



LEGISLATIVE FISCAL OFFICE
Fiscal Note

Fiscal Note On: **SB 208** SLS 11RS 420

Bill Text Version: **ENROLLED**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

Date: June 23, 2011	3:18 PM	Author: PERRY
Dept./Agy.:		
Subject: Unsuccessful or abandoned expropriation suits		Analyst: Alan M. Boxberger

EXPROPRIATION

EN SEE FISC NOTE GF EX See Note

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

The proposed law provides that a Louisiana court, presiding over a proceeding instituted by public or private entities vested with the power of expropriation, shall award the owner of any such property such sum as will reimburse the owner for reasonable attorney fees, and court costs actually incurred, if the final judgment is that the plaintiff does not acquire at least fifty percent of the immovable property by expropriation or if the proceeding is abandoned by the plaintiff. Under present law, this law applies only to public entities, not public. Under present law, the reimbursable action to the owner of a property that is ruled unattainable or if the proceeding is abandoned may only collect reasonable attorney fees actually incurred but excludes court costs.

EXPENDITURES	2011-12	2012-13	2013-14	2014-15	2015-16	5 -YEAR TOTAL
State Gen. Fd.	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Annual Total	\$0	\$0	\$0	\$0	\$0	\$0

REVENUES	2011-12	2012-13	2013-14	2014-15	2015-16	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	\$0	\$0	\$0	\$0	\$0	\$0
Annual Total	\$0	\$0	\$0	\$0	\$0	\$0

EXPENDITURE EXPLANATION

Under current law, an expropriation case that is either unsuccessful or abandoned may incur expenses on the part of public entities for reasonable attorney fees actually incurred. The proposed law will extend this requirement to private entities. The proposed law will require both public and private entities to also pay for reasonable court costs, at the discretion or ruling of a Louisiana court in an expropriation case in which the plaintiff does not acquire at least fifty percent of the immovable property by expropriation or for a withdrawn expropriation case.

As there is no standard by which to judge the costs associated with court proceedings, the Legislative Fiscal Office can only confirm that passage of this law may result in an indeterminate increase in costs for state and local governments in cases where an expropriation case is unsuccessful or withdrawn. Many factors can impact attorney fees and courts costs, including the complexity of the case, the financial and time investment on the part of plaintiffs or defendants, the need for expert testimony, and the legal issues involved in the expropriation among others. Court costs can also vary between different judicial districts.

REVENUE EXPLANATION

There is no anticipated direct material effect on governmental revenues as a result of this measure.