

Regular Session, 2010

HOUSE BILL NO. 729

BY REPRESENTATIVES CARMODY AND KATZ

1 AN ACT

2 To amend and reenact R.S. 41:892(C), (D), and (E) and to enact R.S. 41:892(F), relative to
3 surplus property of school boards; to provide relative to the minimum bid which may
4 be accepted when a school board attempts to sell such property; and to provide for
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 41:892(C), (D), and (E) are hereby amended and reenacted and R.S.
8 41:892(F) is hereby enacted to read as follows:

9 §892. Procedure; deed of sale

10 * * *

11 C. On the day named in the advertisement, the property shall be sold at
12 public auction at the school board office, between the hours of eleven ~~o'clock A.M.~~
13 a.m. and four ~~o'clock P.M.~~ p.m., with appraisalment, to the last and highest bidder,
14 upon such terms and conditions as the school board shall determine. The deeds shall
15 contain the usual security clauses and a stipulation to pay ten ~~per cent~~ percent
16 ~~attorney's~~ attorney fees in the event it becomes necessary to secure the services of
17 an attorney for the purpose of collection. ~~In the event~~ If the highest bid received is
18 not equal to or greater than the ~~appraisalment of the property~~ minimum bid as
19 provided in Subsection E of this Section, the sale shall be cancelled and no bid shall
20 be accepted.

21 D. On the date named in the advertisement if the property is to be sold under
22 sealed bids, the bids shall be opened in the offices of the school board at the hour
23 designated in the advertisement. The property shall be sold to the highest bidder
24 upon such terms and conditions as the school board shall determine. The deed shall

1 contain the usual security clauses and a stipulation to pay ten ~~per cent~~ percent
2 ~~attorney's attorney~~ fees in the event it becomes necessary to secure the services of
3 an attorney for the purpose of collection. The school board shall reserve the right to
4 reject any and all bids, and all bids shall be rejected ~~in the event~~ if the highest bid
5 received is not equal to or greater than the ~~appraised value of the property to be sold~~
6 minimum bid as provided in Subsection E of this Section.

7 E.(1) The first time a school board offers a particular property for sale
8 pursuant to this Section, the minimum bid shall be eighty-five percent of the
9 appraised value of the property.

10 (2) If the school board fails to sell the property because the maximum bid
11 received was not equal to or greater than the minimum bid established in Paragraph
12 (1) of this Subsection, the school board may make a second effort to sell the property
13 following the procedures outlined in this Section. The minimum bid for a second
14 effort to sell the same property shall be eighty percent of the appraised value.

15 (3) If the school board has twice failed to sell property because the maximum
16 bid received was not equal to or greater than the minimum bid otherwise provided
17 in this Subsection, there shall be no minimum bid at the third effort to sell the
18 property, and the school board may sell the property to the highest bidder as
19 otherwise provided by this Section.

20 F. The deed of the president of the school board shall be full and complete
21 evidence of the sale, shall convey a good and valid title to the property sold, and
22 shall have the force and effect of a notarial act.

23 Section 2. This Act shall be applied prospectively only. No sale attempted prior to
24 the effective date of this Act or for which notice as required by R.S. 41:892(B) has been
25 given at least once prior to the effective date of this Act constitutes an effort to sell as
26 contemplated by R.S. 41:892(E) as amended by this Act.

27 Section 3. This Act shall become effective upon signature by the governor or, if not
28 signed by the governor, upon expiration of the time for bills to become law without signature
29 by the governor, as provided in Article III, Section 18 of the Constitution of Louisiana. If

1 vetoed by the governor and subsequently approved by the legislature, this Act shall become
2 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____