2020 Regular Session

HOUSE BILL NO. 846

BY REPRESENTATIVE WRIGHT

TAX/TAX REBATES: Provides relative to the Competitive Projects Payroll Incentive Program

AN ACT

To amend and reenact R.S. 51:3121(A)(7), (B)(1)(b)(v), and (C)(1), (2), and (3)(a) and to enact R.S. 51:3121(B)(1)(b)(vi) through (ix), relative to the competitive projects payroll incentive program; to provide relative to the program's eligibility requirements; to extend duration of the program; to remove certain approvals; to provide relative to certain requirements for participation in the program; to provide for certain limitations; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 51:3121(A)(7), (B)(1)(b)(v), and (C)(1), (2), and (3)(a) are hereby amended and reenacted and R.S. 51:3121(B)(1)(b)(vi) through (ix) are hereby enacted to read as follows:

§3121. Competitive Projects Payroll Incentive Program

A. Definitions. For purposes of this Section, the following words or terms as used in this Chapter shall have the following meanings, unless a different meaning appears from the context:

* * *

(7) "Qualified business" means a business certified by the secretary as

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meeting the eligibility requirements of Subsection B of this Section, approved by the Joint Legislative Committee on the Budget to participate in the program, and executing a contract providing the terms and conditions for its participation.

* * *

B. Eligibility requirements. (1) A business shall be eligible for participation in the program if all of the following requirements are met:

* * *

(b) The business will primarily engage in one of the following activities at the project site:

* * *

(v) Cybersecurity.

(vi) Renewable or a recycling process.

(vii) Agri-bio industry.

(viii) COVID virus screening, protective gear, medical devices, drugs, or equipment for treatment of COVID infected patients.

(ix) Other activities as recommended by the secretary and approved by the Joint Legislative Committee on the Budget.

* * *

C. Applications and contract approval and administration. (1) At the invitation of the secretary, a business may apply for a contract by submitting to the department such the certified statements and substantiating documents as the department may require.

(2) The secretary may shall certify eligibility of the business and request approval by the Joint Legislative Committee on the Budget of its participation to participate in the program on in accordance with terms and conditions specified by the secretary in a proposed contract, if the secretary determines all of the following:

(a) The business meets the eligibility requirements provided for in Subsection B of this Section.
(b) Participation in the program is needed in a highly competitive site selection situation to encourage the business to locate or expand in the state.

(c) Securing the project will result in a significant positive economic benefit to the state.

(3)(a)(i) Upon the approval by the Joint Legislative Committee on the Budget of participation in the program by the business, the secretary shall execute the contract with the business, and provide a copy to the Department of Revenue prior to the payment of any benefits under the contract.

(ii) No new contract shall be approved on or after July 1, 2022 July 1, 2026, but contracts existing on that date may continue and may be renewed.

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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)]

HB 846 Original 2020 Regular Session Wright

Abstract: Expands businesses eligible to participate in the Competitive Projects Payroll Incentive Program, extends the termination of the program from July 1, 2022, to July 1, 2026, and removes discretionary authority of the secretary of the Dept. of Economic Development to invite businesses to participate in the program and approvals of the Joint Legislative Committee on the Budget.

Present law establishes the Competitive Projects Payroll Incentive Program (hereinafter "program") for qualified businesses to receive a rebate of up to 15% of eligible new payroll and for either a sales and use tax rebate for capital expenditures for a facility designated in the contract or for a project facility expense rebate.

Proposed law retains present law.

Present law defines an eligible business as a business that has at least 50% of its total annual sales from a Louisiana site to out-of-state customers, or to in-state customers who resell the product or service to an out-of-state customer for ultimate use, or the federal government and the business is primarily engaged in activities that include manufacturing of durable goods including automobiles, motorcycles or other passenger vehicles, aircraft, spacecraft, medical devices, batteries or other power storage devices, manufacturing of pharmaceutical products, conversion of natural gas to diesel, jet fuel, or other refined fuels, or data storage or data services. Further requires an eligible business to offer, within 90 days of qualifying for the incentive rebate, a basic health benefits plan to its employees.

Proposed law retains present law but expands the businesses eligible to participate in the program to include businesses engaged in cybersecurity, renewable or a recycling process, the agri-bio industry, or COVID virus screening, protective gear, medical devices, drugs, or equipment for treatment of COVID infected patients.

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Present law authorizes businesses to participate in the program upon invitation by the secretary of the Dept. of Economic Development (DED) and approval by the Joint Legislative Committee on the Budget (JLCB). Further authorizes other business activities to be eligible to participate in the program as recommended by the secretary of DED and approved by JLCB.

Proposed law changes present law by eliminating the requirement that businesses be invited to participate in the program by invitation of the secretary of DED and JLCB's requirement to approve a business to participate in the program. Further eliminates the requirement that JLCB approve other business activities in order to be eligible to participate in the program.

Present law authorizes the secretary of DED to certify eligibility of the business and request approval by JLCB of its participation in the program, if the secretary determines all of the following:

1. The business meets the eligibility requirements provided for in present law.
2. Participation in the program is needed in a highly competitive site selection situation to encourage the business to locate or expand in the state.
3. Securing the project will result in a significant positive economic benefit to the state.

Proposed law eliminates the requirement that JLCB approve a business's participation in the program. Otherwise retains present law.

Present law prohibits any new contracts from being approved on or after July 1, 2022, but contracts existing on that date may continue and may be renewed.

Proposed law extends the termination date for new contracts to be entered into from on or after July 1, 2022, to on or after July 1, 2026.

(Amends R.S. 51:3121(A)(7), (B)(1)(b)(v), and (C)(1), (2), and (3)(a); Adds R.S. 51:3121(B)(1)(b)(vi)-(ix))