2021 Regular Session

HOUSE BILL NO. 643

BY REPRESENTATIVES SCHEXNAYDER AND MAGEE

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

PROPERTY/EXPROPRIATION: Authorizes the Coastal Protection and Restoration Authority to acquire property for integrated coastal protection purposes prior to judgment

1	AN ACT
2	To amend and reenact the heading of Part IV of Title 19 of the Louisiana Revised Statutes
3	of 1950, R.S. 19:141 and 142, and R.S. 38:2(A)(2) and (3), relative to acquisition of
4	property by the Coastal Protection and Restoration Authority; to allow the Coastal
5	Protection and Restoration Authority acquire property for integrated coastal
6	protection purposes prior to judgment in the same authority as levee districts and
7	levee and drainage districts; and to provide for related matters.
8	Be it enacted by the Legislature of Louisiana:
9	Section 1. The heading of Part IV of Title 19 of the Louisiana Revised Statutes of
10	1950, and R.S. 19:141 and 142 are hereby amended and reenacted to read as follows:
11	PART IV. EXPROPRIATION BY PORT COMMISSIONS,
12	PORT AUTHORITIES, LOUISIANA STATE UNIVERSITY, AND
13	THE DEPARTMENT OF PUBLIC WORKS, STATE OF LOUISIANA <u>, AND THE</u>
14	COASTAL PROTECTION AND RESTORATION AUTHORITY
15	§141. Acquisition of property prior to judgment
16	In any suit for the expropriation of property, including the fee simple title and
17	servitudes, all port commissions and port authorities created by the constitution or
18	statutes of Louisiana; Louisiana State University and Agricultural and Mechanical
19	College; the Department of Public Works, State of Louisiana; the Coastal Protection

- and Restoration Authority; and the Sabine River Authority, State of Louisiana, may
 acquire the property prior to judgment in the trial court in the manner provided in
 this Part.
- 4 §142. Contents of petition
- <u>A.</u> The petition shall contain the allegations required in R.S. 19:2.1, but shall
 have annexed thereto the following:

(1) A certified copy of a resolution adopted by the board of commissioners
of the commission or authority filing the petition or by the Board of Supervisors of
Louisiana State University with the concurrence of not less than two-thirds of its
members, declaring that the taking is necessary or useful for the purposes for which
the commission authority or university was created or if the petition is filed on behalf
of the department of public works, a statement of like nature by the director of public
works.

14 (2) A certificate signed by the consulting engineer of the port commission 15 or authority, by a person designated for that purpose by the board of supervisors of 16 Louisiana State University or by the chief engineer of the department of public 17 works, where the expropriation is sought by the department of public works or by the 18 Sabine River Authority declaring that he has made a determination of the amount 19 and location of the property or servitude required for the purposes set forth in the 20 petition and that in his opinion the property or servitude is neither excessive nor 21 inadequate for such purposes.

(3) A statement of the amount of money estimated to be just and adequate
compensation for the taking, showing any estimate of damages and of value of
improvements as separate items. It shall be signed by those who made the estimate,
showing the capacity in which they acted and the date on which it was made.

B.(1) A certified copy of a resolution adopted by the Coastal Protection and
 Restoration Authority Board, having the concurrence of not less than two-thirds of
 a quorum of its members, declaring that the taking is necessary or useful for the
 purposes for which the Coastal Protection and Restoration Authority was created.

1	The provisions of this Subsection shall apply when the Coastal Protection and
2	Restoration Authority engages in acquisitions authorized by this Part.
3	(2) The resolution shall have the following attached:
4	(a) A certificate signed by the Coastal Protection and Restoration Authority's
5	consulting engineer stating that he has made a determination of the amount and
6	location of the property or servitude required for the purposes set forth in the petition
7	and that the property or servitude is neither excessive nor inadequate for such
8	purposes.
9	(b) A certificate signed by the executive director of the Coastal Protection
10	and Restoration Authority declaring that the taking is necessary or useful for the
11	purposes for which the authority was created.
12	(c) An estimate of the amount found to be just and adequate compensation
13	for any damages and of the value of improvements delineated as separate items in
14	accordance with R.S. 49:214.5.6, R.S. 38:281, or as otherwise provided by the
15	Constitution of Louisiana, signed by the parties involved in making the estimates,
16	attesting to the capacity in which they acted and to the date on which the estimates
17	were made.
18	(3) Before proceeding with the filing of the petition, the executive director
19	of the Coastal Protection and Restoration Authority shall transmit a copy of the
20	resolution adopted by the Coastal Protection and Restoration Authority Board and
21	all required attachments to the Senate Committee on Natural Resources and the
22	House Committee on Natural Resources and Environment for review.
23	Section 2. R.S. 38:2(A)(2) and (3) are hereby amended and reenacted to read as
24	follows:
25	§2. Functions of department
26	А.
27	* * *
28	(2) The Coastal Protection and Restoration Authority Board shall have
29	superseding powers, authority, and jurisdiction over all integrated coastal protection,

1	as defined in R.S. 49:214.2(10) R.S. 49:214.2(11), in the coastal area, as defined in
2	R.S. 49:214.2(3). R.S. 49:214.2(4), including but not limited to those powers
3	provided for in R.S. 19:141.
4	(3) Subject to the right to be reimbursed for reasonable costs associated with
5	such service, the Coastal Protection and Restoration Authority Board shall render to
6	local governmental subdivisions, levee districts, levee and conservation districts,
7	flood authorities, and any other special district all engineering, economic, and other
8	advisory services within the scope of its functions and jurisdiction as defined in $R.S.$
9	49:214.2(3) and (10) R.S. 49:214.2(4) and (11) which its facilities allow.
10	* * *

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)]

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Abstract: Allows the Coastal Protection and Restoration Authority (CPRA) to acquire property prior to judgment for integrated coastal protection purposes.

<u>Present law</u> authorizes levee districts and levee and drainage districts to acquire servitudes for levee and related purposes. Further allows such districts to acquire such property by expropriation prior to judgment. <u>Proposed law</u> provides CPRA the same authorization for acquisition of property for integrated coastal protection purposes.

<u>Present law</u> provides for the process by which the acquisition must be accomplished. <u>Proposed law</u> includes acquisition of property for integrated coastal protection by CPRA in each step of the process.

<u>Present law</u> requires levee districts and levee and drainage districts to file a petition in the appropriate district court along with a certified copy of a resolution by the governing board of the district declaring the expropriation to be necessary.

<u>Proposed law</u> retains <u>present law</u> and requires the submission of an additional resolution adopted by the CPRA Board declaring that the expropriation is necessary or useful for the purposes for which CPRA was created. Requires the resolution to have the following attached:

- (1) A certificate from the consulting engineer verifying that the property required for the purposes set forth in the petition is adequate for those purposes.
- (2) A certificate from the CPRA executive director stating that the expropriation is necessary or useful for the purposes for which CPRA was created.
- (3) A statement of compensation containing an estimate of the amount found to be just and adequate for any damages and of the value of improvements.

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

<u>Proposed law</u> requires the CPRA executive director to submit a copy of the resolution and all required attachments to the Senate Committee on Natural Resources and the House Committee on Natural Resources and Environment for review prior to filing of the petition.

(Amends the heading of Part IV of Title 19 of the Louisiana Revised Statutes of 1950, R.S. 19:141 and R.S. 38:2(A)(2) and (3))