

Regular Session, 2010

HOUSE BILL NO. 540

BY REPRESENTATIVE GISCLAIR

LEVEES: Provides relative to the appropriation procedures of the South Lafourche Levee District

1 AN ACT

2 To enact R.S. 38:301(C)(1)(b)(iii), (2)(h), and (4), relative to the South Lafourche Levee  
3 District; to provide relative to the appropriation of property by the district; to provide  
4 relative to notification of property owners; to provide relative to challenges to an  
5 appropriation or compensation paid for appropriated property; and to provide for  
6 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. R.S. 38:301(C)(1)(b)(iii), (2)(h), and (4) are hereby enacted to read as  
12 follows:

13 §301. Construction and maintenance of levees and drainage; care and inspection of  
14 levees; measure of compensation; right of entry; bicycle paths and walkways

15 \* \* \*

16 C.(1)

17 \* \* \*

18 (b)

19 \* \* \*

1           (iii) The South Lafourche Levee District shall provide the notice required by  
2           this Subparagraph by certified mail sent to the last record property owner as reflected  
3           in the parish assessment rolls at the address recorded in the assessment rolls. This  
4           notice shall be complete upon mailing. Notice of adoption of the appropriation  
5           resolution shall also be published in the official journal of the South Lafourche  
6           Levee District within ten days after its adoption.

7   \*       \*       \*

8           (2)

9   \*       \*       \*

10           (h)(i) Payment by the South Lafourche Levee District of its estimated  
11           compensation, if any, as required by this Section shall be made by certified mail to  
12           the last record property owner as reflected in the parish assessment rolls at the  
13           address recorded therein.

14           (ii) All claims regarding compensation to be paid by the South Lafourche  
15           Levee District for property appropriated for levee or levee drainage purposes or  
16           matters incidental thereto, which shall be limited to the fair market value of the  
17           property, shall be filed in the Seventeenth Judicial District Court of Lafourche  
18           Parish within one hundred eighty days after the district mails payment of its  
19           estimated compensation to the property owner. Notwithstanding the provisions of  
20           Code of Civil Procedure Article 1201(C), service of the citation shall be requested  
21           to be made immediately upon the district.

22   \*       \*       \*

23           (4)(a) Any owner or co-owner of property appropriated by the South  
24           Lafourche Levee District for levee or levee drainage purposes or for matters  
25           incidental thereto may, within sixty days after the adoption of the resolution  
26           appropriating the property, contest the validity of the appropriation as it pertains to  
27           the owner's or co-owner's respective ownership interests in the property by filing in  
28           the Seventeenth Judicial District Court of Lafourche Parish a verified petition  
29           contesting the appropriation. Notwithstanding the provisions of Code of Civil

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.



notice be given by certified mail sent to the last record property owner as reflected in the parish assessment rolls, which notice is complete upon mailing. Further requires publication of notice of the appropriation in the district's official journal within 10 days.

Present law requires that property owners be compensated at fair market value. Requires that the owner be provided with an estimate of the amount of compensation and that compensation be paid within one year.

Proposed law provides that claims regarding compensation are limited to the fair market value and must be filed with the 17<sup>th</sup> JDC within 180 days after estimated compensation is mailed. Requires that the payment be mailed to the last record property owner as reflected in the parish assessment rolls.

Proposed law provides relative to contesting the validity of an appropriation of property by the South Lafourche Levee District and requires that a property owner file a verified petition with the 17<sup>th</sup> JDC within 60 days after the adoption of the appropriating resolution. The owner waives his right to contest the appropriation if such a petition is not filed within 60 days. Provides that the filing of a petition does not interrupt or suspend the 60-day limit applicable to other owners. Prohibits class actions to contest an appropriation.

Present law authorizes levee and levee and drainage districts to expropriate property by declaration of taking (quick take authority).

Proposed law authorizes the South Lafourche Levee District to proceed under such authority if any appropriation is contested without incurring any obligations, damages, or liability.

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

(Adds R.S. 38:301(C)(1)(b)(iii), (2)(h), and (4))