

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 \* \* \*



- (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))