

House Committee on Appropriations

Minutes of Meeting
2019 Regular Session
June 2, 2019

I. CALL TO ORDER

Representative Cameron Henry, chairman of the House Committee on Appropriations, called the meeting to order at 3:16 p.m. in Room 5, in the state capitol in Baton Rouge, Louisiana.

II. ROLL CALL

MEMBERS PRESENT:

Representative Cameron Henry, chairman
Representative Franklin J. Foil, vice chairman
Representative Mark Abraham
Representative Beryl A. Amedée
Representative James K. Armes, III
Representative Tony Bacala
Representative Lawrence A. "Larry" Bagley
Representative John A. Berthelot
Representative Robert E. Billiot
Representative Charles R. Chaney
Representative Rick Edmonds
Representative Julie Emerson
Representative Reid Falconer
Representative Lance Harris
Representative Valarie Hodges
Representative Walt Leger, III
Representative Jack G. McFarland
Representative Blake Miguez
Representative Dustin Miller
Representative Jerome Richard
Representative Scott M. Simon
Representative Patricia Haynes Smith
Representative Jerome "Zee" Zeringue

MEMBERS ABSENT:

Representative Gary M. Carter, Jr.
Representative Steve E. Pylant

STAFF MEMBERS PRESENT:

Alexis Normand, attorney
Adrienne Wood, attorney
Jane Schoen, secretary

ADDITIONAL ATTENDEES PRESENT:

Faye Talbot, sergeant at arms

III. DISCUSSION OF LEGISLATION**Senate Bill No. 109 by Senator Barrow**

Senator Barrow presented Senate Bill No. 109, which provides relative to youth in the foster care program, and presented a handout, Exhibit A, which is included in the committee records.

Representative Smith offered a motion to report Senate Bill No. 109 favorably. Without objection, Senate Bill No. 109 was reported favorably by a vote of 20 yeas and 0 nays. Representatives Henry, Foil, Abraham, Amedée, Bacala, Bagley, Berthelot, Billiot, Chaney, Edmonds, Emerson, Falconer, Lance Harris, Hodges, Leger, McFarland, Richard, Simon, Smith, and Zeringue voted yea.

Witness cards submitted by individuals who did not speak are as follows: 6 in support; 1 for information only. Witness cards are included in the committee records.

Senate Bill No. 149 by Senator Luneau

Senator Luneau presented Senate Bill No. 149, which authorizes the state of Louisiana to sell or transfer certain state property.

Representative Lance Harris offered a motion to report Senate Bill No. 149 favorably. Without objection, Senate Bill No. 149 was reported favorably by a vote of 19 yeas and 0 nays. Representatives Henry, Foil, Abraham, Amedée, Bacala, Bagley, Berthelot, Billiot, Chaney, Edmonds, Emerson, Falconer, Lance Harris, Hodges, Dustin Miller, Richard, Simon, Smith, and Zeringue voted yea.

Senate Bill No. 111 by Senator Claitor

Senator Claitor presented Senate Bill No. 111, which provides relative to court costs in suits involving the state and state agencies in the Nineteenth Judicial District Court.

Present to speak for information only was Ms. Angelique Freel, Dept. of Justice, P. O. Box 94005, Baton Rouge, LA 70804, (225) 326-6000.

Present to speak for information only was Mr. John Sinquefield, Dept. of Justice, Livingston Blvd., (225) 326-6765.

Present to speak for information only was Ms. Stacey Landry, Dept. of Justice, P. O. Box 94005, Baton Rouge, LA 70804, (225) 326-6539.

Representative Bagley offered a motion to involuntarily defer action on Senate Bill No. 111, to which Representative Foil objected. The secretary called the roll, and action on Senate Bill No. 111 was involuntarily deferred by a vote of 16 yeas and 5 nays. Representatives Abraham, Amedée, Armes, Bacala, Bagley, Berthelot, Chaney, Edmonds, Emerson, Falconer, Lance Harris, McFarland, Miguez, Richard, Simon, and Zeringue voted yea. Representatives Foil, Billiot, Leger, Dustin Miller, and Smith voted nay.

Senate Concurrent Resolution No. 3 by Senator Morrish

Senator Morrish presented Senate Concurrent Resolution No. 3, which provides for legislative approval of the MFP formula for the 2019-2020 Fiscal Year.

Mr. John Carpenter, Legislative Fiscal Officer, P. O. Box 44097, Baton Rouge, LA 70804, (225) 342-7233, spoke for information only.

Representative Dustin Miller offered a motion to report Senate Concurrent Resolution No. 3 favorably. Without objection, Senate Concurrent Resolution No. 3 was reported favorably by a vote of 23 yeas and 0 nays. Representatives Henry, Foil, Abraham, Amedée, Armes, Bacala, Bagley, Berthelot, Billiot, Chaney, Edmonds, Emerson, Falconer, Lance Harris, Hodges, Leger, McFarland, Miguez, Dustin Miller, Richard, Simon, Smith, and Zeringue voted yea.

Representative Leger offered a motion to make Senate Concurrent Resolution No. 3 Special Order for Monday, June 3, 2019. Without objection, the motion passed by a vote of 23 yeas and 0 nays. Representatives Henry, Foil, Abraham, Amedée, Armes, Bacala, Bagley, Berthelot, Billiot, Chaney, Edmonds, Emerson, Falconer, Lance Harris, Hodges, Leger, McFarland, Miguez, Dustin Miller, Richard, Simon, Smith, and Zeringue voted yea.

Witness cards submitted by individuals who did not speak are as follows: 37 in support. Witness cards are included in the committee records.

House Concurrent Resolution No. 1 by Representative Nancy Landry

Representative Henry presented House Concurrent Resolution No. 1, which provides for legislative approval of the MFP formula for the 2019-2020 school year.

Representative Henry offered a motion to report House Concurrent Resolution No. 1 favorably. Without objection, House Concurrent Resolution No. 1 was reported favorably by a vote of 23 yeas and 0 nays. Representatives Henry, Foil, Abraham, Amedée, Armes, Bacala, Bagley, Berthelot, Billiot, Chaney, Edmonds, Emerson, Falconer, Lance Harris, Hodges, Leger, McFarland, Miguez, Dustin Miller, Richard, Simon, Smith, and Zeringue voted yea.

Representative Henry offered a motion to make House Concurrent Resolution No. 1 Special Order for Monday, June 3, 2019. Without objection, the motion passed by a vote of 23 yeas and 0 nays. Representatives Henry, Foil, Abraham, Amedée, Armes, Bacala, Bagley, Berthelot, Billiot, Chaney, Edmonds, Emerson, Falconer, Lance Harris, Hodges, Leger, McFarland, Miguez, Dustin Miller, Richard, Simon, Smith, and Zeringue voted yea.

Witness cards submitted by individuals who did not speak are as follows: 35 in support. Witness cards are included in the committee records.

Senate Bill No. 198 by Senator Peacock

Mr. Cade R. Cole, Board of Tax Appeals, (no address or phone number provided) presented Senate Bill No. 198, which provides for administration, disposition, enforcement, and adjudication of state and local taxes and for the Board of Tax Appeals.

Ms. Kimberly Robinson, Secretary, Dept. of Revenue, P. O. Box 66258, Baton Rouge, LA 70896, (225) 219-4059, spoke for information only.

Mr. Luke Morris, Assistant Secretary, Dept. of Revenue, P. O. Box 66258, Baton Rouge, LA 70896, (225) 219-4059, spoke for information only.

Representative Neil C. Abramson, District 98, 601 Poydras Street, Suite 1635, New Orleans, LA 70130, (504) 275-8051, spoke for information only.

Representative Phillip DeVillier, District 41, P. O. Box 986, Eunice, LA 70535, (337) 457-0194, spoke for information only.

Representative Henry offered amendments to delete requirement for local collectors to refund taxes that were overpaid due to the tax being paid pursuant to an unconstitutional law, invalid or unenforceable rule or regulation, or a mistake of law arising from the misinterpretation by the collector of a law, rule, or regulation. Representative Henry offered a motion to adopt the proposed

amendments. Without objection, the amendments were adopted by a vote of 23 yeas and 0 nays. Representatives Henry, Foil, Abraham, Amedée, Armes, Bacala, Bagley, Berthelot, Billiot, Chaney, Edmonds, Emerson, Falconer, Lance Harris, Hodges, Leger, McFarland, Miguez, Dustin Miller, Richard, Simon, Smith, and Zeringue voted yea.

Representative Henry offered amendments to: simplify the procedure for the Board of Tax Appeals and DOR to pay certain claims when a statute or regulation has been declared unconstitutional or unenforceable; delete authorization for establishment of procedures for the payment of approved claims against the state for erroneous payments of corporate franchise tax based on the decision in UTELCOM, Inc., vs. Bridges; and a result of Act No. 9 from the 2015 R.S. of the Legislature.

Representative Henry offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 23 yeas and 0 nays. Representatives Henry, Foil, Abraham, Amedée, Armes, Bacala, Bagley, Berthelot, Billiot, Chaney, Edmonds, Emerson, Falconer, Lance Harris, Hodges, Leger, McFarland, Miguez, Dustin Miller, Richard, Simon, Smith, and Zeringue voted yea.

Representative Leger offered a conceptual amendment as it relates to Amendment #12 (set of amendments #2948 adopted by the House Ways and Means Committee), and the amendment which deals with the title and amends other references to potential refunds. Representative Leger offered a motion to adopt the proposed amendments, to which Representative Miguez objected. The secretary called the roll, and the motion failed to pass by a vote of 3 yeas and 18 nays. Representatives Billiot, Leger, and Smith voted yea. Representatives Henry, Foil, Abraham, Amedée, Armes, Bacala, Bagley, Berthelot, Chaney, Edmonds, Emerson, Falconer, Lance Harris, Hodges, McFarland, Miguez, Simon, and Zeringue voted nay.

Representative Henry offered a motion to allow staff the ability to make technical corrections to the amendments. Without objection, the motion passed by a vote of 22 yeas and 0 nays. Representatives Henry, Foil, Abraham, Amedée, Armes, Bacala, Bagley, Berthelot, Billiot, Chaney, Edmonds, Emerson, Falconer, Lance Harris, Hodges, Leger, McFarland, Miguez, Dustin Miller, Simon, Smith, and Zeringue voted yea.

Representative Miguez offered a motion to report Senate Bill No. 198 with amendments. Without objection, Senate Bill No. 198 was reported with amendments by a vote of 22 yeas and 0 nays. Representatives Henry, Foil, Abraham, Amedée, Armes, Bacala, Bagley, Berthelot, Billiot, Chaney, Edmonds, Emerson, Falconer, Lance Harris, Hodges, Leger, McFarland, Miguez, Dustin Miller, Simon, Smith, and Zeringue voted yea.

House Resolution No. 224 by Representative Edmonds

Representative Edmonds presented House Resolution No. 224, which urges and requests the Revenue Estimating Conference to consider including all dedicated funds and fees and self-generated revenues in the projection of money available for appropriation in the long-range forecast.

Representative Edmonds offered a motion to report House Resolution No. 224 favorably. Without objection, House Resolution No. 224 was reported favorably by a vote of 22 yeas and 0 nays. Representatives Henry, Foil, Abraham, Amedée, Armes, Bacala, Bagley, Berthelot, Billiot, Chaney, Edmonds, Emerson, Falconer, Lance Harris, Hodges, Leger, McFarland, Miguez, Dustin Miller, Simon, Smith, and Zeringue voted yea.

IV. BUSINESS

There was no other business.

V. ANNOUNCEMENTS

There will be a meeting today on the 11th floor with the House Fiscal Division to review the Senate amendments and revisions to House Bill No. 105, as it relates to the Conference Committee.

VI. ADJOURNMENT

Representative Berthelot offered a motion to adjourn. Without objection, the motion passed by a vote of 22 yeas and 0 nays. Representatives Henry, Foil, Abraham, Amedée, Armes, Bacala, Bagley, Berthelot, Billiot, Chaney, Edmonds, Emerson, Falconer, Lance Harris, Hodges, Leger, McFarland, Miguez, Dustin Miller, Simon, Smith, and Zeringue voted yea.

The meeting was adjourned at 5:19 p.m.

Respectfully submitted,

Chairman Cameron Henry
House Committee on Appropriations