

SENATE SUMMARY OF HOUSE AMENDMENTS

SB 208 By Senator Perry

KEYWORD AND SUMMARY AS RETURNED TO THE SENATE

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

SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

1. Deletes recovery of expenses.
2. Specifies that the property owner shall be entitled to attorney fees and costs if the acquiring authority does not acquire at least 50% of the immovable property requested in the petition for expropriation or if the action is abandoned.

DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE

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 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)

Jerry G. Jones
Senate Counsel