

SENATE FLOOR AMENDMENTS

Amendments proposed by Senators Murray and Morrell to Reengrossed House Bill No. 1144 by Representative Leger

1 AMENDMENT NO. 1

2 On page 1, line 2, after "reenact" delete the remainder of the line and delete lines 3 through
3 19, and insert:

4 "R.S. 13:4202(B)(2) and R.S. 47:1966(A) and to enact R.S. 43:201.1, relative to public
5 notice required by law; to provide for public notice of judicial interest; to provide for public
6 notice in certain judicial proceedings; to provide for public notice in proceedings involving
7 property; and to provide for related matters."

8 AMENDMENT NO. 2

9 On page 2, delete lines 1 through 29 and insert the following:

10 "Section 1. R.S. 13:4202(B)(2) is hereby amended and reenacted to read as follows:

11 §4202. Rates of judicial interest
12 * * *
13 B.
14 * * *

15 (2) The judicial interest rate for the calendar year following the calculation
16 date shall be published in the December issue of the Louisiana Bar Journal, the
17 December issue of the Louisiana Register, and in one ~~daily~~ newspaper of general
18 circulation in each of the cities of Alexandria, Baton Rouge, Lake Charles, Lafayette,
19 Monroe, New Orleans, and Shreveport. The notice in ~~the daily~~ such newspapers
20 shall be published on two separate occasions, with at least one week between
21 publications, during the month of December. The publication in the Louisiana
22 Register shall not be considered rulemaking, within the intendment of the
23 Administrative Procedure Act, R.S. 49:950 et seq., and particularly R.S. 49:953.

24 Section 2. R.S. 43:201.1 is hereby enacted to read as follows:

25 §201.1. Judicial advertisements and legal notices; alternative method of publication

26 A. Notwithstanding any provision of law to the contrary, when
27 advertisements are required to be made in relation to judicial proceedings, in the sale
28 of property under judicial process, or in any other legal proceedings of whatever kind
29 in a parish which contains a municipality with a population of three hundred
30 thousand or more as determined by the latest federal decennial census, such
31 advertisements and legal notices shall be published in a newspaper or other
32 publication which (i) is domiciled in such parish, (ii) is published in the English
33 language at least weekly, (iii) meets the requirements of R.S. 43:200(3)(a), (b), and
34 (c), and (iv) has maintained a total circulation of at least thirty thousand for at least
35 five consecutive years prior to it being selected. The newspaper or other publication
36 shall be selected in June of each year, for a term of one year, by the sheriff,
37 constable, clerk, or other officer, as the case may be, who is charged with the
38 conduct of such sales requiring the advertisement.

39 B. The total circulation of a newspaper or other publication selected to
40 publish judicial advertisements under this Section shall be proved not less than
41 annually by an experienced publication auditing firm prior to the selection of the
42 newspaper or other publication. The audit shall reflect the total circulation of the
43 newspaper or other publication, and a copy of the most recent audit shall be
44 submitted as an attachment to any proposal by a qualifying newspaper or other
45 publication to publish judicial advertisements and legal notices.

1 C. Notwithstanding any provision of law to the contrary, when additional
2 judicial advertisements are required to be inserted in an auxiliary journal in a parish
3 with a population of three hundred thousand or more as determined by the latest
4 federal decennial census, such auxiliary journal must have been published for at least
5 seventy-five years prior to the insertion of the advertisement or publication, have
6 been previously selected for no less than five years as an auxiliary journal for such
7 parish, and not be eligible to be selected, pursuant to Subsection A of this Section,
8 by the sheriff, constable, clerk, or other officer, as the case may be, of such parish
9 to publish advertisements in relation to judicial proceedings, in the sale of property
10 under judicial process, or in any other legal proceedings of whatever kind.

11 D. The provisions of this Section shall supersede and control to the extent of
12 conflict with any other provisions of law.

13 Section 3. R.S. 47:1966(A) is hereby amended and reenacted to read as follows:

14 §1966. Listing and assessing of omitted property

15 A.(1) If any tract or lot of land or other property shall be omitted in the
16 assessment of any year or series of years, or in any way erroneously assessed, it,
17 when discovered, shall be assessed by the assessor or tax collector for the whole
18 period during which the property may have been omitted or improperly assessed, and
19 shall be subject to the state, parish, municipal, and levee taxes, which have been or
20 may hereafter be assessed against the property in accordance with law. No back
21 taxes for more than three years shall be assessed against omitted or improperly
22 assessed property. Assessments of omitted or improperly assessed property shall
23 appear upon a supplemental roll and be filed in the same manner as regular tax rolls.

24 (2)(a) A notice by mail shall be given that the assessment roll is completed,
25 and that it is exposed for examination in the office of the assessor whether the tax is
26 on movable or immovable property, and that ten days are allowed the parties to make
27 to the assessors any protest they may wish to urge against the assessment; ~~in~~

28 (b) In case of unknown owners, notice shall be published twice during a
29 period of ten days in a daily newspaper published in the city of New Orleans and in
30 other parishes as provided hereafter.

31 (c) Notwithstanding Subparagraph (b) of this Paragraph, in case of unknown
32 owners, in any parish which contains a municipality with a population of three
33 hundred thousand or more as determined by the latest federal decennial census,
34 notice shall be published twice during a period of fifteen days in a newspaper or
35 other publication that (i) is domiciled in such parish, (ii) is published in the English
36 language at least weekly, (iii) meets the requirements of R.S. 43:200(3)(a), (b), and
37 (c), and (iv) has maintained a total circulation of at least thirty thousand for at least
38 five consecutive years prior to publishing such notice.

39 (3) In case there is no protest the assessment without any further requisite or
40 formality of any kind shall be final and conclusive on the parties assessed.

41 (4) In the event of any such protest, the decision of the assessors thereon shall
42 be promptly made and be final; the assessment without further formality and
43 requisite of any kind shall be binding and conclusive on the parties assessed;
44 however the parties assessed can appeal to the courts within five days from the
45 decision of the assessor on the protest, which decision shall be deemed notice, and
46 the delay of five days shall begin from the day of entry by the assessors of the words
47 "appeal rejected" on the supplemental roll.

48 * * *

49 Section 4. This Act shall become effective upon signature by the governor or, if not signed
50 by the governor, upon expiration of the time for bills to become law without signature by the
51 governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed
52 by the governor and subsequently approved by the legislature, this Act shall become
53 effective on the day following such approval."

54 AMENDMENT NO. 3

55 Delete pages 3 through 7, and on page 8, delete lines 1 through 10