

HB 1286 - H AMD 79

By Representative Shea

FAILED 03/05/2013

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

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

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

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

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

1 department of the intent to exercise a repurchase right, or if the
2 sale to the former owner is not completed within six months of the
3 date of notice that the former owner intends to repurchase the
4 property, the right of repurchase is extinguished."

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EFFECT: Requires that, before transferring or conveying land to a federally recognized Indian tribe, 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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