

2015 Regular Session

HOUSE BILL NO. 390

BY REPRESENTATIVE LEOPOLD

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

TRANSPORTATION DEPT: Provides relative to the sale of excess immovable property by the Department of Transportation and Development

1 AN ACT

2 To enact R.S. 48:221(A)(4)(c) and (d), relative to the disposition of excess immovable
3 property by the Department of Transportation and Development; to provide for the
4 sale of property by a real estate broker licensed in Louisiana; to provide for the sale
5 of property classified as an uneconomic remnant; to provide for a definition; and to
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 48:221(A)(4)(c) and (d) are hereby enacted to read as follows:

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

11 A.

12 * * *

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

18 * * *

19 (c) Sell the property through a real estate broker licensed in Louisiana. Upon
20 the sale of such property, the realtor may be paid a commission not to exceed fifty

1 percent of the sale price of the property. The sale price may be determined by the
 2 last available appraisal or the cost of advertisement if such cost exceeds the value of
 3 the property. The department may promulgate rules and regulations pursuant to the
 4 Administrative Procedure Act in order to implement the provisions of this
 5 Subparagraph. Any rules and regulations promulgated under the provisions of this
 6 Subparagraph shall also be submitted to the House Committee on Natural Resources
 7 and Environment and the Senate Committee on Natural Resources for approval. The
 8 committees shall have sixty days from the date of submission within which to take
 9 action. If the committees take no action within that time period, the rules shall go
 10 into effect as submitted.

11 (d) Notwithstanding any provision of law to the contrary, the sale of such
 12 property pursuant to Subparagraph (c) of this Paragraph is limited to property
 13 classified by the department as an uneconomic remnant. For purposes of this
 14 Paragraph, the term "uneconomic remnant" means a parcel of immovable property
 15 in which the owner is left with an interest after the partial acquisition of the owner's
 16 property, and which the department has determined has little or no value or utility
 17 to the owner.

18 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 390 Reengrossed

2015 Regular Session

Leopold

Abstract: Authorizes the Dept. of Transportation and Development (DOTD) to sell excess immovable property, classified as an uneconomic remnant, through a real estate broker licensed in La.

Proposed law authorizes the DOTD to sell excess property through a real estate broker licensed in La. Specifies that the realtor may be paid a commission not to exceed 50% of the sale price of the property. Provides that the sale price is determined by the last available appraisal or the cost of advertisement if such cost exceeds the value of the property. Authorizes the DOTD to promulgate rules and regulations pursuant to the Administrative Procedure Act in order to implement the provisions of proposed law. Requires submission of the rules to the House Committee on Natural Resources and Environment and the Senate Committee on Natural Resources for approval.

Proposed law specifies that the sale of property through a real estate broker licensed in La. is only authorized for property classified as an uneconomic remnant by the DOTD. Defines "uneconomic remnant".

(Adds R.S. 48:221(A)(4)(c) and (d))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Natural Resources and Environment to the original bill:

1. Require submission of the rules relative to the sale of property through a Louisiana realtor to the House Committee on Natural Resources and Environment and the Senate Committee on Natural Resources for approval.

The House Floor Amendments to the engrossed bill:

1. Clarify that excess property is sold by a real estate broker licensed in Louisiana.