

SENATE BILL NO. 289

BY SENATOR PERRY

1 AN ACT

2 To enact R.S. 47:1713, 1714, and 1715, relative to ad valorem tax; to provide with respect
3 to eligibility for trusts for the special assessment level and certain exemptions; to
4 authorize the special assessment level for homesteads, the additional exemption for
5 disabled veterans and their spouses, and the exemption for surviving spouses of
6 military personnel, law enforcement and fire protection officers, and first responders
7 under certain circumstances; to provide for the disposition of excess ad valorem
8 payments made by certain trusts with respect to the special assessment level; and to
9 provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 47:1713, 1714, and 1715 are hereby enacted to read as follows:

12 **§1713. Special assessment level for certain trusts**

13 **A. A trust shall be eligible for the special assessment level if all of the**
14 **following apply:**

15 **(1) The settlor or settlors of the trust were the immediate prior owner or**
16 **owners of the homestead.**

17 **(2) The naked ownership of the homestead was transferred to the trust.**

18 **(3) The settlor or settlors retained a usufruct on the homestead.**

19 **(4) The settlor or settlors continue to occupy the homestead.**

20 **(5) The settlor or settlors would have been eligible for the special**
21 **assessment level had they retained the naked ownership of the homestead.**

22 **B.(1) If a trust would have been eligible for the special assessment level**
23 **pursuant to this Section prior to the most recent reappraisal, the total**
24 **assessment of the property held in trust shall be the assessed value on the last**
25 **appraisal before the reappraisal.**

26 **(2) If a trust has remitted a payment at the higher assessment level and**

1 is later determined to be eligible for the special assessment level pursuant to this
2 Subsection, then upon a showing by the trust of eligibility, any payment in
3 excess of the special assessment level shall abate subsequent years' ad valorem
4 taxes on the property until the payment has been exhausted.

5 §1714. Exemption for property of a disabled veteran or a surviving spouse;
6 eligibility for certain trusts

7 A trust shall be eligible for the ad valorem tax exemption established
8 under Article VII, Section 21(K) of the Louisiana Constitution which provides
9 an exemption for a disabled veteran or a surviving spouse if all of the following
10 apply:

11 (1) The settlor or settlors of the trust meet the conditions for eligibility
12 established under Article VII, Section 21(K) of the Louisiana Constitution.

13 (2) The settlor or settlors of the trust were the immediate prior owners
14 of the homestead.

15 (3) The naked ownership of the homestead was transferred to the trust.

16 (4) The settlor or settlors retained a usufruct on the homestead.

17 (5) The settlor or settlors continue to occupy the homestead.

18 (6) The settlor or settlors would have been eligible for the exemption
19 established under Article VII, Section 21(K) of the Louisiana Constitution had
20 they retained the naked ownership of the homestead.

21 §1715. Exemption for property of the surviving spouse of certain military
22 personnel, law enforcement and fire protection officers, and
23 other first responders; eligibility for certain trusts

24 A trust shall be eligible for the ad valorem tax exemption established
25 under Article VII, Section 21(M) of the Louisiana Constitution which provides
26 an exemption for the surviving spouse of certain persons who died while
27 performing their duties as a member of the military, law enforcement or fire
28 protection officer, volunteer firefighter, medical responder, technician, or
29 paramedic as provided in the Louisiana Constitution, if all of the following
30 apply:

1 (1) The settlor or settlors of the trust meet the conditions for eligibility
2 established under Article VII, Section 21(M) of the Louisiana Constitution.

3 (2) The settlor or settlors of the trust were the immediate prior owners
4 of the homestead.

5 (3) The naked ownership of the homestead was transferred to the trust.

6 (4) The settlor or settlors retained a usufruct on the homestead.

7 (5) The settlor or settlors continue to occupy the homestead.

8 (6) The settlor or settlors would have been eligible for the exemption
9 established under Article VII, Section 21(M) of the Louisiana Constitution had
10 they retained the naked ownership of the homestead.

11 Section 2. This Act shall take effect and become operative if and when the proposed
12 addition of Article VII, Sections 18(G)(6), and 21(K)(4) and (M)(4) of the Constitution of
13 Louisiana contained in the Act which originated as Senate Bill No. 163 of this 2018 Regular
14 Session of the Legislature is adopted at the statewide election to be held on November 6,
15 2018, and becomes effective.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____