

Regular Session, 2010

HOUSE BILL NO. 540

BY REPRESENTATIVE GISCLAIR

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AN ACT

To enact R.S. 38:301(C)(1)(b)(iii), (2)(h), and (4), relative to the South Lafourche Levee District; to provide relative to the appropriation of property by the district; to provide relative to notification of property owners; to provide relative to challenges to an appropriation or compensation paid for appropriated property; and to provide for related matters.

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

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 38:301(C)(1)(b)(iii), (2)(h), and (4) are hereby enacted to read as follows:

§301. Construction and maintenance of levees and drainage; care and inspection of levees; measure of compensation; right of entry; bicycle paths and walkways

* * *

C.(1)

* * *

(b)

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(iii) The South Lafourche Levee District shall provide the notice required by this Subparagraph by certified mail sent to the last record property owner as reflected in the parish assessment rolls at the address recorded in the assessment rolls. This notice shall be complete upon mailing. Notice of adoption of the appropriation

1 resolution shall also be published in the official journal of the South Lafourche
2 Levee District within ten days after its adoption.

3 * * *

4 (2)

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6 (h)(i) Payment by the South Lafourche Levee District of its estimated
7 compensation, if any, as required by this Section shall be made by certified mail to
8 the last record property owner as reflected in the parish assessment rolls at the
9 address recorded therein.

10 (ii) All claims regarding compensation to be paid by the South Lafourche
11 Levee District for property appropriated for levee or levee drainage purposes or
12 matters incidental thereto, which shall be limited to the fair market value of the
13 property, shall be filed in the Seventeenth Judicial District Court of Lafourche
14 Parish within one hundred eighty days after the district mails payment of its
15 estimated compensation to the property owner. Notwithstanding the provisions of
16 Code of Civil Procedure Article 1201(C), service of the citation shall be requested
17 to be made immediately upon the district.

18 * * *

19 (4)(a) Any owner or co-owner of property appropriated by the South
20 Lafourche Levee District for levee or levee drainage purposes or for matters
21 incidental thereto may, within sixty days after the adoption of the resolution
22 appropriating the property, contest the validity of the appropriation as it pertains to
23 the owner's or co-owner's respective ownership interests in the property by filing in
24 the Seventeenth Judicial District Court of Lafourche Parish a verified petition
25 contesting the appropriation. Notwithstanding the provisions of Code of Civil
26 Procedure Article 1201(C), service of the citation shall be requested to be made
27 immediately upon the district. Failure of any owner or co-owner to contest the
28 appropriation within sixty days after adoption of the appropriation resolution
29 constitutes a loss of all rights or claims of that owner or co-owner of property
30 appropriated for levee or levee drainage purposes or for matters incidental thereto

