

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; and to
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

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

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

10 A.

11 * * *

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

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

4 (b) Notwithstanding any provision of law to the contrary, when the
5 department has amicably acquired property that was identified as an uneconomic
6 remainder at the time of acquisition, there shall be no obligation to offer such
7 property at private sale to the vendor or the vendor's successors in title. This
8 Subparagraph shall apply only to property amicably acquired subsequent to July 1,
9 2016.

10 * * *

11 Section 2. This Act shall become effective July 1, 2016.

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 Reengrossed

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. Specifies that proposed law only applies to property acquired subsequent to July 1, 2016.

Effective July 1, 2016.

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

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Make technical changes.
2. Clarify that proposed law specifying that the department is not obligated to offer amicably acquired property, that was identified as an uneconomic remainder at

the time of acquisition, at private sale to the vendor or the vendor's successors in title is only applicable to property acquired subsequent to July 1, 2016.

3. Remove the provision that specified that all sales and conveyances completed by the department between Aug. 15, 2008 and the effective date of Act No. 298 of the 2008 Regular Session are approved.
4. Remove a provision that clarified that proposed law does not apply to any properties the department expropriated.
5. Remove an effective date provision that would have made proposed law effective upon signature of the governor.
6. Add an effective date of July 1, 2016.