

House Committee on Ways and Means

Minutes of Meeting
2017 Regular Session
May 1, 2017

I. CALL TO ORDER

Representative Jim Morris, Vice Chairman of the House Committee on Ways and Means, called the meeting to order at 9:46 a.m. in Room 6, in the State Capitol in Baton Rouge, Louisiana.

II. ROLL CALL

MEMBERS PRESENT:

Representative Neil C. Abramson, chairman
Representative Joseph Bouie, Jr.
Representative Chris Broadwater
Representative Paula P. Davis
Representative Phillip R. DeVillier
Representative Stephen C. Dwight
Representative Jimmy Harris
Representative Dodie Horton
Representative Mike Huval
Representative Barry Ivey
Representative Edward C. "Ted" James, II
Representative John C. "Jay" Morris, III
Representative James H. "Jim" Morris, vice chairman
Representative Clay Schexnayder
Representative Alan Seabaugh
Representative Julie Stokes
Representative Major Thibaut

MEMBERS ABSENT:

Representative Marcus L. Hunter
Representative Robert A. Johnson

STAFF MEMBERS PRESENT:

Ms. Alison Pryor, deputy director
Ms. Elise C. Read, legislative analyst
Ms. Tina Vanichchagorn, attorney
Ms. Linda Hopkins, secretary

ADDITIONAL ATTENDEES PRESENT:

Ms. Janet Anthony, sergeant at arms
Ms. Angela McKnight, sergeant at arms
Ms. Hannah Gale, clerk

III. DISCUSSION OF LEGISLATION**House Bill No. 618 by Representative Garofalo**

Representative Garofalo presented House Bill No. 618, which authorizes the Coastal Protection and Restoration Financing Corporation to finance payments from the RESTORE Act and Natural Resources Damages Act.

There was no further discussion on the bill.

Representative Schexnayder offered a motion to report House Bill No. 618 favorably. Without objection, House Bill No. 618 was reported favorably by a vote of 13 yeas and 0 nays. Representatives Davis, DeVillier, Dwight, Jimmy Harris, Horton, Huval, Ivey, James, Jay Morris, Jim Morris, Schexnayder, Seabaugh, and Thibaut voted yea.

A copy of the witness cards for individuals (who were present, but did not testify) in support of, in opposition to, and to provide information only on House Bill No. 618 is available upon request.

House Bill No. 187 by Representative Cromer

Representative Cromer presented House Bill No. 187, which terminates the solar energy systems tax credit and provides relative to the payment of claims for the tax credit for certain systems.

Representative Stokes offered an amendment to delete from the bill the provisions of the credit for leased systems, thereby allowing the sunset date for leased systems to remain as it is in present law. Without objection, the amendment was adopted by a vote of 13 yeas and 0 nays. Representatives Bouie, Davis, DeVillier, Jimmy Harris, Horton, Huval, Ivey, James, Jay Morris, Jim Morris, Schexnayder, Stokes, and Thibaut voted yea.

Secretary Kimberly Robinson, LA Dept. of Revenue, 617 North Third Street, Baton Rouge, LA 70802, (no phone number given), spoke for information only on House Bill No. 187.

Representative Jim Morris discussed amendments to limit eligibility for the credit to systems installed on or before December 31, 2015; however, the amendment was withdrawn.

Present to speak in support were Mr. Ken Antee, Wilhite Solar, 9335 Ellerbe Road, Shreveport, LA 71106, (318) 865-9253; Mr. John Neilson, P. O. Box 853, Mansfield, LA 71052, (318) 423-2695; Ms. Janet Humphreys, 9504 False River Road, New Roads, LA 70760, (703) 623-4193; Mr. George Martin, 756 Sidney Drive, Breaux Bridge, LA 70517, (337) 278-4867; and Ms. Grace Sloan, 1637 Main Highway, Arnaudville, LA 70512, (337) 296-6776.

Representative Stokes offered an amendment to change the date to which the state would pay tax credit claims for systems purchased and installed on or before June 30, 2016, and to change the sunset date of the credit for purchased systems to June 30, 2016. Without objection, the amendment was adopted by a vote of 14 yeas and 0 nays. Representatives Abramson, Broadwater, Davis, DeVillier, Dwight, Horton, Huval, Ivey, Jay Morris, Jim Morris, Schexnayder, Seabaugh, Stokes, and Thibaut voted yea.

There was no further discussion on the bill.

Representative Stokes offered a motion to report House Bill No. 187 with amendments. Without objection, House Bill No. 187 was reported with amendments by a vote of 14 yeas and 0 nays. Representatives Abramson, Bouie, DeVillier, Dwight, Jimmy Harris, Horton, Huval, Ivey, James, Jim Morris, Schexnayder, Seabaugh, Stokes, and Thibaut voted yea.

A copy of the witness cards for individuals (who were present, but did not testify) in support of, in opposition to, and to provide information only on House Bill No. 187 is available upon request.

Chairman Abramson in the chair.

House Bill No. 633 by Representative Thibaut

Representative Thibaut presented House Bill No. 633, which provides for the carry forward rather than the refund of excess amounts of the solar energy systems tax credit under certain circumstances.

There was no further discussion on the bill.

Representative Thibaut offered a motion to voluntarily defer action on House Bill No. 633. Without objection, action on House Bill No. 633 was voluntarily deferred by a vote of 15 yeas and 0 nays. Representatives Abramson, Bouie, DeVillier, Dwight, Jimmy Harris, Horton, Huval, Ivey, James, Jay Morris, Jim Morris, Schexnayder, Seabaugh, Stokes, and Thibaut voted yea.

House Bill No. 331 by Representative Stokes

Representative Stokes presented House Bill No. 331, which terminates the solar energy systems tax credit and provides for the payment of tax credit claims for purchased systems.

There was no further discussion on the bill.

Representative Stokes offered a motion to voluntarily defer action on House Bill No. 331. Without objection, action on House Bill No. 331 was voluntarily deferred by a vote of 15 yeas and 0 nays. Representatives Abramson, Bouie, DeVillier, Dwight, Jimmy Harris, Horton, Huval, Ivey, James, Jay Morris, Jim Morris, Schexnayder, Seabaugh, Stokes, and Thibaut voted yea.

House Bill No. 288 by Representative Talbot

House Bill No. 288 provides for the payment of certain claims for the solar energy systems tax credit and authorizes the payment of interest under certain circumstances.

There was no discussion on the bill.

Representative Abramson offered a motion to voluntarily defer action on House Bill No. 288. Without objection, action on House Bill No. 288 was voluntarily deferred by a vote of 15 yeas and 0 nays. Representatives Abramson, Bouie, DeVillier, Dwight, Jimmy Harris, Horton, Huval, Ivey, James, Jay Morris, Jim Morris, Schexnayder, Seabaugh, Stokes, and Thibaut voted yea.

House Bill No. 301 by Representative Foil

House Bill No. 301 terminates the solar energy systems tax credit for purchased and leased systems and provides for the payment of claims for the tax credit for purchased systems.

There was no discussion on the bill.

Representative Abramson offered a motion to voluntarily defer action on House Bill No. 301. Without objection, action on House Bill No. 301 was voluntarily deferred by a vote of 15 yeas and 0 nays. Representatives Abramson, Bouie, DeVillier, Dwight, Jimmy Harris, Horton, Huval, Ivey, James, Jay Morris, Jim Morris, Schexnayder, Seabaugh, Stokes, and Thibaut voted yea.

House Bill No. 446 by Representative Marino

Representative Marino presented House Bill No. 446, which provides relative to confidentiality of certain taxpayer information.

Present to speak for information were Ms. Gol Sheikhiveh Hannaman and Mr. Lance Maxwell, Attorney General Jeff Landry's Office, 1885 North Third Street, Baton Rouge, LA 70802, (225) 326-6079.

Representative Abramson offered amendments to remove the authority of the secretary of the Dept. of Revenue to disclose the address of a taxpayer who has filed an income or corporate franchise tax

return; and adds an effective date of July 1, 2017. Representative Abramson offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 12 yeas and 0 nays. Representatives Abramson, Bouie, DeVillier, Dwight, Jimmy Harris, Horton, Huval, Ivey, Jay Morris, Jim Morris, Schexnayder, and Seabaugh voted yea.

There was no further discussion on the bill.

Representative Abramson offered a motion to report House Bill No. 446 with amendments. Without objection, House Bill No. 446 was reported with amendments by a vote of 12 yeas and 0 nays. Representatives Abramson, Bouie, DeVillier, Dwight, Jimmy Harris, Horton, Huval, Ivey, Jay Morris, Jim Morris, Schexnayder, and Seabaugh voted yea.

A copy of the witness cards for individuals (who were present, but did not testify) in support of, in opposition to, and to provide information only on House Bill No. 446 is available upon request.

House Bill No. 425 by Representative Magee

Representative Magee presented House Bill No. 425, which removes the restriction against taxes paid under protest concerning claims for the ad valorem tax credit for certain offshore vessels.

Present to speak in support were Mr. Aaron Smith, president and ceo, Offshore Marine Services Association, 935 Gravier Street, Suite 2040, New Orleans, LA 70112, (504) 258-3378; Mr. Gordon E. Dove, Terrebonne Parish President, (no address given), (985) 860-7755; and Mr. James Cantrelle, LaFourche Parish President, (no address given), (985) 226-3090.

There was no further discussion on the bill.

Representative Davis offered a motion to report House Bill No. 425 favorably. Without objection, House Bill No. 425 was reported favorably by a vote of 15 yeas and 0 nays. Representatives Abramson, Bouie, Davis, DeVillier, Dwight, Jimmy Harris, Horton, Huval, Ivey, James, Jay Morris, Jim Morris, Schexnayder, Seabaugh, and Stokes voted yea.

A copy of the witness cards for individuals (who were present, but did not testify) in support of, in opposition to, and to provide information only on House Bill No. 425 is available upon request.

House Bill No. 566 by Representative Hazel

Representative Hazel presented House Bill No. 566, which creates an individual income tax checkoff for the Louisiana Horse Rescue Association.

There was no further discussion on the bill.

Representative Schexnayder offered a motion to report House Bill No. 566 favorably. Without objection, House Bill No. 566 was reported favorably by a vote of 15 yeas and 0 nays. Representatives Abramson, Bouie, Davis, DeVillier, Dwight, Jimmy Harris, Horton, Huval, Ivey, James, Jay Morris, Jim Morris, Schexnayder, Seabaugh, and Stokes voted yea.

House Bill No. 307 by Representative Lyons

Representative Lyons presented House Bill No. 307, which requires a tax clearance from the Dept. of Revenue for certain licenses, permits, tax resale certificates, and state contracts.

Present to speak for information only were Mr. Luke Morris, assistant secretary and Kimberly Robinson, secretary, La. Dept. of Revenue, 617 North Third Street, Baton Rouge, LA 70802, (225) 219-2165.

Present to speak in opposition was Mr. Derrell Cohoon, legislative consultant, Associated General Contractors, 714 Fifth Street, Baton Rouge, LA 70802, (225) 921-9233.

Representative Abramson offered amendments to restrict applicability of proposed law to applications for sales tax resale certificates and certain state procurement contracts which require the approval of the Office of State Procurement; add an exception to the confidentiality provisions of present law concerning the disclosure of certain taxpayer information by the secretary of the Dept. of Revenue to the chief procurement officer for purposes of proposed law; establish the procedure for the exchange of information between the chief procurement officer and the secretary of the Dept. of Revenue regarding proposed contractors and tax clearance certificates; provide that a tax clearance certificate shall not be required for purposes of bidding or solicitation of a procurement contract; authorize rulemaking. Representative Abramson offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 14 yeas and 0 nays. Representatives Abramson, Davis, DeVillier, Dwight, Jimmy Harris, Horton, Huval, Ivey, James, Jay Morris, Jim Morris, Schexnayder, Seabaugh, and Stokes voted yea.

There was no further discussion on the bill.

Representative Abramson offered a motion to voluntarily defer action on House Bill No. 307. Without objection, action on House Bill No. 307 was voluntarily deferred by a vote of 14 yeas and 0 nays. Representatives Abramson, Davis, DeVillier, Dwight, Jimmy Harris, Horton, Huval, Ivey, James, Jay Morris, Jim Morris, Schexnayder, Seabaugh, and Stokes voted yea.

A copy of the witness cards for individuals (who were present, but did not testify) in support of, in opposition to, and to provide information only on House Bill No. 307 is available upon request.

House Bill No. 264 by Representative Bishop

House Bill No. 264 specifies the types of construction contracts eligible for exclusion from the levy of a new state or local sales and use tax. There was no discussion on the bill. Representative Abramson offered a motion to voluntarily defer action on House Bill No. 264. Without objection, House Bill No. 264 was voluntarily deferred by a vote of 14 yeas and 0 nays. Representatives Abramson, Davis, DeVillier, Dwight, Jimmy Harris, Horton, Huval, Ivey, James, Jay Morris, Jim Morris, Schexnayder, Seabaugh, and Stokes voted yea.

House Bill No. 333 by Representative Jefferson

On behalf of Representative Jefferson, Mr. Luke Morris, assistant secretary, La. Dept. of Revenue, 617 North Third Street, Baton Rouge, LA 70802, (225) 219-2165, presented House Bill No. 333, which authorizes the secretary of the Dept. of Revenue to require the filing of electronic tax returns and the payment of taxes by electronic funds transfer.

There was no further discussion on the bill.

Representative James offered a motion to report House Bill No. 333 favorably. Without objection, House Bill No. 333 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Abramson, Davis, DeVillier, Huval, Ivey, James, Jay Morris, Jim Morris, Seabaugh, and Stokes voted yea.

House Bill No. 416 by Representative Leger

Representative Leger presented House Bill No. 416, which provides for the payment of certain claims for the solar energy systems tax credit and authorizes the payment of interest under certain circumstances.

There was no further discussion on the bill.

Representative Abramson offered a motion to voluntarily defer action on House Bill No. 416. Without objection, action on House Bill No. 416 was voluntarily deferred by a vote of 10 yeas and 0 nays. Representatives Abramson, Davis, DeVillier, Huval, Ivey, James, Jay Morris, Jim Morris, Seabaugh, and Stokes voted yea.

House Bill No. 454 by Representative Abramson

On behalf of Representative Abramson, Ms. Caitlin Berni, vice president of policy and communications, Greater New Orleans, Inc., (GNO), 1100 Poydras Street, Suite 3475, New Orleans, LA 70163, (504) 502-7688, presented House Bill No. 454, which extends the sunset and provides for the amount of the Angel Investor Tax Credit.

Present to speak in support was Mr. Hilton Nicholson, Cyber Reef Solutions, 415 Texas Street, Suite 300, Shreveport, LA, (518) 779-9042.

There was no further discussion of the bill.

Representative Abramson offered a motion to report House Bill No. 454 favorably. Without objection, House Bill No. 454 was reported favorably by a vote of 15 yeas and 0 nays. Representatives Abramson, Davis, DeVillier, Dwight, Jimmy Harris, Horton, Huval, Ivey, James, Jay Morris, Jim Morris, Schexnayder, Seabaugh, Stokes, and Thibaut voted yea.

A copy of the witness cards for individuals (who were present, but did not testify) in support of, in opposition to, and to provide information only on House Bill No. 454 is available upon request.

House Bill No. 237 by Representative Barras

On behalf of Speaker Barras, Representative Abramson presented House Bill No. 237, which extends the sunset for the Enterprise Zone Program.

Present to speak in support was Ms. Rhonda Reap-Curiel, La. Industrial Development Executives Association, (LIDEA), 9270 Siegen Lane, Building 301, Baton Rouge, LA 70801, (318) 308-9921.

There was no further discussion on the bill.

Representative Abramson offered a motion to report House Bill No. 237 favorably, to which Representative Ivey objected. The secretary called the roll, and House Bill No. 237 was reported favorably by a vote of 11 yeas and 2 nays. Representatives Abramson, Davis, DeVillier, Dwight, Horton, Huval, Jim Morris, Schexnayder, Seabaugh, Stokes, and Thibaut voted yea. Representatives Ivey and Jay Morris voted nay.

A copy of the witness cards for individuals (who were present, but did not testify) in support of, in opposition to, and to provide information only on House Bill No. 237 is available upon request.

House Bill No. 648 by Representative Havard

Representative Havard presented further details of House Bill No. 648, which levies the Louisiana Business Tax.

Present to speak in support was Representative Lance Harris, District 25.

There was no further discussion on the bill.

Representative Jay Morris offered a motion to voluntarily defer action on House Bill No. 648. Without objection, action on House Bill No. 648 was voluntarily deferred by a vote of 14 yeas and 0 nays. Representatives Abramson, Broadwater, Davis, DeVillier, Dwight, Horton, Huval, Ivey, Jay Morris, Jim Morris, Schexnayder, Seabaugh, Stokes, and Thibaut voted yea.

A copy of the witness cards for individuals (who were present, but did not testify) in support of, in opposition to, and to provide information only on House Bill No. 648 is available upon request.

IV. OTHER BUSINESS

Consideration of administrative rule changes submitted by the Department of Education concerning administration of the five School Readiness Tax Credits was postponed until later in the regular session.

V. ANNOUNCEMENTS

Chairman Abramson announced that House Bill No. 633 by Representative Thibaut, House Bill No. 331 by Representative Stokes, House Bill No. 288 by Representative Talbot, and House Bill No. 301 by Representative Foil would be voluntarily deferred as they are duplicative to House Bill No. 187 by Representative Cromer.

VI. ADJOURNMENT

Representative Abramson offered a motion to adjourn. Without objection, the motion to adjourn passed by a vote of 14 yeas and 0 nays. Representatives Abramson, Broadwater, Davis, DeVillier, Dwight, Horton, Huval, Ivey, Jay Morris, Jim Morris, Schexnayder, Seabaugh, Stokes, and Thibaut voted yea.

The meeting was adjourned at 1:01 p.m.

Respectfully submitted,

Chairman Neil C. Abramson
House Committee on Ways and Means