

Regular Session, 1997

SENATE BILL NO. 320

BY SENATORS LENTINI AND SCHEDLER

TAX EXEMPTIONS. Constitutional amendment to freeze the tax assessment of the homestead of a person 65 years of age or older, his surviving spouse 55 or older, or his surviving spouse who has minor children. (1/1/99)

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A JOINT RESOLUTION

Proposing to amend Article VII, Section 18(A) and to add Article VII, Section 18(G) of the Constitution of Louisiana, relative to creating a special assessment level for homestead exempt property of persons sixty-five years of age or older; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members elected to each house concurring, that there shall be submitted to the electors of the state, for their approval or rejection in the manner provided by law, a proposal to amend Article VII, Section 18(A) and to add Article VII, Section 18(G) of the Constitution of Louisiana, effective January 1, 2000, to read as follows:

§18. Ad Valorem Taxes

Section 18. (A) Assessments. Property subject to ad valorem taxation shall be listed on the assessment rolls at its assessed valuation, which, except as provided in Paragraphs (C) **and (G)**, shall be a

1 percentage of its fair market value. The percentage of fair market value
2 shall be uniform throughout the state upon the same class of property.

3 * * *

4 Article VII, Section 18(G) is all proposed new law.

5 (G)(1) Special Assessment Level.

6 (a) The assessment of residential property receiving the
7 homestead exemption owned by any person or persons sixty-five years
8 of age or older shall not be increased in future years above the total
9 assessment of that property for the year that the owner reaches sixty-
10 five years of age or for the first year the owner claims the special
11 assessment level, whichever is later. An owner shall claim this special
12 assessment level by providing written notification to the assessor of the
13 parish or, in the parish of Orleans, the assessor of the district where the
14 property is located that the owner is qualified for the special assessment
15 level.

16 (b) Any millage rate applied to the assessment would not be
17 subject to a ceiling.

18 (2) The special assessment level shall remain on the property as
19 long as that owner, or that owner's surviving spouse who is fifty-five
20 years of age or older or who has minor children, remain eligible for and
21 receive the homestead exemption on that property.

22 (3) A new or subsequent owner of the property may claim a
23 special assessment level when eligible under this Section. The new
24 owner is not entitled to the same special assessment level in the
25 property as when that property was owned by the previous owner.

26 (4)(a) The special assessment level on property that is sold shall
27 automatically expire on the last day of December in the year prior to

1 the year that the property is sold. The property shall be immediately
 2 revalued at fair market value by the assessor and shall be assessed by
 3 the assessor on the assessment roll in the year it was sold at the
 4 assessment level provided for in Article VII, Section 18 of the
 5 Constitution of Louisiana.

6 (b) This new assessment shall remain in effect until changed as
 7 provided by this Section or this constitution.

8 Section 2. Be it further resolved that this proposed amendment shall be
 9 submitted to the electors of the state at the congressional primary election to
 10 be held in 1998, effective January 1, 2000.

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

15 To provide a ceiling on the assessment of residential property
 16 subject to the homestead exemption, which ceiling would be the
 17 assessment as of the year in which the homeowner reaches the
 18 age of sixty-five. (Amends Article VII, Section 18(A); adds
 19 Article VII, Section 18(G))

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Riley Boudreaux.

Lentini (SB 320)

DIGEST

Present constitution provides for a homestead exemption for residential property owned and occupied by any person. Seven thousand five hundred dollars of the assessed valuation of such property (i.e. \$75,000 of fair market value) is exempt from many non-municipal ad valorem property taxes.

Proposed constitutional amendment provides a "special assessment level" for homestead exempt property if it is owned and occupied by a person who is 65 or older, or his surviving spouse age 55 or older or who has minor children.

The special assessment level is the total assessment of that property for the year that such person became 60, or for the year a written claim to the assessor is made, whichever is later.

The property is subject to immediate reappraisal and valuation when the property is sold. Thereafter, the property is subject to the normal rules of property tax, including homestead exemption. However, while a new owner is not entitled to the same special assessment level as the previous owner, he may claim his own if and when he is eligible.

Specifies submission of the amendment to the voters at the congressional primary election to be held in 1998, to become effective January 1, 1999.

(Amends Const. Art. VII, Section 18(A); adds Const. Art. VII, Section 18(G))

Summary of Amendments Adopted by Senate

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

1. Change age to qualify for special assessment from 60 to 65.
2. Limits special assessment to surviving spouses age 55 or older or surviving spouses who have minor children.
3. Changes effective date from January 1, 1999 to January 1, 2000.