

2019 Regular Session

SENATE BILL NO. 149

BY SENATOR LUNEAU

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

PUBLIC BUILDINGS/GROUNDS. Authorizes the state of Louisiana to sell or transfer certain state property. (8/1/19)

1 AN ACT

2 To enact R.S. 40:16.4, relative to the transfer or sale of certain state property; to provide for
3 the property descriptions; to provide for reservation of mineral rights; to provide for
4 terms and conditions; to provide for dedication of funds; to provide for the creation
5 of the Louisiana Department of Health's Facility Support Fund Number 2; to provide
6 for the transfer, use, and investment of monies in the fund; and to provide for related
7 matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. The commissioner of administration and the secretary of the
10 Louisiana Department of Health, notwithstanding any other provision of law to the
11 contrary, are hereby authorized and empowered to convey, transfer, assign, lease, or
12 deliver any interest, excluding mineral rights, the state may have to all or any portion
13 of the following described parcel of property pursuant to R.S. 41:131 et seq.:

14 That certain tract or parcel of land situated in Rapides Parish, Louisiana,
15 containing 204.80 acres, more or less fronting on Red River a short distance
16 above Pineville, and being the upper half of Section 17. Township Four (4)
17 North Range One (1) West, and being bounded in front by Red River, above by

1 property of O'Shee Bros. formerly of Mrs. Sallie C. Day, below by property
2 belonging to the vendors, and in the rear by property of O'Shee Bros. Being
3 property formerly belonging to Sallie C. Day and property of E. J. Barrett, and
4 being the upper half of that tract of land the lower half of which was purchased
5 by this vendee from Mrs. Marie Daid, as shown by plat attached to deed-duly
6 of record in Conveyance Book "NN" page 235.

7 Section 2. The commissioner of administration and the secretary of the
8 Department of Transportation and Development, notwithstanding any other provision
9 of law to the contrary, are hereby authorized and empowered to convey, transfer,
10 assign, lease, or deliver any interest, excluding mineral rights, the state may have to all
11 or any portion of the following described parcel of property to the town of Boyce:

12 One (1) certain tract or parcel of land, and all of the improvements
13 situated wholly or partially thereon, and all of the rights of ways, servitudes,
14 privileges and advantages thereunto belonging or in anywise appertaining,
15 situated in Section 9, Township 5 North, Range 2 West, Southwestern Land
16 District in the parish of Rapides, state of Louisiana, and being more particularly
17 described as follows:

18 From a point on the centerline of State Project No. 455-05-08, at Station
19 206+14.19, proceed S19°08'57"W a distance of 256.79 feet to the point of
20 beginning; thence proceed S54°03'34"E a distance of 143.10 feet to a
21 point and corner; thence proceed S20°40'02"W a distance of 129.28 feet
22 to a point and corner; thence proceed S26°28'29"W a distance of 156.60
23 feet to a point and corner; thence proceed S19°10'28"W a distance of
24 122.52 feet to a point and corner; thence proceed N50°32'17"W a
25 distance of 29.87 feet to a point and corner; thence proceed
26 N48°33'29"W a distance of 195.27 feet to a point and corner; thence
27 proceed N43°41'26"W a distance of 354.47 feet to a point and corner;
28 thence proceed N46°31'57"E a distance of 268.41 feet to a point and
29 corner; thence proceed S63°40'07"E a distance of 289.33 feet to the point

1 of beginning. All of which comprises Tract 2 as shown on Plat by
2 Department of Transportation and Development dated October 15, 2018
3 and contains an area of 3.939 acres.

4 Section 3. The commissioner of administration and the secretary of the
5 Department of Transportation and Development, notwithstanding any other provision
6 of law to the contrary, are hereby authorized and empowered to convey, transfer,
7 assign, lease, or deliver any interest, excluding mineral rights, the state may have to all
8 or any portion of the following described parcel of property to the Louisiana
9 Department of Health:

10 Parcel 1-2, State of Louisiana, Section 17, T-4-N, R1W

11 From a point on the centerline of State Project No. 840-43-0009, at
12 Station 70+71.12, proceed S52N51'58"E a distance of 146.34 feet to the
13 point of beginning; thence proceed N31N35'37"E a distance of 221.03
14 feet to a point and corner; thence proceed S52N51'58"E a distance of
15 200.93 feet to a point and corner; thence proceed along a curve to the
16 right having a radius of 435.00 feet, whose length is 375.25 feet and
17 whose chord length is 363.72 feet and bears S28N08'45"E to a point and
18 corner; thence proceed S03N31'39"E a distance of 163.97 feet to a point
19 and corner; thence proceed S15N51'23"W a distance of 176.98 feet to a
20 point and corner; thence proceed S31N12'07"W a distance of 75.57 feet
21 to a point and corner; thence proceed S17N32'26"W a distance of 206.71
22 feet to a point and corner; thence proceed along a curve to the left
23 having a radius of 897.69 feet, whose length is 176.48 feet and whose
24 chord length is 176.19 feet and bears N47N29'20"W to a point and
25 corner; thence proceed along a curve to the right having a radius of
26 390.00 feet, whose length is 129.97 feet and whose chord length is 129.37
27 feet and bears N06N18'35"E to a point and corner; thence proceed
28 N15N51'23"E a distance of 122.88 feet to a point and corner; thence
29 proceed N02N12'33"W a distance of 145.11 feet to a point and corner;

1 thence proceed along a curve to the left having a radius of 215.00 feet,
2 whose length is 257.88 feet and whose chord length is 242.69 feet and
3 bears N18N30'19"W to a point and corner; thence proceed
4 N52N51'58"W a distance of 179.54 feet to the point of beginning. All of
5 which comprises Parcel 1-2 as shown on Sheet 1 of 2 of the Special Map
6 of State Project No. 840-43-0009, and contains an area of 212950.9
7 square feet or 4.889 acres.

8 Section 4. The commissioner of administration and the secretary of the
9 Department of Children and Family Services, notwithstanding any other provision of
10 law to the contrary, are hereby authorized and empowered to convey, transfer, assign,
11 lease, or deliver any interest, excluding mineral rights, the state may have to all or any
12 portion of the following described parcel of property to the Jackson Parish Police Jury:

13 Beginning at the Northeast corner of the SE1/4 of SE1/4 of Section 32,
14 Township 15 North boundary line of said forty 525 feet, thence run
15 South 414 feet, thence run east 525 feet or to the East boundary line of
16 said forty, thence run North 414 feet or to the point of beginning,
17 together with all improvements and appurtenances thereunto belonging,
18 situated in Jackson Parish, Louisiana.

19 Section 5. The commissioner of administration and the secretary of the
20 Louisiana Department of Health, on behalf of the state of Louisiana, are hereby
21 authorized to enter into such agreements, covenants, conditions, and stipulations and
22 to execute such documents as necessary to properly effectuate any conveyance,
23 transfer, assignment, lease, or delivery of title, excluding mineral rights, to the property
24 described in Section 1, and as more specifically described in any such agreements
25 entered into and documents executed by and between the commissioner of
26 administration and the secretary of the Louisiana Department of Health and the
27 purchaser, in exchange of consideration at least proportionate to the appraised value
28 of the property.

29 Section 6. The commissioner of administration and the secretary of the

1 Department of Transportation and Development, on behalf of the state of Louisiana,
2 are hereby authorized to enter into such agreements, covenants, conditions, and
3 stipulations and to execute such documents as necessary to properly effectuate any
4 conveyance, transfer, assignment, lease, or delivery of title, excluding mineral rights,
5 to the property described in Section 2, and as more specifically described in any such
6 agreements entered into and documents executed by and between the commissioner of
7 administration and the secretary of the Department of Transportation and
8 Development and the town of Boyce, in exchange of consideration at least
9 proportionate to the appraised value of the property.

10 Section 7. The commissioner of administration and the secretary of the
11 Department of Transportation and Development, on behalf of the state of Louisiana,
12 are hereby authorized to enter into such agreements, covenants, conditions, and
13 stipulations and to execute such documents as necessary to properly effectuate any
14 conveyance, transfer, assignment, lease, or delivery of title, excluding mineral rights,
15 to the property described in Section 3, and as more specifically described in any such
16 agreements entered into and documents executed by and between the commissioner of
17 administration and the secretary of the Department of Transportation and
18 Development and the Department of Health, in exchange of consideration at least
19 proportionate to the appraised value of the property.

20 Section 8. The commissioner of administration and the secretary of the
21 Department of Children and Family Services, on behalf of the state of Louisiana, are
22 hereby authorized to enter into such agreements, covenants, conditions, and
23 stipulations and to execute such documents as necessary to properly effectuate any
24 conveyance, transfer, assignment, lease, or delivery of title, excluding mineral rights,
25 to the property described in Section 4, and as more specifically described in any such
26 agreements entered into and documents executed by and between the commissioner of
27 administration and the secretary of the Department of Children and Family Services
28 and the Jackson Parish Police Jury, in exchange of consideration at least proportionate
29 to the appraised value of the property.

1 Section 9. The state land office shall be entitled to deduct a portion of the sale
2 proceeds necessary to offset its appraisal, survey, and other closing costs occasioned by
3 the transaction described in Section 1. The remaining proceeds shall be deposited into
4 the Louisiana Department of Health Facility Support Fund Number 2 and be dedicated
5 to the planning, design, permits, improvements, repairs, equipment, restoration,
6 renovation, or construction of the Central Louisiana State Hospital. The proceeds from
7 the transactions described in Sections 2 and 3 shall be deposited into the state treasury
8 in accordance with R.S. 39:13 and R.S. 41:131 et seq.

9 Section 10. R.S. 40:16.4 is hereby enacted to read as follows:

10 §16.4. Louisiana Department of Health's Facility Support Fund Number 2

11 A. There is hereby created, as a special fund in the state treasury, the
12 Louisiana Department of Health's Facility Support Fund Number 2, hereinafter
13 referred to as the "fund".

14 B.(1) Notwithstanding any other provision of law to the contrary, after
15 compliance with the requirements of Article VII, Section 9(B) of the
16 Constitution of Louisiana, relative to the Bond Security and Redemption Fund,
17 and after a sufficient amount is allocated from that fund to pay all of the
18 obligations secured by the full faith and credit of the state which become due
19 and payable within any fiscal year, the treasurer shall pay an amount into the
20 fund equal to the amount collected by the state from the proceeds of the sale or
21 transfer of certain lands as provided in Section 1 of the Act which originated as
22 Senate Bill No. 149 of the 2019 Regular Session of the Legislature, less the
23 amount of the sale proceeds to be deducted by the state land office to offset its
24 appraisal, survey, and other closing costs occasioned by the transactions.

25 (2) Monies appropriated from the fund shall be used solely as provided
26 in Subsection C of this Section and only in the amounts appropriated by the
27 legislature. All unexpended and unencumbered monies in the fund at the end
28 of the fiscal year shall remain in the fund. The monies in the fund shall be
29 invested by the state treasurer in the same manner as monies in the state

1 general fund, and interest earned on the investment of these monies shall be
 2 credited to the fund following compliance with the requirements of Article VII,
 3 Section 9(B) of the Constitution of Louisiana, relative to the Bond Security and
 4 Redemption Fund.

5 C. Subject to annual appropriation by the legislature, the monies in the
 6 fund shall be used solely for the planning, design, permits, improvements,
 7 repairs, equipment, restoration, renovation, or construction of the Central
 8 Louisiana State Hospital.

The original instrument was prepared by Alan Miller. The following digest, which does not constitute a part of the legislative instrument, was prepared by Ann S. Brown.

DIGEST

SB 149 Reengrossed 2019 Regular Session Luneau

Present law provides a procedure for the sale of public lands.

Authorizes commissioner of administration and LDH to transfer certain property related to the Central Louisiana Hospital in Rapides Parish pursuant to present law.

Authorizes the commissioner of administration and the secretary of DOTD to transfer certain property in Rapides Parish to the town of Boyce.

Authorizes the commissioner of administration and the secretary of DOTD to transfer certain property to the Louisiana Department of Health.

Authorizes the commissioner of administration and the secretary of DCFS to transfer certain property in Jackson Parish to the Jackson Parish Police Jury.

Proposed law creates the Louisiana Department of Health's Facility Support Fund Number 2 and provides for the transfer, use, and investment of monies in the fund.

Requires that after subtracting costs incurred by the division of administration related to the sale of the Central Louisiana State Hospital properties, the proceeds of any sale be paid into the LDH Facility Support Fund Number 2 and dedicated to the planning, design, permits, improvements, repairs, equipment, restoration, renovation, or construction of the Central Louisiana State Hospital.

Effective August 1, 2019.

(Adds R.S. 40:16.4)

Summary of Amendments Adopted by SenateCommittee Amendments Proposed by Senate Committee on Finance to the original bill

1. Deletes authorization for the commissioner of administration and the secretary of DCFS to transfer certain property in Jackson Parish to the Greater North Louisiana Community Development Corporation.
2. Adds authorization for the commissioner of administration and the secretary of DOTD to transfer certain property to the Louisiana Department of Health.
3. Creates the Louisiana Department of Health's Facility Support Fund Number 2, and provides for the transfer, use, and investment of monies in the fund.
4. Provides that monies in the fund may also be used for planning, design, permits, improvements, repairs and equipment.
5. Clarifies that the proceeds from the transactions described in Sections 2 and 3 shall be deposited in the state treasury in accordance with present law.

Senate Floor Amendments to engrossed bill

1. Deletes certain public lands descriptions eligible for sale or transfer by the state of Louisiana.
2. Adds authorization for the commissioner of administration and the secretary of DCFS to transfer certain property to the Jackson Parish Police Jury.
3. Makes technical changes.