

2021 Regular Session

HOUSE BILL NO.643

BY REPRESENTATIVES SCHEXNAYDER AND MAGEE

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

PROPERTY/EXPROPRIATION: Authorizes the Coastal Protection and Restoration Authority to acquire property for integrated coastal protection purposes prior to judgment

1 AN ACT

2 To amend and reenact the heading of Part IV of Title 19 of the Louisiana Revised Statutes
3 of 1950, R.S. 19:141 and 142, and R.S. 38:2(A)(2) and (3), relative to acquisition of
4 property by the Coastal Protection and Restoration Authority; to allow the Coastal
5 Protection and Restoration Authority acquire property for integrated coastal
6 protection purposes prior to judgment in the same authority as levee districts and
7 levee and drainage districts; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. The heading of Part IV of Title 19 of the Louisiana Revised Statutes of
10 1950, and R.S. 19:141 and 142 are hereby amended and reenacted to read as follows:

11 PART IV. EXPROPRIATION BY PORT COMMISSIONS,
12 PORT AUTHORITIES, LOUISIANA STATE UNIVERSITY, ~~AND~~
13 THE DEPARTMENT OF PUBLIC WORKS, STATE OF LOUISIANA, AND THE
14 COASTAL PROTECTION AND RESTORATION AUTHORITY

15 §141. Acquisition of property prior to judgment

16 In any suit for the expropriation of property, including the fee simple title and
17 servitudes, all port commissions and port authorities created by the constitution or
18 statutes of Louisiana; Louisiana State University and Agricultural and Mechanical
19 College; the Department of Public Works, State of Louisiana; the Coastal Protection

1 and Restoration Authority; and the Sabine River Authority, State of Louisiana, may
2 acquire the property prior to judgment in the trial court in the manner provided in
3 this Part.

4 §142. Contents of petition

5 A. The petition shall contain the allegations required in R.S. 19:2.1, but shall
6 have annexed thereto the following:

7 (1) A certified copy of a resolution adopted by the board of commissioners
8 of the commission or authority filing the petition or by the Board of Supervisors of
9 Louisiana State University with the concurrence of not less than two-thirds of its
10 members, declaring that the taking is necessary or useful for the purposes for which
11 the commission authority or university was created or if the petition is filed on behalf
12 of the department of public works, a statement of like nature by the director of public
13 works.

14 (2) A certificate signed by the consulting engineer of the port commission
15 or authority, by a person designated for that purpose by the board of supervisors of
16 Louisiana State University or by the chief engineer of the department of public
17 works, where the expropriation is sought by the department of public works or by the
18 Sabine River Authority declaring that he has made a determination of the amount
19 and location of the property or servitude required for the purposes set forth in the
20 petition and that in his opinion the property or servitude is neither excessive nor
21 inadequate for such purposes.

22 (3) A statement of the amount of money estimated to be just and adequate
23 compensation for the taking, showing any estimate of damages and of value of
24 improvements as separate items. It shall be signed by those who made the estimate,
25 showing the capacity in which they acted and the date on which it was made.

26 B.(1) A certified copy of a resolution adopted by the Coastal Protection and
27 Restoration Authority Board, having the concurrence of not less than two-thirds of
28 a quorum of its members, declaring that the taking is necessary or useful for the
29 purposes for which the Coastal Protection and Restoration Authority was created.

1 as defined in ~~R.S. 49:214.2(10)~~ R.S. 49:214.2(11), in the coastal area, as defined in
2 ~~R.S. 49:214.2(3)~~. R.S. 49:214.2(4), including but not limited to those powers
3 provided for in R.S. 19:141.

4 (3) Subject to the right to be reimbursed for reasonable costs associated with
5 such service, the Coastal Protection and Restoration Authority Board shall render to
6 local governmental subdivisions, levee districts, levee and conservation districts,
7 flood authorities, and any other special district all engineering, economic, and other
8 advisory services within the scope of its functions and jurisdiction as defined in ~~R.S.~~
9 ~~49:214.2(3) and (10)~~ R.S. 49:214.2(4) and (11) which its facilities allow.

10 * * *

DIGEST

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)]

HB 643 Original

2021 Regular Session

Schexnayder

Abstract: Allows the Coastal Protection and Restoration Authority (CPRA) to acquire property prior to judgment for integrated coastal protection purposes.

Present law authorizes levee districts and levee and drainage districts to acquire servitudes for levee and related purposes. Further allows such districts to acquire such property by expropriation prior to judgment. Proposed law provides CPRA the same authorization for acquisition of property for integrated coastal protection purposes.

Present law provides for the process by which the acquisition must be accomplished. Proposed law includes acquisition of property for integrated coastal protection by CPRA in each step of the process.

Present law requires levee districts and levee and drainage districts to file a petition in the appropriate district court along with a certified copy of a resolution by the governing board of the district declaring the expropriation to be necessary.

Proposed law retains present law and requires the submission of an additional resolution adopted by the CPRA Board declaring that the expropriation is necessary or useful for the purposes for which CPRA was created. Requires the resolution to have the following attached:

- (1) A certificate from the consulting engineer verifying that the property required for the purposes set forth in the petition is adequate for those purposes.
- (2) A certificate from the CPRA executive director stating that the expropriation is necessary or useful for the purposes for which CPRA was created.
- (3) A statement of compensation containing an estimate of the amount found to be just and adequate for any damages and of the value of improvements.

Proposed law requires the CPRA executive director to submit a copy of the resolution and all required attachments to the Senate Committee on Natural Resources and the House Committee on Natural Resources and Environment for review prior to filing of the petition.

(Amends the heading of Part IV of Title 19 of the Louisiana Revised Statutes of 1950, R.S. 19:141 and R.S. 38:2(A)(2) and (3))