

2016 Regular Session

HOUSE BILL NO. 1150 (Substitute for House Bill No. 1122 by Representative L. Harris)

BY REPRESENTATIVE LANCE HARRIS

TRANSPORTATION DEPT: Provides relative to the disposition of land acquired by the Department of Transportation and Development

1 AN ACT

2 To amend and reenact R.S. 48:221(A)(2), relative to property acquired by the Department
3 of Transportation and Development; to provide relative to the method by which the
4 Department of Transportation and Development disposes of certain property; to
5 approve certain past transactions completed by the Department of Transportation and
6 Development; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 48:221(A)(2) is hereby amended and reenacted to read as follows:

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

11 A.

12 * * *

13 (2)(a) When the department has acquired property in excess of the width or
14 area required for departmental purposes or determines that certain property is no
15 longer needed for its purposes, such property may be sold to the highest bidder after
16 advertisement for bids twice within a thirty-day period provided the final
17 advertisement appears at least fifteen days prior to sale in the official journal of the
18 parish in which the property is located. However, the secretary shall offer to sell
19 such property at a private sale to the vendor or ~~said~~ the vendor's successors in title
20 who sold such property to the department upon payment of its present appraised

1 market value. However, the secretary shall first offer to sell such property to the ~~said~~
2 vendor's successors in title, or to the owner of the land whose property or any portion
3 thereof is separated from a highway by such excess area, upon payment of the
4 present appraised market value.

5 (b) Notwithstanding any provision of law to the contrary, when the
6 department has amicably acquired property that was identified as an uneconomic
7 remainder at the time of acquisition, there shall be no obligation to offer such
8 property at private sale to the vendor or the vendor's successors in title.

9 * * *

10 Section 2. (A) All sales and conveyances completed by the Department of
11 Transportation and Development between August 15, 2008, and the effective date of this Act
12 which were alleged to have not been completed in accordance with Act No. 298 of the 2008
13 Regular Session of the Legislature are hereby conformed and approved.

14 (B) This Section shall only apply to properties the Department of Transportation and
15 Development amicably acquired and shall not apply to any properties which the Department
16 of Transportation and Development expropriated.

17 Section 3. This Act shall become effective upon signature by the governor or, if not
18 signed by the governor, upon expiration of the time for bills to become law without signature
19 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
20 vetoed by the governor and subsequently approved by the legislature, this Act shall become
21 effective on the day following such approval.

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 1150 Engrossed 2016 Regular Session Lance Harris

Abstract: Provides relative to the sale of certain properties by the Department of Transportation and Development.

Present law provides that when the Dept. of Transportation and Development (DOTD) determines it has acquired excess property or has property that it no longer needs, the property may be sold to the highest bidder under a specified process. Provides that the secretary of DOTD may offer to sell the property at the appraised market value to the vendor

who sold the property to the department or to the landowner whose property is separated from a highway by the excess property.

Proposed law specifies that when the department amicably acquired property that was identified as an uneconomic remainder at the time of acquisition, there is no obligation to offer such property at private sale to the vendor or the vendor's successors in title.

Proposed law approves all sales and conveyances that was completed by DOTD between Aug. 15, 2008 and the effective date of this Act that were alleged to not have been completed in accordance with present law. Specifies that proposed law approval does not apply to expropriated property.

(Amends R.S. 48:221(A)(2))