

OFFICIAL JOURNAL
OF THE
SENATE
OF THE
STATE OF LOUISIANA

ELEVENTH DAY'S PROCEEDINGS

Thirty-Ninth Extraordinary Session of the Legislature
Under the Adoption of the
Constitution of 1974

Senate Chamber
State Capitol
Baton Rouge, Louisiana

Sunday, February 28, 2016

The Senate was called to order at 5:15 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 | Fannin | Morrell |
| Allain | Gatti | Morrish |
| Appel | Hewitt | Peacock |
| Barrow | Johns | Peterson |
| Bishop | LaFleur | Riser |
| Boudreaux | Lambert | Smith, G. |
| Carter | Long | Smith, J. |
| Chabert | Luneau | Thompson |
| Claitor | Martiny | Walsworth |
| Colomb | Milkovich | Ward |
| Donahue | Mills | White |
| Erdey | Mizell | |

Total - 35

ABSENT

| | |
|--------|--------|
| Brown | Perry |
| Cortez | Tarver |

Total - 4

The President of the Senate announced there were 35 Senators
present and a quorum.

Prayer

The prayer was offered by Senator Yvonne Colomb, 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 Peterson, the reading of the Journal was
dispensed with and the Journal of February 26, 2016, was adopted.

**Privileged Report of the
Legislative Bureau**

February 28, 2016

To the President and Members of the Senate:

I am directed by your Legislative Bureau to submit the
following report:

The following instruments are approved as to construction and
duplication. We advise and suggest the following amendments:

HOUSE BILL NO. 7—
BY REPRESENTATIVE JACKSON
AN ACT

To amend and reenact R.S. 47:287.71(B)(6), relative to corporate
income tax; to provide for an exclusion from corporate gross
income; to increase the amount of the exclusion for certain
dividend income; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 30—
BY REPRESENTATIVES LEGER, CARPENTER, AND WHITE
AN ACT

To amend and reenact R.S. 47:302(K)(5) and (7)(a) and (U) and to
enact R.S. 47:302(V), relative to sales and use tax; to provide
with respect to the collection and remittance of sales and use
tax; to provide for the definition of dealer; to provide a method
for reporting and remitting taxes by certain dealers; to provide
for applicability; to provide for effectiveness; and to provide for
related matters.

Reported with amendments.

LEGISLATIVE BUREAU AMENDMENTS

Amendments proposed by Legislative Bureau to Reengrossed House
Bill No. 30 by Representative Leger

AMENDMENT NO. 1

In Senate Committee Amendment No. 4 proposed by the Senate
Committee on Revenue and Fiscal Affairs and adopted by the Senate
on February 26, 2016, on line 24 following "Paragraph" delete "(6)"

AMENDMENT NO. 2

In Senate Committee Amendment No. 4 proposed by the Senate
Committee on Revenue and Fiscal Affairs and adopted by the Senate
on February 26, 2016, on line 25 delete "of Subsection K" and insert
"(K)(6)" and on line 26, delete "the"

AMENDMENT NO. 3

On page 4, line 22, following "by" and before ":" change "R.S.
47:302(K)(5)" to "Paragraph (K)(5)" of this Section"

HOUSE BILL NO. 59—
BY REPRESENTATIVE MORENO
AN ACT

To amend and reenact R.S. 47:301(4)(f) and (6)(a) and to enact R.S.
47:306(A)(8), relative to sales and use tax on hotels; to provide
certain definitions for purposes of imposing of the state sales
and use tax; to provide for remittance of certain information to
the secretary of the Department of Revenue; to provide for an
effective date; and to provide for related matters.

Reported without amendments.

Respectfully submitted,
DANIEL R. MARTINY
Chairman

Adoption of Legislative Bureau Report

On motion of Senator Martiny, the Legislative Bureau
amendments were adopted and the Bills and Joint Resolutions were
read by title and passed to a third reading.

Introduction of Senate Resolutions

SENATE RESOLUTION NO. 10—
BY SENATOR COLOMB
A RESOLUTION

To express the sincere condolences of the Senate of the Legislature
of Louisiana upon the death of Maudry Prejean Batiste.

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

Introduction of Senate Concurrent Resolutions

SENATE CONCURRENT RESOLUTION NO. 6—
BY SENATOR ALLAIN

A CONCURRENT RESOLUTION

To establish a task force to meet and study state and local taxation laws with respect to local government funding from ad valorem taxes on inventory, ad valorem taxes on vessels in Outer Continental Shelf Lands Act Waters, and the state associated tax credits to identify state and local government funding sources that will fully fund local and state government and retain and improve the state's business competitiveness, and report its findings and recommendations.

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

SENATE CONCURRENT RESOLUTION NO. 7—
BY SENATOR CHABERT

A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to maintain the Outer Continental Shelf revenue sharing arrangement passed under the Gulf of Mexico Energy Security Act of 2006.

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

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:

February 28, 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:

HOUSE BILL NO. 20—
BY REPRESENTATIVE BROADWATER
AN ACT

To amend and reenact R.S. 47:287.86(A), relative to the net operating loss deduction for corporate income tax; to limit the amount of the deduction; to provide for applicability; to provide for an effective date; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 54—
BY REPRESENTATIVE BROADWATER
AN ACT

To enact R.S. 47:306(B), relative to collection of advance sales tax; to provide for the disposition of the tax; to authorize the secretary of the Department of Revenue to promulgate rules; to provide for exemptions; to provide for an effective date; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 55—
BY REPRESENTATIVES LEGER AND CARPENTER
AN ACT

To enact R.S. 47:287.82, relative to corporate income tax; to provide with respect to certain corporate deductions; to require that certain deductible items and costs be added-back when computing corporate income tax liability; to provide for certain

limitations; to provide for applicability; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 62—
BY REPRESENTATIVE JACKSON
AN ACT

To amend and reenact R.S. 47:301(1) through (28), 305(A)(2), (C), (D)(1), (2)(a)(introductory paragraph), (F), (G), (H)(introductory paragraph), and (I), 305.1(A) and (B), 305.6, 305.7, 305.9, 305.13, 305.14(A)(1) and (5), 305.16, 305.19, 305.20(A) and (G)(1), 305.26, 305.28(A), 305.33, 305.41, 305.42, 305.43(B), 305.49, 305.50(A)(1) and (2)(a), (B), and (F), 305.51(A), 305.54(B)(1), 305.56, 305.57(A), 305.58(A)(1), 305.59, 305.61(A), 305.62(B)(1), 305.65(A), 305.67, 305.68, 305.70, 305.71, 315.1(A), 315.2(A), and 318(A), and to enact R.S. 47:321.1, and to repeal R.S. 47:305.60 and 305.69, relative to state sales and use tax; to impose a sales and use tax; to provide for the rate and base of the tax; to provide for the disposition of collections; to provide with respect to certain refund provisions; to provide for exceptions and limitations; to provide for effectiveness; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
JEAN-PAUL "JP" MORRELL
Chairman

House 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 House Bills and Joint Resolutions just reported by Committees.

HOUSE BILL NO. 20—
BY REPRESENTATIVE BROADWATER
AN ACT

To amend and reenact R.S. 47:287.86(A), relative to the net operating loss deduction for corporate income tax; to limit the amount of the deduction; to provide for applicability; 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 and referred to the Legislative Bureau.

HOUSE BILL NO. 54—
BY REPRESENTATIVE BROADWATER
AN ACT

To enact R.S. 47:306(B), relative to collection of advance sales tax; to provide for the disposition of the tax; to authorize the secretary of the Department of Revenue to promulgate rules; to provide for exemptions; to provide for an effective date; 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 Engrossed House Bill No. 54 by Representative Broadwater

AMENDMENT NO. 1
On page 1, line 2, change "(B)" to "(B) and (C)"

AMENDMENT NO. 2
On page 1, line 7, change "is" to "and (C) are"

AMENDMENT NO. 3

On page 1, between lines 9 and 10, insert the following:

B. Collection by Wholesalers.

(1)(a) Notwithstanding the provisions of Subsection A or any other provision of this Chapter to the contrary, every wholesale dealer who sells for resale to any person any tobacco or alcoholic beverage products, the retail sale of which is taxable under this Chapter, shall collect as advance sales tax, a percent of the sales price of the article equal to the sales tax levied on the article by this Chapter.

(b) For purposes of this Subsection, wholesaler shall mean any wholesale dealer of tobacco products as defined in R.S. 47:842(23) or any wholesale dealer of alcoholic beverage products as defined in R.S. 26:2(22) or 241(19).

(c) The secretary of the Department of Revenue shall promulgate rules and regulations necessary to implement the provisions of the Subsection.

(2)(a) The amount paid by dealers to wholesalers shall be advance payment of the Louisiana sales tax that the dealer is required to collect upon the sale at retail, and the advance payment is required only as a means of facilitating collection of the sales tax.

(b) Wholesalers who collect advance sales tax from a dealer pursuant to this Subsection shall remit the tax to the collector of revenue in the manner provided in Subsection A for dealers and in accordance with the rules and regulations prescribed by the collector.

(3) In making returns to the collector, dealers who have paid advance sales tax shall deduct from the total tax collected upon the retail sale of the tobacco or alcoholic beverage product the amount of advance sales tax paid by the dealer during the reporting period, provided the dealer claiming the refund or credit has retained the invoices evidencing the amount of tax paid. If the amount of advance sales tax paid during any reporting period is greater than the tax collected by the dealer for the reporting period, the excess amount paid shall be allowed as a refund or credit against the tax collected by the dealer during the succeeding period or periods.

(4) Wholesalers collecting advance sales taxes as hereinabove provided shall be allowed a 0.935 percent deduction from the amount of advance sales tax collected and remitted to the secretary as compensation for the collection. This compensation shall be allowed only if the payment of the wholesaler is timely paid and the return is timely filed.

(5) Parishes, municipalities, school boards, and other local governing authorities that levy a sales tax are prohibited from requiring manufacturers, wholesalers, jobbers, or suppliers to collect advance local sales taxes from dealers.

(6) Absorption of the tax as defined in this Section by any wholesaler shall constitute a misdemeanor and, upon conviction, shall be punishable by a fine of not more than two thousand dollars, or by imprisonment in the parish jail for not more than two years, or both.

AMENDMENT NO. 4

On page 1, line 10, delete "B." and insert "C."

AMENDMENT NO. 5

On page 2, line 29, after "Louisiana" insert "or any motor vehicle dealer licensed pursuant to Title 32 of the Louisiana Revised Statutes of 1950"

On motion of Senator Morrell, the committee amendment was adopted. The amended bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 55—

BY REPRESENTATIVES LEGER AND CARPENTER
AN ACT

To enact R.S. 47:287.82, relative to corporate income tax; to provide with respect to certain corporate deductions; to require that certain deductible items and costs be added-back when computing corporate income tax liability; to provide for certain limitations; to provide for applicability; and to provide for related matters.

Reported favorably by the Committee on Revenue and Fiscal Affairs. The bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 62—

BY REPRESENTATIVE JACKSON
AN ACT

To amend and reenact R.S. 47:301(1) through (28), 305(A)(2), (C), (D)(1), (2)(a)(introductory paragraph), (F), (G), (H)(introductory paragraph), and (I), 305.1(A) and (B), 305.6, 305.7, 305.9, 305.13, 305.14(A)(1) and (5), 305.16, 305.19, 305.20(A) and (G)(1), 305.26, 305.28(A), 305.33, 305.41, 305.42, 305.43(B), 305.49, 305.50(A)(1) and (2)(a), (B), and (F), 305.51(A), 305.54(B)(1), 305.56, 305.57(A), 305.58(A)(1), 305.59, 305.61(A), 305.62(B)(1), 305.65(A), 305.67, 305.68, 305.70, 305.71, 315.1(A), 315.2(A), and 318(A), and to enact R.S. 47:321.1, and to repeal R.S. 47:305.60 and 305.69, relative to state sales and use tax; to impose a sales and use tax; to provide for the rate and base of the tax; to provide for the disposition of collections; to provide with respect to certain refund provisions; to provide for exceptions and limitations; 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 Reengrossed House Bill No. 62 by Representative Jackson

AMENDMENT NO. 1

On page 5, line 9, after "321," delete the remainder of the line and insert "321.1, and 331"

AMENDMENT NO. 2

On page 5, at the beginning of line 10, delete "a political subdivision"

AMENDMENT NO. 3

On page 77, line 26, change "October 1, 2017" to "April 1, 2021"

On motion of Senator Morrell, the committee amendment was adopted. The amended bill was read by title and referred to the Legislative Bureau.

Privileged Report of the Committee on Senate and Governmental Affairs

ENROLLMENTS

Senator Peterson, Chairman on behalf of the Committee on Senate and Governmental Affairs, submitted the following report:

February 26, 2016

To the President and Members of the Senate:

I am directed by your Committee on Senate and Governmental Affairs to submit the following report:

The following Senate Concurrent Resolution has been properly enrolled:

SENATE CONCURRENT RESOLUTION NO. 4—

BY SENATORS CLAITOR, ALARIO, ALLAIN, APPEL, BARROW, BISHOP, BOUDREAUX, BROWN, CHABERT, COLOMB, CORTEZ, DONAHUE, ERDEY, FANNIN, GATTI, HEWITT, LAMBERT, LONG, LUNEAU, MILKOVICH, MILLS, MIZELL, MORRELL, MORRISH, PEACOCK, PERRY, RISER, GARY SMITH, JOHN SMITH, THOMPSON, WALSWORTH, WARD AND WHITE

A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to extend Louisiana's seaward boundary in the Gulf of Mexico to three marine leagues.

Respectfully submitted,
KAREN CARTER PETERSON
Chairman

February 28, 2016

The foregoing Senate Concurrent Resolution was signed by the President of the Senate.

ATTENDANCE ROLL CALL

PRESENT

| | | |
|---------------|-----------|-----------|
| Mr. President | Fannin | Morrish |
| Allain | Gatti | Peacock |
| Appel | Hewitt | Peterson |
| Barrow | Johns | Riser |
| Bishop | LaFleur | Smith, G. |
| Boudreaux | Lambert | Smith, J. |
| Brown | Long | Tarver |
| Carter | Luneau | Thompson |
| Chabert | Martiny | Walsworth |
| Claitor | Milkovich | Ward |
| Colomb | Mills | White |
| Donahue | Mizell | |
| Erdey | Morrell | |
| Total - 37 | | |

ABSENT

| | |
|-----------|-------|
| Cortez | Perry |
| Total - 2 | |

Leaves of Absence

The following leaves of absence were asked for and granted:

| | | | |
|--------|-------|-------|-------|
| Cortez | 1 Day | Perry | 1 Day |
|--------|-------|-------|-------|

Announcements

The following committee meetings for February 29, 2016, were announced:

| | | |
|--------------------------|-----------|--------------|
| Finance | 1:30 P.M. | Room A |
| Revenue & Fiscal Affairs | 1:30 P.M. | Hainkel Room |

Adjournment

On motion of Senator Peacock, at 5:25 o'clock P.M. the Senate adjourned until Monday, February 29, 2016, at 5:00 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