

CONFERENCE COMMITTEE REPORT

SB 119

2024 Regular Session

Miller

May 31, 2024

To the Honorable President and Members of the Senate and to the Honorable Speaker and Members of the House of Representatives.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning Senate Bill No. 119 by Senator Miller, recommend the following concerning the Engrossed bill:

1. That the set of House Floor Amendments proposed by Representative Glorioso and adopted by the House of Representatives on May 28, 2024, be adopted.
2. That House Floor Amendments Nos. 1 and 2 proposed by Representative Muscarello and adopted by the House of Representatives on May 28, 2024, be adopted.
3. That House Floor Amendment No. 3 proposed by Representative Muscarello and adopted by the House of Representatives on May 28, 2024, be rejected.

Respectfully submitted,

Senators:

Representatives:

Senator Gregory A. Miller

Representative Julie Emerson

Senator Franklin J. Foil

Representative Chance Henry

Senator W. Jay Luneau

Representative Brian Glorioso

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

CONFERENCE COMMITTEE REPORT DIGEST

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Keyword and summary of the bill as proposed by the Conference Committee

TAX/AD VALOREM. Constitutional amendment that provides relative to tax sales. (2/3-CA13s1(A))

Report adopts House amendments to:

1. Provide for a January 1, 2026 effective date of the constitutional amendment.
2. Change the date the proposed amendment will be on the statewide election from November 5, 2024, to December 7, 2024.
3. Provide that if a proposed amendment to Article VII, Section 25 of the Constitution of Louisiana authorizing liens and privileges on immovable property for nonpayment of taxes is adopted at a statewide election prior to December 7, 2024, the amendment will be withdrawn and the secretary of state is ordered to not include the amendment on the ballot.
4. Make technical changes.

Report rejects House amendments which would have:

1. Deleted ballot language related to the limiting of the amount of penalty and interest on delinquent property taxes and providing for the postponement of property tax payments under certain circumstances.

Digest of the bill as proposed by the Conference Committee

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 Constitution 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 December 7, 2024, unless a proposed amendment to Article VII, Section 25 authorizing liens and privileges on immovable property for nonpayment of taxes is adopted at a statewide election prior to December 7, 2024.

Effective January 1, 2026.

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