

Regular Session, 2011

SENATE BILL NO. 208

BY SENATOR PERRY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

EXPROPRIATION. Provides relative to attorney fees, court costs and expenses for unsuccessful or abandoned expropriation suits. (gov sig)

AN ACT

To amend and reenact R.S. 19:201, relative to expropriation; to provide relative to expropriation suits; to provide relative to attorney fees and certain costs and expenses; to provide relative to attorney fees and certain costs and expenses for unsuccessful or abandoned suits; to provide certain terms and conditions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 19:201 is hereby amended and reenacted to read as follows:

§201. ~~Attorneys~~ Attorney fees; unsuccessful or abandoned expropriation suits

A court of Louisiana having jurisdiction of a proceeding instituted by ~~the State of Louisiana, a parish, a municipality or an agency of any of them~~ a public or private entity vested with the power of expropriation, to acquire ~~real~~ immovable property by expropriation, shall award the owner of any right, or title to, or interest in such ~~real~~ immovable property such sum as will, in the opinion of the court, reimburse such owner for his reasonable attorney fees, court costs, and expenses, actually incurred because of the expropriation proceeding, if the final judgment is that the plaintiff cannot acquire the ~~real~~ immovable property by expropriation or if

1 the proceeding is abandoned by the plaintiff. Any such award shall be paid from the  
2 same funds from which the purchase price of the property would have been paid.

3 The rights of the landowner herein fixed are in addition to any other rights  
4 he may have under the Constitution of Louisiana.

5 Section 2. This Act shall become effective upon signature by the governor or, if not  
6 signed by the governor, upon expiration of the time for bills to become law without signature  
7 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
8 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
9 effective on the day following such approval.

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The original instrument was prepared by Jerry G. Jones. The following  
digest, which does not constitute a part of the legislative instrument, was  
prepared by Nancy Vicknair.

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#### DIGEST

Perry (SB 208)

Present law relative to expropriation provides a court of Louisiana having jurisdiction of a proceeding instituted by the State of Louisiana, a parish, a municipality or an agency of any of them vested with the power of expropriation, to acquire immovable property by expropriation, shall award the owner of any right, or title to, or interest in such immovable property such sum as will, in the opinion of the court, reimburse such owner for his reasonable attorney fees actually incurred because of the expropriation proceeding, if the final judgment is that the plaintiff cannot acquire the immovable property by expropriation or if the proceeding is abandoned by the plaintiff. Any such award shall be paid from the same funds from which the purchase price of the property would have been paid. Also provides that the rights of the landowner herein fixed are in addition to any other rights he may have under the Constitution of Louisiana.

Proposed law changes "State of Louisiana, a parish, a municipality or an agency of any of them vested with the power of expropriation" to "a public or private entity vested with the power of expropriation".

Proposed law further changes "reasonable attorney fees actually incurred" to "reasonable attorney fees, court costs, and expenses, actually incurred". Retains remainder of present law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 19:201)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the original bill.

1. Added court costs and expenses.
2. Added effective upon signature of the governor or lapse of time for gubernatorial action.

Senate Floor Amendments to engrossed bill.

1. Makes technical changes.