2025 Regular Session

HOUSE BILL NO. 98

BY REPRESENTATIVE YOUNG

PROPERTY/EXPROPRIATION: Authorizes the parish of Lincoln to expropriate property by a declaration of taking

1	AN ACT
2	To amend and reenact the heading of Part III-F of Title 19 of the Louisiana Revised Statutes
3	of 1950 and R.S. 19:135(2), 135.1(A), 135.2(1) and (3), 135.4, and 135.7(1), relative
4	to expropriation by Lincoln Parish; to authorize Lincoln Parish to expropriate by a
5	declaration of taking; to define terms; to provided for purposes of the expropriation;
6	and to provide for related matters.
7	Notice of intention to introduce this Act has been published
8	as provided by Article III, Section 13 of the Constitution of
9	Louisiana.
10	Be it enacted by the Legislature of Louisiana:
11	Section 1. The heading of Part III-F of Title 19 of the Louisiana Revised Statutes of
12	1950 and R.S. 19:135(2), 135.1(A), 135.2(1) and (3), 135.4, and 135.7(1) are hereby
13	amended and reenacted to read as follows:
14	PART III-F. EXPROPRIATION OF PROPERTY BY A DECLARATION
15	OF TAKING BY <u>LINCOLN PARISH AND</u> THE CITY OF RUSTON
16	§135. Property, governing authority defined
17	As used in this Part, the term:
18	* * *
19	(2) "Governing authority" means the governing authority of the parish of
20	Lincoln or the city of Ruston.

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	§135.1. Authority to expropriate; acquisition of property for certain purposes
2	A. When the parish of Lincoln or the city of Ruston cannot amicably acquire
3	property needed by the parish or city for a street, road, drainage, water, utility,
4	sewerage, electric, or other capital project, it may acquire the same by expropriation
5	and may acquire the property prior to judgment in the trial court fixing the amount
6	of compensation due to the owner of the property.
7	* * *
8	§135.2. Contents of petition for expropriation; place of filing
9	The right of expropriation granted by this Part shall be exercised in the
10	following manner:
11	(1) A petition shall be filed by the plaintiff parish of Lincoln or city of
12	Ruston in the district court Third Judicial District Court of the parish in which the
13	property to be expropriated is situated.
14	* * *
15	(3) The petition shall have annexed to it the following:
16	(a) A certified copy of a resolution adopted by the governing authority of <u>the</u>
17	parish of Lincoln or the city of Ruston authorizing the taking and declaring that it is
18	necessary or useful for the purposes of this Part.
19	(b) If the taking includes a right-of-way, a certificate signed by the parish or
20	city engineer or consulting engineer declaring that he has fixed the right-of-way in
21	a manner sufficient in his judgment to provide for the public interest, safety, and
22	convenience.
23	(c) A certificate signed by the director of public works and the <u>parish or</u> city
24	engineer or consulting engineer declaring that the location and design of the
25	proposed improvements are in accordance with the best modern practices adopted
26	in the interest of the safety and convenience of the public.
27	* * *

1	§135.4. Vesting of title
2	Title to the property and the property rights specified in the petition shall vest
3	in the parish of Lincoln or the city of Ruston upon final court order declaring that the
4	property described in the petition has been taken for the project, and the right to just
5	and adequate compensation therefor shall vest in the persons entitled thereto. Upon
6	vesting of title, the parish of Lincoln or the city of Ruston may enter upon and take
7	possession of the property.
8	* * *
9	§135.7. Defendant's answer; requirements; delay for filing
10	When property is expropriated pursuant to this Part, any defendant may apply
11	for a trial to determine the measure of compensation to which he is entitled, if:
12	(1) He files an answer within one year from the date he is notified in writing
13	by the parish of Lincoln or the city of Ruston that it has finally accepted the
14	construction project for which the property was expropriated. However, he may file
15	his answer prior to the date he is notified by the governing authority.
16	* * *

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)]

HB 98 Original	2025 Regular Session	Young
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Abstract: Authorizes the parish of Lincoln to expropriate property by a declaration of taking (quick-take) to provide for street, road, drainage, water, utility, sewerage, electric, or other capital projects.

<u>Present law</u> authorizes the quick-take expropriation by the city of Ruston for street, road, drainage, water, utility, sewerage, electric, or other capital projects.

Present law also provides procedural requirements for the expropriation of property.

<u>Proposed law</u> retains <u>present law</u> and authorizes the parish of Lincoln to expropriate property by quick-take procedures.

(Amends the heading of Part III-F of Title 19 and R.S. 19:135(2), 135.1(A), 135.2(1) and (3), 135.4, and 135.7(1))