

**Adopted
AMENDMENT NO 1 PROPOSED TO**

Cmte Sub for House Bill No. 190

BY: Representative Gadd

1 **AMEND** by striking Section 1 in its entirety and inserting the
2 following in lieu thereof:

3 **SECTION 1.** (1) If any agency, department, commission,
4 board, bureau, institution or other instrumentality of the state,
5 or any county, any municipality or any political subdivision or
6 instrumentality thereof owns any real property that was acquired
7 through condemnation or eminent domain proceedings and such
8 property:

9 (a) Is not being used for a public purpose,

10 (b) Has not been used for a public purpose during a
11 period of at least fifteen (15) consecutive years at any time
12 since its acquisition by the governmental entity, and

13 (c) There are no definitive plans by the governmental
14 entity for use of the property for a public purpose in the
15 immediate future,

16 then the person or persons who owned the property at the time it
17 was condemned, or a child of any such person, may petition the
18 governmental entity that acquired the property to force sell of
19 the property, or any portion thereof, to the petitioner or
20 petitioners provided that the property was acquired by the
21 governmental entity not more than forty (40) years before the
22 filing of the petition. The petition must clearly describe the

23 property, document the original condemnation, identify the owner
24 from whom the property was taken and all of the owner's children
25 at law and allege nonuse of the property for a public purpose as
26 provided in paragraphs (a), (b) and (c) of this subsection.

27 (2) Within ninety (90) days after receiving the petition,
28 the governmental entity must respond to the petition by making a
29 written finding and entering upon its official minutes a statement
30 indicating use or nonuse of the property for a public purpose as
31 provided in paragraphs (a), (b) and (c) of subsection (1) of this
32 section.

33 (3) If the governmental entity fails to respond timely or
34 alleges in its findings use of the property for a public purpose,
35 then the petitioner or petitioners may institute legal proceedings
36 for the purpose of compelling the governmental entity to respond
37 or for the purpose of taking exception to the findings of the
38 governmental entity.

39 (4) If the governmental entity responds in its findings
40 nonuse of the property for a public purpose, then the original
41 owner or his children have not more than one (1) year to provide
42 the governmental entity with all documentation necessary to prove
43 original ownership and to prove that the petitioner is the
44 original owner or a child of the original owner, along with proof
45 that all persons authorized to file the petition have been
46 notified of the petition and have joined in the petition, have no
47 objection to the petition or have failed to respond within ninety
48 (90) days after having been notified. Notice to all persons
49 authorized to file the petition who have not joined in the
50 petition shall be given in the same manner and in accordance with
51 the same procedure as service of process in civil cases. Upon
52 receipt of such documentation, the governmental entity has ninety
53 (90) days to execute all documents required to convey the property
54 to the petitioner at the price originally paid for the property

55 together with the fair market value of any improvements thereon,
56 less such amount, if any, as the person or persons from whom the
57 property was condemned, or the children of any such person, shows
58 by good and sufficient documentation to be the amount of income
59 and transaction taxes, if any, actually paid in connection
60 therewith. Any such conveyance may be made by quitclaim deed of
61 the governing authorities of the governmental entity.

62 (6) This section shall not be applicable to property that a
63 governmental entity has conveyed or otherwise disposed of before
64 July 1, 2006.

65 **AMEND FURTHER**, the title, line 4, by deleting the words
66 "HEIRS AT LAW" and inserting in lieu thereof the words "CHILDREN".