

## HOUSE SUMMARY OF SENATE AMENDMENTS

**HB 650**

**2024 Regular Session**

**Fisher**

MUNICIPALITIES: Authorizes the city of Monroe to expropriate property by declaration

### Synopsis of Senate Amendments

1. Excludes public electrical utility infrastructure from the definition of "property".

### Digest of Bill as Finally Passed by Senate

Proposed law authorizes the city of Monroe to acquire immovable property through expropriation.

Proposed law defines the following terms:

- (1) "Governing authority" means the city council for the city of Monroe.
- (2) "Property" means any portion of immovable property, including corporeal property, servitudes, rights-of-way, and other rights in or to immovable property located within the corporate limits of the city of Monroe, excluding all public electrical utility infrastructure, whether movable or immovable, located on or within such immovable property.

Proposed law provides as follows:

- (1) The city must file a petition in the Fourth Judicial District Court.
- (2) The petition must contain a statement of the purpose for which the property is to be expropriated, a description of the property to be expropriated, a description of any improvements, and the name of each owner shown on the conveyance records for Ouachita Parish.
- (3) The petition must have certain items attached to it, including but not limited to the following: a certified copy of a resolution of the governing authority authorizing the expropriation and declaring the public purpose authorized by proposed law; a certificate signed by the director of public works and the city engineer declaring that the location and design of the proposed improvements are in the interest of the safety and convenience of the public; an itemized statement of the amount of money estimated to be the full extent of the owner's loss for the taking or the damage, or both.

Proposed law provides that upon presentation of the petition, the court must issue an order directing the amount of the estimate be deposited in the registry of the court and declaring the property described in the petition transferred to the city at the time of deposit. Proposed law further requires that upon the deposit of the estimate in the registry of the court for the benefit of the property owners, the clerk of court shall issue a receipt showing the amount deposited, the date of the deposit, suit caption, and the description of the property described in the petition.

Proposed law provides that any defendant may contest the validity of an expropriation on the grounds the property was not expropriated for a public purpose or the petition and attached exhibits do not comply with proposed law by filing a motion to dismiss the petition within 21 days after the date of service on the defendant. Requires that the motion to dismiss be tried contradictorily by the assigned judge, with preference to other civil proceedings, and additionally requires that it be decided prior to fixing the case for trial.

Proposed law provides that a failure to file a motion to dismiss within the time provided or to serve a copy thereof on the city constitutes a waiver of all defenses to the expropriation except claims for compensation.

Proposed law provides that where an entire lot, parcel, block, or tract of land is expropriated, any defendant may apply for a trial to determine the measure of compensation by filing an answer within 30 days from the date of service of the petition setting forth the amount claimed, including the claimed value of the property expropriated and the amount of damages to the remainder of the property, if any; and a reasonable itemization of the damages claimed, if any. Proposed law also provides that where a portion of a lot, block, or tract of land is expropriated, any defendant may apply for a trial to determine the measure of compensation by filing an answer within 90 days from the date of service of the petition setting forth the amount claimed, including the claimed value of the property expropriated and the amount claimed as damages to the remainder of the property, if any; and a reasonable itemization of the damages claimed, if any.

Proposed law provides that after an answer is filed, if no motion to dismiss is filed pursuant to proposed law, either party may, upon ex parte motion, request that the matter be set for trial. Requires the court to fix the time for trial not more than 60 days after the filing of the ex parte motion and further requires that notice of trial be served on all parties at least 30 days before the time fixed for trial.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 19:382-391)