

Regular Session, 2010

HOUSE BILL NO. 276

BY REPRESENTATIVE LEGER

PROPERTY/EXPROPRIATION: (Constitutional Amendment) Provides relative to the sale of expropriated property

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A JOINT RESOLUTION

Proposing to amend Article I, Section 4(H)(1) of the Constitution of Louisiana, to provide relative to the sale of certain expropriated property; to provide an exception for the sale of property expropriated for the removal of a threat to public health or safety; 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 amend Article I, Section 4(H)(1) of the Constitution of Louisiana, to read as follows:

§4. Right to Property

Section 4.

* * *

(H)(1) Except for the removal of a threat to public health or safety caused by the existing use or disuse of the property, and 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

a threat to public health or safety, and if he does not repurchase the property, the property is then required to be offered at public sale.

Proposed law removes the requirement that the property be offered back to the original owner who allowed the property to become a threat to public health or safety and the requirement of public sale.

Provides for submission of the proposed amendment to the voters at the statewide election to be held Nov. 2, 2010.

(Amends Const. Art. I, §4(H)(1))