HLS 14RS-4320 ENGROSSED

Regular Session, 2014

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HOUSE CONCURRENT RESOLUTION NO. 162

BY REPRESENTATIVE GAROFALO

PROPERTY/EXPROPRIATION: Authorizes the Louisiana State Law Institute to make recommendations for the disclosure of information to landowners whose property is subject to expropriation

A CONCURRENT RESOLUTION

2	To authorize and direct the Louisiana State Law Institute to study and make
3	recommendations for the inclusion of information in a disclosure notice to
4	landowners whose property is subject to expropriation by public or private entities.
5	WHEREAS, expropriation of private property is a process which should be employed
6	only as necessary and with great caution as it involves the derogation of a closely protected
7	right under the constitutions of Louisiana and the United States; and
8	WHEREAS, the representative of a public or private entity expropriating property
9	may often have more knowledge of the expropriation laws and procedures than the owner
10	of the property being expropriated; and
11	WHEREAS, the state of Texas has developed a "Landowner's Bill of Rights" which
12	requires that all entities with expropriation authority provide a brief summary of the
13	landowner's rights to the landowner prior to the filing of the expropriation proceeding; and
14	WHEREAS, in an effort to ensure that the owner of the property being expropriated
15	in Louisiana is more aware of his rights and remedies regarding the taking of his property
16	by a public or private entity, House Bill No. 1281 was introduced during the 2014 Regular
17	Session of the Legislature of Louisiana; and
18	WHEREAS, the policy behind requiring disclosures similar to the Texas
19	"Landowner's Bill of Rights" is to provide Louisiana landowners with more information that
20	can assist them in making more informed decisions about such issues as adequate

1 compensation, a public purpose for the taking, proper notice of the taking, access to written 2 appraisals, the right to hire an attorney and an appraiser, and the right to a court hearing; and 3 WHEREAS, in developing its recommendations for information to be included in a 4 disclosure notice, the Louisiana State Law Institute should include and solicit information 5 from representatives from the Public Service Commission and the Department of Natural 6 Resources, office of conservation. 7 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby 8 authorize and direct the Louisiana State Law Institute, with input from the Public Service 9 Commission and the Department of Natural Resources, office of conservation, to study and 10 make recommendations for the inclusion of information in a disclosure notice to landowners 11 whose property is the subject of an expropriation proceeding. 12 BE IT FURTHER RESOLVED that the study of the inclusion of a Landowner's Bill 13 of Rights is not intended to create additional expropriation statutes outside of the scope of 14 this Resolution. 15 BE IT FURTHER RESOLVED that the Louisiana State Law Institute report its 16 findings and recommendations to the Legislature of Louisiana on or before January 1, 2016.

DIGEST

BE IT FURTHER RESOLVED that a suitable copy of this Resolution be transmitted

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)]

Garofalo HCR No. 162

Authorizes and directs the Louisiana State Law Institute to study and make recommendations for the inclusion of information in a disclosure notice to a landowner whose property is the subject of an expropriation proceeding.

Summary of Amendments Adopted by House

to the director of the Louisiana State Law Institute.

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Committee Amendments Proposed by <u>House Committee on Civil Law and Procedure</u> to the <u>original</u> bill.

- 1. Changed provision to specify that expropriation should be employed only as necessary.
- 2. Added provision declaring that the resolution is not intended to create additional expropriation statutes.