

1 SB384
2 140515-5
3 By Senators Pittman, Bedford, Holley, Sanford, Scofield,
4 Holtzclaw, Taylor, Allen, Blackwell, Bussman, Fielding,
5 Beason, Brewbaker, Ross, Beasley, Williams, Glover, Ward,
6 Reed, McGill, Dial, and Waggoner
7 RFD: Governmental Affairs
8 First Read: 01-MAR-12

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

10
11 Relating to real property; to require, before
12 purchase, the state, a county, a municipality, and any other
13 governmental entity to obtain an appraisal of the real
14 property; and to provide procedures to be followed should an
15 offer be made for a purchase price which exceeds the fair
16 market value of the property as determined by appraisal.

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

26 (b) The appraisal and any documents related thereto
27 shall initially be released only to the governmental entity

1 considering the purchase of real property. The appraisal and
2 any documents related thereto shall not be deemed public
3 records nor shall the documents be released by any party
4 having access to them until one of the following has occurred:

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

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

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

17 (c) If a governmental entity decides to purchase the
18 property at issue for an amount which exceeds the fair market
19 value as determined pursuant to subsection (a), it shall only
20 do so by a recorded vote held at a regularly scheduled meeting
21 or at a specially called meeting held following at least three
22 days' notice. No vote on the purchase of property pursuant to
23 this subsection may be held unless the fair market value
24 established by the appraisal conducted pursuant to this act is
25 posted at least three days prior to the vote, the fair market
26 value has been included in the notice of the meeting, and a
27 public hearing has been held.

1 (d) If, following the completion of an appraisal,
2 the governmental entity attempts to pursue acquisition of the
3 property via condemnation or eminent domain, the appraisal
4 shall immediately become public record and be provided to the
5 owner of the property at issue.

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

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

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

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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 calen-
dar 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