
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)]

HB 402 Original

2024 Regular Session

Galle

Abstract: For purposes of income-based eligibility of applicants for the special property tax assessment level, provides relative to the income calculation method for applicants who use the married filing separately tax-filing status.

Present constitution provides that the assessment of residential property receiving the homestead exemption which is owned and occupied by persons meeting certain qualifications shall not be increased above the total assessment of that property for the first year that the owner qualifies for and receives the special assessment level authorized in present constitution.

Present constitution makes the special assessment level available to the following groups:

- (1) People who are 65 years of age or older.
- (2) People who have a service-connected disability rating of 50% or more as determined by the U.S. Dept. of Veterans Affairs.
- (3) Members of the U.S. armed forces or La. National Guard who are killed in action, or who are missing in action or are a prisoner of war for a period exceeding 90 days.
- (4) People who are permanently and totally disabled as determined by a final, non-appealable judgment of a court, or as certified by a state or federal administrative agency charged with making official disability determinations.

Present constitution limits eligibility for the special assessment level to people in the above-listed groups whose adjusted gross income (AGI), as reported on their federal tax return for the year prior to the application for the special assessment, is \$100,000 or less. Requires that this income limit be adjusted annually for inflation beginning for the 2026 tax year.

Proposed constitutional amendment retains present constitution.

Present constitution provides that with respect to persons applying for the special assessment level whose filing status is married filing separately, for purposes of those persons' income eligibility for the special assessment, the AGI shall be determined by combining the AGI figures on both spouses' federal tax returns.

Proposed constitutional amendment revises present constitution to provide instead that with respect

to persons applying for the special assessment level whose filing status is married filing separately, the legislature shall provide by law for calculation of the AGI for purposes of those persons' income eligibility for the special assessment.

Proposed constitutional amendment applies to tax years beginning on or after Jan. 1, 2025.

Provides for submission of the proposed amendment to the voters at the statewide election to be held November 5, 2024.

(Amends Const. Art. VII, §18(G)(1)(a)(ii))