

OFFICIAL JOURNAL
OF THE
HOUSE OF
REPRESENTATIVES
OF THE
STATE OF LOUISIANA

NINTH DAY'S PROCEEDINGS

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

House of Representatives
State Capitol
Baton Rouge, Louisiana

Friday, June 17, 2016

The House of Representatives was called to order at 11:00 A.M., by the Honorable Taylor Barras, Speaker of the House of Representatives.

Morning Hour

ROLL CALL

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

PRESENT

Mr. Speaker	Edmonds	Lopinto
Abraham	Falconer	Lyons
Abramson	Foil	Mack
Adams	Franklin	Magee
Amedee	Gaines	Marcelle
Anders	Gisclair	McFarland
Armes	Glover	Miguez
Bacala	Guinn	Miller, D.
Bagley	Hall	Miller, G.
Bagneris	Harris, J.	Moreno
Berthelot	Harris, L.	Morris, Jim
Billiot	Havard	Pearson
Bishop	Hazel	Pierre
Bouie	Henry	Pope
Broadwater	Hodges	Price
Brown, C.	Hoffmann	Pugh
Brown, T.	Horton	Pylant
Carmody	Howard	Reynolds
Carpenter	Hunter	Richard
Carter, G.	Huval	Schexnayder
Carter, R.	Ivey	Schroder
Carter, S.	Jackson	Seabaugh
Chaney	James	Shadoin
Connick	Johnson, M.	Simon
Coussan	Johnson, R.	Smith
Cox	Jones	Thibaut
Cromer	Jordan	White
Danahay	Landry, N.	Willmott
Davis	Landry, T.	Zeringue
DeVillier	LeBas	
Dwight	Leger	
Total - 91		

The Speaker announced that there were 91 members present and a quorum.

Prayer

Prayer was offered by Rep. Horton.

Pledge of Allegiance

Rep. Danahay led the House in reciting the Pledge of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Rep. Hill, the reading of the Journal was dispensed with.

On motion of Rep. Hill, the Journal of June 16, 2016, was adopted.

**Introduction of Resolutions,
House and House Concurrent**

The following members introduced the following entitled House and House Concurrent Resolutions, which were read the first time by their titles and placed upon the calendar for their second reading:

**HOUSE RESOLUTION NO. 7—
BY REPRESENTATIVE CONNICK
A RESOLUTION**

To urge and request the legislative auditor to conduct a full-scale audit of the fuel adjustment charges assessed within the last two years by Entergy Corporation, i.e., Entergy Gulf States and Entergy Louisiana, to rate-paying consumers to determine the status of the refunds owed to consumers, if any, with interest, and to determine the status of outstanding audits of fuel adjustment charges conducted by the Louisiana Public Service Commission.

Read by title.

Lies over under the rules.

Suspension of the Rules

On motion of Rep. Leger, the rules were suspended in order to take up and consider Petitions, Memorials, and Communications at this time.

**Petitions, Memorials, and
Communications**

The following petitions, memorials, and communications were received and read:

Message from the Senate

HOUSE CONCURRENT RESOLUTIONS

June 17, 2016

To the Honorable Speaker and Members of the House of Representatives:

I am directed to inform your honorable body that the Senate has concurred in the following House Concurrent Resolutions:

House Concurrent Resolution No. 1
Returned without amendments

Respectfully submitted,

GLENN A. KOEPP
Secretary of the Senate

Message from the Senate

HOUSE BILLS

June 17, 2016

To the Honorable Speaker and Members of the House of Representatives:

I am directed to inform your honorable body that the Senate has finally passed the following House Bills:

House Bill No. 3
Returned without amendments

House Bill No. 25
Returned without amendments

House Bill No. 35
Returned without amendments

House Bill No. 47
Returned without amendments

Respectfully submitted,

GLENN A. KOEPP
Secretary of the Senate

Message from the Senate

**ASKING CONCURRENCE IN
SENATE CONCURRENT RESOLUTIONS**

June 17, 2016

To the Honorable Speaker and Members of the House of Representatives:

I am directed to inform your honorable body that the Senate has adopted and asks your concurrence in the following Senate Concurrent Resolutions:

Senate Concurrent Resolution Nos. 4, 6, 7, and 8

Respectfully submitted,

GLENN A. KOEPP
Secretary of the Senate

**Senate Concurrent Resolutions
Lying Over**

The following Senate Concurrent Resolutions contained in the message were taken up and acted upon as follows:

SENATE CONCURRENT RESOLUTION NO. 4—
BY SENATOR CLAITOR AND REPRESENTATIVE FOIL
A CONCURRENT RESOLUTION

To express the sincere condolences of the Legislature of Louisiana upon the death of Louis D. Curet.

Read by title.

On motion of Rep. Foil, and under a suspension of the rules, the resolution was concurred in.

SENATE CONCURRENT RESOLUTION NO. 6—
BY SENATORS ALARIO AND THOMPSON
A CONCURRENT RESOLUTION

To commend Joseph A. "Joe" Donchess, Executive Director of the Louisiana Nursing Home Association, for his dedicated service

rendered on behalf of the health services community as a distinguished lobbyist and to congratulate him upon the occasion of his well-deserved retirement.

Read by title.

On motion of Rep. Anders, and under a suspension of the rules, the resolution was concurred in.

SENATE CONCURRENT RESOLUTION NO. 7—
BY SENATORS WARD AND ALLAIN
A CONCURRENT RESOLUTION

To express the sincere and heartfelt condolences of the Legislature of Louisiana upon the death of World War II veteran, Mr. Elward J. Stephens, and to remember his many contributions made on behalf of his community, state, and country.

Read by title.

On motion of Rep. Chad Brown, and under a suspension of the rules, the resolution was concurred in.

SENATE CONCURRENT RESOLUTION NO. 8—
BY SENATOR BOUDREAU
A CONCURRENT RESOLUTION

To express the sincere condolences of the Legislature of Louisiana upon the death of Norris Joseph Leger.

Read by title.

On motion of Rep. DeVillier, and under a suspension of the rules, the resolution was concurred in.

Suspension of the Rules

On motion of Rep. Leger, the rules were suspended in order to take up and consider Petitions, Memorials, and Communications at this time.

**Petitions, Memorials, and
Communications**

The following petitions, memorials, and communications were received and read:

Message from the Senate

SENATE BILLS

June 17, 2016

To the Honorable Speaker and Members of the House of Representatives:

I am directed to inform your honorable body that the Senate has finally passed the following Senate Bills:

Senate Bill Nos. 3, 6, 9, 10, 12, and 15

Respectfully submitted,

GLENN A. KOEPP
Secretary of the Senate

**Senate Bills and Joint Resolutions
on First Reading**

The following Senate Bills and Joint Resolutions on first reading were taken up, read, and placed upon the calendar for their second reading:

SENATE BILL NO. 3—

BY SENATORS MORRELL, ALARIO, APPEL, BARROW, BISHOP, BOUDREAU, BROWN, CARTER, COLOMB, CORTEZ, ERDEY, FANNIN, GATTI, HEWITT, JOHNS, LAFLEUR, LUNEAU, MARTINY, MILKOVICH, MILLS, MIZELL, MORRISH, PEACOCK, PETERSON, RISER, GARY SMITH, JOHN SMITH, TARVER, THOMPSON, WALSWORTH, WARD AND WHITE

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.

Read by title.

SENATE BILL NO. 6—

BY SENATOR MORRELL

AN ACT

To amend and reenact R.S. 47:6006(B), relative to refundable tax credits; to limit the refundability of the tax credit for ad valorem taxes paid on certain inventory; to provide for an effective date; and to provide for related matters.

Read by title.

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.

Read by title.

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.

Read by title.

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.

Read by title.

SENATE BILL NO. 15—

BY SENATORS MORRELL AND THOMPSON

AN ACT

To enact R.S. 47:306.4, relative to state sales and use tax exemptions; to provide for an annual reporting requirement for certain transactions involving sales by certain nonprofit entities; to provide for an effective date; and to provide for related matters.

Read by title.

House Bills and Joint Resolutions on Second Reading to be Referred

The following House Bills and Joint Resolutions on second reading to be referred to committees were taken up, read, and referred to committees, as follows:

HOUSE BILL NO. 69—

BY REPRESENTATIVE HENRY

AN ACT

To appropriate funds and to make certain reductions from certain sources to be allocated to designated agencies and purposes in specific amounts and for the making of supplemental appropriations and reductions for said agencies and purposes for Fiscal Year 2016-2017; to provide for an effective date; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Appropriations.

Suspension of the Rules

On motion of Rep. Anders, the rules were suspended in order to take up and consider Petitions, Memorials, and Communications at this time.

Petitions, Memorials, and Communications

The following petitions, memorials, and communications were received and read:

Message from the Senate

HOUSE BILLS

June 17, 2016

To the Honorable Speaker and Members of the House of Representatives:

I am directed to inform your honorable body that the Senate has finally passed the following House Bills:

House Bill No. 2
Returned with amendments

House Bill No. 24
Returned with amendments

House Bill No. 29
Returned with amendments

House Bill No. 52
Returned with amendments

Respectfully submitted,

GLENN A. KOEPP
Secretary of the Senate

House Bills and Joint Resolutions Returned from the Senate with Amendments

Rep. Anders asked for and obtained a suspension of the rules to take up at this time the following House Bills and Joint Resolutions just returned from the Senate, with amendments to be concurred in by the House, with a view of acting on the same:

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.

Read by title.

The above bill was taken up with the amendments proposed by the Senate.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Morrell to Reengrossed House Bill No. 24 by Representative Anders

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 22:832(C)(6)" insert "and (F)"

AMENDMENT NO. 2

On page 1, line 9, after "22:832(C)(6)" delete "is" and insert "and (F) are"

AMENDMENT NO. 3

On page 2, between lines 17 and 18, insert:

"F. (1) For purposes of a domestic health maintenance organization with no fewer than five hundred employees residing in Louisiana during the 2016 calendar year, when such health maintenance organization invests at least twenty-five million dollars in bonds of this state or bonds of municipal, school, road, or levee districts, or other political subdivisions of this state or bonds approved for issue by the Louisiana State Bond Commission as provided for in Paragraph (C)(2) of this Section for the last two calendar quarters in the 2016 calendar year, then the tax payable for the calendar year 2016 shall be fifty percent of the amount otherwise levied in R.S. 22:842(B). For purposes of determining the number of employees residing in Louisiana and the dollar amount of the investment in the bonds, "domestic health maintenance organization" shall include the domestic health maintenance organization and its affiliates.

(2) This provision shall not be applicable to a health maintenance organization that is eligible for a tax reduction under any other provision of this Section.

(3) The reduction authorized in this Subsection shall not be applicable to premiums collected or received pursuant to Title XIX of the Social Security Act, Subchapter XIX, Chapter 7, of Title 42 of the United States Code."

Rep. Anders moved that the amendments proposed by the Senate be concurred in.

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Mr. Speaker, Abraham, Abramson, Amedee, Anders, Arnes, Bacala, Bagley, Bagneris, Berthelot, DeVillier, Dwight, Edmonds, Foil, Franklin, Gaines, Gisclair, Glover, Guinn, Hall, Landry, N., Landry, T., LeBas, Leger, Lopinto, Lyons, Mack, Magee, Marcelle, McFarland

Table with 3 columns of names: Billiot, Bishop, Bouie, Broadwater, Brown, C., Brown, T., Carmody, Carpenter, Carter, G., Carter, R., Carter, S., Chaney, Connick, Coussan, Cox, Cromer, Davis, Harris, J., Harris, L., Havard, Hazel, Henry, Hoffmann, Horton, Howard, Hunter, Huval, Ivey, Jackson, James, Johnson, M., Johnson, R., Jones, Jordan, Miller, G., Moreno, Morris, Jim, Pierre, Pope, Price, Pugh, Reynolds, Richard, Schexnayder, Seabaugh, Shadoin, Simon, Smith, Thibaut, Willmott, Zeringue

Total - 81

NAYS

Total - 0

ABSENT

Table with 3 columns of names: Adams, Danahay, Emerson, Falconer, Garofalo, Hensgens, Hilferty, Hill, Hodges, Hollis, Jefferson, Jenkins, Leopold, Miguez, Miller, D., Montoucet, Morris, Jay, Norton, Pearson, Pylant, Schroder, Stokes, Talbot, White

Total - 24

The amendments proposed by the Senate were concurred in by the House.

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.

Read by title.

The above bill was taken up with the amendments proposed by the Senate.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Revenue and Fiscal Affairs to Reengrossed House Bill No. 29 by Representative Price

AMENDMENT NO. 1

On page 1, line 2, at the end of the line, delete "(A), to enact R.S. 47:1624(C)"

AMENDMENT NO. 2

On page 1, line 3, at the beginning of the line, delete "through (E),"

AMENDMENT NO. 3

On page 1, line 9, after "1624" delete "(A)"

AMENDMENT NO. 4

On page 1, line 10, after "reenacted" delete "and R.S. 47:1624(C) through (E) are hereby enacted"

AMENDMENT NO. 5

On page 3, line 1, delete "or credits"

AMENDMENT NO. 6

On page 3, line 7, after "return" insert "or claim for refund"

AMENDMENT NO. 7

On page 3, delete lines 14 through 20 and insert:

"(2) Notwithstanding any provision of this Section, or any other provision of law to the contrary, interest on a refund of an overpayment of severance tax to an operator whose well qualifies for the severance tax suspension pursuant to R.S. 47:633(7)(c)(iii) or (9)(d)(v) for new horizontal or deep wells shall be paid as follows:

(a) For refunds issued on or before the one hundred eightieth day after a properly filed claim for refund or an amended return for the new horizontal or deep well has been submitted to the department with all supporting documentation, interest shall be the rate for the year ascertained by the department, which shall be the U.S. Treasury Yield Curve Constant Maturity 6-Month Treasury rate on the first business day of October of the preceding year and published on or before the following January first.

(b) Interest on refunds made pursuant to this Subsection that are made after the one hundred eightieth day after a properly filed claim for refund or an amended return has been submitted to the department shall be the interest rate provided for in Subparagraph (a) of this Paragraph for the first one hundred eighty days and at the rate established in R.S. 13:4202 for any period of time in excess of one hundred eighty days in accordance with the provisions of Subsection A of this Section.

B. As of the date a person files a petition for relief under the uniform bankruptcy laws of the United States as provided in Title 11 U.S.C. 101 et seq., no interest shall be allowed to accrue as a part of any refund or credit which overpayment that relates to a pre-petition tax period. A person filing a petition for relief prior to June 17, 1988, shall be entitled to the accrual of interest prior to the effective date of this Subsection."

AMENDMENT NO. 8

On page 4, line 3, after "R.S. 47:1601" insert "and any interest payable pursuant to the provisions of this Section"

Rep. Price moved that the amendments proposed by the Senate be concurred in.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Danahay	Jordan
Abraham	Davis	Landry, T.
Abramson	DeVillier	LeBas
Amedee	Dwight	Leger
Anders	Edmonds	Lopinto
Armes	Foil	Lyons
Bacala	Franklin	Magee
Bagley	Gaines	Marcelle
Bagneris	Gisclair	McFarland

Berthelot	Glover	Miller, G.
Billiot	Guinn	Moreno
Bishop	Hall	Pierre
Bouie	Harris, L.	Pope
Broadwater	Havard	Price
Brown, T.	Hazel	Pugh
Carmody	Hoffmann	Reynolds
Carpenter	Howard	Shadoin
Carter, G.	Hunter	Simon
Carter, R.	Ivey	Smith
Carter, S.	Jackson	Thibaut
Chaney	James	Willmott
Connick	Jenkins	Zeringue
Coussan	Johnson, R.	
Cox	Jones	

Total - 70

NAYS

Cromer	Huval	Mack
Hodges	Johnson, M.	Morris, Jim
Horton	Landry, N.	Schexnayder

Total - 9

ABSENT

Adams	Hill	Pearson
Brown, C.	Hollis	Pylant
Emerson	Jefferson	Richard
Falconer	Leopold	Schroder
Garofalo	Miguez	Seabaugh
Harris, J.	Miller, D.	Stokes
Henry	Montoucet	Talbot
Hensgens	Morris, Jay	White
Hilferty	Norton	

Total - 26

The amendments proposed by the Senate were concurred in by the House.

House Bills and Joint Resolutions on Third Reading and Final Passage

The following House Bills and Joint Resolutions on third reading and final passage were taken up and acted upon as follows:

HOUSE BILL NO. 27—
BY REPRESENTATIVE BROADWATER
AN ACT

To amend and reenact R.S. 47:301(10)(c)(i)(aa), relative to sales and use taxes; to provide with respect to the taxability of sales of certain materials for further processing; to provide for legislative intent; to provide for effectiveness; and to provide for related matters.

Called from the calendar.

Read by title.

Motion

On motion of Rep. Broadwater, the bill was returned to the calendar.

Notice of Intention to Call

Pursuant to House Rule No. 8.26(A), Rep. Broadwater gave notice of his intention to call House Bill No. 27 from the calendar on Sunday, June 19, 2016.

Suspension of the Rules

On motion of Rep. Leger, the rules were suspended in order to take up and consider Petitions, Memorials, and Communications at this time.

Petitions, Memorials, and Communications

The following petitions, memorials, and communications were received and read:

Message from the Senate

SIGNED SENATE CONCURRENT RESOLUTIONS

June 17, 2016

To the Honorable Speaker and Members of the House of Representatives:

I am directed to inform your honorable body that the President of the Senate has signed the following Senate Concurrent Resolutions:

Senate Concurrent Resolution Nos. 2 and 3

and ask the Speaker of the House of Representatives to affix his signature to the same.

Respectfully submitted,

GLENN A. KOEPP
Secretary of the Senate

The Senate Concurrent Resolutions contained herein were signed by the Speaker of the House.

Privileged Report of the Committee on Enrollment

June 17, 2016

To the honorable Speaker and Members of the House of Representatives:

I am directed by your Committee on Enrollment to submit the following report:

The following House Resolutions have been properly enrolled:

HOUSE RESOLUTION NO. 6—
BY REPRESENTATIVES GLOVER, BAGLEY, CARMODY, COX, EDMONDS, HALL, HORTON, JENKINS, MIKE JOHNSON, JORDAN, JIM MORRIS, NORTON, PRICE, REYNOLDS, AND SEABAUGH
A RESOLUTION

To express the condolences of the House of Representatives upon the death of the Reverend Dr. E. Edward Jones, Sr.

Respectfully submitted,

CHRIS HAZEL
Chairman

The above House Resolutions contained in the report were signed by the Speaker of the House and taken by the Clerk of the House to the Secretary of State in accordance with the rules of the House.

Privileged Report of the Committee on Enrollment

June 17, 2016

To the honorable Speaker and Members of the House of Representatives:

I am directed by your Committee on Enrollment to submit the following report:

The following House Concurrent Resolutions have been properly enrolled:

HOUSE CONCURRENT RESOLUTION NO. 1—
BY REPRESENTATIVES JACKSON, BAGNERIS, BOUIE, CARPENTER, GARY CARTER, COX, FRANKLIN, GAINES, GLOVER, HALL, JIMMY HARRIS, HUNTER, JAMES, JEFFERSON, JENKINS, JORDAN, TERRY LANDRY, LYONS, MARCELLE, DUSTIN MILLER, NORTON, PIERRE, PRICE, AND SMITH AND SENATORS BARROW, BISHOP, BOUDREAU, BROWN, CARTER, COLOMB, MORRELL, PETERSON, AND TARVER

A CONCURRENT RESOLUTION
To commend Andrew Jones upon his graduation as the valedictorian of Amite High School.

Respectfully submitted,

CHRIS HAZEL
Chairman

The above House Concurrent Resolutions contained in the report were signed by the Speaker of the House and taken to the Senate by the Clerk of the House and were signed by the President of the Senate and taken by the Clerk of the House to the Secretary of State in accordance with the rules of the House.

Privileged Report of the Committee on Enrollment

June 17, 2016

To the honorable Speaker and Members of the House of Representatives:

I am directed by your Committee on Enrollment to submit the following report:

The following House Bills have been properly enrolled:

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.

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.

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.

Respectfully submitted,

CHRIS HAZEL
Chairman

The above House Bills contained in the report were signed by the Speaker of the House and taken to the Senate by the Clerk and were signed by the President of the Senate and taken by the Clerk of the House to the Governor for executive approval.

Leave of Absence

Rep. Leopold - 1 day

Rep. Norton - 1 day

Rep. Talbot - 1 day

Adjournment

On motion of Rep. Billiot, at 11:23 A.M., the House agreed to adjourn until Sunday, June 19, 2016, at 5:00 P.M.

The Speaker of the House declared the House adjourned until 5:00 P.M., Sunday, June 19, 2016.

ALFRED W. SPEER
Clerk of the House

