

Regular Session, 2004

SENATE BILL NO. 806 (Substitute for Senate Bill No. 158 by Senator Dupre)

BY SENATOR DUPRE AND REPRESENTATIVE DOERGE AND COAUTHORED BY SENATORS MCPHERSON, ROMERO AND ULLO AND REPRESENTATIVES ALARIO, ANSARDI, ARNOLD, BALDONE, BAUDOIN, BAYLOR, BOWLER, BROOME, BRUCE, BRUNEAU, BURNS, BURRELL, R. CARTER, CROWE, CURTIS, DAMICO, DANIEL, DARTEZ, DEWITT, DORSEY, DOVE, DOWNS, DURAND, FANNIN, FARRAR, FAUCHEUX, FLAVIN, FRITH, GALLOT, GRAY, M. GUILLORY, HAMMETT, HEATON, HEBERT, HILL, HONEY, JACKSON, JEFFERSON, JOHNS, KENNEY, LANCASTER, MARCHAND, MARTINY, MCDONALD, MONTGOMERY, MURRAY, ODINET, PITRE, QUEZAIRE, RICHMOND, RITCHIE, ROMERO, SALTER, SCHNEIDER, SHEPHERD, GARY SMITH, JACKSMITH, JANE SMITH, ST. GERMAIN, THOMPSON, TOOMY, TOWNSEND, TRICHE, WADDELL, WALKER, WOOTON AND WRIGHT

1 A JOINT RESOLUTION

2 Proposing to amend Section 20(A) of Article VII of the Constitution of Louisiana, relative
3 to the homestead exemption from ad valorem property taxes; to provide persons
4 eligible for the homestead exemption and for the valuation of land which is the
5 homestead; to provide for the homestead exemption for homesteads owned in
6 indivision and for fields in which there is timber; to provide for the application of the
7 exemption to the surviving spouse, testamentary or irrevocable trusts, usufructuaries,
8 and to property occupied by a buyer under a bond for deed contract under certain
9 conditions; to prohibit more than one exemption for any person; and to specify an
10 election for submission of the proposition to electors and provide a ballot proposition.

11 Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members
12 elected to each house concurring, that there shall be submitted to the electors of the state, for
13 their approval or rejection in the manner provided by law, a proposal to amend Article VII,
14 Section 20(A) of the Constitution of Louisiana, to read as follows:

15 §20. Homestead Exemption

16 Section 20.(A) Homeowners.

17 (1) The bona fide homestead, consisting of a tract of land or two or more

1 tracts of land even if the land is classified and assessed at use value pursuant to
2 Article VII, Section 18(C) of this constitution, with a residence on one tract and
3 a field with or without timber on it, pasture, or garden on the other tract or tracts,
4 not exceeding one hundred sixty acres, buildings and appurtenances, whether rural or
5 urban, owned and occupied by any person or persons owning the property in
6 indivision, shall be exempt from state, parish, and special ad valorem taxes to the
7 extent of seven thousand five hundred dollars of the assessed valuation. The same
8 homestead exemption shall also fully apply to the primary residence, including a
9 mobile home, which serves as a bona fide home and which is owned and occupied by
10 any person or persons owning the property in indivision, regardless of whether the
11 homeowner owns the land upon which the home or mobile home is sited; however,
12 this homestead exemption shall not apply to the land upon which such primary
13 residence is sited if the homeowner does not own the land.

14 (2)The homestead exemption shall extend and apply fully to the surviving
15 spouse or a former spouse ~~or minor children of a deceased owner and shall apply~~
16 when the homestead is occupied as such by the surviving spouse or a former
17 spouse and title to it is in either the husband or wife the name of (a) the surviving
18 spouse as owner of any interest or either or both of the former spouses, (b) the
19 surviving spouse as usufructuary, or (c) a testamentary trust established for the
20 benefit of the surviving spouse and the descendants of the deceased spouse or
21 surviving spouse, but not to more than one homestead owned by either the husband
22 or wife, or both.

23 (3) The homestead exemption shall extend to property owned by an
24 irrevocable trust when the principal beneficiary or beneficiaries of the trust are
25 the settlor or settlors of the trust and were the immediate prior owners of the
26 homestead, and the homestead is occupied as such by a principal beneficiary.
27 The provisions of this Subparagraph shall apply only to property which
28 qualified for the homestead exemption immediately prior to transfer,
29 conveyance, or donation in trust, or which would have qualified for the

1 homestead exemption if such property were not owned in trust.

2 (4) The homestead exemption shall extend to property where the usufruct
3 of the property has been granted to no more than two usufructuaries who were
4 the immediate prior owners of the homestead and the homestead is occupied as
5 such by a usufructuary. The provisions of this Subparagraph shall apply only
6 to property which qualified for the homestead exemption immediately prior to
7 the granting of such usufruct, or which would have qualified for the homestead
8 exemption if such usufruct had not been granted.

9 (5) The homestead exemption shall extend only to a natural person or
10 persons and to an irrevocable trust created by a natural person or persons, in
11 which the beneficiaries of the trust are a natural person or persons provided
12 that the provisions of this Paragraph are otherwise satisfied.

13 (6) Except as otherwise provided for in this Paragraph, the homestead
14 exemption shall apply to property owned in indivision, but shall be limited to
15 the pro rata ownership interest of that person or persons occupying the
16 homestead.

17 (7) No homestead exemption shall be granted on bond for deed property.
18 However, any homestead exemption granted prior to June 20, 2003 on any
19 property occupied upon the effective date of this Paragraph by a buyer under
20 a bond for deed contract shall remain valid as long as the circumstances giving
21 rise to the exemption at the time the exemption was granted remain applicable.

22 (8) Notwithstanding any provision of this Paragraph to the contrary, in
23 no event shall more than one homestead exemption extend or apply to any
24 person in this state.

25 ~~(9)~~(9) This exemption shall not extend to municipal taxes. However, the
26 exemptions shall apply (a) in Orleans Parish, to state, general city, school, levee, and
27 levee district taxes and (b) to any municipal taxes levied for school purposes.

28 * * *

29 Section 2. Be it further resolved that this proposed amendment shall be submitted to

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1 the electors of the state at an election to be held on November 2, 2004.

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

6 To provide that homestead exempt property is limited to property owned and
7 occupied by the owners; to provide for land classified and assessed at use
8 value; to provide that a field which qualifies for a homestead exemption may
9 have timber on it; to prohibit granting the homestead exemption to bond for
10 deed property unless granted before June 20, 2003; to explicitly prohibit more
11 than one homestead exemption applying to any person; and to require the
12 homestead exemption to extend to the following:

13 (1) The surviving spouse when the homestead is occupied by the
14 surviving spouse and title to it is in the surviving spouse's name as
15 owner of any interest or as usufructuary, or in the name of a
16 testamentary trust established for the benefit of the surviving spouse
17 or the descendants, or to the former spouse when the homestead is
18 occupied by the former spouse and title to it is in the name of either
19 or both of the former spouses.

20 (2) Property owned by an irrevocable trust when the principal beneficiary
21 or beneficiaries are the settlor or settlors of the trust and were the
22 immediate prior owners of the homestead, and the homestead is
23 occupied as such by a principal beneficiary.

24 (3) Property where the usufruct has been granted to no more than two
25 usufructuaries who occupy the homestead and who were the
26 immediate prior owners of the homestead.

27 (4) A natural person or persons and to an irrevocable trust created by a
28 natural person or persons in which the beneficiaries of the trust are a
29 natural person or persons if the criteria above is otherwise satisfied.

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- 1 (5) Property owned, limited to the pro rata ownership interest of the
2 person occupying the homestead unless provided otherwise above.
3 (Amends Article VII, Section 20(A))

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES