

2016 Regular Session

HOUSE BILL NO. 313

BY REPRESENTATIVE GAROFALO

(On Recommendation of the Louisiana State Law Institute)

PROPERTY/EXPROPRIATION: Provides for disclosure of information to property owners whose property is subject to expropriation

## 1 AN ACT

2 To amend and reenact R.S. 19:2.2(B) and (C) and to enact R.S. 19:2.2(D), relative to  
3 expropriation by certain expropriating authorities under certain circumstances; to  
4 require notice to property owners by certain expropriation authorities; to require for  
5 disclosures of certain information to property owners under certain circumstances;  
6 to provide for an effective date; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 19:2.2(B) and (C) are hereby amended and reenacted and R.S.  
9 19:2.2(D) is hereby enacted to read as follows:

10 §2.2. Expropriation by expropriating authorities referred to in R.S. 19:2

11 \* \* \*

12 B. Not more than thirty days after making an offer to acquire an interest in  
13 property, if no agreement has been reached with the property owner, each  
14 expropriating authority identified in R.S. 19.2, other than the state or its political  
15 corporations or subdivisions, shall provide to the property owner a notice that  
16 includes all of the following:

17 (1) A statement that the property owner is entitled to receive just  
18 compensation for the property to be acquired to the fullest extent allowed by law.

19 (2) A statement that the property may be expropriated only by an authority  
20 authorized by law to do so.

1           (3) A statement that the property owner is entitled to receive from the  
2           expropriating authority a written appraisal or evaluation of the amount of  
3           compensation due.

4           (4) A statement identifying the website of the expropriating authority where  
5           the property owner can read the expropriation statutes upon which the expropriating  
6           authority relies or a copy of the expropriation statutes upon which the expropriating  
7           authority relies.

8           (5) A statement offering to provide upon request of the property owner a  
9           copy of the expropriation statutes upon which the expropriating authority relies.

10          (6) A statement identifying an agency responsible for regulating the  
11          expropriating authority, including the name, website, and telephone number of the  
12          agency.

13          (7) A statement that the property owner may hire an agent or attorney to  
14          negotiate with the expropriating authority and an attorney to represent the property  
15          owner in any legal proceedings involving the expropriation.

16          C. In addition to the requirements of Subsection A of this Section, each  
17          expropriating authority other than the state or its political corporations or  
18          subdivisions shall, at least thirty days prior to the filing of a petition for  
19          expropriation, send a letter by certified mail, return receipt requested, to the owner  
20          at his last known address setting forth in detail or attaching the following:

21               (1) The basis on which the expropriating authority exercises its power.

22               (2) The purpose, terms, and conditions of the proposed acquisition.

23               (3) The compensation to be paid for the rights sought to be acquired.

24               (4) A complete copy of all appraisals of, or including, the subject property  
25          previously obtained by the expropriating authority.

26               (5) A plat of survey signed by a Louisiana licensed surveyor illustrating the  
27          proposed location and boundary of the proposed acquisition, and any temporary  
28          servitude or work spaces. If the expropriating authority is unable to obtain access

1 to the property for formal surveying, a plat that fairly identifies the proposed  
2 boundary and servitude may be utilized.

3 (6) A description and proposed location of any proposed above-ground  
4 facilities to be located on the property.

5 (7) A statement by the entity of considerations for the proposed route or area  
6 to be acquired.

7 ~~C.D.~~ Prior to exercising the rights of expropriation provided by R.S. 19:2,  
8 the state or any of its departments, offices, boards, commissions, agencies, or  
9 instrumentalities, except the Department of Transportation and Development, and  
10 except political subdivisions, but specifically including levee districts and their  
11 boards, shall, upon request of the owner whose property is to be taken, provide the  
12 owner with the results of tests by the Louisiana Geological Survey that show whether  
13 or not sand or gravel is present in the property. The test shall be done at no cost to  
14 the property owner.

15 Section 2. The provisions of this Act shall become effective on January 1, 2017.

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#### 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)]

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HB 313 Engrossed

2016 Regular Session

Garofalo

**Abstract:** Provides for disclosure of information to property owners whose property is subject to expropriation.

Present law provides procedures for expropriation by expropriating authorities, including the state or its political corporations or subdivisions, and domestic or foreign corporations, limited liability companies, or other legal entities engaged in the construction of railroads, toll roads, navigation canals, waterworks, filtration and treating plants, sewerage plants, piping, marketing and transportation of natural gas for the purpose of supplying the public with natural gas, transmitting intelligence by telegraph or telephone, and various other public utilities.

Present law requires disclosure of certain information before exercising the right of expropriation, including the appraisal of the compensation due the landowner and the purpose, terms, and conditions of the proposed acquisition.

Proposed law (R.S. 19:2.2(B)) retains present law and provides for additional disclosures of information to property owners by expropriating authorities, other than the state or its political subdivisions, prior to the making of an offer to acquire an interest in property.

Proposed law specifies that the required notice shall be made not more than 30 days after making an offer to acquire an interest in the property.

Proposed law authorizes the expropriating authority to either identify the website where the statutes can be read or provide a copy of the statutes.

Effective January 1, 2017.

(Amends R.S. 19:2.2(B) and (C); Adds R.S. 19:2.2(D))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill:

1. Deletes requirement that an expropriating authority provide all required information prior to making an offer and specifies instead that the information be provided not more than 30 days after making an offer to acquire the property.
2. Adds provision that the notice contain a statement that the property may be expropriated only by an authority authorized to do so.
3. Authorizes the expropriating authority to either identify the website where the statutes can be read or provide a copy of the statutes.
4. Changes the requirement to identify "each" regulatory agency to identifying a single regulatory agency.
5. Adds special effective date of Jan. 1, 2017.