

2019 Regular Session

HOUSE BILL NO. 529

BY REPRESENTATIVES FOIL AND DAVIS AND SENATOR WHITE

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

ECONOMIC DEVELOPMENT: Provides relative to the Department of Economic Development and the Board of Commerce and Industry

1 AN ACT

2 To amend and reenact R.S. 51:923(B), relative to the Department of Economic Development
3 and the Board of Commerce and Industry; to provide for the administration of the
4 industrial ad valorem tax exemption program; to provide for the membership,
5 authority, powers, duties, and responsibilities of the board; to provide for local public
6 entity participation; to provide for definitions; to provide for requirements and
7 limitations; to provide for conditions; to provide for an effective date; and to provide
8 for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 51:923(B) is hereby amended and reenacted to read as follows:

11 §923. Department of Economic Development; Board of Commerce and Industry;
12 membership

13 * * *

14 B. (1) ~~The~~ Except as provided in Paragraph (2) of this Subsection, the board
15 shall consist of twenty-four members, fifteen of whom shall be appointed by the
16 governor from among representatives of the major economic groups within the state
17 of Louisiana; one who shall be an elected municipal official appointed by the
18 governor from a list of three names submitted by the Louisiana Municipal
19 Association; and one who shall be an elected police juror, councilman,

1 commissioner, or parish president appointed by the governor from a list of three
2 names submitted by the Police Jury Association.

3 (2)(a) When matters are submitted to the board in furtherance of the powers
4 delegated to it by Article VII, Section 21(F) of the Constitution of Louisiana, in
5 addition to the members appointed as provided in Paragraph (1) of this Subsection,
6 the board shall include the following additional three members representing the local
7 taxing authorities for the parish in which the project under consideration is located
8 as follows:

9 (i) One member appointed by the presiding officer of the parish governing
10 authority.

11 (ii) One member appointed by the presiding officer of the school board.

12 (iii) One member appointed by the sheriff of the parish.

13 (b) The members appointed pursuant to this Paragraph may participate in and
14 vote on matters that are submitted to the board in furtherance of the powers delegated
15 to it by Article VII, Section 21(F) of the Constitution of Louisiana.

16 (c) The term of the additional members provided in this Paragraph shall run
17 concurrent with the term of their appointing authority and are not subject to the
18 provisions of R.S. 51:924. A member appointed shall continue to serve until his
19 successor is appointed and takes office. The members are subject to the provisions
20 of R.S. 51:925 and shall not hold public office or be an employee of any of the
21 appointing authorities as specified by this Paragraph.

22 (d) There may be at any board meeting, appointees from one or more
23 parishes, however only those members from the parish in which the subject property
24 is located shall be considered as members of the board with full authority to
25 participate and vote on the item before the board.

26 (e)(i) Prior to the consideration by the full board, the members from the
27 parish in which a project under consideration is located may meet as a subcommittee
28 of the board. Subcommittee meetings may be held at a location other than the
29 domicile of the board and are subject to the provisions of the Open Meetings Law,
30 R.S. 42:11 et seq.

1 (ii) If the subcommittee by a majority vote recommends that an item be
2 approved, the item shall be sent to the full board for its consideration. If the local
3 subcommittee by majority vote rejects an item, the full board may not consider the
4 item except by a majority vote of the full membership of the board including the
5 relevant local members.

6 (f) The board shall adopt rules pursuant to the Administrative Procedure Act
7 as necessary for the effective administration of this Paragraph.

8 * * *

9 Section 2. This Act shall become effective upon signature by the governor or, if not
10 signed by the governor, upon expiration of the time for bills to become law without signature
11 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
12 vetoed by the governor and subsequently approved by the legislature, this Act shall become
13 effective on the day following such approval.

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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Abstract: Authorizes three local government appointees to serve on the Board of Commerce and Industry who may participate and vote on industrial tax exemption applications proposed in their respective locales.

Present constitution authorizes the Board of Commerce and Industry, with gubernatorial approval, to enter into contracts exempting new manufacturing facilities and additions made to manufacturing facilities from local ad valorem property taxes.

Present law creates the Board of Commerce and Industry and provides for its membership.

Proposed law adds three local government appointees to the Board of Commerce and Industry to represent the local taxing authorities for the parish in which the project under consideration is located when the Board is exercising its constitutional authority to enter into tax exemption contracts. The appointees are as follows:

- (1) One member appointed by the presiding officer of the authority.
- (2) One member appointed by the presiding officer of the school board.
- (3) One member appointed by the sheriff.

Proposed law gives the three local appointees the right to participate in and vote on matters the board is considering related to an exemption contract located in their parish.

Proposed law provides that the terms of the local members will run concurrently with their appointing authority and does not require Senate confirmation of the local members.

Proposed law requires that local members are qualified electors that do not hold public office and are not employees of any of the appointing authorities.

Proposed law authorizes the three appointees from a parish to hold subcommittee meetings to determine whether to approve or reject an application for an exemption contract in their parish. Subcommittee meetings may be held outside Baton Rouge and are subject to the Open Meetings Law.

Proposed law provides that if an item is approved by the subcommittee it shall be forwarded to the board for approval. If an item is rejected the board may only consider the item if the board, including the appropriate local members, by majority vote brings the item up for consideration.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 51:923(B))