HLS 15RS-674 ORIGINAL

2015 Regular Session

HOUSE BILL NO. 390

1

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

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 realtor licensed in Louisiana; to provide for the sale of property
5	classified as an uneconomic remnant; to provide for a definition; and to provide for
6	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 realtor licensed in Louisiana. Upon the sale
20	of such property, the realtor may be paid a commission not to exceed fifty percent

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1 of the sale price of the property. The sale price may be determined by the last 2 available appraisal or the cost of advertisement if such cost exceeds the value of the 3 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. 6 (d) Notwithstanding any provision of law to the contrary, the sale of such 7 property pursuant to Subparagraph (c) of this Paragraph is limited to property 8 classified by the department as an uneconomic remnant. For purposes of this 9 Paragraph, the term "uneconomic remnant" means a parcel of immovable property 10 in which the owner is left with an interest after the partial acquisition of the owner's 11 property, and which the department has determined has little or no value or utility 12 to the owner. 13

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 Original

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 realtor licensed in La.

<u>Proposed law</u> authorizes the DOTD to sell excess property through a realtor 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 <u>proposed law</u>.

<u>Proposed law</u> specifies that the sale of property through a realtor 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))