

1 (B)

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3 (3) ~~property~~ Property of an organization such as a lodge or club organized
4 for charitable and fraternal purposes and practicing the same, and property of a
5 nonprofit corporation devoted to promoting trade, travel, and commerce, and also
6 property of a trade, business, industry or professional society or association, if that
7 property is owned by a nonprofit corporation or association organized under the laws
8 of this state for such purposes.

9 (4) None of the property listed in Paragraph (B) shall be exempt if owned,
10 operated, leased, or used for commercial purposes unrelated to the exempt purposes
11 of the corporation or association; however, in Orleans Parish the exemption provided
12 for in this Paragraph shall not apply if the property has been vacant for longer than
13 two years or the property is not exclusively used for the exempt purpose of the
14 corporation or association. For purposes of this Subparagraph, "exclusive use"
15 occurs when no more than five percent of the corporation's or association's annual
16 revenues derived from that parcel are required to be reported as taxable income for
17 purposes of federal taxation.

18 (5)(a) Notwithstanding any other provision of this constitution to the
19 contrary, each exemption established in Subparagraphs (1) through (3) of this
20 Paragraph, which are referred to hereinafter in this Subparagraph collectively as
21 "existing exemptions", shall be effective and applicable in Orleans Parish unless and
22 until a change in a specific exemption is made by the parish governing authority, and
23 approved by the electors, as provided in this Subparagraph.

24 (i) If property owned by a nonprofit organization subject to the provisions
25 of this Paragraph loses its tax exemption pursuant to the provisions of this Paragraph,
26 the Orleans Parish governing authority may reinstate the ad valorem tax exemptions
27 provided for in Subparagraphs (1) through (3) of this Paragraph; however, in no case
28 shall a tax exemption for a particular property be reinstated to more than fifty percent
29 of the assessed value of the property. A reinstatement of an ad valorem tax

1 exemption shall not become effective unless it is authorized by a resolution or
2 ordinance adopted by the parish governing authority, and thereafter approved by the
3 electors in Orleans Parish, as required in Item (ii) of this Subparagraph.

4 (ii) The Orleans Parish governing authority may provide by resolution or
5 ordinance, hereinafter referred to as "ordinance", for the applicability or extent of
6 any existing exemption. The ordinance shall designate the specific exemption to be
7 affected, and an ordinance may contain changes to more than one specific
8 exemption. The ordinance shall only become effective upon the approval of a
9 majority of the electors in Orleans Parish voting thereon in an election held for that
10 purpose. Any change in an existing exemption which is approved by the electors
11 shall become effective on the first day of the calendar year following the year in
12 which it was approved by the electors, and is deemed to be an instance of
13 implementation of the provisions of this Subparagraph. If not approved by the
14 electors, an ordinance to effect a change in an existing exemption shall have no
15 effect.

16 (b) The total amount of ad valorem taxes collected by any taxing authority
17 in Orleans Parish in the year in which the provisions of this Subparagraph are
18 implemented shall not be increased, as a result of such implementation, above the
19 amount of ad valorem taxes collected in the year preceding the implementation. To
20 accomplish this result, it shall be mandatory for each affected taxing authority to
21 adjust millages downwards without regard to millage limitations otherwise contained
22 in this constitution. The maximum authorized millages shall be decreased in
23 proportion to the amount of adjustment downward. Thereafter, such millages shall
24 remain in effect unless changed as permitted by this constitution.

25 * * *

26 Section 2. Be it further resolved that the provisions of the amendment contained in
27 this Joint Resolution shall become effective on January 1, 2019.

1 Section 3. Be it further resolved that this proposed amendment shall be submitted
 2 to the electors of the state of Louisiana at the statewide election to be held on October 14,
 3 2017.

4 Section 4. Be it further resolved that on the official ballot to be used at said election
 5 there shall be printed a proposition, upon which the electors of the state shall be permitted
 6 to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as
 7 follows:

8 Do you support an amendment concerning the ad valorem tax exemption for
 9 property of a nonprofit organization in Orleans Parish to require that the
 10 property be in use exclusively for the exempt purpose of the organization?
 11 (Effective January 1, 2019) (Amends Article VII, Section 21(B)(3), Adds
 12 Article VII, Section 21(B)(4) and (5))

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 448 Reengrossed

2017 Regular Session

Abramson

Abstract: Limits eligibility for the ad valorem tax exemption in Orleans Parish for a nonprofit organization to property that is in use exclusively for the exempt purpose of the organization, and authorizes reinstatement of the tax exemption by the Orleans Parish governing authority, subject to voter approval, and requiring concurrent downward adjustment of millages to reflect any resulting changes in the tax base.

Present constitution provides for the classification and assessment of property subject to ad valorem taxation. Further provides certain exemptions to ad valorem taxes.

Present constitution authorizes an exemption for property owned by a nonprofit corporation or association organized and operated exclusively for the following purposes:

- (1) Religious.
- (2) Dedicated places of burial.
- (3) Charitable.
- (4) Health and welfare.
- (5) Educational.
- (6) A charitable or fraternal club or lodge.
- (7) Promotion of trade, travel, and commerce.

- (8) A professional society or association for trade, business, or industry.

Present constitution authorizes an exemption for property leased to a nonprofit corporation or association for use solely for the following purposes:

- (1) Housing for homeless persons.
- (2) Property of a bona fide labor organization representing its members or affiliates in collective bargaining efforts.

Present constitution provides that none of the property of nonprofit corporations or organizations shall be exempt if owned, operated, leased, or used for commercial purposes unrelated to the exempt purposes of the corporation or association.

Proposed constitutional amendment retains present constitution and prohibits eligibility for the exemption for property in Orleans Parish if the property has been vacant for longer than two years or is not wholly devoted to and exclusively used for the exempt purpose of the corporation or association. For purposes of proposed constitutional amendment "exclusive use" occurs when no more than 5% of the nonprofit entity's annual revenue from that property is required to be reported as taxable income for purposes of federal taxation.

Proposed constitution adds authority for the Orleans Parish governing authority, by ordinance and with voter approval, to provide for the reinstatement of the exemptions for nonprofit organizations, but provides that the reinstatement shall not exceed 50% of the assessed value of the property. Any change in an exemption shall become effective on the first day of the calendar year following the year in which it was approved and shall be deemed to be an implementation of proposed constitution.

Proposed constitution requires that in any year in which the provisions of proposed constitution are implemented, all millages in Orleans Parish shall be adjusted downward to prevent any increase in the amount of taxes collected due to the provisions of proposed constitution. To accomplish this result, each taxing authority is required, in any year of implementation, to adjust millages downwards without regard to millage limitations contained in present constitution, and the maximum authorized millages shall be decreased, without further voter approval. Thereafter, such millages shall remain in effect unless changed as permitted by present constitution.

Provides for submission of the proposed amendment to the voters at the statewide election to be held Oct. 14, 2017.

Effective Jan. 1, 2019.

(Amends Const. Art. VII, §21(B)(3); Adds Const. Art. VII, §21(B)(4) and (5))

Summary of Amendments Adopted by House

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

1. Add restrictions for eligibility for the exemption concerning vacant property and proportions of revenue from such property being subject to reporting as taxable income for purposes of federal taxes.

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the engrossed bill:

1. Remove provisions authorizing the Orleans Parish governing authority to reduce or otherwise limit the ad valorem tax exemption.

2. Add provisions authorizing the Orleans Parish governing authority to reinstate the ad valorem tax exemption to no more than 50% of the assessed value of the property.
3. Make technical changes to the ballot language.