

Regular Session, 2014

HOUSE BILL NO. 478

BY REPRESENTATIVE MILLER

1 AN ACT

2 To amend and reenact R.S. 19:147, 150, 151, and 159, relative to expropriation; to provide  
3 relative to certain expropriation procedures; to provide for final judgments for  
4 purposes of immediate appeal; to provide for the delay within which to request a jury  
5 trial; to provide relative to appeals; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 19:147, 150, 151, and 159 are hereby amended and reenacted to read  
8 as follows:

9 §147. Contesting validity or extent of taking; waiver of defenses; judgment on  
10 validity or extent of taking

11 A. Any defendant desiring to contest the validity or extent of the taking on  
12 the ground that the property was not expropriated for a public use may file a motion  
13 to dismiss the suit within ~~ten~~ twenty days from the date the notice was served on  
14 him. He shall certify thereon that a copy thereof has been served personally or by  
15 mail on either the plaintiff or his attorney of record in the suit. This motion shall be  
16 tried contradictorily with the plaintiff.

17 B. Failure to file the motion ~~within the time provided to dismiss~~ or to serve  
18 a copy thereof on the plaintiff within twenty days from the date the notice was served  
19 on him constitutes a waiver of all defenses to the suit except claims for  
20 compensation.

21 C. In the event a defendant files a timely motion to dismiss challenging the  
22 validity or extent of the taking, the court shall set the matter for hearing within thirty  
23 days after the filing of the motion to dismiss and shall render a decision within five  
24 days after the case is submitted. A judgment rendered determining the validity or the

1 extent of the taking pursuant to this Part shall be signed and designated as a final  
2 judgment by the court for the purpose of an immediate appeal.

3 \* \* \*

4 §150. Determining value where entire tract expropriated; jury demand

5 A. Where an entire lot, block or tract of land is expropriated, any defendant  
6 may apply for a trial to determine the market value of the property expropriated,  
7 provided:

8 (1) He files an answer within thirty days from the date he is served with the  
9 notice required by R.S. 19:146;

10 (2) His answer sets forth the amount he claims;

11 (3) His answer has a certificate thereon showing that a copy thereof has been  
12 served personally or by mail on all parties to the suit who have not joined in the  
13 answer.

14 B. If the defendant desires a trial by jury, he shall file his demand for a jury  
15 trial within thirty days from the date he is served with the notice required by R.S.  
16 19:146. Failure to demand a jury within the time provided constitutes a waiver of  
17 the right to a jury trial.

18 C. Upon the filing of the answer, the court shall issue an order fixing the  
19 time of the trial of the suit. The clerk of court shall thereupon issue a notice to all  
20 parties who did not join in the answer of the time fixed for the trial. This notice shall  
21 be served at least twenty days before the time fixed for the trial and in the manner  
22 provided by law for the service of citations.

23 §151. Determining value and damages where part of a tract is expropriated; jury  
24 demand

25 A. Where a portion of a lot, block or tract of land is expropriated, any  
26 defendant may apply for a trial to determine the just and adequate compensation to  
27 which he is entitled, provided:

28 (1) He files an answer within one year from the date he is notified in writing,  
29 by certified mail, by the plaintiff that it has finally accepted the construction of the  
30 facility or facilities for which the property was expropriated;



1           Section 2. The provisions of this Act shall have prospective application only and  
2 shall apply only to actions or claims filed on and after its effective date.

---

SPEAKER OF THE HOUSE OF REPRESENTATIVES

---

PRESIDENT OF THE SENATE

---

GOVERNOR OF THE STATE OF LOUISIANA

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