

Regular Session, 2006

HOUSE BILL NO. 389

BY REPRESENTATIVE TRICHE

TAX EXEMPTIONS/HOMESTEAD: (Constitutional Amendment) Extends the homestead exemption to property owned in a revocable living trust

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A JOINT RESOLUTION

Proposing to amend Article VII, Section 20(A)(3) of the Constitution of Louisiana, relative to the extension of the homestead exemption to trusts; to provide that the exemption shall extend to revocable and irrevocable trusts under certain circumstances; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

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 of Louisiana, for their approval or rejection in the manner provided by law, a proposal to amend Article VII, Section 20(A)(3)of the Constitution of Louisiana, to read as follows:

§20. Homestead Exemption

Section 20.(A) Homeowners.

* * *

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

1 would have qualified for the homestead exemption if such property were not owned
2 in trust.

3 * * *

4 Section 2. Be it further resolved that this proposed amendment shall be submitted
5 to the electors of the state of Louisiana at the statewide election to be held on September 30,
6 2006.

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

11 To extend the homestead exemption to revocable trusts. (Amends
12 Article VII, Section 20(A)(3))

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument.

Triche HB No. 389

Abstract: Extends the homestead exemption to revocable trusts.

Present constitution extends the homestead exemption to irrevocable trusts when the principal beneficiary or beneficiaries of the trusts are the settlor or settlors of the trusts and were the immediate prior owners of the homestead, and the homestead is occupied by a principal beneficiary.

Proposed constitutional amendment removes the restriction that the trust be irrevocable.

Provides for submission of the proposed amendment to the voters at the statewide election to be held September 30, 2006.

(Amends Const. Art. VII, §20(A)(3))