issue an order directing that the amount of the estimate be deposited in the registry of the court and declare that the property has been taken for the public purpose.
- (4) Title to the property shall vest in the governing authority upon final court order, and the right to just and adequate compensation shall vest in the former property owner.
- (5) Upon vesting of title, the governing authority may take possession of the property.
- (6) The former property owner may apply for a trial to determine the measure of compensation to which he is entitled by filing an answer within one year from the date he is notified in writing by the governing authority of the expropriation.

Proposed law retains present law, but also authorizes the expropriation by a declaration of taking, "quick-take", by the city of Lake Charles in order to acquire property for street, drainage, water, utility, or sewerage projects.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends the heading of Part III-E of Title 19 of the L.R.S. of 1950, R.S. 19:134, 134.1(A), and 134.2(3)(b) and (c))