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 DIGEST

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SB 289 Engrossed

2018 Regular Session

Perry

Present constitution grants a special assessment level to the homestead of a person 65 or older that prohibits the assessment of the homestead from increasing above the property's total assessed value for the first year that the owner qualifies for and receives the special assessment level.

Proposed constitutional amendment and proposed law grant the special assessment level to certain trusts if the settlors of the trust meet the requirements of present constitution and as provided in proposed law

Proposed constitutional amendment and proposed law provides that if the trust would have been eligible for the special assessment level prior to the most recent reappraisal, the total assessment of the property held in trust shall be the assessed value on the last appraisal before the reappraisal.

Proposed law provides that if a trust has remitted a payment at the higher assessment level and the trust is later determined to be eligible for the special assessment level, upon a showing by the trust of eligibility, any excess payment shall be held on account by the collector and used as a prepayment of subsequent years' ad valorem taxes.

Present constitution establishes an ad valorem tax exemption equal to \$7,500 of a property's assessed value for a military veteran with a 100% disability rating or their surviving spouse.

Proposed constitutional amendment and proposed law extend eligibility for this exemption to certain trusts if the settlors of the trust meet the requirements of present constitution and as provided in proposed law.

Present constitution establishes a 100% ad valorem tax exemption for the surviving spouse of a person who died while performing their duty as a member of the U.S. armed forces or the La. National Guard, or as a state police, law enforcement, or fire protection officer, or as a volunteer firefighter, or as an emergency medical responder, technician, or paramedic.

Proposed constitutional amendment and proposed law extend eligibility for this exemption to certain trusts if the settlors of the trust meet the requirements of present constitution and as provided in proposed law.

Proposed law provides that eligibility for a trust for the special assessment level, the \$7,500 tax exemption and the 100% tax exemption requires the settlors of the trust to have been the immediate prior owners of the homestead, that they retain a usufruct, and that they occupy the homestead.

Effective if and when the proposed addition of Article VII, Sections 18(G)(6), 21(K) and (M) of the Constitution of Louisiana contained in the Act which originated as SB 163 of the 2018 RS is adopted at the statewide election to be held on Nov. 6, 2018, and becomes effective.

(Adds R.S. 47:1713,1714, and 1715)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Revenue and Fiscal Affairs to the original bill

1. Requires a trust to show proof that they are entitled to the special assessment level prior to receiving excess payments abated to subsequent years ad valorem taxes.
2. Makes technical changes.

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Ways and Means to the engrossed bill:

1. Add eligibility for the 100% ad valorem tax exemption for disabled veterans and their surviving spouses for certain trusts.
2. Add eligibility for the \$7,500 ad valorem tax exemption for the surviving spouse of certain military, public safety and other first responders for certain trusts.
3. Add eligibility requirement for a trust to qualify for the special assessment level, the \$7,500 tax exemption, or the 100% tax exemption, that the settlors of the trust be the immediate prior owners of the homestead, that they retain a usufruct, and that they occupy the homestead.