

2018 Regular Session

HOUSE BILL NO. 201

BY REPRESENTATIVE CREWS

TAX/AD VALOREM-EXEMPTION: (Constitutional Amendment) Establishes an ad valorem tax exemption for property subject to a cooperative endeavor agreement that requires the property owner to make payments in lieu of taxes

1    A JOINT RESOLUTION

2 Proposing to add Article VII, Section 21(N) of the Constitution of Louisiana, to provide for

3            ad valorem tax exemptions; to establish an exemption for certain property subject to

4            a cooperative endeavor agreement requiring payments in lieu of taxes; to provide for

5            requirements and limitations; to provide for submission of the proposed amendment

6            to the electors; and to provide for related matters.

7            Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members

8 elected to each house concurring, that there shall be submitted to the electors of the state of

9 Louisiana, for their approval or rejection in the manner provided by law, a proposal to add

10 Article VII, Section 21(N) of the Constitution of Louisiana, to read as follows:

11            §21. Other Property Exemptions

12                          Section 21. In addition to the homestead exemption provided for in Section

13            20 of this Article, the following property and no other shall be exempt from ad

14            valorem taxation:

15    \*            \*            \*

16                          (N) Property that is subject to a cooperative endeavor agreement, as provided

17                          by law and this constitution, between the owner and one or more taxing authorities

18                          which agreement requires the property owner to make payments in lieu of taxes as

1 provided by law. Property eligible for this exemption shall be as provided in  
2 Subparagraph (1) of this Paragraph.

3 (1)(a) Property of a new manufacturing establishment or an addition to an  
4 existing manufacturing establishment.

5 (b) Other property, subject to a cooperative endeavor agreement which has  
6 been approved by a committee of the legislature, as provided by law.

7 (2) The exemption authorized under this Paragraph shall be to the extent  
8 agreed to and provided for in the cooperative endeavor agreement. All property  
9 exempted shall be listed on the assessment rolls and submitted to the Louisiana Tax  
10 Commission.

11 (3) Property that has been subject to a contract of exemption as provided in  
12 Paragraph (F) of this Section shall be ineligible for the exemption authorized under  
13 this Paragraph. Notwithstanding the foregoing, an ad valorem taxing authority may  
14 negotiate and enter into a cooperative endeavor agreement with a property owner for  
15 a payment in lieu of ad valorem taxes during the first two years of a contract of  
16 exemption allowed by Paragraph (F) of this Section as provided by law.

17 (4) The terms "manufacturing establishment" and "addition" shall have the  
18 same meanings ascribed to them in Paragraph (F) of this Section.

19 Section 2. Be it further resolved that this proposed amendment shall be submitted  
20 to the electors of the state of Louisiana at the statewide election to be held on November 6,  
21 2018.

22 Section 3. Be it further resolved that on the official ballot to be used at the election,  
23 there shall be printed a proposition, upon which the electors of the state shall be permitted  
24 to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as  
25 follows:

26 Do you support an amendment to grant a property tax exemption for property  
27 that is subject to an agreement with local government allowing the property  
28 owner to make payments instead of property taxes? (Adds Article VII,  
29 Section 21(N))

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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 201 Original

2018 Regular Session

Crews

**Abstract:** Establishes an ad valorem tax exemption for property that is subject to a cooperative endeavor agreement that requires the property owner to make payments in lieu of ad valorem taxes.

Present constitution authorizes the imposition of ad valorem property taxes by local governments, school boards, and other special districts.

Present constitution authorizes a variety of exemptions from ad valorem tax.

Proposed constitutional amendment changes present constitution by establishing an exemption for property subject to a cooperative endeavor agreement that requires the property owner to make payments in lieu of the ad valorem taxes imposed by a taxing authority that is a party to the agreement. The extent of the exemption shall be as provided for in the agreement.

Proposed constitutional amendment limits eligibility for the exemption to either a manufacturing establishment that qualifies for the industrial tax exemption, or a property subject to a cooperative endeavor agreement that has been approved by a legislative committee as provided by law. Proposed constitutional amendment prohibits eligibility for this exemption for a manufacturing establishment that has a contract for the industrial tax exemption, unless it is within the first two years of that contract.

Proposed constitutional amendment requires that exempt properties be listed on the assessment rolls and that information concerning those properties be submitted to the La. Tax Commission.

Provides for submission of the proposed amendment to the voters at the statewide election to be held Nov. 6, 2018.

(Adds Const. Art. VII, §21(N))