

Regular Session, 2011

HOUSE BILL NO. 368

BY REPRESENTATIVE ARNOLD

PUBLIC PROPERTY: Authorizes the sale of school property of the Orleans Parish School Board to another public body for at least its appraised value without the necessity of procedures otherwise provided by law

1 AN ACT

2 To enact R.S. 41:905, relative to the Orleans Parish School Board; to provide for the sale of
3 unused immovable school property to public bodies without the necessity of
4 procedures otherwise provided by law; to provide that the sale shall be for not less
5 than the property's appraised value; and to provide for related matters.

6 Notice of intention to introduce this Act has been published
7 as provided by Article III, Section 13 of the Constitution of
8 Louisiana.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 41:905 is hereby enacted to read as follows:

11 §905. Sale of unused school property by Orleans Parish School Board to public
12 bodies

13 A. For purposes of this Section, and notwithstanding any provision of this
14 Chapter to the contrary, unless the context clearly requires otherwise, the following
15 terms shall mean:

16 (1) "Public body" shall mean the state of Louisiana or any department,
17 agency, or instrumentality, or official thereof, any political subdivision of the state
18 or any department, agency, instrumentality or official thereof, or any other unit of
19 state or local government in the state.

1 (2) "School board" shall mean the Orleans Parish School Board.

2 (3) "School property" shall mean any school property or other immovable
3 property under the control of the school board, including but not limited to sixteenth
4 section lands and school indemnity lands.

5 B. Notwithstanding the requirements of this Chapter regarding the sale of
6 school property, whenever the school board determines that school property is no
7 longer needed for school purposes and that the best interests of the school system
8 would be served by the sale of such property, the school board may sell such
9 property, without meeting the requirements of this Chapter or any other provision of
10 law, to a public body as provided in this Section. If the school board determines
11 pursuant to this Section that any sixteenth section lands or indemnity school lands
12 shall be sold, the sale shall be executed by the state land office on behalf of the
13 school board.

14 C. The property sold under the authority of this Section shall be sold at a
15 price that is not less than the appraised value of the property. The school board shall
16 establish the appraised value by obtaining an appraisal of the property to be sold
17 from a certified, licensed appraiser not more than six months prior to the date of the
18 sale. The appraisal shall be available for public inspection. The cost of the appraisal
19 shall be borne by the public body that purchases the property.

20 D. Notwithstanding any other provision of law to the contrary, proceeds
21 from a sale as authorized by this Section shall be paid over to the school board and
22 shall be used for the support of schools of the school system and, in the case of the
23 sale of sixteenth section lands or indemnity school lands, for the purposes of the
24 dedication of such lands as provided by law.

25 Section 2. This Act shall become effective upon signature by the governor or, if not
26 signed by the governor, upon expiration of the time for bills to become law without signature
27 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
28 vetoed by the governor and subsequently approved by the legislature, this Act shall become
29 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)]

Arnold

HB No. 368

Abstract: Authorizes the Orleans Parish School Board to sell unused immovable school property to public bodies without the necessity of procedures otherwise provided by law, provided that the sale shall be for not less than the property's appraised value.

Present law provides various procedures and limitations on the sale of school lands and immovable property. Present law authorizes a local school board to sell immovable property no longer needed for school purposes at public auction or under sealed bids. Prior to such sale, the school board is required to advertise the sale. Present law specifies procedures for such advertising. Provides procedures for both public auction and sale under sealed bid. Present law provides relative to the minimum bid at such sales. Provides that at the first offer to sell, the minimum bid is 85% of the appraised value. If the school board receives no bids that are equal to or greater than the minimum bid, it may attempt to sell the property again, and the minimum bid at such second sale is 80% of the appraised value. If the property again fails to sell, there is no minimum bid at the third attempt to sell. Present law also includes provisions for sale of 16th section lands and indemnity school lands, including sale of indemnity lands by the state land office and sale of 16th section lands by specified officials. Provides for disposition of the proceeds of sales of such lands, generally for school purposes.

Proposed law provides for the sale of unused school property to other public bodies by the Orleans Parish School Board as follows:

- (1) Defines terms as follows:
 - (a) "Public body" – the state of La. or any department, agency, or instrumentality, or official thereof, any political subdivision of the state or any department, agency, instrumentality or official thereof, or any other unit of state or local government in the state.
 - (b) "School board" – the Orleans Parish School Board.
 - (c) "School property" – any school property or other immovable property under the control of the school board, including but not limited to 16th section lands and school indemnity lands.
- (2) Authorizes the Orleans Parish School Board, notwithstanding the requirements of present law regarding the sale of school property, when it determines that school property is no longer needed for school purposes and that the best interests of the school system would be served by the sale of such property, to sell such property to a public body, without meeting the requirements of any other provision of law. Provides that sale of 16th section lands or indemnity school lands under proposed law shall be executed by the state land office on behalf of the school board.
- (3) Requires that property be sold at a price not less than the appraised value of the property. Requires the school board to establish the appraised value by obtaining an appraisal from a certified, licensed appraiser not more than six months prior to the sale date. Provides that the appraisal be available for public inspection and that the cost of the appraisal be borne by the public body that purchases the property.

- (4) Requires that, notwithstanding any other provision of law, proceeds from a sale pursuant to proposed law be paid over to the school board and used for the support of schools of the school system and, in the case of the sale of 16th section lands or indemnity school lands, for the purposes of the dedication of such lands as provided by law.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 41:905)