

First Extraordinary Session, 2005

HOUSE BILL NO. 15

BY REPRESENTATIVES CAZAYOUX, QUEZAIRE, AND SALTER

1 AN ACT

2 To enact R.S. 48:442.1, relative to the expropriation of property for design-build projects by  
3 the Department of Transportation and Development; to provide relative to the  
4 content of the petition to expropriate such property; to provide relative to  
5 information which must be annexed to such petition; and to provide for related  
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 48:442.1 is hereby enacted to read as follows:

9 §442.1 Contents of petition for expropriation; property needed for design-build  
10 projects; place of filing

11 Notwithstanding the provisions of R.S. 48:442, the rights of expropriation  
12 granted by this Part shall be exercised for design-build projects authorized according  
13 to the provisions of R.S. 48:250.2 in the following manner:

14 (1) A petition shall be filed by the plaintiff in the district court of the parish  
15 in which the property to be expropriated is situated. However, where the property  
16 to be expropriated extends into two or more parishes and the owner of the property  
17 resides in one of them, the petition shall be filed in the district court of the parish  
18 where the owner resides. If the owner does not reside in any one of the parishes into  
19 which the property extends, the petition may be filed in any one of the parishes. In  
20 all such cases, the court wherein the petition is filed shall have jurisdiction to  
21 adjudicate as to all the property involved.

22 (2) The petition shall contain a statement of the purpose for which the  
23 property is to be expropriated, describing the property necessary therefor with a plan  
24 of the same, a description of the improvement thereon, if any, and the name of the  
25 owner or owners as shown in the public records.

26 (3) The petition shall have annexed thereto the following:

1           (a) A certified copy of a certificate of authorization to expropriate executed  
2           by the secretary of the department, declaring that the taking is necessary or useful for  
3           the purposes of this Part.

4           (b) A certificate signed by the chief engineer or, in his absence, his chief  
5           assistant, declaring that he has fixed the right-of-way in a manner sufficient in his  
6           judgment to provide presently and in the future for the public interest, safety, and  
7           convenience of the traveling public and has made a determination of the amount and  
8           location of the property required for the purposes set forth in the petition and that in  
9           his opinion the property is neither excessive or inadequate for such purposes.

10           (c) An itemized statement of the amount of money estimated to be the full  
11           extent of the owner's loss for the taking or the damage, or both, as the case may be,  
12           the methodology used in the estimate, and all of the information required by R.S.  
13           48:443 relative to estimators. It shall be signed by those who made the estimate,  
14           showing the capacity in which they acted and the date on which it was made. The  
15           real estate administrator or his designated representative shall signify his approval  
16           on the face thereof. It shall not be grounds to dismiss the taking if it is shown that  
17           the estimate is or may be less than the full extent of the owner's loss or that the  
18           estimate was made without consideration of final plans.

19           Section 2. This Act shall become effective upon signature by the governor or, if not  
20           signed by the governor, upon expiration of the time for bills to become law without signature  
21           by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
22           vetoed by the governor and subsequently approved by the legislature, this Act shall become  
23           effective on the day following such approval.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_