



# LEGISLATIVE FISCAL OFFICE

## Fiscal Note

Fiscal Note On: **HB 478** HLS 14RS 1096

Bill Text Version: **REENGROSSED**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

**Date:** April 24, 2014      **2:01 PM**

**Author:** MILLER

**Dept./Agy.:** Judiciary

**Analyst:** Matthew LaBruyere

**Subject:** Expropriation Proceedings

PROPERTY/EXPROPRIATION

RE SEE FISC NOTE LF EX See Note

Page 1 of 1

Provides relative to procedures in certain expropriation proceedings

Present law provides that any defendant can contest the validity of the taking of property that was not expropriated for a public use by filing a motion to dismiss the suit. Proposed law provides that a judgment rendered determining the validity or extent of the taking of property be designated as a final judgment for the purpose of an immediate appeal. Present law provides any defendant may apply for trials to determine the market value and just and adequate compensation of the property expropriated. Proposed law retains present law and adds that if the defendant desires a trial by jury, he shall file his demand for a jury trial from the date he is notified, and that failure to demand a jury timely constitutes a waiver of the right to a jury trial. Proposed law retains present law and provides that no party to an expropriation proceeding shall be granted a suspensive appeal and further provides that the judgment determining the validity or the extent of the taking is subject to the decision of the appellate court on review under a devolutive appeal, and the delays for taking such an appeal commence upon the signing of that judgment. Proposed law requires the appellate court to consider the appeal on an expedited basis.

<b>EXPENDITURES</b>	<b>2014-15</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Ded./Other	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	SEE BELOW					
<b>Annual Total</b>						
<b>REVENUES</b>	<b>2014-15</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Ded./Other	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	SEE BELOW					
<b>Annual Total</b>						

### **EXPENDITURE EXPLANATION**

The proposed legislation may result in an increase in local fund expenditures as a result of allowing civil juries for expropriation hearings. The costs associated with civil jury trials include summoning jurors, compensation for court attendance (\$25 per person per day), reimbursement for mileage (\$0.16 per mile), and expenses of the jury commission, clerk of court, and sheriff. This cost is paid by the party that seeks a jury trial and is paid to the clerk of court in either a cash deposit or a jury bond.

To the extent a judge waives the jury trial security deposit or expenses exceed the deposit amount, the costs associated with the jury will be paid by the judicial expense fund of the district court or the parish treasury in districts that do not have a judicial expense fund.

### **REVENUE EXPLANATION**

Local fund revenues will increase as a result of cash deposits and jury bonds for jury trial. However, the deposits will be used to pay costs associated with jury trials and in the event funds remain from the deposits, the funds will be refunded by the clerk of court to the party filing the cash deposit.

**Senate**      **Dual Referral Rules**  
 13.5.1 >= \$100,000 Annual Fiscal Cost {S&H}

**House**       6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}  
 6.8(F)(2) >= \$500,000 State Rev. Reduc. {H & S}  
 6.8(G) >= \$500,000 Tax or Fee Increase  
or a Net Fee Decrease {S}

*Evan Brasseaux*  
**Evan Brasseaux**  
**Staff Director**