

5/15/01

SUPREME COURT OF LOUISIANA

NO. 00-C-2535

EXXON PIPELINE COMPANY

v.

GEORGE HILL, INDIVIDUALLY AND AS TRUSTEE OF THE MRS.
ELIZABETH J. HILL TRUST FOR THE CHILDREN OF JOHN HILL, JR. ET
AL

c/w

NO. 00-C-2559

EXXON PIPELINE COMPANY

v.

V. PRICE LEBLANC, SHIRLEY WOLF LEBLANC, and SIMON
CORPORATION OF LOUISIANA

Knoll, Justice, concurring

Our Constitution provides that “[p]roperty shall not be taken or damaged by any private entity authorized by law to expropriate, except for a public and necessary purpose and with just compensation paid to the owner, whether the purpose is public and necessary shall be a judicial question.” LA. CONST. art. I, § 4. The measure of “just compensation” is not an easy question to answer in present day expropriation cases. The only guidance the Legislature has given us in determining “just compensation” is that “[i]n estimating the value of property to be expropriated, the basis of assessment shall be the value which the property possessed before the contemplated improvement was proposed, without deducting therefrom any amount for the benefit derived by the owner from the contemplated improvement or work,” and the “owner shall be compensated to the full extent of his loss.” See LA. REV.

STAT. ANN. § 19:9.

In expropriation cases, the power of the State and private entities authorized by law to take property competes with the sacred and fundamental rights of citizens to own, control, use, enjoy, protect, and dispose of property. Hundreds if not thousands of landowners are affected by pipeline servitudes and all of our citizens are affected by the policy issues that support expropriation. We must insure that abuses in expropriation cases do not occur, and abuses do occur both ways. Large companies imbued with the power of expropriation sometimes abuse their power to take property at what are seemingly unfair prices, and property owners sometimes abuse their power by demanding far more than their property is worth.

With this in mind, I concur to express my view that valuation of property in expropriation cases is an open question and each case should be judged on its own under its individual facts and circumstances. Inadequate and inaccurate valuations run rampant and we must strive to find valuations that serve the purpose of protecting property rights while allowing public interests to be served. Because of the important public policies and fundamental rights involved in expropriation cases, it would be helpful if the Legislature took action to clarify standards for valuation under LA. REV. STAT. ANN. § 19:9. In doing so, the Legislature can set standards outside the framework of complex and intense litigation, hold hearings, and hear from all interested persons in this matter. For these reasons, I respectfully concur.