

Regular Session, 2014

HOUSE CONCURRENT RESOLUTION NO. 162

BY REPRESENTATIVE GAROFALO

A CONCURRENT RESOLUTION

To authorize and direct the Louisiana State Law Institute to study and make recommendations for the inclusion of information in a disclosure notice to landowners whose property is subject to expropriation by public or private entities.

WHEREAS, expropriation of private property is a process which should be employed only as necessary and with great caution as it involves the derogation of a closely protected right under the constitutions of Louisiana and the United States; and

WHEREAS, the representative of a public or private entity expropriating property may often have more knowledge of the expropriation laws and procedures than the owner of the property being expropriated; and

WHEREAS, the state of Texas has developed a "Landowner's Bill of Rights" which requires that all entities with expropriation authority provide a brief summary of the landowner's rights to the landowner prior to the filing of the expropriation proceeding; and

WHEREAS, in an effort to ensure that the owner of the property being expropriated in Louisiana is more aware of his rights and remedies regarding the taking of his property by a public or private entity, House Bill No. 1281 was introduced during the 2014 Regular Session of the Legislature of Louisiana; and

WHEREAS, the policy behind requiring disclosures similar to the Texas "Landowner's Bill of Rights" is to provide Louisiana landowners with more information that can assist them in making more informed decisions about such issues as adequate compensation, a public purpose for the taking, proper notice of the taking, access to written appraisals, the right to hire an attorney and an appraiser, and the right to a court hearing; and

WHEREAS, in developing its recommendations for information to be included in a disclosure notice, the Louisiana State Law Institute should include and solicit information

from representatives from the Public Service Commission and the Department of Natural Resources, office of conservation.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby authorize and direct the Louisiana State Law Institute, with input from the Public Service Commission and the Department of Natural Resources, office of conservation, to study and make recommendations for the inclusion of information in a disclosure notice to landowners whose property is the subject of an expropriation proceeding.

BE IT FURTHER RESOLVED that the study of the inclusion of a Landowner's Bill of Rights is not intended to create additional expropriation statutes outside of the scope of this Resolution.

BE IT FURTHER RESOLVED that the Louisiana State Law Institute report its findings and recommendations to the Legislature of Louisiana on or before January 1, 2016.

BE IT FURTHER RESOLVED that a suitable copy of this Resolution be transmitted to the director of the Louisiana State Law Institute.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE