

Existing law requires that a petition for expropriation by declaration of taking of property needed for a highway project be filed in the district court of the parish in which the property is situated and that the petition include a statement of the purpose for which the property is to be expropriated. However, if the property extends into two or more parishes and the owner of the property resides in one of them, the petition shall be filed in the district court of the parish where the owner resides. If the owner does not reside in any one of the parishes into which the property extends, the petition may be filed in any one of the parishes. The court where the petition is filed shall have jurisdiction as to all the property involved. New law retains existing law and its applicability to property needed for design-build projects.

Existing law requires the following information to be annexed to the petition to expropriate and new law retains or amends these provisions for design-build projects as indicated:

- (1) A certified copy of a certificate of authorization to expropriate executed by the secretary of the department, declaring that the taking is necessary or useful for the construction of a highway project. New law retains existing law.
- (2) A certificate signed by the chief engineer or, in his absence, his principal assistant, declaring that he has fixed the right-of-way in a manner sufficient in his judgment to provide presently and in the future for the public interest, safety, and convenience and a second certificate signed by the chief engineer, the road design engineer, and, if appropriate, by the bridge design engineer, declaring that the location and design of the proposed improvements are in accordance with the best modern practices. New law requires a single certificate signed by the chief engineer or his chief assistant declaring that the right-of-way has been fixed in a sufficient manner and that a determination of the amount and location of the property required for the purposes set forth in the petition has been made and that the property is neither excessive nor inadequate for such purposes.
- (3) 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, the methodology used in the estimate, and all of the information required by existing law relative to estimators. The statement shall be signed by those who made the estimate, showing the capacity in which they acted and the date on which it was made. The real estate administrator or his designated representative shall signify his approval on the face thereof. It shall not be grounds to dismiss the taking if it is shown that the estimate is or may be less than the full extent of the owner's loss. New law, for design-build projects, further provides that making the estimate without consideration of final plans is also not grounds for dismissal.

Effective upon signature of governor (December 6, 2005).

(Adds R.S. 48:442.1)