

2023 Regular Session

HOUSE BILL NO. 273

BY REPRESENTATIVE FARNUM

PROPERTY/EXPROPRIATION: Provides for the expropriation of property by a declaration of taking by certain political subdivisions of Calcasieu Parish

1 AN ACT

2 To amend and reenact the heading of Part III-E of Title 19 of the Louisiana Revised Statutes  
3 of 1950 and R.S. 19:134 and 134.1, relative to expropriation; to provide for the  
4 acquisition of property for the cities of Lake Charles and Sulphur; to provide for the  
5 appropriation authority by the Consolidated Gravity Drainage Districts of Calcasieu  
6 Parish; to provide for limitations; to provide for definitions; and to provide for  
7 related matters.

8 Notice of intention to introduce this Act has been published  
9 as provided by Article III, Section 13 of the Constitution of  
10 Louisiana.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. The heading of Part III-E of Title 19 of the Louisiana Revised Statutes  
13 of 1950 and R.S. 19:134 and 134.1 are hereby amended and reenacted to read as follows:

14 PART III-E. EXPROPRIATION OF PROPERTY BY  
15 A DECLARATION OF TAKING BY PARISH OF CALCASIEU,  
16 ~~AND THE CITY~~ CITIES OF LAKE CHARLES AND SULPHUR, AND  
17 CONSOLIDATED GRAVITY DRAINAGE DISTRICTS OF CALCASIEU PARISH

18 §134. Property, governing authority defined

19 As used in this Part, the term "property" means any portion of immovable  
20 property, including servitudes, rights-of-way, and other rights in or to immovable

1 property, where there are no buildings or structures for support or shelter; the term  
2 "governing authority" means the governing authority of the parish of Calcasieu or  
3 the ~~city~~ cities of Lake Charles ~~or Sulphur~~.

4 §134.1. Authority to expropriate; acquisition of property for street, drainage, water,  
5 utility, or sewerage projects prior to judgment

6 A.(1) When the governing authority cannot amicably acquire property  
7 needed by the parish of Calcasieu ~~or~~ the cities of Lake Charles and Sulphur, or  
8 the Consolidated Gravity Drainage Districts of Calcasieu Parish for a street,  
9 drainage, water, utility, or sewerage project, it may acquire the same by  
10 expropriation and may acquire the property prior to judgment in the trial court fixing  
11 the amount of compensation due to the owner of the property.

12 (2) The Consolidated Gravity Drainage Districts of Calcasieu Parish may  
13 utilize the provisions of this Section in the same manner as the parish of Calcasieu  
14 only when expressly authorized for a particular project and property pursuant to a  
15 cooperative endeavor agreement adopted by the governing authority of the parish of  
16 Calcasieu or the governing authority of a city where a property is located entirely  
17 within that city. Any references in this Section to a director of public works shall be  
18 the employee designated by the governing authority for this purpose, and any  
19 references in this Section to a city or parish engineer shall mean the professional  
20 engineer designated by the governing authority for this purpose.

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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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HB 273 Original 2023 Regular Session Farnum

**Abstract:** Provides for the expropriation of property in Lake Charles and Sulphur by the Consolidated Gravity Drainage Districts of Calcasieu Parish.

Present law (R.S. 19:134) provides for the expropriation of property by a declaration of taking by Calcasieu Parish and the city of Lake Charles.

Present law defines "governing authority" to include Calcasieu Parish and the city of Lake Charles.

Proposed law expands present law to include the city of Sulphur.

Present law (R.S. 19:134.1) provides for the authority of Calcasieu Parish and the city of Lake Charles to expropriate property for street, drainage, water, utility, or sewerage projects prior to judgment.

Proposed law expands present law to include the city of Sulphur and the Consolidated Gravity Drainage Districts of Calcasieu Parish.

Proposed law provides that the Consolidated Gravity Drainage Districts of Calcasieu Parish may only utilize proposed law if expressly authorized for a particular project by the governing authority of Calcasieu Parish or the governing authority of a city where a property is located entirely within that city.

Proposed law provides that any references to the director of public works within proposed law shall be an employee designated by the governing authority for this purpose. Proposed law further provides that any references to a city or parish engineer shall mean a the professional engineer designated by the governing authority for this purpose.

(Amends the heading of Part III-E of Title 19 of the La. Revised Statutes of 1950 and R.S. 19:134 and 134.1)