

2026 Regular Session

SENATE BILL NO. 444

BY SENATOR EDMONDS

EXPROPRIATION. Provides relative to expropriation by the city of St. George. (gov sig)

1 AN ACT

2 To enact Part XIII of Title 19 of the Louisiana Revised Statutes of 1950, to be comprised of
3 R.S. 19:396 through 409, relative to expropriation; to authorize the city of St. George
4 in East Baton Rouge Parish to acquire property by expropriation through a
5 declaration of taking; to provide for acquisition of property; to provide for vesting
6 of title prior to judgment; to provide for certain procedures; to provide for
7 definitions; to provide for an effective date; and to provide for related matters.

8 Notice of intention to introduce this Act has been published.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Part XIII of Title 19 of the Louisiana Revised Statutes of 1950, comprised
11 of R.S. 19:396 through 409 is hereby enacted to read as follows:

12 **PART XIII. EXPROPRIATION BY A DECLARATION OF TAKING BY THE**
13 **CITY OF ST. GEORGE**

14 **§396. Definitions**

15 **As used in this Part, the following terms shall have the meaning ascribed**
16 **to them:**

17 **A. "Governing authority" means the city council of the city of St.**

1 George.

2 B. "Property" means any portion of immovable property, including
3 corporeal property, servitudes, rights-of-way, easements, and other rights in or
4 to immovable property, and any improvements thereon, located within the
5 corporate limits of the city of St. George.

6 C. "Owner" means any person appearing of record as having an interest
7 in the property sought to be expropriated.

8 §397. Authority to expropriate; declaration of taking

9 A. When the city of St. George cannot amicably acquire property needed
10 for a public purpose, the city may acquire such property by expropriation and
11 may acquire the property prior to judgment in the trial court fixing the amount
12 of compensation due.

13 B. The authority granted by this Part applies to property needed for any
14 street, road, highway, bridge, drainage, stormwater, flood protection, water,
15 utility, sewerage, electric, capital, or any other public project of the city of St.
16 George.

17 C. Except as otherwise provided in this Part, expropriation shall be
18 conducted in the same manner as expropriation by the Department of
19 Transportation and Development pursuant to R.S. 48:441 through 460, insofar
20 as those provisions are applicable.

21 §398. Petition for expropriation; venue

22 A. The city of St. George shall institute expropriation proceedings by
23 filing a petition in the Nineteenth Judicial District Court for the parish in which
24 the property is located.

25 B. The petition shall include the following:

26 (1) Statement of the public purpose for which the property is sought.

27 (2) Description of the property to be expropriated.

28 (3) Name of each owner of record.

29 (4) Request for an order of expropriation and declaration of taking.

1 **§399. Resolution of necessity; attachments to petition**

2 **A. Prior to filing suit under this Part, the governing authority shall adopt**
3 **a resolution authorizing the expropriation.**

4 **B. The resolution shall include a determination that the taking serves a**
5 **public purpose and is necessary for the project.**

6 **C. The petition shall have annexed thereto:**

7 **(1) A certified copy of the resolution of the governing authority.**

8 **(2) An itemized statement of the amount of money estimated to be just**
9 **compensation for the property taken or damages incurred, signed by the person**
10 **or persons making the estimate, stating the capacity in which they acted and the**
11 **date of the estimate.**

12 **§400. Order of expropriation; deposit; vesting of title**

13 **A. Upon presentation of the petition and attachments, the court shall**
14 **issue an order directing the city of St. George to deposit the estimated**
15 **compensation into the registry of the court and declaring the property described**
16 **in the petition transferred to the city of St. George upon deposit.**

17 **B. Upon deposit:**

18 **(1) Title to the property shall vest immediately in the city of St. George.**

19 **(2) The right to just compensation shall vest in the owner or owners.**

20 **(3) The city of St. George may enter upon and take possession of the**
21 **property, subject to the provisions of this Part.**

22 **§401. Possession; inhabited improvements**

23 **A. If no inhabited improvement is located on the property, the city of St.**
24 **George may take possession immediately upon deposit.**

25 **B. If an inhabited improvement is located wholly or partially upon the**
26 **property, the court may postpone physical possession for a period not exceeding**
27 **thirty days from the date of service of the order, or for such additional period**
28 **as the court may determine upon fixing reasonable rental compensation.**

29 **§402. Service of pleadings**

1 Certified copies of the petition, order of expropriation, and receipt for
2 deposit shall be served upon each owner in accordance with law.

3 §403. Withdrawal of deposit

4 A. Upon application by any owner, the court may order all or any
5 portion of the deposited funds paid to the owner on account of compensation to
6 be awarded.

7 B. The court shall order payment of taxes, liens, mortgages, and other
8 encumbrances from the deposited funds as provided by law.

9 §404. Challenge to validity of taking

10 A. Any owner may contest the validity of the taking on the grounds that:

11 (1) The property was not expropriated for a public purpose.

12 (2) The petition or attachments fail to comply with this Part.

13 B. A motion to dismiss shall be filed within twenty-one days after service
14 of the petition and shall be tried contradictorily with preference.

15 C. Failure to timely file a motion to dismiss constitutes a waiver of all
16 defenses to the taking except claims for compensation or damages.

17 §405. Answer; delay

18 A. Any owner seeking compensation or damages shall file an answer
19 within thirty days after service for a total taking, or ninety days after service for
20 a partial taking.

21 B. The answer shall set forth the nature and amount of compensation or
22 damages claimed.

23 §406. Trial on compensation

24 A. After an answer is filed and any motion to dismiss resolved, either
25 party may request that the case be fixed for trial.

26 B. The court shall set the matter for trial with preference and shall
27 provide at least thirty days notice of trial.

28 §407. Judgment

29 The court shall render judgment fixing just compensation and damages,

Proposed law provides that except as otherwise provided in proposed law, expropriation shall be conducted in the same manner as expropriation by the Department of Transportation and Development pursuant to present law (R.S. 48:441- 460) insofar as those provisions are applicable.

Proposed law provides that the city of St. George shall institute expropriation proceedings by filing a petition in the 19th JDC the parish in which the property is located.

Proposed law provides that the petition shall include the following:

- (1) Statement of the public purpose for which the property is sought.
- (2) Description of the property to be expropriated.
- (3) Name of each owner of record.
- (4) Request for an order of expropriation and declaration of taking.

Proposed law provides that prior to filing suit under proposed law, the governing authority shall adopt a resolution authorizing the expropriation. Provides that the resolution shall include a determination that the taking serves a public purpose and is necessary for the project.

Proposed law provides that the petition shall have annexed thereto:

- (1) A certified copy of the resolution of the governing authority.
- (2) An itemized statement of the amount of money estimated to be just compensation for the property taken or damages incurred, signed by the person or persons making the estimate, stating the capacity in which they acted and the date of the estimate.

Proposed law provides that upon presentation of the petition and attachments, the court shall issue an order directing the city of St. George to deposit the estimated compensation into the registry of the court and declaring the property described in the petition transferred to the city of St. George upon deposit.

Proposed law provides that upon deposit:

- (1) Title to the property shall vest immediately in the city of St. George.
- (2) The right to just compensation shall vest in the owner or owners.
- (3) The city of St. George may enter upon and take possession of the property, subject to the provisions of proposed law.

Proposed law provides that if no inhabited improvement is located on the property, the city of St. George may take possession immediately upon deposit.

Proposed law provides that if an inhabited improvement is located wholly or partially upon the property, the court may postpone physical possession for a period not exceeding 30 days from the date of service of the order, or for such additional period as the court may determine upon fixing reasonable rental compensation.

Proposed law provides that certified copies of the petition, order of expropriation, and receipt for deposit shall be served upon each owner in accordance with law.

Proposed law provides that upon application by any owner, the court may order all or any portion of the deposited funds paid to the owner on account of compensation to be awarded.

Proposed law provides that the court shall order payment of taxes, liens, mortgages, and other encumbrances from the deposited funds as provided by law.

Proposed law provides that any owner may contest the validity of the taking on the grounds that:

- (1) The property was not expropriated for a public purpose.
- (2) The petition or attachments fail to comply with proposed law.

Proposed law provides that a motion to dismiss shall be filed within twenty-one days after service of the petition and shall be tried contradictorily with preference.

Proposed law provides that failure to timely file a motion to dismiss constitutes a waiver of all defenses to the taking except claims for compensation or damages.

Proposed law provides that any owner seeking compensation or damages shall file an answer within 30 days after service for a total taking, or 90 days after service for a partial taking.

Proposed law provides that the answer shall set forth the nature and amount of compensation or damages claimed.

Proposed law provides that after an answer is filed and any motion to dismiss resolved, either party may request that the case be fixed for trial.

Proposed law provides that the court shall set the matter for trial with preference and shall provide at least 30 days notice of trial.

Proposed law provides that the court shall render judgment fixing just compensation and damages, if any, and ordering payment or refund of any excess deposit in accordance with law.

Proposed law provides legal interest shall accrue on any amount awarded in excess of the deposited estimate from the date of taking until paid.

Proposed law provides that the authority granted by proposed law is in addition to any other expropriation authority granted by law and shall not be construed to limit or impair any other power of the city of St. George.

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

(Adds R.S. 19:396-409)