



1 the portion of the property which the debtor points out. If the debtor does not point  
 2 out sufficient property, the collector shall sell immediately the ~~least quantity of~~  
 3 property which any bidder will buy for the amount of the taxes, interest, penalties,  
 4 and costs. If authorized by the state or local tax collector, any bidder may elect to  
 5 bid down the five percent penalty, as provided in Subparagraph (B)(1) of this  
 6 Section, in increments of one-tenth of one percent. The sale shall be without  
 7 appraisalment. A tax deed by a tax collector shall be prima facie evidence that a valid  
 8 sale was made.

9 \* \* \*

10 (E) Movables; Tax Sales. When taxes on movables are delinquent, the tax  
 11 collector shall seize and sell sufficient movable property of the delinquent taxpayer  
 12 to pay the tax, interest, penalties, and costs, whether or not the property seized is the  
 13 property which was assessed. Sale of the property shall be at public auction, without  
 14 appraisalment, after ten days advertisement, published within ten days after date of  
 15 seizure. It shall be absolute and without redemption.

16 If the tax collector can find no corporeal movables of the delinquent to seize,  
 17 he may levy on incorporeal rights, by notifying the debtor thereof, or he may proceed  
 18 by summary rule in the courts to compel the delinquent to deliver for sale property  
 19 in his possession or under his control.

20 \* \* \*

21 Section 2. Be it further resolved that this proposed amendment shall be submitted  
 22 to the electors of the state of Louisiana at the statewide election to be held on November 2,  
 23 2010.

24 Section 3. Be it further resolved that on the official ballot to be used at said election  
 25 there shall be printed a proposition, upon which the electors of the state shall be permitted  
 26 to vote FOR or AGAINST, to amend the Constitution of Louisiana, which proposition shall  
 27 read as follows:

28 To provide relative to the bidding process for ad valorem property tax sales  
 29 by authorizing a bidder at a tax sale to bid down the existing five percent

1 penalty in increments of one-tenth of one percent; to require the payment of  
 2 penalties by a bidder at ad valorem property tax sales; to require the payment  
 3 of interest, penalties, and costs by a taxpayer who is delinquent on the  
 4 payment of taxes on movables. (Amends Article VII, Section 25(A)(1) and  
 5 (E))

### 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)]

Leger

HB No. 509

**Abstract:** Changes the bidding process for ad valorem tax sales to allow the bidder to bid down the 5% penalty provided by the La. Constitution; requires the payment of penalties by a bidder at an ad valorem tax sale; and requires the delinquent taxpayer to pay interest, penalties, and costs on the tax sale of movable property.

Present constitution provides, relative to ad valorem property tax sales, that on the day of sale, the collector shall sell the portion of the property which the debtor points out, and that if the debtor does not point out sufficient property, the collector shall sell immediately the least quantity of property which any bidder will buy for the amount of the taxes, interest, and costs.

Proposed constitution removes the authority of the assessor to sell the least quantity of the tax debtor's property, and provides that if authorized by the state or local tax collector, any bidder may elect to bid down in increments of .01%, the 5% penalty provided in La. Const. Art. VII, §25(B)(1).

Proposed constitution provides for the payment of penalties in addition to taxes, interest, and costs.

Present constitution provides that when taxes on movables are delinquent, the tax collector shall seize and sell sufficient movable property of the delinquent taxpayer to pay the tax, whether or not the property seized is the property which was assessed.

Proposed constitution retains present constitution and also provides for the taxpayer to pay interest, penalties, and costs.

Provides for submission of the proposed amendment to the voters at the statewide election to be held Nov. 2, 2010.

(Amends Const. Art. VII, §25(A)(1) and (E))

### Summary of Amendments Adopted by House

#### House Floor Amendments to the engrossed bill.

1. Adds condition that if the state or local tax collector authorizes such action, any bidder may elect to bid down the 5% penalty in increments of .01%.