

Regular Session, 2014

HOUSE BILL NO. 656

BY REPRESENTATIVE MILLER

PROPERTY/EXPROPRIATION: Provides relative to the authority to expropriate

1 AN ACT

2 To amend and reenact R.S. 19:3 and 104, relative to expropriation; to prohibit the  
3 expropriation of certain property; and to provide for related matters.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. R.S. 19:3 and 104 are hereby amended and reenacted to read as follows:

6 §3. Property not subject to expropriation

7 A. No graveyard or cemetery shall be expropriated unless the court finds that  
8 the route of expropriation cannot be diverted from that proposed by the plaintiff  
9 without great public loss or inconvenience.

10 B. No mortgage shall be expropriated. The provisions of this Subsection  
11 shall not apply to any expropriating authority authorized by R.S. 19:2, which seeks  
12 to expropriate needed property that is subject to a mortgage. The provisions of R.S.  
13 19:11 shall apply in such cases.

14 \* \* \*

15 §104. Property not subject to expropriation

16 A. No graveyard or cemetery shall be expropriated unless the court finds that  
17 the route of the proposed improvement cannot be diverted from that proposed by the  
18 plaintiff without great public loss or inconvenience.

19 B. No mortgage shall be expropriated.

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**DIGEST**

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Miller

HB No. 656

**Abstract:** Prohibits the expropriation of mortgages.

Present law prohibits the expropriation of a graveyard or cemetery by the state, certain legal entities, and municipal corporations unless the court finds that the route of expropriation cannot be diverted from that proposed by the plaintiff without great public loss or inconvenience.

Proposed law retains present law and also prohibits the expropriation of mortgages.

Provides that proposed law shall not apply to an expropriating authority which seeks to expropriate needed property that is subject to a mortgage.

(Amends R.S. 19:3 and 104)

Summary of Amendments Adopted by House

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

1. Added provision specifying that property burdened by a mortgage is subject to expropriation.