Regular Session, 2010

HOUSE BILL NO. 540

BY REPRESENTATIVE GISCLAIR

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 related matters. 6 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 C.(1)16 17 18 (b) 19 20 (iii) The South Lafourche Levee District shall provide the notice required by 21 this Subparagraph by certified mail sent to the last record property owner as reflected 22 in the parish assessment rolls at the address recorded in the assessment rolls. This notice shall be complete upon mailing. Notice of adoption of the appropriation 23

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

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resolution shall also be published in the official journal of the South Lafourche

Levee District within ten days after its adoption.

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

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

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(4)(a) Any owner or co-owner of property appropriated by the South Lafourche Levee District for levee or levee drainage purposes or for matters incidental thereto may, within sixty days after the adoption of the resolution appropriating the property, contest the validity of the appropriation as it pertains to the owner's or co-owner's respective ownership interests in the property by filing in the Seventeenth Judicial District Court of Lafourche Parish a verified petition contesting the appropriation. Notwithstanding the provisions of Code of Civil Procedure Article 1201(C), service of the citation shall be requested to be made immediately upon the district. Failure of any owner or co-owner to contest the appropriation within sixty days after adoption of the appropriation resolution constitutes a loss of all rights or claims of that owner or co-owner of property appropriated for levee or levee drainage purposes or for matters incidental thereto

HB NO. 540 **ENROLLED** to challenge or contest the appropriation, except for claims for compensation filed in accordance with Subparagraph (2)(h) of this Subsection. The filing of a petition pursuant to this Paragraph shall not interrupt or suspend the sixty-day time period within which any other owner or co-owner of property appropriated for levee or levee drainage purposes or matters incidental thereto must file a petition challenging or contesting the appropriation. Notwithstanding the provisions of Code of Civil Procedure Articles 591 through 597, no class action may be brought or maintained to contest the appropriation by the South Lafourche Levee District of property for levee or levee drainage purposes or matters incidental thereto. (b) In the event that a petition contesting the validity of the appropriation is filed within sixty days of adoption of the resolution, the South Lafourche Levee District may proceed to expropriate petitioner's ownership interest in said property pursuant to R.S. 38:351 et seq., without incurring any obligations, damages, or <u>liability</u> other than the obligation to pay fair market value of the taken property. SPEAKER OF THE HOUSE OF REPRESENTATIVES PRESIDENT OF THE SENATE

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APPROVED: ____

GOVERNOR OF THE STATE OF LOUISIANA