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## DIGEST

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HB 11 Engrossed

2024 Third Extraordinary Session

Deshotel

**Abstract:** Codifies provisions of present constitution regarding the homestead exemption, special assessment level, millage adjustments, and other property tax exemptions in statute and authorizes an optional property tax exemption for business inventory.

### Redesignations of law

Present law and present constitution provide for the levy of ad valorem property tax and for the classification and annual assessment of property for purposes of calculating ad valorem taxes in Article VII, Sections 18 through 23 of the Constitution of La. and Chapter 1 of Subtitle 3 of Title 47 (Sections 1702-1716).

Proposed law redesignates all sections of present law (Sections 1702-1716). Retains all provisions of present law, except for removing references to articles in the constitution and changing cross references to statutes within Chapter 1.

Proposed law adds new sections of law (1701 and 1717-1721).

Proposed law authorizes and directs the law institute to renumber the sections of Chapter 1 as listed.

### Homestead Exemption

Present constitution authorizes the levy of ad valorem taxes on property within La. Present constitution establishes an exemption from state, parish, and special ad valorem property taxes for the bona fide homestead of the property owner, for the first \$7,500 of assessed valuation. Present law provides for administration and implementation of the homestead exemption as well as other property tax exemptions by assessors in each parish.

Proposed law retains provisions relative to the homestead exemption provided for in present constitution but moves these provisions to statutory law and re-designates these provisions in R.S. 47:1718. Proposed law further retains provisions in present law relative to the timing of the status of real and personal property in Orleans parish for purposes of claiming the homestead exemption for the following calendar year as well as general provisions relative to penalties for property owners who provide false statements and information for purposes of claiming the homestead exemption or other property tax exemptions.

## **Other Property Tax Exemptions**

Present constitution provides for the classification and assessment of property subject to ad valorem taxation. Further provides an exclusive list of types of property that, in addition to property to which the homestead exemption provided for in present constitution applies, shall be exempt from ad valorem taxation.

Proposed law moves the provisions of Art. 7 Sec. 21 from the present constitution to statute (R.S. 47:1703).

Proposed law adds an optional ad valorem tax exemption on items constituting business inventory, including goods which are held for sale and goods in production or for ultimate consumption in the production of goods or services for sale. Proposed law defines "business inventory" for purposes of proposed law.

Proposed law limits the optional exemption to parishes in which the sheriff, school board, and the parish governing authority elect to exempt business inventory from ad valorem taxation. Requires the exemption election to be evidenced in writing and to indicate if the parish will implement the full exemption immediately or over a period not to exceed five years. The election shall be made no later than July 1, 2026, and shall be applicable to taxable periods beginning Jan. 1, 2026. Proposed law requires that the parish's election to exempt business inventory be irrevocable.

Proposed law provides that any parish that elects to exempt 100% of business inventory from ad valorem tax to immediately receive a payment from the state equal to the greater of three times the amount of ad valorem taxes collected on business inventory within the parish for the 2023 tax year or \$1M dollars. Any parish that elects to phase-in the exemption over a period not to exceed five years shall receive a payment equal to the greater of the amount of ad valorem taxes collected on business inventory within the parish for the 2023 tax year or \$500,000. Proposed law limits the maximum amount a parish may receive from the state for immediately implementing an exemption for business inventory to \$15M and limits the maximum amount a parish may receive for phasing-in an exemption for business inventory to \$10M.

Proposed law provides that calculation of the payments to parishes electing to exempt items constituting business inventory shall be as follows:

PARISH	PAYMENT AMOUNT IF PROPERTY EXEMPTION IS IMMEDIATE	PAYMENT AMOUNT IF PROPERTY EXEMPTION IS PHASED-IN
Acadia	\$8,064,687	\$2,688,229
Allen	\$4,649,178	\$1,549,726
Ascension	\$15,000,000	\$10,000,000
Assumption	\$12,643,215	\$4,214,405
Avoyelles	\$3,311,623	\$1,103,874
Beauregard	\$10,698,616	\$3,566,205

Bienville	\$15,000,000	\$9,803,655
Bossier	\$15,000,000	\$10,000,000
Caddo	\$15,000,000	\$10,000,000
Calcasieu	\$15,000,000	\$10,000,000
Caldwell	\$1,000,000	\$500,000
Cameron	\$11,841,732	\$3,947,244
Catahoula	\$1,000,000	\$500,000
Claiborne	\$1,000,000	\$500,000
Concordia	\$2,591,401	\$863,800
Desoto	\$4,506,854	\$1,502,285
East Baton Rouge	\$15,000,000	\$10,000,000
East Carroll	\$2,942,280	\$980,760
East Feliciana	\$2,361,471	\$787,157
Evangeline	\$9,014,235	\$3,004,745
Franklin	\$4,100,553	\$1,366,851
Grant	\$2,996,249	\$998,750
Iberia	\$15,000,000	\$5,485,411
Iberville	\$15,000,000	\$10,000,000
Jackson	\$2,334,131	\$778,044
Jeff Davis	\$5,318,676	\$1,772,892
Jefferson	\$15,000,000	\$10,000,000
Lafayette	\$15,000,000	\$10,000,000
Lafourche	\$15,000,000	\$6,119,490
LaSalle	\$3,686,862	\$1,228,954
Lincoln	\$8,279,452	\$2,759,817
Livingston	\$13,489,157	\$4,496,386
Madison	\$3,868,362	\$1,289,454
Morehouse	\$4,726,058	\$1,575,353
Natchitoches	\$6,077,027	\$2,025,676
Orleans	\$15,000,000	\$10,000,000
Ouachita	\$15,000,000	\$10,000,000
Plaquemines	\$15,000,000	\$8,442,726
Pointe Coupee	\$3,399,273	\$1,133,091

Rapides	\$15,000,000	\$10,000,000
Red River	\$1,421,703	\$500,000
Richland	\$5,095,444	\$1,698,481
Sabine	\$2,046,275	\$682,158
St. Bernard	\$15,000,000	\$10,000,000
St. Charles	\$15,000,000	\$10,000,000
St. Helena	\$1,000,000	\$500,000
St. James	\$15,000,000	\$10,000,000
St. John	\$15,000,000	\$10,000,000
St. Landry	\$15,000,000	\$8,013,535
St. Martin	\$15,000,000	\$6,128,714
St. Mary	\$15,000,000	\$7,325,494
St. Tammany	\$15,000,000	\$10,000,000
Tangipahoa	\$15,000,000	\$7,294,402
Tensas	\$1,000,000	\$500,000
Terrebonne	\$15,000,000	\$8,835,679
Union	\$1,428,985	\$500,000
Vermilion	\$4,236,873	\$1,412,291
Vernon	\$3,585,481	\$1,195,160
Washington	\$4,904,267	\$1,634,756
Webster	\$9,632,542	\$3,210,847
West Baton Rouge	\$15,000,000	\$10,000,000
West Carroll	\$1,277,144	\$500,000
West Feliciana	\$1,800,699	\$600,233
Winn	\$1,964,567	\$654,856

Proposed law requires the tax collector of each parish electing to exempt items constituting business inventory to distribute the monies received from the treasurer on a pro rata basis to each taxing authority that levies an ad valorem tax within the parish. Further requires the treasurer to disburse monies to the collector within 30 days of receiving certification from the Dept. of Revenue that the parish has elected to irrevocably exempt business inventory from ad valorem tax.

### **Special Assessment Level**

Present constitution grants a special assessment level to certain owners of residential property receiving the homestead exemption. The special assessment level prohibits the total assessment of

the property from being increased above the total assessment of the property for the first year that the eligible owner qualifies for and receives the special assessment level. Eligible owners include people who are 65 years of age or older, people who have a service-connected disability rating of 50% or more, members of the armed forces of the U.S. or the La. National Guard who owned and occupied the property who are killed in action, missing in action or are a prisoner of war for a period exceeding 90 days, and people who are permanently totally disabled as determined by a final non-appealable judgment of certain courts or state or federal administrative agencies charged with the responsibility for making determinations regarding disability.

Present constitution limits a person from receiving the special assessment if the person's adjusted gross income exceeds \$100,000. Beginning in 2026, the \$100,000 limit is adjusted annually by the Consumer Price Index.

Proposed law retains all provisions of present constitution but moves Art. 7 Sec. 18(G) from the constitution to statute (R.S. 47:1717).

### **Adjustment of Ad Valorem Millages**

Present constitution prohibits the total amount of ad valorem taxes collected by any taxing authority in the year in which the mandatory reappraisal and valuation of property occurs to be increased or decreased because of a reappraisal or valuation or increases or decreases in the homestead exemption above or below the total amount of ad valorem taxes collected by that taxing authority in the year preceding implementation of the reappraisal and valuation. To accomplish this result, the provisions of millage adjustments in present constitution are mandatory.

Proposed law retains all provisions of present constitution but moves Art. 7 Sec. 23 from the constitution to statute (R.S. 47:1719).

Effective if and when the proposed amendment of Art. 7 of the constitution contained in the Act which originated as House Bill No. 7 of this 2024 3<sup>rd</sup> E.S. of the Legislature is adopted at a statewide election and becomes effective.

(Amends R.S. 47:1703, 1703.1(A), 1705(B)(1)(a) and (b)(i), (2)(a), (b), (c)(i)(intro. para.) and (ii), (d), and (D), 1707-1708, 1710, 1712, 1713(B), 1714(intro. para.), (1), and (6), 1715(intro. para.), (1), and (6), and 1716; Adds R.S. 47:1702(12)-(15) and 1717-1719)

### **Summary of Amendments Adopted by House**

The Committee Amendments Proposed by House Committee on Ways and Means to the original bill:

1. Require the tax collector in a parish electing to exempt business inventory from ad valorem tax to distribute the monies received from the state on a pro rata basis to each taxing authority that levies an ad valorem tax within the parish.

2. Require the treasurer to disburse monies to the parish collector within 30 days of receiving certification from the Dept. of Revenue that the parish has elected to irrevocably exempt business inventory from ad valorem tax.
3. Limit the maximum amount a parish may receive from the state for immediately implementing an exemption for business inventory to \$15M and limit the maximum amount a parish may receive for phasing-in an exemption for business inventory to \$10M.
4. Make technical changes.