

Regular Session, 2010

HOUSE BILL NO. 31

BY REPRESENTATIVE KLECKLEY

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;
21 the term "governing authority" means the governing authority of the parish of
22 Calcasieu or the city of Lake Charles.

23 §134.1. Authority to expropriate; acquisition of property for street, drainage, water,
24 utility, or sewerage projects prior to judgment

25 A. When the governing authority cannot amicably acquire property needed
26 by the parish of Calcasieu or the city of Lake Charles for a street, drainage, water,
27 utility, or sewerage project, it may acquire the same by expropriation and may

1 acquire the property prior to judgment in the trial court fixing the amount of
2 compensation due to the owner of the property.

3 * * *

4 §134.2. Contents of petition for expropriation; place of filing

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

7 * * *

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

9 * * *

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

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

17 * * *

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____