
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 Linda Nugent.

DIGEST

Amedee (SB 703)

Proposed law authorizes the Ascension Parish governing authority to expropriate certain property after August 1, 2013, and until August 1, 2016, and provides procedures.

Proposed law provides that when the Ascension Parish governing authority cannot amicably acquire property needed for a road or sewage project, it may acquire the same by expropriation. Requires the governing authority to properly notify the property owner of the intention to expropriate and provides for the property owner to have one year before the expropriation proceedings may begin. Provides that the governing authority may acquire the property only after a court finds it necessary for a public purpose at a rule to show cause hearing, but prior to judgment in the trial court fixing the amount of compensation due to the owner of the property.

Proposed law further provides that it shall not apply to investor owned gas, electric, and telecommunication utilities or member owned electric co-operatives regulated by the Louisiana Public Service Commission.

Proposed law provides procedures for notice to owners, contents and filing of petition, vesting of title, contesting the validity of the taking, and conducting generally of expropriation in the same manner that DOTD expropriates property for highway purposes. Provides that "property" means any portion of immovable property including servitudes, rights-of-way, and other rights in or to immovable property.

Proposed law requires that proposed law be interpreted in a manner consistent with Article 1, Section 4 of the Louisiana Constitution of 1974 regarding the right to property.

Effective August 1, 2012.

(Adds R.S. 19:361-368)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Local and Municipal Affairs to the original bill

1. Limits proposed law authority of Ascension Parish to after August 1, 2012, and until August 1, 2016.

2. Deletes authority for parish to use proposed law procedure to expropriate property needed for the purposes of a major infrastructure project.
3. Adds requirement for parish to engage in negotiations with owners before initiating proposed law expropriation procedures.
4. Removes requirement of a 2/3 vote by parish council before proposed law expropriation procedures may be initiated.
5. Increases the advance notice time to owners by the parish from 15 to 30 days before filing petition to initiate proposed law expropriation procedures.
6. Increases the time for owners to object to proposed law expropriation procedures on the basis that such taking is not for the public purpose from 15 to 30 days of being served with notice of suit.
7. Changes applicability of proposed law procedures from not authorizing expropriation for the purposes of bicycle facilities or paths to not applying to investor owned gas, electric and telecommunication utilities or member electric cooperatives.
8. Removes requirement for court to issue an order that the parish's expropriation of the property was for a public purpose if no owner objection is timely filed.
9. Changes the notice to the property owners upon the filing of a petition from stating that the property has been expropriated to stating that a petition for expropriation has been filed.
10. Adds requirement that proposed law be interpreted in a manner consistent with the state constitution's right to property provision.

Senate Floor Amendments to engrossed bill

1. Prohibits the parish from proceeding with expropriation for a year after notifying the property owner of its intention.
2. Further prohibits the parish from acquiring the property until the court rules that the expropriation is necessary for a public purpose.
3. Technical amendments.