
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Danielle Clapinski.

SB 119 Engrossed

DIGEST
2024 Regular Session

Miller

Present Constitution does not allow the forfeiture of property for nonpayment of taxes. However, when the year in which taxes are due expires, the collector is required after giving notice of delinquency to the taxpayer and without suit to advertise the property on which the taxes are due for sale. Requires advertisement to be published in the official journal of the parish or municipality or as provided by law for sheriff's sales.

Proposed Constitution repeals present constitution provisions and requires the legislature to provide by law for the efficient administration of tax sales including notice provisions that satisfy due process requirements.

Present Constitution provides that property sold in a tax sale shall be redeemable for three years after the date of recordation of the tax sale, by paying the price given, including costs, 5% penalty thereon, and interest at the rate of 1% per month until redemption.

Proposed Constitution repeals present constitution provisions and requires the legislature to provide by law for the efficient administration of tax sales including provisions related to a redemptive period, imposition of interest not to exceed 1% per month on a non-compounding basis, imposition of penalty not to exceed 5%, a time period that liens cannot be enforced, and a procedure for claiming excess proceeds from the sale of property as a result of the enforcement of a lien.

Proposed law allows the legislature, by law, to give authority to tax collectors to waive penalties for good cause.

Present Constitution provides that no sale of property for taxes shall be set aside for any cause, except on proof of payment of the taxes prior to the date of the sale, unless the proceeding to annul is instituted within six months after service of notice of sale. A notice of sale shall not be served until the final day for redemption has ended. It must be served within five years after the date of the recordation of the tax deed if no notice is given.

Proposed Constitution repeals present constitution provisions.

Present Constitution provides that the manner of notice and form of proceeding to quiet tax titles shall be provided by law.

Proposed Constitution repeals present constitution provisions.

Present Constitution authorizes the legislature to postpone the payment of taxes only in cases of overflow, general conflagration, general crop destruction and other public calamity.

Proposed Constitution authorizes the legislature to postpone the payment of taxes only in cases of an emergency declared by the governor or a parish president pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act.

Specifies submission of the amendment to the voters at the statewide election to be held on November 5, 2024.

(Amends Const. Art. VII, Sec. 25)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Revenue and Fiscal Affairs to the original bill

1. Changes the name of Section 25 from "Tax Sales" to "Tax Administration".
2. Provides additional minimum requirements to be provided by the legislature for the administration of tax sales, including provisions related to when liens cannot be enforced and procedures for claiming excess proceeds from the property sale after enforcement of a lien.
3. Allows the legislature to provide authority to tax collectors to waive penalties for good cause.
4. Makes technical changes.