

Regular Session, 2013

SENATE BILL NO. 85

BY SENATOR JOHNS

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

PUBLIC LANDS. Exempts the Sabine River Authority from the requirement that property acquired by the state or a political subdivision which is to be transferred to a third party must first be offered to the person from whom it was originally transferred. (gov sig)

1 AN ACT

2 To enact R.S. 41:1338(D), relative to the transfer of public lands; to exempt property
3 transferred or acquired by the Sabine River Authority from the requirement that if
4 property was acquired by the state or a political subdivision of the state is to be
5 transferred to a third party, that property must first be offered to the person from
6 whom it was originally transferred; to provide certain terms, conditions, and
7 requirements; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 41:1338(D) is hereby enacted to read as follows:

10 §1338. Transfers of property acquired by the state or political subdivision;
11 exemptions

12 * * *

13 **D. Notwithstanding any law to the contrary, and specifically**
14 **notwithstanding the provisions of R.S. 31:149(E) and Subsection A of this**
15 **Section, any land, property, or rights acquired by the former Department of**
16 **Public Works in connection with the construction or maintenance of the Sabine**
17 **River Diversion Canal System and related facilities in Calcasieu Parish**

1 beginning from the west end of the canal system at the Sabine River and
 2 proceeding in an easterly direction to the Calcasieu River, all in Calcasieu
 3 Parish, which property was transferred to the Department of Transportation
 4 and Development and thereafter transferred to the Sabine River Authority, may
 5 be sold or otherwise transferred to a third party for the creation, development,
 6 or expansion of commerce and industry within the state of Louisiana without
 7 prior offer to sell to the original grantor, donor, or vendor or his successors in
 8 title. This Subsection is remedial and shall apply to any rights created by Act
 9 No. 371 of the 1980 Regular Session of the Legislature or by Act No. 50 of the
 10 1974 Regular Session of the Legislature.

11 Section 2. This Act shall become effective upon signature by the governor or, if not
 12 signed by the governor, upon expiration of the time for bills to become law without signature
 13 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 14 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 15 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 McHenry Lee.

DIGEST

Johns (SB 85)

Present law requires that if property acquired by the state or a political subdivision of the state is transferred to a third party, that property must first be offered to the person from whom it was originally transferred.

Proposed law creates an exception for certain lands acquired by the Sabine River Authority.

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

(Adds R.S. 41:1338(D))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Natural Resources to the original bill

1. Adds that in addition to being sold, the lands may be transferred to a third party.