

**OFFICIAL JOURNAL
OF THE
SENATE
OF THE
STATE OF LOUISIANA**

FIFTH DAY'S PROCEEDINGS

**Fortieth Extraordinary Session of the Legislature
Under the Adoption of the
Constitution of 1974**

Senate Chamber
State Capitol
Baton Rouge, Louisiana

Tuesday, June 14, 2016

The Senate was called to order at 4:25 o'clock P.M. by Hon. John A. Alario Jr., President of the Senate.

Morning Hour

CONVENING ROLL CALL

The roll being called, the following members answered to their names:

PRESENT

Mr. President	Erdey	Peacock
Appel	Fannin	Perry
Barrow	Hewitt	Riser
Bishop	Johns	Smith, G.
Boudreaux	Lambert	Smith, J.
Brown	Luneau	Tarver
Carter	Milkovich	Thompson
Chabert	Mills	Walsworth
Claitor	Mizell	Ward
Colomb	Morrell	White
Cortez	Morrish	
Total - 32		

ABSENT

Allain	LaFleur	Peterson
Donahue	Long	
Gatti	Martiny	
Total - 7		

The President of the Senate announced there were 32 Senators present and a quorum.

Prayer

The prayer was offered by Senator Milkovich, following which the Senate joined in the Pledge of Allegiance to the flag of the United States of America.

Reading of the Journal

On motion of Senator Claitor, the reading of the Journal was dispensed with and the Journal of June 13, 2016, was adopted.

Introduction of Senate Resolutions

SENATE RESOLUTION NO. 8—
BY SENATOR PERRY

A RESOLUTION

To commend and congratulate David Dupuis, PhD, on thirty-seven years of dedicated service as a teacher, coach, and principal.

The resolution was read by title and placed on the Calendar for a second reading.

SENATE RESOLUTION NO. 9—
BY SENATOR PERRY

A RESOLUTION

To express the sincere condolences of the Senate of the Legislature of Louisiana upon the death of Virgie Mary Broussard Foreman.

The resolution was read by title and placed on the Calendar for a second reading.

SENATE RESOLUTION NO. 10—
BY SENATOR GATTI

A RESOLUTION

To commend and congratulate Yellow Pine Christian Church on the occasion of its one hundred fourteenth anniversary.

The resolution was read by title and placed on the Calendar for a second reading.

SENATE RESOLUTION NO. 11—
BY SENATOR LONG

A RESOLUTION

To commend and congratulate Theresa Slater for her hard work, dedication and continuous commitment to the CHRISTUS Cabrini Foundation and Children's Miracle Network upon the occasion of her retirement.

The resolution was read by title and placed on the Calendar for a second reading.

**Introduction of
Senate Concurrent Resolutions**

SENATE CONCURRENT RESOLUTION NO. 3—
BY SENATOR PEACOCK

A CONCURRENT RESOLUTION

To commend Richard "Dick" Bremer, president of the Greater Shreveport Chamber of Commerce, for his dedicated service rendered to the business community and to congratulate him upon the occasion of his well-deserved retirement.

The resolution was read by title and placed on the Calendar for a second reading.

**Senate Bills and Joint Resolutions on
Second Reading to be Referred**

SENATE BILL NO. 10—
BY SENATOR WARD

AN ACT

To amend and reenact R.S. 47:2327 and 6006(C)(3) and to enact R.S. 47:6006(C)(2)(b)(vi), relative to the ad valorem tax on inventories and related income tax credits; to provide with regard to the confidentiality of tax records; to provide with regard to the definitions of inventory and manufacturer for the purpose of tax credits for local inventory taxes paid; to provide for certain limitations; to provide for effectiveness; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Revenue and Fiscal Affairs.

SENATE BILL NO. 11—
BY SENATOR BARROW

AN ACT

To amend and reenact the introductory paragraph of R.S. 47:302(X), and the introductory paragraph of R.S. 47:321.1(F), and to enact R.S. 47:302(AA) and 321.1(I), relative to state sales and use tax; to restore certain education related exemptions applicable to state sales tax; to provide for an effective date; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Revenue and Fiscal Affairs.

June 14, 2016

SENATE BILL NO. 12—
BY SENATOR MORRELL

AN ACT

To amend and reenact R.S. 39:467 and 468, relative to sales and use tax exemptions for publicly owned facilities; to limit the application of the exemptions; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Revenue and Fiscal Affairs.

SENATE BILL NO. 13—
BY SENATOR MORRELL

AN ACT

To amend and reenact R.S. 47:293(9)(a)(xvii), relative to the individual income tax deduction for net capital gains; to provide for nonseverability; to provide for an effective date; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Revenue and Fiscal Affairs.

SENATE BILL NO. 14—
BY SENATOR MORRELL

AN ACT

To enact the Omnibus Bond Authorization Act of 2016 and to repeal the Act which originated as House Bill No. 3 of the 2016 Regular Session of the Legislature, relative to the implementation of a five-year capital improvement program; to provide for the repeal of certain prior bond authorizations; to provide for new bond authorizations; to provide for authorization and sale of such bonds by the State Bond Commission; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Revenue and Fiscal Affairs.

Senate Resolutions on
Second Reading

SENATE RESOLUTION NO. 4—
BY SENATOR BARROW

A RESOLUTION

To recognize June 14, 2016, as National Flag Day and to commend Louisiana citizens for their military service.

On motion of Senator Barrow the resolution was read by title and adopted.

SENATE RESOLUTION NO. 5—
BY SENATOR GARY SMITH

A RESOLUTION

To commend Mr. Merrill James Dasch Sr. of Norco, Louisiana, on the occasion of his one hundredth-first birthday, June 2, 2016, and to honor and celebrate his lifetime of outstanding accomplishments.

On motion of Senator Gary Smith the resolution was read by title and adopted.

SENATE RESOLUTION NO. 7—
BY SENATOR JOHNS

A RESOLUTION

To commend and congratulate the Phillips 66 Lake Charles Refinery on its seventy-fifth anniversary of operation.

On motion of Senator Johns the resolution was read by title and adopted.

Senate Concurrent Resolutions on
Second Reading

SENATE CONCURRENT RESOLUTION NO. 2—
BY SENATOR BROWN AND REPRESENTATIVE JORDAN
A CONCURRENT RESOLUTION

To commend and congratulate the West Baton Rouge Parish Museum, its director and exhibit team for the exhibit, "Cohn High School: How We Love Thee".

The concurrent resolution was read by title. Senator Brown moved to adopt the Senate Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Erdey	Morrish
Appel	Fannin	Peacock
Barrow	Gatti	Perry
Bishop	Hewitt	Riser
Boudreaux	Johns	Smith, G.
Brown	Lambert	Smith, J.
Carter	Luneau	Tarver
Chabert	Milkovich	Thompson
Claitor	Mills	Walsworth
Colomb	Mizell	Ward
Cortez	Morrell	White
Total - 33		

NAYS

Total - 0

ABSENT

Allain	LaFleur	Martiny
Donahue	Long	Peterson
Total - 6		

The Chair declared the Senate adopted the Senate Concurrent Resolution and ordered it sent to the House.

Message from the House

ASKING CONCURRENCE IN
HOUSE BILLS AND JOINT RESOLUTIONS

June 13, 2016

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Bills and Joint Resolutions:

HB No. 50

Respectfully submitted,
ALFRED W. SPEER
Clerk of the House of Representatives

House Bills and Joint Resolutions

Senator Morrell asked for and obtained a suspension of the rules to read House Bills and Joint Resolutions a first and second time by title and refer them to committee.

HOUSE BILL NO. 50—
BY REPRESENTATIVE MONTOU CET
AN ACT

To amend and reenact R.S. 47:293(9)(a)(xvii), relative to individual income tax; to provide for certain deductions for purposes of calculating individual income tax liability; to reduce the

deduction for certain net capital gains; to provide for an effective date; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Revenue and Fiscal Affairs.

House Bills and Joint Resolutions on Second Reading

HOUSE BILL NO. 2—

BY REPRESENTATIVE ABRAMSON
AN ACT

To provide with respect to the capital outlay budget and the capital outlay program for state government, state institutions, and other public entities; to provide for the designation of projects and improvements; to provide for the financing thereof making appropriations from certain sources; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Revenue and Fiscal Affairs.

HOUSE BILL NO. 20—

BY REPRESENTATIVE REYNOLDS
AN ACT

To amend and reenact R.S. 47:287.95(A), (C)(1), (D), (E), and (F)(2)(b) and to enact R.S. 47:287.95(L) and (M), relative to corporate income tax; to provide for the calculation of apportionment income for certain businesses; to provide for the weighing of certain ratios in the calculation of Louisiana income; to provide for the sourcing of certain sales; to provide for applicability; to provide for an effective date; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Revenue and Fiscal Affairs.

HOUSE BILL NO. 24—

BY REPRESENTATIVE ANDERS
AN ACT

To amend and reenact R.S. 22:832(A)(3) and to enact R.S. 22:832(C)(6), relative to the insurance premium tax; to exempt health maintenance organizations from the reduction of the tax due made in Act No. 10 of the 2016 First Extraordinary Session; to provide for qualifying Louisiana investments of health maintenance organizations; to provide for effectiveness; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Revenue and Fiscal Affairs.

HOUSE BILL NO. 25—

BY REPRESENTATIVE LYONS
AN ACT

To amend and reenact R.S. 47:6025(A)(1), relative to income tax credits; to provide for the Louisiana Citizens Property Insurance Corporation assessment tax credit; to reduce the amount of the credit; to repeal the sunset of the reduction in the amount of the credit; to provide for effectiveness; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Revenue and Fiscal Affairs.

HOUSE BILL NO. 29—

BY REPRESENTATIVE PRICE
AN ACT

To amend and reenact R.S. 47:115(A)(3) and (C) and 1624(A), to enact R.S. 47:1624(C) through (E), and to repeal R.S. 47:287.657, 617, and 1624.1, relative to the payment of interest on certain overpayments; to provide for the calculation of interest on certain overpayments; to provide for the authority of the secretary of the Department of Revenue to pay interest on overpayments; to provide for certain limitations and

requirements; to provide for effectiveness; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Revenue and Fiscal Affairs.

HOUSE BILL NO. 35—

BY REPRESENTATIVE ANDERS
AN ACT

To amend and reenact R.S. 22:842 and to repeal R.S. 22:270, relative to the annual tax on health maintenance organizations; to establish the rate of the annual minimum tax; to provide for applicability; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Revenue and Fiscal Affairs.

HOUSE BILL NO. 47—

BY REPRESENTATIVE BROADWATER
AN ACT

To amend and reenact Section 5 of Act No. 123 of the 2015 Regular Session of the Legislature and Section 2 of Act No. 6 of the 2016 First Extraordinary Session of the Legislature, relative to corporate income tax; to provide for the net operating loss deduction for corporate income taxes; to provide for applicability and an effective date; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Revenue and Fiscal Affairs.

HOUSE BILL NO. 51—

BY REPRESENTATIVES JIM MORRIS, ABRAMSON, AMEDEE, BAGLEY, BAGNERIS, BERTHELOT, BILLIOT, BISHOP, BOUIE, BROADWATER, CHAD BROWN, TERRY BROWN, CARMODY, ROBBY CARTER, STEVE CARTER, CHANEY, CONNICK, COUSSAN, COX, DAVIS, DEVILLIER, DWIGHT, EDMONDS, EMERSON, GAINES, GAROFALO, LANCE HARRIS, HAVARD, HENSGENS, HILFERTY, HILL, HOFFMANN, HORTON, HOWARD, HUVAL, JACKSON, JAMES, JEFFERSON, JENKINS, MIKE JOHNSON, ROBERT JOHNSON, JONES, LEBAS, LEGER, MAGEE, MARCELLE, MIGUEZ, JAY MORRIS, POPE, PYLANT, REYNOLDS, RICHARD, SCHEXNAYDER, SEABAUGH, STOKES, THIBAUT, WHITE, WILLMOTT, AND ZERINGUE AND SENATOR LAMBERT

AN ACT

To amend and reenact R.S. 47:302(V)(introductory paragraph) as enacted by Act No. 25 of the 2016 First Extraordinary Session of the Louisiana Legislature and to enact R.S. 47:302(AA) and 321.1(F)(66), relative to state sales and use taxes; to provide with respect to the effectiveness of exemptions and exclusions for sales of certain tangible personal property and services; to provide for effectiveness; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Revenue and Fiscal Affairs.

HOUSE BILL NO. 52—

BY REPRESENTATIVE ABRAMSON
AN ACT

To provide relative to the capital outlay appropriations for Fiscal Year 2016-2017; to provide with respect to capital outlay project requests; to require the submission of certain capital outlay project requests; to provide for applicability; to provide for effectiveness.

The bill was read by title and referred by the President to the Committee on Revenue and Fiscal Affairs.

HOUSE BILL NO. 53—

BY REPRESENTATIVE ABRAMSON
AN ACT

To amend and reenact R.S. 39:467 and 468, relative to sales of certain services and tangible personal property at certain facilities owned by the state or a political subdivision; to impose a local public entertainment facility access charge; to provide for the collection and use of certain state and local revenues; to provide for exemptions from certain taxes and charges; to provide for effectiveness; and to provide for related matters.

June 14, 2016

The bill was read by title and referred by the President to the Committee on Revenue and Fiscal Affairs.

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON

REVENUE AND FISCAL AFFAIRS

Senator Jean-Paul "JP" Morrell, Chairman on behalf of the Committee on Revenue and Fiscal Affairs, submitted the following report:

June 14, 2016

To the President and Members of the Senate:

I am directed by your Committee on Revenue and Fiscal Affairs to submit the following report:

SENATE BILL NO. 2—
BY SENATOR MORRELL

AN ACT

To amend and reenact R.S. 47:115(A)(3) and (C) and 1624 and to repeal R.S. 47:287.657, 617, and 1624.1, relative to interest on refunds of tax overpayments; to provide relative to netting of corporate income and franchise tax for purposes of interest computation; to provide relative to interest on certain severance tax overpayments; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 3—
BY SENATOR MORRELL

AN ACT

To amend and reenact the introductory paragraph of R.S. 47:302(X), and the introductory paragraph of R.S. 47:321.1(F), and to enact R.S. 47:302(AA) and 321.1(I), relative to state sales and use tax; to restore certain exemptions applicable to state sales tax; to provide for an effective date; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 5—
BY SENATOR CHABERT

AN ACT

To amend and reenact the introductory paragraph of R.S. 47:302(X) and the introductory paragraph of R.S. 47:321.1(F), and to enact R.S. 47:302(AA) and 321.1(I), relative to state sales and use tax; to provide with respect to the sales tax exemption for sales of butane, propane, or other liquified petroleum gases for private, residential consumption; to provide for an effective date; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 8—
BY SENATOR MORRELL

AN ACT

To enact R.S. 47:6025(A)(4), relative to the tax credit for Louisiana Citizens Property Insurance Corporation assessment; to provide for the operability of the credit; to provide for effectiveness; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 9—
BY SENATOR MORRELL

AN ACT

To amend and reenact the introductory paragraph of R.S. 47:301 and R.S. 47:301(10)(c)(ii)(bb), relative to sales and use tax; to provide for a definition of isolated and occasional sales; to provide for an effective date; and to provide for related matters.

Reported favorably.

Respectfully submitted,
JEAN-PAUL "JP" MORRELL
Chairman

**Senate Bills and Joint Resolutions
on Second Reading
Just Reported by Committees**

Senator Morrell asked for and obtained a suspension of the rules to take up Senate Bills and Joint Resolutions just reported by Committees.

SENATE BILL NO. 2—
BY SENATOR MORRELL

AN ACT

To amend and reenact R.S. 47:115(A)(3) and (C) and 1624 and to repeal R.S. 47:287.657, 617, and 1624.1, relative to interest on refunds of tax overpayments; to provide relative to netting of corporate income and franchise tax for purposes of interest computation; to provide relative to interest on certain severance tax overpayments; and to provide for related matters.

Reported favorably by the Committee on Revenue and Fiscal Affairs. The bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 3—
BY SENATOR MORRELL

AN ACT

To amend and reenact the introductory paragraph of R.S. 47:302(X), and the introductory paragraph of R.S. 47:321.1(F), and to enact R.S. 47:302(AA) and 321.1(I), relative to state sales and use tax; to restore certain exemptions applicable to state sales tax; to provide for an effective date; and to provide for related matters.

Reported favorably by the Committee on Revenue and Fiscal Affairs. The bill was read by title, ordered engrossed and recommitted to the Committee on Finance.

SENATE BILL NO. 5—
BY SENATOR CHABERT

AN ACT

To amend and reenact the introductory paragraph of R.S. 47:302(X) and the introductory paragraph of R.S. 47:321.1(F), and to enact R.S. 47:302(AA) and 321.1(I), relative to state sales and use tax; to provide with respect to the sales tax exemption for sales of butane, propane, or other liquified petroleum gases for private, residential consumption; to provide for an effective date; and to provide for related matters.

Reported favorably by the Committee on Revenue and Fiscal Affairs. The bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 8—
BY SENATOR MORRELL

AN ACT

To enact R.S. 47:6025(A)(4), relative to the tax credit for Louisiana Citizens Property Insurance Corporation assessment; to provide for the operability of the credit; to provide for effectiveness; and to provide for related matters.

Reported with amendments by the Committee on Revenue and Fiscal Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Revenue and Fiscal Affairs to Original Senate Bill No. 8 by Senator Morrell

AMENDMENT NO. 1

On page 1, line 2, delete "enact R.S. 47:6025(A)(4)" and insert "amend and reenact R.S. 47:6025(A)(1) and to repeal R.S. 47:6025(A)(1) as amended by Section 5 of Act No. 125 of the 2015 Regular Session of the Legislature"

AMENDMENT NO. 2

On page 1, line 3, delete "to provide for the operability of the credit;" and insert: "to reduce the amount of the credit; to repeal the sunset of the reduction in the amount of the credit;"

AMENDMENT NO. 3

On page 1, line 6, delete "R.S. 47:6025(A)(4) is hereby enacted" and insert "R.S. 47:6025(A)(1) is hereby amended and reenacted"

AMENDMENT NO. 4

On page 1, delete lines 8 through 14 and insert:
 "A.(1) There shall be allowed a credit against Louisiana income tax due in a taxable year for ~~seventy-two~~ **twenty-five** percent of the amount of surcharges, market equalization charges, or assessments paid by a taxpayer during the taxable year as a result of the 2005 regular assessment or the emergency assessments levied due to ~~Hurricanes~~ **hurricanes** Katrina and Rita by Louisiana Citizens Property Insurance Corporation for the FAIR Plan and Coastal Plan, as they are defined in R.S. 22:2292.
 * * *

Section 2. Notwithstanding the provisions of Section 8 of Act No. 125 of the 2015 Regular Session of the Legislature, R.S. 47:6025(A)(1) as amended by Section 5 of that Act is repealed in its entirety.

Section 3. The provisions of this Act shall be applicable to all taxable periods beginning on or after January 1, 2016."

AMENDMENT NO. 5

On page 1, line 15, delete "Section 2." and insert "Section 4."

On motion of Senator Morrell, the committee amendment was adopted. The amended bill was read by title, ordered engrossed and recommitted to the Committee on Finance.

SENATE BILL NO. 9—
 BY SENATOR MORRELL

AN ACT

To amend and reenact the introductory paragraph of R.S. 47:301 and R.S. 47:301(10)(c)(ii)(bb), relative to sales and use tax; to provide for a definition of isolated and occasional sales; to provide for an effective date; and to provide for related matters.

Reported favorably by the Committee on Revenue and Fiscal Affairs. The bill was read by title, ordered engrossed and recommitted to the Committee on Finance.

**Senate Bills and Joint Resolutions
 on Second Reading
 Reported by Committees**

SENATE BILL NO. 1—
 BY SENATOR GATTI

AN ACT

To amend and reenact the introductory paragraph of R.S. 47:302(X) and the introductory paragraph of R.S. 47:321.1(F), and to enact R.S. 47:302(AA) and 321.1(I), relative to state sales and use tax; to provide with respect to the sales tax exemption for admissions to athletic and entertainment events for elementary and secondary schools; to provide for an effective date; and to provide for related matters.

Reported favorably by the Committee on Revenue and Fiscal Affairs. The bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 4—
 BY SENATORS CHABERT AND ALARIO
 AN ACT

To amend and reenact the introductory paragraph of R.S. 47:302(X) and the introductory paragraph of R.S. 47:321.1(F), and to enact R.S. 47:302(AA) and 321.1(I), relative to state sales and use tax; to provide with respect to the sales tax exemption for purchases of fishing vessels, supplies, fuels, lubricants, and repair services by a licensed commercial fisherman; to provide for an effective date; and to provide for related matters.

Reported favorably by the Committee on Revenue and Fiscal Affairs. The bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 7—
 BY SENATOR MORRELL
 AN ACT

To amend and reenact R.S. 47:297.8(A), relative to refundable tax credits; to increase the earned income tax credit; to provide for effectiveness; and to provide for related matters.

Reported favorably by the Committee on Revenue and Fiscal Affairs. The bill was read by title, ordered engrossed and recommitted to the Committee on Finance.

Rules Suspended

Senator Morrell asked for and obtained a suspension of the rules to allow the Senate Committee on Revenue and Fiscal Affairs to meet without the required posted notice.

ATTENDANCE ROLL CALL

PRESENT

Mr. President	Fannin	Perry
Appel	Gatti	Peterson
Barrow	Hewitt	Riser
Bishop	Johns	Smith, G.
Boudreaux	Lambert	Smith, J.
Brown	Luneau	Tarver
Carter	Milkovich	Thompson
Chabert	Mills	Walsworth
Claitor	Mizell	Ward
Colomb	Morrell	White
Cortez	Morrish	
Erdey	Peacock	
Total - 34		

ABSENT

Allain	LaFleur	Martiny
Donahue	Long	
Total - 5		

Leaves of Absence

The following leaves of absence were asked for and granted:

Allain	1 Day	Donahue	1 Day
LaFleur	1 Day	Long	1 Day
Martiny	1 Day		

June 14, 2016

Announcements

The following committee meetings for June 15, 2016, were announced:

Finance	At Recess	Room A
Revenue and Fiscal Affairs	10:00 A.M.	Hainkel Room

Adjournment

On motion of Senator Thompson, at 4:40 o'clock P.M. the Senate adjourned until Wednesday, June 15, 2016, at 3:00 o'clock P.M.

The President of the Senate declared the Senate adjourned.

GLENN A. KOEPP
Secretary of the Senate

DIANE O' QUIN
Journal Clerk