HOUSE COMMITTEE AMENDMENTS

2016 Regular Session

Substitute for Original House Bill No. 1122 by Representative Lance Harris as proposed by the House Committee on Transportation, Highways, and Public Works

This document reflects the content of a substitute bill but is not in a bill form; page numbers in this document DO NOT correspond to page numbers in the substitute bill itself.

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

Be it enacted by the Legislature of Louisiana:

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

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

A.

* * *

(2)(a) When the department has acquired property in excess of the width or area required for departmental purposes or determines that certain property is no longer needed for its purposes, such property may be sold to the highest bidder after advertisement for bids twice within a thirty-day period provided the final advertisement appears at least fifteen days prior to sale in the official journal of the parish in which the property is located. However, the secretary shall offer to sell such property at a private sale to the vendor or said vendor's successors in title who sold such property to the department upon payment of its present appraised market value. However, the secretary shall first offer to sell such property to the said vendor's successors in title, or to the owner of the land whose property or any portion thereof is separated from a highway by such excess area, upon payment of the present appraised market value.

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

* * *

Section 2. All sales and conveyances completed by the Department of Transportation and Development between August 15, 2008, and the effective date of this Act which were alleged to have not been completed in accordance with Act No. 298 of the 2008 Regular Legislative Session are hereby conformed and approved. This Section shall only apply to properties the Department of Transportation and Development amicably acquired and shall not apply to any properties which the Department of Transportation and Development expropriated.

Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become 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 Draft 2016 Regular Session

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 ratifies all amicably acquired transactions completed by DOTD between Aug. 15, 2008 and the effective date of this Act that were alleged to not have been completed in

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accordance with present law. Specifies that proposed law ratification does not apply to property expropriated.

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

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