

HB 1286 - H AMD 646

By Representative Shea

NOT ADOPTED 02/13/2014

1 On page 1, at the beginning of line 7, insert "(1)"

2 On page 1, line 9, after "tribe" insert "unless the land is subject
3 to sale under subsection (2) of this section"

4 On page 2, after line 3, insert the following:

5 "(2)(a) Prior to the department's transfer or conveyance of any
6 real property or any interest in real property that was acquired
7 through condemnation within the previous ten years, the department must
8 give the former owner a right of repurchase as described in (b) of this
9 subsection. For the purposes of this subsection, "former owner" means
10 the person from whom or entity from which the department acquired
11 title.

12 (b) At least ninety days prior to the date on which the property is
13 intended to be sold by the department, the department must mail notice
14 of the planned sale to the former owner of the property at the former
15 owner's last known address or to a forwarding address if that owner has
16 provided the department with a forwarding address. If the former owner
17 of the property's last known address, or forwarding address if a
18 forwarding address has been provided, is no longer the former owner of
19 the property's address, the right of repurchase is extinguished. If
20 the former owner notifies the department within thirty days of the date
21 of the notice that the former owner intends to repurchase the property,
22 the department must proceed with the sale of the property to the former
23 owner for fair market value and may not list the property for sale to
24 other owners. If the former owner does not provide timely written
25 notice to the department of the intent to exercise a right of
26 repurchase, or if the sale to the former owner is not completed within
27 six months of the date of notice that the former owner intends to
28 repurchase the property, the right of repurchase is extinguished."

EFFECT: Requires that, before certain transfers or conveyances of land, the department of transportation provide a right of repurchase to former owners from whom property was acquired by the department through a condemnation action within the previous ten years. Provides the process by which this right of repurchase is offered by the department and executed by a former owner.

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