



authority for drainage maintenance and/or improvements.

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 governing authority for drainage maintenance and/or improvements 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 an authorized purpose or the petition and attached exhibits do not comply with proposed law by filing a motion to dismiss the petition within 20 days after the date of service on the defendant. The motion to dismiss must be tried contradictorily by the assigned judge, with preference to other civil proceedings, and shall be decided prior to fixing the case for trial. Failure to file a motion to dismiss within the time provided or to serve a copy thereof on the governing authority constitutes a waiver of all defenses to the expropriation except claims for compensation.

Proposed law provides that where an entire 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 value of each parcel 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 one year from the date of service of the petition setting forth the amount claimed, including the value of each parcel 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 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. The trial must commence not more than 60 days after the filing of the motion to dismiss and notice of trial shall be served on all parties at least 30 days before the time fixed for the trial.

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

(Adds R.S. 19:371-381)