

2024 Regular Session

HOUSE BILL NO. 650

BY REPRESENTATIVE FISHER

1 AN ACT

2 To enact Part XII of Title 19 of the Louisiana Revised Statutes of 1950, to be comprised of  
3 R.S. 19:382 through 391, relative to expropriation of property; to authorize the city  
4 of Monroe in Ouachita Parish to expropriate by a declaration of taking; to define  
5 terms; to provide for procedures; to provide for purposes of the expropriation; to  
6 provide for an effective date; and to provide for related matters.

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

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. Part XII of Title 19 of the Louisiana Revised Statutes of 1950, comprised  
12 of R.S. 19:382 through 391, is hereby enacted to read as follows:

13 PART XII. EXPROPRIATION BY A DECLARATION OF TAKING

14 BY THE CITY OF MONROE

15 §382. Definitions

16 As used in this Part, the following terms shall mean:

17 (1) "Governing authority" means the city council for the city of Monroe.

18 (2) "Property" means any portion of immovable property, including corporeal  
19 property, servitudes, rights-of-way, and other rights in or to immovable property  
20 located within the corporate limits of the city of Monroe, but excluding all public  
21 electrical utility infrastructure, whether movable or immovable, located on or within  
22 such immovable property.

23 §383. Authority to expropriate property

24 A. When the city of Monroe cannot amicably acquire property needed for  
25 a public purpose, including for a street, road, drainage, water, utility, sewerage,

1           electric, capital, or any other public project, it may acquire such property by  
2           expropriation and may acquire the property prior to judgment in the trial court fixing  
3           the amount of compensation due to the property owner in the manner set forth in this  
4           Part.

5           B. Except as otherwise provided in this Part, such expropriation shall be  
6           conducted in the manner that the Department of Transportation and Development  
7           may expropriate property for highway purposes, as set forth in R.S. 48:441 through  
8           460.

9           §384. Contents of petition for expropriation; place of filing

10           The authority to expropriate granted by this Part shall be exercised in the  
11           following manner:

12           (1) The city of Monroe shall file a petition in the Fourth Judicial District  
13           Court.

14           (2) The petition shall contain a statement of the purpose for which the  
15           property is to be expropriated, a description of the property to be expropriated, a  
16           description of any improvements thereon, and the name of each owner shown on the  
17           conveyance records for Ouachita Parish.

18           (3) The petition shall have annexed thereto the following:

19           (a) A certified copy of a resolution of the governing authority authorizing the  
20           expropriation and declaring the public purpose authorized by this Part.

21           (b) If the taking includes a right-of-way, a certificate signed by the city  
22           engineer or consulting engineer declaring that he has fixed the right-of-way in a  
23           manner sufficient in his judgment to provide for the public interest, safety, and  
24           convenience.

25           (c) A certificate signed by the director of public works and the city engineer  
26           or consulting engineer declaring that the location and design of the proposed  
27           improvements are in accordance with the best modern practices adopted in the  
28           interest of the safety and convenience of the public.

29           (d) An itemized statement of the amount of money estimated to be the full  
30           extent of the owner's loss for the taking or the damage, or both, as the case may be.

1           It shall be signed by those who made the estimate, showing the capacity in which  
 2           they acted, and the date on which it was made.

3           §385. Ex parte order; vesting of title

4                     A. Upon presentation of the petition, the court shall issue an order directing  
 5           the amount of the estimate be deposited in the registry of the court and declaring the  
 6           property described in the petition transferred to the city of Monroe at the time of  
 7           deposit. Upon the deposit of the estimate in the registry of the court for the benefit  
 8           of the property owners, the clerk of court shall issue a receipt showing the amount  
 9           deposited, the date of the deposit, suit caption, and the description of the property  
 10           contained in the petition.

11                     B.(1) Upon the city of Monroe depositing the amount ordered by the court,  
 12           title to the property and property rights specified in the petition shall vest in the city  
 13           of Monroe, and the right to just and adequate compensation therefor shall vest in the  
 14           property owners. Upon vesting of title, the city of Monroe may enter upon and take  
 15           possession of the property if there are no inhabited improvements located upon the  
 16           expropriated property.

17                     (2) If any inhabited improvement is located wholly or partially upon the  
 18           property expropriated, the court may postpone the right of entry for up to thirty  
 19           calendar days from the date on which the last defendant was served with the notice;  
 20           however, the city of Monroe may request the court to order possession surrendered  
 21           after a longer delay upon the court fixing a reasonable rental to be paid to the  
 22           governing authority by a defendant in possession of the property for each day the  
 23           defendant remains in possession after the withdrawal of any part of the deposited  
 24           funds.

25           §386. Notice to property owners

26                     Upon receipt of the deposit, certified copies of the petition, order, and the  
 27           receipt for the deposit shall be served upon each property owner.

28           §387. Withdrawal of deposit

29                     Upon the application of any property owner, and upon due notice to the city  
 30           of Monroe and all other property owners and lienholders, the court may order the

1 money deposited, or any part thereof, be paid forthwith to the person entitled thereto  
 2 for or on account of the just and adequate compensation to be awarded in the  
 3 proceedings. The court shall order the payments of taxes, encumbrances, and other  
 4 charges out of the deposit.

5 §388. Contesting validity of taking; waiver of defenses

6 A. Any defendant may contest the validity of an expropriation on the  
 7 grounds the property was not expropriated for a public purpose or the petition and  
 8 attached exhibits do not comply with this Part by filing a motion to dismiss the  
 9 petition within twenty-one days after the date of service on the defendant. A copy  
 10 of the motion to dismiss shall be served on the plaintiff. The motion to dismiss shall  
 11 be tried contradictorily by the assigned judge, with preference to other civil  
 12 proceedings, and shall be decided prior to fixing the case for any trial on the  
 13 compensation or damages due the defendant.

14 B. Failure to file a motion to dismiss within the time provided or to serve a  
 15 copy thereof on the city of Monroe constitutes a waiver of all defenses to the  
 16 expropriation except claims for compensation or damages.

17 §389. Answer; delay for filing

18 A. Where an entire lot, parcel, block, or tract of land is expropriated, any  
 19 defendant may apply for a trial to determine the measure of compensation by:

20 (1) Filing an answer within thirty days from the date of service of the  
 21 petition setting forth the amount claimed, including:

22 (a) The claimed value of the property expropriated and the amount of  
 23 damages to the remainder of the property, if any.

24 (b) A reasonable itemization of the damages claimed, if any.

25 B. Where a portion of a lot, block, or tract of land is expropriated, any  
 26 defendant may apply for a trial to determine the measure of compensation by:

27 (1) Filing an answer within ninety days from the date of service of the  
 28 petition setting forth the amount claimed, including:

29 (a) The claimed value of the property expropriated and the amount claimed  
 30 as damages to the remainder of his property, if any.

1                    (b) A reasonable itemization of the damages claimed, if any.

2                    §390. Fixing for trial; notice

3                    After an answer is filed, if no motion to dismiss is filed pursuant to this Part,  
4                    either party may, upon ex parte motion, request that the matter be set for trial. The  
5                    court shall fix the time for the trial not more than sixty days after the filing of the ex  
6                    parte motion. The trial shall be conducted with preference to other civil proceedings,  
7                    and shall be decided expeditiously. Notice of trial shall be served on all parties at  
8                    least thirty days before the time fixed for the trial.

9                    §391. Grant as additional authority

10                   The right to take possession and title in advance of final judgment, provided  
11                   herein, is in addition to any right or authority conferred by the laws of this state  
12                   under which expropriation proceedings may be conducted by municipalities, and  
13                   shall not be construed as abrogating, eliminating, or modifying any such right or  
14                   authority.

15                   Section 2. This Act shall become effective upon signature by the governor or, if not  
16                   signed by the governor, upon expiration of the time for bills to become law without signature  
17                   by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
18                   vetoed by the governor and subsequently approved by the legislature, this Act shall become  
19                   effective on the day following such approval.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

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