

## HOUSE SUMMARY OF SENATE AMENDMENTS

House Bill No. 707 by Representative Farrar

PROPERTY/EXPROPRIATION: (Constitutional Amendment) Provides procedures for the expropriation of property

### Synopsis of Senate Amendments

1. Deletes provisions amending Article I, §4(B), relative to the expropriation of property by the state or its political subdivisions and limiting the authority to expropriate.
2. Adds exceptions for leases or operation agreements for highways, qualified transportation facilities, and airports to the exception for leases or operation agreements for port facilities.
3. Changes bill from requiring that property be offered to the original landowner or the successor in title at the fair market value to requiring that such property which has been held for less than 30 years be offered to the original owner or his heir at the current appraised value or the pro rata compensation paid to the owner for the expropriated property, whichever is less, or if there is no heir, to the successor in title at the current appraised value.
4. Adds provision that if the expropriated property is held by the state or its political subdivision for more than 30 years, the property may be sold or transferred as otherwise provided by law.
5. Changes bill from requiring that surplus property be offered to the original landowner or the successor in title at the fair market value within two years of the completion of the project, to requiring that such property be offered to the original owner or his heir at the current appraised value or the pro rata compensation paid to the owner for the expropriated property, whichever is less, or if there is no heir, to the successor in title at the current appraised value.
6. Changes the time in which a landowner or the successor in title may petition the political subdivisions which expropriated the property to have all or any portion of the property declared surplus from within one year to after one year, from completion of the project for which the property was expropriated.

### Digest of Bill as Finally Passed by Senate

Present constitution (Art. I, §4(B)) prohibits the expropriation of property by the state or its political subdivisions except for public purposes and with just compensation paid to the owner or into court for his benefit. Prohibits the expropriation of property by any private entity authorized by law to expropriate, except for a public and necessary purpose and with just compensation paid to the owner; in such proceedings, whether the purpose is public and necessary shall be a judicial question.

Proposed constitutional amendment (Adds Art. I, §4(G)) provides that:

- (1) Except for lease and operations agreements for port facilities, highways, qualified transportation facilities or airports, the state or political subdivision shall not sell or lease property which has been expropriated and held for not more than 30 years without first offering the property to the original owner or his heir at the current appraised value, or pro rata the compensation paid to the owner at expropriation, whichever is less, or, if there is no heir, to the successor in title to the owner at the

- time of expropriation at the current appraised value, after which the property can only be transferred by competitive bid open to the general public. After 30 years have passed from the date the property was expropriated, the state or political subdivision may sell or otherwise transfer the property as provided by law.
- (2) Within one year from the completion of the project for which the property was expropriated, the state or its political subdivision which expropriated the property shall identify all property which is not necessary for the stated public purpose of the project and declare it as surplus.
  - (3) All expropriated property identified as surplus property shall be offered for sale to the original owner or his heir at the current appraised value or pro rata the compensation paid to the owner for the expropriation, whichever is less, or, to any other successor in title to the owner at the time of expropriation at the current appraised value, within 2 years after completion of the project. If the original owner, heir, or other successor in title refuses or fails to purchase the surplus property within 3 years from completion of the project, then the surplus property may be offered for sale to the general public by competitive bid.
  - (4) After one year from the completion of the project for which property was expropriated, the original owner or the successor in title may petition the state or political subdivision which expropriated the property to have all or any portion of his property declared surplus. If the state or political subdivision refuses or fails to identify all or any portion of the expropriated property as surplus, the original owner or the successor in title may petition any court of competent jurisdiction to have the property declared surplus

Provides for submission of the proposed amendment to the voters at the statewide election to be held September 30, 2006.

(Adds Const. Art. I, §4(G))