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## DIGEST

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Miller

HB No. 478

**Abstract:** Provides that a judgment determining the validity of a taking in an expropriation proceeding shall be a final judgment for purposes of an immediate appeal, provides for the delays in which to request a jury trial, and provides for the effects of an appeal.

Present law provides that any defendant desiring to contest the validity of the taking in an expropriation proceeding on the ground that the property was not expropriated for a public use may file a motion to dismiss the suit within ten days from the date the notice was served on him, and that failure to file the motion within the time provided or to serve a copy thereof on the plaintiff constitutes a waiver of all defenses to the suit except claims for compensation.

Proposed law retains present law and provides that a judgment rendered determining the validity of the taking shall be designated as a final judgment for the purpose of an immediate appeal.

Present law provides that in a proceeding where an entire lot, block or tract of land is expropriated, any defendant may apply for a trial to determine the market value of the property expropriated if the defendant files an answer within 30 days from the date he is served with the notice.

Proposed law retains present law and provides that if the defendant desires a trial by jury, he shall file his demand for a jury trial within 30 days from the date he is served with the notice, and provides that failure to demand a jury within the time provided constitutes a waiver of the right to a jury trial.

Present law provides that where a portion of a lot, block or tract of land is expropriated, any defendant may apply for a trial to determine the just and adequate compensation to which he is entitled if he files an answer within one year from the date he is notified in writing by the plaintiff that it has finally accepted the construction of the facility for which the property was expropriated.

Proposed law retains present law and provides that if the defendant desires a trial by jury, he shall file his demand for a jury trial at the same time he files his answer, and provides that failure to demand a jury within the time provided constitutes a waiver of the right to a jury trial.

Present law provides that no appeal in any expropriation suit brought under the provisions of present law shall operate to prevent or delay the vesting of title in the plaintiff.

Proposed law retains present law and provides that the judgment determining the validity or the extent of the taking shall be subject to the decision of the appellate court on review under a devolutive appeal, that the delays for taking such an appeal shall commence upon the signing of that judgment, and that the appellate court shall consider an appeal of such judgment on an expedited basis.

(Amends R.S. 19:147, 150, 151, and 159)