

Regular Session, 2006

ACT No. 859

HOUSE BILL NO. 707

BY REPRESENTATIVES FARRAR, RICHMOND, AND STRAIN

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

A JOINT RESOLUTION

Proposing to add Article I, Section 4(G) of the Constitution of Louisiana, to prohibit, except in limited instances, the transfer or lease of property expropriated by the state or its political subdivisions to any person without first offering the property to the original owner; to provide that unused expropriated property be declared surplus property to be first offered to the original owner prior to sale to the general public by competitive bid; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members elected to each house concurring, that there shall be submitted to the electors of the state of Louisiana, for their approval or rejection in the manner provided by law, a proposal to add Article I, Section 4(G) of the Constitution of Louisiana, to read as follows:

§4. Right to Property

Section 4.

* * *

(G)(1) Except for leases or operation agreements for port facilities, highways, qualified transportation facilities or airports, the state or its political subdivisions shall not sell or lease property which has been expropriated and held for not more than thirty years without first offering the property to the original owner or his heir, or, if there is no heir, to the successor in title to the owner at the time of expropriation at the current fair market value, after which the property can only be transferred by competitive bid open to the general public. After thirty 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.

1 (2) Within one year after the completion of the project for which the property
 2 was expropriated, the state or its political subdivision which expropriated the
 3 property shall identify all property which is not necessary for the public purpose of
 4 the project and declare the property as surplus property.

5 (3) All expropriated property identified as surplus property shall be offered
 6 for sale to the original owner or his heir, or, if there is no heir, to the successor in
 7 title to the owner at the time of expropriation at the current fair market value, within
 8 two years after completion of the project. If the original owner, heir, or other
 9 successor in title refuses or fails to purchase the surplus property within three years
 10 from completion of the project, then the surplus property may be offered for sale to
 11 the general public by competitive bid.

12 (4) After one year from the completion of the project for which property was
 13 expropriated, the original owner or his heir, or, if there is no heir, the successor in
 14 title to the owner at the time of expropriation may petition the state or its political
 15 subdivision which expropriated the property to have all or any portion of his property
 16 declared surplus. If the state or its political subdivision refuses or fails to identify
 17 all or any portion of the expropriated property as surplus, the original owner or the
 18 successor in title may petition any court of competent jurisdiction to have the
 19 property declared surplus.

20 Section 2. Be it further resolved that this proposed amendment shall be submitted
 21 to the electors of the state of Louisiana at the statewide election to be held on September 30,
 22 2006.

23 Section 3. Be it further resolved that on the official ballot to be used at said election
 24 there shall be printed a proposition, upon which the electors of the state shall be permitted
 25 to vote FOR or AGAINST, to amend the Constitution of Louisiana, which proposition shall
 26 read as follows:

27 To prohibit, except in limited instances, the transfer or lease of property
 28 expropriated by the state or its political subdivisions to any person without
 29 first offering the property to the original owner; to provide that unused
 30 expropriated property be declared surplus property to be first offered to the

- 1 original owner prior to sale to the general public by competitive bid. (Adds
- 2 Article I, Section 4(G))

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE