

1 §2.3. Power to Tax; Limitation; Sale or Transfer of Immovable Property

2 Section 2.3. No new tax or fee upon the sale or transfer of immovable
3 property, including documentary transaction taxes or fees, or any other tax or fee,
4 shall be levied by the state of Louisiana, by a political subdivision whose boundaries
5 are coterminous with those of the state, or by a political subdivision, as defined in
6 Article VI, Section 44(2) of this constitution after November 30, 2011. A
7 documentary transaction is any transaction pursuant to any instrument, act, writing,
8 or document which transfers or conveys immovable property. Fees for the cost of
9 recordation, filing, or maintenance of documents, or records effectuating the sale or
10 transfer of immovable property, impact fees for development of property, annual
11 parcel fees, and ad valorem taxes shall not be considered taxes or fees upon the sale
12 or transfer of immovable property.

13 Section 2. Be it further resolved that the provisions of this amendment shall become
14 effective on November 30, 2011.

15 Section 3. Be it further resolved that this proposed amendment shall be submitted
16 to the electors of the state of Louisiana at the statewide election to be held on November 19,
17 2011.

18 Section 4. Be it further resolved that on the official ballot to be used at said election
19 there shall be printed a proposition, upon which the electors of the state shall be permitted
20 to vote FOR or AGAINST, to amend the Constitution of Louisiana, which proposition shall
21 read as follows:

22 To prohibit the levy of new taxes or fees upon the sale or transfer of
23 immovable property, including documentary transaction taxes or fees, or any
24 other tax or fee, by the state or any of its political subdivisions after
25 November 30, 2011. (November 30, 2011) (Adds Article VII, Section 2.3)

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB No. 135

Abstract: Prohibits the levy of new taxes and fees upon the sale or transfer of immovable property, including documentary transaction taxes or fees, or any other tax or fee by the state or by a political subdivision after Nov. 30, 2011.

Present constitution provides for the power to tax and sets forth certain limitations.

Proposed constitutional amendment retains present constitution and adds prohibition, beginning Nov. 30, 2011, on the levy of new taxes or fees upon the sale or transfer of immovable property, including documentary transaction taxes or fees or any other tax or fee, from being levied by the state or by a political subdivision. Further provides that a documentary transaction is any transaction pursuant to any instrument, act, writing, or document which transfers or conveys immovable property.

Proposed constitutional amendment excludes from the prohibition of new taxes or fees, fees for the cost of recordation, filing, or maintenance of documents, or records effectuating the sale or transfer of immovable property, impact fees for development of property, annual parcel fees, and ad valorem taxes.

Provides for submission of the proposed amendment to the voters at the statewide election to be held Nov. 19, 2011.

Effective Nov. 30, 2011.

(Adds Const. Art. VII, §2.3)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Ways and Means to the original bill.

1. Added clarification of the taxes or fees that shall not be considered taxes or fees upon the sale or transfer of immovable property.
2. Corrected ballot language to reflect changes in the bill.