

Regular Session, 2012

# ACT No. 445

HOUSE BILL NO. 26

BY REPRESENTATIVE CONNICK

1 AN ACT

2 To enact R.S. 9:3191.1, relative to the return of expropriated residential property; to provide  
3 for prescription; to provide for payment; to provide for transfer of ownership; to  
4 provide for civil procedures for opposing transfer of ownership; to provide for  
5 applicability; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 9:3191.1 is hereby enacted to read as follows:

8 §3191.1. Thirty-year prescription; return of expropriated residential property

9 A. If residential property expropriated by the state or a political subdivision  
10 of the state remains in the possession of and is maintained by the original owner or  
11 his heir for a period of more than thirty years, the expropriated property shall be  
12 transferred back to the original owner or his heir upon payment of the fair market  
13 value of the property.

14 B. Upon expiration of the thirty-year period as provided by Subsection A of  
15 this Section, the original owner or his heir may tender payment of the fair market  
16 value of the property and deliver an act of transfer of ownership to the state or  
17 political subdivision of the state that expropriated the residential property. Within  
18 thirty days of receipt of the act of transfer of ownership and payment of the fair  
19 market value of the property, the state or political subdivision of the state that  
20 expropriated the residential property shall execute and return the act of transfer of  
21 ownership without additional cost to the original owner or his heir.

22 C. The state or political subdivision of the state that expropriated the  
23 residential property may oppose the act of transfer of ownership by filing an action

1           for injunction within thirty days of receipt of the tendered payment and the act of  
2           transfer of ownership in the district court where the property is located.

3                   (1) If the court finds that the original owner or his heir failed to tender fair  
4           market value of the property, retain possession of the property, or maintain the  
5           property for the requisite thirty-year period, the court shall grant the injunction and  
6           the state or political subdivision of the state shall not be required to execute the act  
7           of transfer of ownership.

8                   (2) If the court finds that the original owner or his heir tendered the fair  
9           market value of the property, retained possession of the property, and maintained the  
10          property for the requisite thirty-year period, the court shall order the state or political  
11          subdivision of the state to execute the act of transfer of ownership and shall award  
12          court costs and attorney fees to the original owner or his heir.

13                   D.(1) The provisions of this Section shall not apply to property expropriated  
14          for construction, operation, or maintenance of levees, levee systems, flood control,  
15          drainage, hurricane or storm surge protection, or integrated coastal protection.

16                   (2) The provisions of this Section shall not apply to property expropriated  
17          by the Department of Transportation and Development.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

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