SB384

140515-5


RFD: Governmental Affairs

First Read: 01-MAR-12
A BILL
TO BE ENTITLED
AN ACT

Relating to real property; to require, before purchase, the state, a county, a municipality, and any other governmental entity to obtain an appraisal of the real property; and to provide procedures to be followed should an offer be made for a purchase price which exceeds the fair market value of the property as determined by appraisal.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) Whenever the state, a county, a municipality, or any other governmental entity is considering the purchase of real property, the property shall first be appraised by a certified general real property appraiser as defined in Section 34-27A-9(a)(5) of the Code of Alabama 1975. The owner or his or her designated representative shall be given an opportunity to accompany the appraiser during his or her inspection of the property.

(b) The appraisal and any documents related thereto shall initially be released only to the governmental entity
considering the purchase of real property. The appraisal and
any documents related thereto shall not be deemed public
records nor shall the documents be released by any party
having access to them until one of the following has occurred:

(1) A final offer has been made and accepted for the
purchase of the property for an amount equal to or less than
the fair market value of the property as determined pursuant
to subsection (a).

(2) The governmental entity has decided to make an
offer for the purchase of the property at an amount higher
than the fair market value of the property as determined
pursuant to subsection (a) in the manner prescribed by this
act.

(3) The governmental entity has decided that the
purchase of the property is not in the best interest of the
governmental entity and the citizens it serves.

(c) If a governmental entity decides to purchase the
property at issue for an amount which exceeds the fair market
value as determined pursuant to subsection (a), it shall only
do so by a recorded vote held at a regularly scheduled meeting
or at a specially called meeting held following at least three
days' notice. No vote on the purchase of property pursuant to
this subsection may be held unless the fair market value
established by the appraisal conducted pursuant to this act is
posted at least three days prior to the vote, the fair market
value has been included in the notice of the meeting, and a
public hearing has been held.
(d) If, following the completion of an appraisal, the governmental entity attempts to pursue acquisition of the property via condemnation or eminent domain, the appraisal shall immediately become public record and be provided to the owner of the property at issue.

(e) Notwithstanding any other provision of this act, including the requirements of subsection (c), a governmental entity shall be entitled to purchase property for an amount equal to the fair market value determined pursuant to subsection (a) plus an amount equal to the additional cost which would have been required to acquire the property by means of eminent domain or condemnation.

(f) Notwithstanding any provision set forth above, any appraisal conducted pursuant to this act shall become a public record 30 days following the completion of acquisition or the termination of negotiations for purchase of the property.

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.
Senate

Read for the first time and referred to the Senate committee on Governmental Affairs................. 01-MAR-12

Read for the second time and placed on the calendar 3 amendments............................................ 15-MAR-12

Read for the third time and passed as amended .... 19-APR-12

Yeas 23
Nays 1
Abstaining 4

Patrick Harris
Secretary