

SENATE CONCURRENT RESOLUTION NO. 3

BY SENATOR ALARIO AND REPRESENTATIVE TUCKER

A CONCURRENT RESOLUTION

To urge and request the Commission on Intergovernmental Relations to study tax sales law and procedure in Louisiana and throughout the United States.

WHEREAS, Article VII, Section 25 of the Louisiana Constitution, relative to tax sales, provides that there shall be no forfeiture of property for nonpayment of taxes. However, at the expiration of the year in which the taxes are due and after following proper procedure, the collector is authorized to advertise for sale the property on which the taxes are due; and

WHEREAS, the Louisiana Constitution authorizes the collector to offer the property for sale with no minimum required bid if the property fails to sell for the minimum required bid in the tax sale; and

WHEREAS, the proceeds of the tax sale are applied to the taxes, interest, and costs due on the property and any remaining deficiency is eliminated from the tax rolls; and

WHEREAS, many other states have various provisions and procedures in law for handling tax sales and the surplus, if any, from the sale; and

WHEREAS, requiring the property to be sold at tax sales for the fair market value or the appraised value would be reasonable and generate more proceeds than a minimum bid; and

WHEREAS, it would be equitable and just for any surplus from tax sales to be remitted to the delinquent taxpayer after the payment of taxes, interest, and costs due on the property.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby urge and request that the Commission on Intergovernmental Relations study tax sales law and procedure in Louisiana and throughout the United States.

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ENROLLED

BE IT FURTHER RESOLVED that the commission shall submit a report of its findings, including any recommendations for legislation, to the legislature on or by March 1, 2011.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the Commission on Intergovernmental Relations.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES