
DIGEST

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Perry

SB No. 208

Present law provides that a court of La. having jurisdiction of a proceeding instituted by this state, a parish, a municipality, or an agency of any of them vested with the power of expropriation shall award reasonable attorney fees to the owner of any right, or title to, or interest in such immovable property, 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 provided in present law 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, and court costs actually incurred". Retains remainder of present law.

Proposed law provides that the property owner shall be entitled to attorney fees and costs if the acquiring authority expropriates less than 50% of the appraised value of the immovable property requested in the petition for expropriation or if the action is abandoned.

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.

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Civil Law and Procedure to the reengrossed bill.

1. Removed expenses from the amount recoverable by the property owner.
2. Specified that the property owner shall be entitled to attorney fees and costs if the acquiring authority expropriates less than 50% of the appraised value of the property.