
DIGEST

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HB 41 Reengrossed

2020 First Extraordinary Session

Ivey

Abstract: Establishes an ad valorem tax exemption in the form of an abatement for certain capital investment projects and non-residential immovable property 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 establishes a list of exclusive ad valorem tax exemptions.

Present constitution authorizes a property tax exemption for new manufacturing establishments and additions to existing establishments for an initial term of five years, with a five-year renewal. The exemption is effectuated through a contract granted by the Board of Commerce and Industry, with the approval of the governor.

Proposed constitutional amendment changes present constitution by authorizing three ad valorem property tax exemptions in the form of abatements for capital investment projects as follows:

- (1) A standard exemption for a term of eight calendar years for 80% of property taxes. The exemption is subject to review by the Board of Commerce and Industry. This exemption is subject to local approval as provided by law.
- (2) A local exemption for a term of no more than 15 calendar years for up to 100% of property taxes. This exemption requires the approval of local taxing authorities as provided by law.
- (3) An executive exemption for a term determined by the governor for up to 100% of property taxes. This exemption requires approval of the governor and is subject to local approval as provided by law.

Proposed constitutional amendment also requires that any law enacted to administer any of the new exemptions requires a favorable vote of two-thirds of the elected members of each house of the legislature.

Proposed constitutional amendment changes present constitution by creating an exemption in the form of an abatement for non-residential immovable property subject to a cooperative endeavor agreement requiring the property owner to make payments in lieu of the ad valorem taxes imposed

by a taxing authority party to the agreement.

Proposed constitutional amendment requires the legislature to provide for the implementation of proposed constitutional amendment, including the non-residential immovable property eligible for the exemption.

Proposed constitutional amendment requires that any law enacted to implement this payment in lieu of taxes program will require a two-thirds vote of both houses of the legislature.

Provides for submission of the proposed amendment to the voters at the statewide election to be held Nov. 3, 2020.

(Amends Const. Art. VII, §21(F); Adds Const. Art. VII, §21(O))

Summary of Amendments Adopted by House

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

1. Change the type of property eligible for the cooperative endeavor agreements from all non-residential property to non-residential immovable property.
2. Remove provisions requiring property subject to the cooperative endeavor agreement be listed on the assessment rolls and submitted to the Louisiana Tax Commission.
3. Add provisions repealing the Act that originated as Senate Bill No. 272 of the 2020 Regular Session.
4. Make technical changes.

The House Floor Amendments to the engrossed bill:

1. Clarify the exemptions permitted by proposed constitutional amendment are in the form of an abatement.
2. Remove provisions repealing the Act that originated as Senate Bill No. 272 of the 2020 Regular Session.
3. Remove the provision providing that any cooperative endeavor agreement shall be for a term not to exceed forty years.
4. Add provisions that provide that proposed constitutional amendment shall be submitted to electors only if House Bill No. 54 of the 2020 First Extraordinary Session of the Legislature is enacted, and, if vetoed, is subsequently approved by the legislature.

5. Make technical changes.