Regular Session, 2010

HOUSE BILL NO. 276

BY REPRESENTATIVES LEGER, HINES, AND BROSSETT

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

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 <u>for the removal of a threat to public health or safety caused by the existing use or disuse of the property, and except</u> 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

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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.

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Section 2. Be it further resolved that this proposed amendment shall be submitted to the electors of the state of Louisiana at the statewide election to be held on November 2, 2010.

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

Provides that property expropriated for the public purpose of removing a threat to public health or safety caused by the existing use or disuse of the property shall not be subject to the requirement of offering the property back to the original owner who allowed the property to become a threat to public health or safety or to the requirement of public sale. (Amends Article I, Section 4(H)(1))

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)]

Leger HB No. 276

Abstract: Provides that property expropriated for the public purpose of removing a threat to public health or safety caused by the existing use or disuse of the property shall not be subject to the requirement of offering the property back to the original owner who allowed the property to become a threat to public health or safety or to the requirement of public sale.

Present constitution authorizes the expropriation of property for public purposes, including the expropriation of property for the public purpose of removing a threat to public health or safety caused by the existing use or disuse of the property.

Present constitution requires that property expropriated for the removal of a threat to public health or safety be offered back to the original owner who allowed the property to become

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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))

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