

Regular Session, 2012

SENATE BILL NO. 479

BY SENATOR WALSWORTH

PUBLIC LANDS. Provides for sales of certain public lands for economic development purposes. (8/1/12)

1 AN ACT

2 To amend and reenact the introductory paragraph of R.S. 41:140(D), and to enact R.S.
3 41:140(D)(4), relative to public lands; to provide for the procedure of the sale of
4 immovable property; to provide an exception from public auction or sealed bids; to
5 provide terms, conditions and requirements; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. The introductory paragraph of R.S. 41:140(D) is hereby amended and
8 reenacted and R.S. 41:140(D)(4) is hereby enacted to read as follows:

9 §140. Sales of immovable property by state agencies

10 * * *

11 D. The division shall conduct any sale of state-owned property under the
12 provisions of R.S. 41:131 et seq., ~~or R.S. 47:2189, whichever is applicable,~~ except
13 as otherwise provided as follows:

14 * * *

15 **(4)(a) In lieu of public auction or sealed bids, at the request of the**
16 **Department of Economic Development, and with the approval of the**
17 **commissioner when he determines that it is in the best interest of the state,**

within 90 days, from the House Committee on Natural Resources and Environment and Senate Committee on Natural Resources, before selling immovable property designated as nonessential.

Proposed law allows the Department of Economic Development, without public auction or sealed bids, to sell immovable property, with the approval of the commissioner of administration when he determines such a sale would be in the best interest of the state.

Proposed law would allow the DED secretary to lease, with the commissioners approval, nonessential immovable property for periods not to exceed ninety-nine years.

Proposed law requires that the state retain ownership to all mineral rights of the property leased or sold and that any cooperative endeavor agreements between the state agency and the other party to the endeavor include terms and conditions that establish and operate the facility, as well as new jobs created, anticipated payrolls, or other equivalent economic benefit to the state.

Proposed law requires that the cooperative endeavor agreement comply with the prohibition against gratuitous donation of state property by demonstrating that the state has a reasonable expectation of receiving a benefit from the economic development project that is commensurate with the fair market value of the property and any other investment in the project made by the state.

Effective August 1, 2012.

(Amends R.S. 41:140(D)(intro para); adds R.S. 41:140(D)(4))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Natural Resources to the original bill

1. Removes provision allowing state agencies to sell certain immovable properties after 30 days notice to the legislative oversight committees.