

2016 Regular Session

HOUSE BILL NO. 313

BY REPRESENTATIVE GAROFALO

(On Recommendation of the Louisiana State Law Institute)

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.

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

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

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

7 (6) A statement identifying an agency responsible for regulating the
8 expropriating authority, including the name, website, and telephone number of the
9 agency.

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

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

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

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

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

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

23 (5) A plat of survey signed by a Louisiana licensed surveyor illustrating the
24 proposed location and boundary of the proposed acquisition, and any temporary
25 servitude or work spaces. If the expropriating authority is unable to obtain access
26 to the property for formal surveying, a plat that fairly identifies the proposed
27 boundary and servitude may be utilized.

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

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

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

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____