

Regular Session, 2005

HOUSE BILL NO. 404

BY REPRESENTATIVE E. GUILLORY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

TAX/AD VALOREM TAX: Allow for the payment of ad valorem taxes over a ten-month period

1 AN ACT

2 To amend and reenact R.S. 47:2106, relative to the deferment of ad valorem tax payments;
3 to provide for the number of installments per year; and to provide for related matters.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. R.S. 47:2106 is hereby amended and reenacted to read as follows:

6 §2106. Deferment of tax payments

7 A. Any delinquent ad valorem tax due to the state or to any political
8 subdivisions thereof may be paid to such taxing authority in ten consecutive monthly
9 installments, and interest at the rate fixed by law shall be collected on each
10 installment separately at the time of the payment of such installment, and no further
11 interest shall thereafter be collected on the amount of such installment payment,
12 provided nothing contained in this Section shall prevent the sale of the property for
13 delinquent taxes, as provided by law. Where installments have been collected on any
14 tax, the tax sale shall be for the amount of the unpaid balance of the tax.

15 B. Any political subdivision of the state, through its governing body, when
16 an emergency has been declared to exist by resolution or ordinance adopted by such
17 governing body, shall be authorized and empowered to reduce the interest charge or
18 penalties on ad valorem taxes due to the political subdivision, but in no event shall
19 the rate of interest be reduced to less than six per centum (6%), and no reduction in
20 penalties shall exceed fifty per centum (50%) of the amount of the penalty.

1 C. (1) In case of overflow, general conflagration, general destruction of
2 crops, or other public calamity, in any parish or any political subdivision therein, or
3 of which the parish is a part, rendering impracticable the forcible collection of taxes
4 therein, there shall be no collection of taxes on lands or other property affected
5 during the year of the calamity (or the preceding year when the payment of such
6 taxes for the preceding year is affected by the calamity), but the collection of taxes
7 shall be postponed in accordance with the following procedure:

8 (2) The owner wishing to avail himself of the provisions of this Section shall
9 make a sworn statement in triplicate, on or before December 31st of the year in
10 which the taxes are assessed, that his property has been or is overflowed, or is or has
11 been otherwise injured or destroyed, giving the description of his property as
12 assessed, and that by reason thereof, the forcible collection of the taxes of the year
13 during which the injury occurred, or the preceding year, would be oppressive, and
14 that he is unable to pay the same without a sacrifice of his property. Each copy of
15 the statement shall be signed and sworn to by the taxpayer claiming the benefit of
16 this Section; one copy of the statement shall be filed with the officer charged with
17 the collection of the taxes, one filed in the office of the state auditor, and one shall
18 be filed in the office of the recorder of mortgages of the parish in which the property
19 is located. Thereupon, the owner shall be relieved from the payment of taxes for the
20 year in which he claims a postponement. The filing shall operate as a first lien and
21 privilege, and the statement shall be preserved in book form and duly indexed. The
22 taxes thus postponed shall be divided into ten equal parts and one part shall be
23 assessed on the immovable property affected and described in the sworn statement
24 for each year for ten subsequent years, or until the whole of the postponed tax is
25 paid; provided, that when the tax debtor is assessed with movables only, the
26 postponed taxes shall be assessed against the tax debtor in this manner. All of the
27 postponed taxes may be paid at any time, and the lien canceled. No installment of
28 such tax, if paid at the postponed maturity, shall bear either costs or penalties when
29 so collected, but shall bear interest at the rate of six per centum (6%) per annum from

1 the thirty-first day of December of the year in which they were originally due until
2 paid. The tax collector shall make a separate statement and list of all persons
3 claiming the benefits of this Section, together with the respective amount of their
4 taxes, and the property upon which the taxes are due, and shall deliver over one copy
5 of the same to the assessor of the parish, who will assess in each subsequent year
6 upon the respective immovable properties therein described a one-tenth part of the
7 taxes referred to in the respective triplicate sworn statements and thus postponed,
8 until all of said taxes have been assessed, and the respective immovable properties
9 shall be liable for the respective parts of the postponed taxes. In case the list shows
10 that a tax debtor owns movables only, the postponed taxes shall be assessed against
11 the debtor in this manner. The statement thus prepared by the tax collector shall be
12 prepared in duplicate, sworn to, and one copy delivered to the state auditor.

13 (3) The deferred portion of the taxes herein provided for shall be annually
14 levied and assessed, and carried upon the assessment roll and collected in the manner
15 and by the processes provided in the case of ordinary tax collections, and separately
16 accounted for by the tax collector and remitted to the State Treasurer, who shall
17 credit the amount thereof to the parish making the remittance, and shall turn such
18 amount into the general fund.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument.

E. Guillory

HB No. 404

Abstract: Allows for the payment of ad valorem taxes over a ten-month period.

Present law authorizes delinquent ad valorem taxes to be paid to the taxing authority in installments.

Present law provides that interest at the rate fixed by law shall be collected on each installment separately at the time of the payment of such installment, and no further interest shall thereafter be collected on the amount of such installment payment; provided this shall not prevent the sale of the property for the unpaid balance of delinquent taxes, as provided by law.

Proposed law provides that delinquent ad valorem tax may be paid to the taxing authority in ten consecutive monthly installments.

Proposed law retains present law on interest and the sale of the property for delinquent taxes.

(Amends R.S. 47:2106)