

2018 Regular Session

SENATE BILL NO. 415

BY SENATOR WHITE

TRANSPORTATION/DEV DEPT. Provides relative to the sale of excess immovable property by the Department of Transportation and Development. (gov sig)

1 AN ACT

2 To amend and reenact the introductory paragraph of R.S. 48:221(A)(4), and to enact R.S.
3 48:221(A)(4)(c), relative to the disposition of certain property by the Department of
4 Transportation and Development; to authorize the use of a real estate broker to sell
5 property deemed an uneconomic remnant; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. The introductory paragraph of R.S. 48:221(A)(4) is hereby amended and
8 reenacted and R.S. 48:221(A)(4)(c) is hereby enacted to read as follows:

9 §221. Acquisition of balance of land in certain cases; disposition; exchange; excess
10 property

11 A. * * *

12 (4) If excess immovable property authorized to be sold pursuant to this
13 Section is not purchased at public or private sale as provided herein, or if the cost of
14 advertisement is greater than the fair market value of the property so that the
15 property lacks a positive net value to the department, the secretary may, ~~within his~~
16 ~~discretion~~, do ~~either~~ **any** of the following:

17 * * *

1 **(c)(i) Use a real estate broker licensed in Louisiana to sell the property.**

2 **The selling price of the property may be as determined in the department's last**
3 **available appraisal, or the cost of the advertisement, whichever is less. In the**
4 **event of the sale of the property, the department may pay the broker a**
5 **commission not to exceed twenty-five percent of the sale price of the property.**

6 **(ii) Notwithstanding any provision of law to the contrary, the sale of**
7 **property in accordance with the provisions of Item (4)(c)(i) of this Subsection**
8 **shall be limited to property identified by the department as an uneconomic**
9 **remnant.**

10 **(iii) For the purposes of this Subparagraph, the term "uneconomic**
11 **remnant" means a parcel of immovable property acquired by the department**
12 **where the department determined that any remaining partial interest in the**
13 **owner's property would have little or no value or utility to the owner.**

14 **(iv) The department may promulgate rules and regulations necessary to**
15 **implement the provisions of this Subparagraph pursuant to the Administrative**
16 **Procedure Act.**

17 * * *

18 Section 2. This Act shall become effective upon signature by the governor or, if not
19 signed by the governor, upon expiration of the time for bills to become law without signature
20 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
21 vetoed by the governor and subsequently approved by the legislature, this Act shall become
22 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Sharon F. Lyles.

SB 415 Original

DIGEST
2018 Regular Session

White

Present law provides that the secretary of the Department of Transportation and Development (DOTD) may dispose of excess immovable property that is not purchased at public or private sale or when the cost to advertise the property for sale is greater than the property's fair market value so that the property lacks a positive net value to the department by either of the following:

- (1) Donating the property pro rata to the adjacent landowner or landowners.

- (2) Conveying ownership of the property to any political subdivision in which the property is located or to the Department of Natural Resources.

Proposed law adds that DOTD may use a real estate broker licensed in Louisiana to sell the property for a selling price based on the department's last available appraisal if the property value is less than the cost for DOTD to advertise the property for sale. Provides for payment of a commission not to exceed 25% of the property's sales price to the broker when the property is sold. Provides that use of a broker is limited to property identified by DOTD as an "uneconomic remnant" defined as a parcel of immovable property acquired by the department where the department determined that any remaining partial interest in the owner's property would have little or no value or utility to the owner. Authorizes DOTD to promulgate rules and regulations necessary to implement broker sales pursuant to the Administrative Procedure Act.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 48:221(A)(4)(intro para); adds R.S. 48:221(A)(4)(c))