

2025 Regular Session

HOUSE BILL NO. 98

BY REPRESENTATIVE YOUNG

PROPERTY/EXPROPRIATION: Authorizes the parish of Lincoln to expropriate property by a declaration of taking

1 AN ACT

2 To amend and reenact the heading of Part III-F of Title 19 of the Louisiana Revised Statutes
3 of 1950 and R.S. 19:135(2), 135.1(A), 135.2(1) and (3), 135.4, and 135.7(1), relative
4 to expropriation by Lincoln Parish; to authorize Lincoln Parish to expropriate by a
5 declaration of taking; to define terms; to provide for purposes of the expropriation;
6 and to provide for related matters.

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

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. The heading of Part III-F of Title 19 of the Louisiana Revised Statutes of
12 1950 and R.S. 19:135(2), 135.1(A), 135.2(1) and (3), 135.4, and 135.7(1) are hereby
13 amended and reenacted to read as follows:

14 PART III-F. EXPROPRIATION OF PROPERTY BY A DECLARATION
15 OF TAKING BY LINCOLN PARISH AND THE CITY OF RUSTON

16 §135. Property, governing authority defined

17 As used in this Part, the term:

18 * * *

19 (2) "Governing authority" means the governing authority of the parish of
20 Lincoln or the city of Ruston.

1 §135.1. Authority to expropriate; acquisition of property for certain purposes

2 A. When the parish of Lincoln or the city of Ruston cannot amicably acquire
3 property needed by the parish or city for a street, road, drainage, water, utility,
4 sewerage, electric, or other capital project, it may acquire the same by expropriation
5 and may acquire the property prior to judgment in the trial court fixing the amount
6 of compensation due to the owner of the property.

7 * * *

8 §135.2. Contents of petition for expropriation; place of filing

9 The right of expropriation granted by this Part shall be exercised in the
10 following manner:

11 (1) A petition shall be filed by the ~~plaintiff~~ parish of Lincoln or city of
12 Ruston in the ~~district court~~ Third Judicial District Court ~~of the parish in which the~~
13 ~~property to be expropriated is situated.~~

14 * * *

15 (3) The petition shall have annexed to it the following:

16 (a) A certified copy of a resolution adopted by the governing authority of the
17 parish of Lincoln or the city of Ruston authorizing the taking and declaring that it is
18 necessary or useful for the purposes of this Part.

19 (b) If the taking includes a right-of-way, a certificate signed by the parish or
20 city engineer or consulting engineer declaring that he has fixed the right-of-way in
21 a manner sufficient in his judgment to provide for the public interest, safety, and
22 convenience.

23 (c) A certificate signed by the director of public works and the parish or city
24 engineer or consulting engineer declaring that the location and design of the
25 proposed improvements are in accordance with the best modern practices adopted
26 in the interest of the safety and convenience of the public.

27 * * *

1 §135.4. Vesting of title

2 Title to the property and the property rights specified in the petition shall vest
3 in the parish of Lincoln or the city of Ruston upon final court order declaring that the
4 property described in the petition has been taken for the project, and the right to just
5 and adequate compensation therefor shall vest in the persons entitled thereto. Upon
6 vesting of title, the parish of Lincoln or the city of Ruston may enter upon and take
7 possession of the property.

8 * * *

9 §135.7. Defendant's answer; requirements; delay for filing

10 When property is expropriated pursuant to this Part, any defendant may apply
11 for a trial to determine the measure of compensation to which he is entitled, if:

12 (1) He files an answer within one year from the date he is notified in writing
13 by the parish of Lincoln or the city of Ruston that it has finally accepted the
14 construction project for which the property was expropriated. However, he may file
15 his answer prior to the date he is notified by the governing authority.

16 * * *

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)]

HB 98 Engrossed 2025 Regular Session Young

Abstract: Authorizes the parish of Lincoln to expropriate property by a declaration of taking (quick-take) to provide for street, road, drainage, water, utility, sewerage, electric, or other capital projects.

Present law authorizes the quick-take expropriation by the city of Ruston for street, road, drainage, water, utility, sewerage, electric, or other capital projects.

Present law also provides procedural requirements for the expropriation of property.

Proposed law retains present law and authorizes the parish of Lincoln to expropriate property by quick-take procedures.

(Amends the heading of Part III-F of Title 19 and R.S. 19:135(2), 135.1(A), 135.2(1) and (3), 135.4, and 135.7(1))

Summary of Amendments Adopted by House

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

1. Make a technical change.