

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

TWENTIETH DAY'S PROCEEDINGS

**Thirty-ninth Regular Session of the Legislature
Under the Adoption of the
Constitution of 1974**

House of Representatives
State Capitol
Baton Rouge, Louisiana

Thursday, May 9, 2013

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

Morning Hour

ROLL CALL

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

PRESENT

Mr. Speaker	Geymann	Miller
Abramson	Gisclair	Montoucet
Adams	Greene	Moreno
Anders	Guillory	Morris, Jay
Armes	Guinn	Morris, Jim
Arnold	Harris	Norton
Badon	Harrison	Ortego
Barras	Havard	Pearson
Barrow	Hazel	Pierre
Berthelot	Henry	Ponti
Billiot	Hensgens	Pope
Bishop, S.	Hill	Price
Bishop, W.	Hodges	Pugh
Broadwater	Hoffmann	Pylant
Brossett	Hollis	Reynolds
Brown	Honore	Richard
Burford	Howard	Ritchie
Burns, H.	Hunter	Robideaux
Burns, T.	Huval	Schexnayder
Burrell	Ivey	Schroder
Carmody	Jackson, G.	Seabaugh
Carter	Jackson, K.	Shadoin
Champagne	James	Simon
Chaney	Jefferson	Smith
Connick	Johnson	St. Germain
Cox	Jones	Stokes
Danahay	Lambert	Talbot
Dixon	Landry, N.	Thibaut
Dove	Landry, T.	Thierry
Edwards	LeBas	Thompson

Fannin
Foil
Franklin
Gaines
Garofalo
Total - 104

Leger
Leopold
Lopinto
Lorusso
Mack

Whitney
Williams, A.
Williams, P.
Willmott

The Speaker announced that there were 104 members present and a quorum.

Prayer

Prayer was offered by Rep. Carmody.

Pledge of Allegiance

Rep. Talbot 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 May 8, 2013, was adopted.

**Petitions, Memorials, and
Communications**

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

Message from the Senate

**ASKING CONCURRENCE IN
SENATE CONCURRENT RESOLUTIONS**

May 9, 2013

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 No. 28

Respectfully submitted,

GLENN A. KOEPP
Secretary of the Senate

Message from the Senate

SENATE BILLS

May 9, 2013

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. 45, 96, 207, and 260

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. 45—

BY SENATORS DORSEY-COLOMB, BROOME, BROWN AND WHITE AND REPRESENTATIVES BERTHELOT, CARTER, HAVARD, JAMES, POPE, PRICE, RICHARD, SMITH, ST. GERMAIN AND WHITNEY
AN ACT

To enact R.S. 17:1994(E) and 3217.5, relative to community and technical colleges; to provide for the merger of certain Louisiana Technical College campuses with Baton Rouge Community College; to provide relative to the transfer of the students, employees, funds, obligations, property, programs, facilities, and functions of such technical college campuses to Baton Rouge Community College; to provide relative to performance agreements with the Board of Regents; to provide for effectiveness; and to provide for related matters.

Read by title.

SENATE BILL NO. 96—

BY SENATOR ADLEY
A JOINT RESOLUTION

Proposing to amend Article VII, Section 21(K)(1) of the Constitution of Louisiana, relative to providing an exemption of seven thousand five hundred dollars of the assessed valuation on property owned and occupied by a veteran with a certain service-connected disability rating; to extend the same exemption to surviving spouses of such totally disabled veterans; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

Read by title.

SENATE BILL NO. 207—

BY SENATOR MORRELL
AN ACT

To amend and reenact R.S. 33:2391, 2471, and 2591 and to enact R.S. 33:2588, relative to civil service for cities having a population exceeding one hundred thousand; to make technical changes; and to provide for related matters.

Read by title.

SENATE BILL NO. 260 (Substitute of Senate Bill No. 91 by Senator Peacock)—
BY SENATOR PEACOCK

AN ACT

To enact Part VI of Chapter 13 of Title 31 of the Louisiana Revised Statutes of 1950, comprised of R.S. 31:218, relative to mineral rights and interests; to provide relative to certain offers for lease or purchase of mineral rights or interests; to provide certain terms, conditions, and requirements, and effects of the offers; and to provide for related matters.

Read by title.

Suspension of the Rules

On motion of Rep. Barrow, the rules were suspended in order to take up and consider Introduction of Resolutions, House and House Concurrent at this time.

**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. 97—

BY REPRESENTATIVES BARROW, CARTER, BERTHELOT, EDWARDS, FOIL, GREENE, HAVARD, HODGES, HONORE, JAMES, LAMBERT, MACK, PONTI, POPE, PRICE, SCHEXNAYDER, SMITH, ST. GERMAIN, THIBAUT, AND ALFRED WILLIAMS

A RESOLUTION

To commend WAFB television station upon the celebration of its sixtieth anniversary of broadcasting in the Baton Rouge market.

Read by title.

On motion of Rep. Barrow, and under a suspension of the rules, the resolution was adopted.

HOUSE CONCURRENT RESOLUTION NO. 112—

BY REPRESENTATIVE MORENO
A CONCURRENT RESOLUTION

To commend Susan G. Komen for the Cure and its Louisiana affiliates for improving the quality of life in local communities through the delivery of breast cancer education, screening, treatment, and research and to recognize Thursday, May 9, 2013, as Komen for the Cure Day at the Legislature of Louisiana.

Read by title.

On motion of Rep. Moreno, and under a suspension of the rules, the resolution was adopted.

Ordered to the Senate.

HOUSE CONCURRENT RESOLUTION NO. 113—

BY REPRESENTATIVE TALBOT
A CONCURRENT RESOLUTION

To authorize and request the Department of Health and Hospitals to study the most effective means by which to implement federally authorized medical assistance cost sharing measures in the Medicaid program of this state and to report its findings to the legislative committees on health and welfare.

Read by title.

Lies over under the rules.

**House and House Concurrent Resolutions
Lying Over**

The following House and House Concurrent Resolutions lying over were taken up and acted upon as follows:

HOUSE CONCURRENT RESOLUTION NO. 111—

BY REPRESENTATIVE JEFFERSON
A CONCURRENT RESOLUTION

To authorize and request the Department of Public Safety and Corrections to study the feasibility and cost effectiveness of transferring elderly and infirm inmates to nursing home facilities and to report its findings to the Louisiana Legislature prior to the convening of the 2014 Regular Session of the Legislature of Louisiana.

Read by title.

Under the rules, the above resolution was referred to the Committee on Administration of Criminal Justice.

**Senate Concurrent Resolutions
Lying Over**

The following Senate Concurrent Resolutions lying over were taken up and acted upon as follows:

SENATE CONCURRENT RESOLUTION NO. 55—

BY SENATOR BROOME

A CONCURRENT RESOLUTION

To express the intent of the Legislature of Louisiana regarding the allocation and distribution of juvenile detention facility beds, and to recommend that the Juvenile Justice Reform Act Implementation Commission order a study to evaluate how to ensure adequate access to beds for youth in juvenile detention facilities.

Read by title.

Under the rules, the above resolution was referred to the Committee on Administration of Criminal Justice.

SENATE CONCURRENT RESOLUTION NO. 66—

BY SENATOR MORRISH

A CONCURRENT RESOLUTION

To recognize Avery's Angels Gastroschisis Foundation for its community service and support provided to those patients affected by the disease and to declare July 30, 2013, and for every year thereafter as Gastroschisis Awareness Day in Louisiana.

Read by title.

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

SENATE CONCURRENT RESOLUTION NO. 67—

BY SENATOR CROWE

A CONCURRENT RESOLUTION

To commend STARC of St. Tammany Parish for more than forty years of helping people with developmental disabilities.

Read by title.

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

SENATE CONCURRENT RESOLUTION NO. 69—

BY SENATOR LONG AND REPRESENTATIVES BROWN, COX AND HOWARD

A CONCURRENT RESOLUTION

To commend and congratulate Northwestern State University Head Coach Mike McConathy for being the most winning coach in Louisiana men's collegiate basketball history.

Read by title.

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

SENATE CONCURRENT RESOLUTION NO. 70—

BY SENATOR BROOME

A CONCURRENT RESOLUTION

To recognize May 12-18, 2013, as "National Women's Health Week".

Read by title.

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

SENATE CONCURRENT RESOLUTION NO. 71—

BY SENATOR PEACOCK AND REPRESENTATIVE SEABAUGH

A CONCURRENT RESOLUTION

To commend Ceara Johnson upon being named the 2013 Louisiana Public Schools Elementary School Student of the Year and to recognize her extraordinary accomplishments.

Read by title.

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

SENATE CONCURRENT RESOLUTION NO. 72—

BY SENATOR PEACOCK AND REPRESENTATIVE SEABAUGH

A CONCURRENT RESOLUTION

To commend Safa Michigan upon being named the 2013 Louisiana Public Schools Middle School Student of the Year and to recognize her extraordinary accomplishments.

Read by title.

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

SENATE CONCURRENT RESOLUTION NO. 73—

BY SENATOR ALARIO

A CONCURRENT RESOLUTION

To express the sincere condolences of the Legislature of Louisiana upon the death of Gerald Ray "Gerry" Lane and recognize his lifetime achievements.

Read by title.

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

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:

Motion

On motion of Rep. Badon, the Committee on Municipal, Parochial and Cultural Affairs was discharged from further consideration of House Bill No. 384.

HOUSE BILL NO. 384—

BY REPRESENTATIVE BADON

AN ACT

To enact R.S. 33:9099.2 and 9099.3, relative to the city of New Orleans; to provide relative to neighborhood districts within the city; to provide relative to taxes and fees levied and collected within the districts; to require reimbursement of the governing authority of the city by the districts for expenses associated with elections held to approve the imposition or renewal of the taxes and fees; to provide relative to the fee retained by the governing authority for the collection of the taxes and fees; and to provide for related matters.

Read by title.

Motion

On motion of Rep. Badon, the bill was withdrawn from the files of the House.

Senate Bills and Joint Resolutions on Second Reading to be Referred

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

SENATE BILL NO. 18—
BY SENATOR WARD

AN ACT

To amend and reenact R.S. 40:4.9, relative to certain food products prepared in home for public consumption and the application of the state Sanitary Code; to provide for preparation of cakes and cookies in home for public consumption; to provide for exceptions; to provide for penalties; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Health and Welfare.

SENATE BILL NO. 33—
BY SENATOR BROWN

AN ACT

To amend and reenact R.S. 22:31 and R.S. 44:4.1(B)(11), relative to the division of minority affairs; to authorize a survey relative to the hiring practices of insurance companies; to provide for applicability of public records exemptions to the survey; and to provide for related matters.

Read by title.

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

SENATE BILL NO. 58—
BY SENATORS BUFFINGTON, ADLEY, ALARIO, ALLAIN, AMEDEE, APPEL, BROOME, BROWN, CLAITOR, CORTEZ, CROWE, DORSEY-COLOMB, GALLOT, GUILLORY, HEITMEIER, LONG, MARTINY, MILLS, MURRAY, NEVERS, PEACOCK, PERRY, RISER, GARY SMITH, THOMPSON, WALSWORTH AND WARD AND REPRESENTATIVE THOMPSON

AN ACT

To enact R.S. 40:4.13, relative to the Sanitary Code; to provide exceptions to the Sanitary Code; to allow a not-for-profit entity or charitable organization to receive or use certain meats or fish for food or meal distribution at no cost to an individual; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Health and Welfare.

SENATE BILL NO. 73—
BY SENATOR WHITE

A JOINT RESOLUTION

Proposing to amend Article VIII, Section 13(D)(1) of the Constitution of Louisiana, to provide that for certain effects and purposes the Southeast Baton Rouge community school system in East Baton Rouge Parish shall be regarded and treated as a parish and shall have the authority granted parishes, including the purposes of certain funding and the raising of certain local revenues for the support of elementary and secondary schools; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

Read by title.

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

SENATE BILL NO. 131—
BY SENATORS JOHN SMITH AND JOHNS

AN ACT

To amend and reenact R.S. 37:1973(A) and (C), relative to scrap metal recyclers; to provide for the forms of payment for copper or other metals; to provide terms and conditions; and to provide for related matters.

Read by title.

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

SENATE BILL NO. 139—
BY SENATOR WARD AND REPRESENTATIVE ST. GERMAIN

AN ACT

To amend and reenact R.S. 30:148.9(B) and to enact R.S. 30:18(A)(6), relative to underground caverns for hydrocarbon storage or solution mining; to provide for penalties for violations of laws, regulations, or orders relative to drilling or use of such underground caverns; to provide factors for determining penalties; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Natural Resources and Environment.

SENATE BILL NO. 148—
BY SENATOR LAFLEUR

AN ACT

To amend and reenact R.S. 42:1102(18)(b), relative to the Code of Governmental Ethics; to provide an exception to the definition of public employee; to provide for professional services as a certified public accountant; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on House and Governmental Affairs.

SENATE BILL NO. 164—
BY SENATOR MARTINY

AN ACT

To amend and reenact R.S. 27:415 and 422(D)(1), relative to Video Draw Poker Devices Control Law; to provide for the location of certain video draw poker facilities; to provide for prohibited distances of certain video draw poker facilities; and to provide for related matters.

Read by title.

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

SENATE BILL NO. 186—
BY SENATOR GALLOT

AN ACT

To amend and reenact R.S. 33:130.166(B)(2), relative to the Grant Parish Economic and Industrial Development District; to provide for funding of the district; to provide for exemptions; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Municipal, Parochial and Cultural Affairs.

SENATE BILL NO. 195—
BY SENATORS GALLOT, KOSTELKA AND LONG

AN ACT

To enact R.S. 33:130.153(10), relative to the Grant Economic Development District; to provide for powers of the district; to provide for the levy and collection of a sales and use tax not to exceed two percent; to provide for exemptions; to require an election; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Municipal, Parochial and Cultural Affairs.

SENATE BILL NO. 199—

BY SENATOR WHITE

AN ACT

To enact R.S. 17:58.2(I), 67, and 67.1 through 67.4, relative to the Southeast Baton Rouge Community School System; to provide for the school system, including its establishment and geographic boundaries; to provide for the school board and an interim school board; to provide for board membership, apportionment, qualifications, method of selection, terms of office, filling of vacancies, compensation, expenses, powers, duties, and responsibilities; to provide relative to facilities and property; to provide relative to the collection and remittance of certain taxes; to provide relative to the provision of certain student services; to provide relative to certain applications for funding; to provide for the reapportionment of the East Baton Rouge Parish School Board; to provide with respect to certain costs related to retired employees; to provide for effectiveness and for implementation; and to provide for related matters.

Read by title.

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

SENATE BILL NO. 201—

BY SENATORS MILLS, ALARIO, ALLAIN, AMEDEE, APPEL, CHABERT, CORTEZ, DORSEY-COLOMB, GUILLORY, LAFLEUR, LONG, MURRAY, NEVERS, PEACOCK, PERRY, TARVER, WALSWORTH AND WARD

AN ACT

To enact R.S. 32:412(L) and R.S. 40:1321(L), relative to "I'm a Cajun" on a driver's license and identification card; to provide for the exhibition of the designation "I'm a Cajun" on a driver's license and identification card; to authorize collection of a fee for the "I'm a Cajun" designation; to provide for the disbursement of fees collected to the Council for the Development of French in Louisiana; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Transportation, Highways and Public Works.

SENATE BILL NO. 209—

BY SENATOR LAFLEUR

AN ACT

To amend and reenact R.S. 33:4562.3 (C), (E), and (F), to enact R.S. 33:4562.3(H), and to repeal R.S. 33:4562.4, relative to the Evangeline-Ville Platte Recreation District; to provide for a board of commissioners; to provide for the appointments of the commissioners; to provide for duties of the board of commissioners; to provide for the allocation of revenue; to authorize advisory committees; 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 Municipal, Parochial and Cultural Affairs.

SENATE BILL NO. 212—

BY SENATOR GARY SMITH

AN ACT

To amend and reenact R.S. 42:23(A) and to enact R.S. 44:36(F), relative to public meetings; to require proceedings of certain boards and commissions to be video or tape recorded, filmed or broadcast live; to provide for the preservation of certain records; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on House and Governmental Affairs.

SENATE BILL NO. 223—

BY SENATORS MILLS AND JOHNS

AN ACT

To enact Chapter 51 of Title 34 of the Louisiana Revised Statutes of 1950, comprised of R.S. 34:3551 through 3552, and R.S. 36:509(U), relative to ports; to create the Coastal Port Advisory Authority; to provide for the authority's membership and its officers; to provide for the duties and functions of the authority; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Transportation, Highways and Public Works.

SENATE BILL NO. 238—

BY SENATOR CHABERT

AN ACT

To enact Chapter 35 of Title 25 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 25:1321 through 1326, relative to establishing the Leeville Fishing Village and Cultural Preservation Commission; to provide for legislative intent; to provide for membership and domicile; to provide for powers and duties; to provide for donations and grants; to provide for operating funds; to provide for rules; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Municipal, Parochial and Cultural Affairs.

SENATE BILL NO. 239—

BY SENATOR WARD

AN ACT

To amend and reenact R.S. 40:1503(A), (B), (E)(1), and (F), and to repeal R.S. 40:1503(G), (H), (I), (J), (K) and (L), relative to West Baton Rouge Fire Protection District No. 1; to provide for certain powers of the board of commissioners; to provide for the allocation of certain revenues; to provide specific dates to recalculate assessments; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Municipal, Parochial and Cultural Affairs.

SENATE BILL NO. 241—

BY SENATOR JOHN SMITH

AN ACT

To enact R.S. 33:2740.70.2, relative to economic development in Vernon Parish; to create and provide for the Leesville Economic Development District; to provide relative to the powers, duties, boundaries, and governance of the district; to provide relative to district plans; to provide for funding; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Municipal, Parochial and Cultural Affairs.

SENATE BILL NO. 243—

BY SENATOR PERRY

AN ACT

To enact R.S. 33:4574.1.1(Q)(4), relative to Vermilion Parish Tourist Commission; to provide for expenditure of funds; to provide relative to certain municipalities; 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 Municipal, Parochial and Cultural Affairs.

SENATE BILL NO. 247—
BY SENATOR NEVERS

AN ACT

To enact R.S. 47:338.183.1, relative to sales and use taxes; to authorize the levy of an additional sales and use tax not to exceed one-half of one percent in certain parishes; to require voter approval of the parish ordinance authorizing the tax; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Municipal, Parochial and Cultural Affairs.

SENATE BILL NO. 252—
BY SENATOR CORTEZ

AN ACT

To amend and reenact R.S. 4:169(A)(2) and (B) and to enact R.S. 4:169(A)(3), relative to licenses, registrations, and fees for participating in racing; to provide for certain annual renewals; 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 Commerce.

SENATE BILL NO. 259 (Substitute of Senate Bill No. 7 by Senator Peacock)—
BY SENATOR PEACOCK

AN ACT

To amend and reenact R.S. 11:2252(4), 2256(A), and 2257(K)(3) relative to statewide retirement systems; to provide relative to the Firefighters' Retirement System; to provide for definitions; to provide for eligibility, benefits, and accrual and contribution rates; 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 Retirement.

Motion

On motion of Rep. Thierry, the Committee on Insurance was discharged from further consideration of Senate Bill No. 180.

SENATE BILL NO. 180—
BY SENATORS ERDEY AND LAFLEUR
AN ACT

To amend and reenact R.S. 22:3, 1921, 1922, 1926, 1927, 1928(A)(introductory paragraph), and 1929(A), and R.S. 36:681(C)(1), to enact R.S. 36:691.1, and to repeal R.S. 36:691, relative to the Department of Insurance; to provide with respect to the division of insurance fraud; to provide for powers and duties of the division of insurance fraud; and to provide for related matters.

Read by title.

On motion of Rep. Thierry, the bill was recommitted to the Committee on Administration of Criminal Justice.

**House and House Concurrent Resolutions
Reported by Committee**

The following House and House Concurrent Resolutions reported by committee were taken up and acted upon as follows:

HOUSE CONCURRENT RESOLUTION NO. 5—
BY REPRESENTATIVES FOIL AND HUNTER
A CONCURRENT RESOLUTION

To create and establish the Constitutional Convention Study Commission to undertake all necessary study to examine the feasibility and advisability of calling a convention to revise the Constitution of Louisiana and, if a convention is found to be feasible and advisable, to make recommendations to the legislature for calling such a convention, including a plan for the conduct of an effective constitutional convention.

Read by title.

Reported favorably by the Committee on House and Governmental Affairs.

On motion of Rep. Tim Burns, the resolution was ordered engrossed and passed to its third reading.

Recess

On motion of Rep. Leger, the Speaker declared the House at recess until 1:30 P.M.

After Recess

Speaker Kleckley called the House to order at 1:55 P.M.

House Business Resumed

ROLL CALL

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

PRESENT

Mr. Speaker	Geymann	Miller
Abramson	Gisclair	Montoucet
Adams	Greene	Moreno
Anders	Guillory	Morris, Jay
Armes	Guinn	Morris, Jim
Arnold	Harris	Norton
Badon	Harrison	Ortego
Barras	Havard	Pearson
Barrow	Hazel	Pierre
Berthelot	Henry	Ponti
Billiot	Hensgens	Pope
Bishop, S.	Hill	Price
Bishop, W.	Hodges	Pugh
Broadwater	Hoffmann	Pylant
Brossett	Hollis	Reynolds
Brown	Honore	Richard
Burford	Howard	Ritchie
Burns, H.	Hunter	Robideaux
Burns, T.	Huval	Schexnayder
Burrell	Ivey	Schroder
Carmody	Jackson, G.	Seabaugh
Carter	Jackson, K.	Shadoin
Champagne	James	Simon
Chaney	Jefferson	Smith
Connick	Johnson	St. Germain
Cox	Jones	Stokes
Danahay	Lambert	Talbot
Dixon	Landry, N.	Thibaut
Dove	Landry, T.	Thierry
Edwards	LeBas	Thompson
Fannin	Leger	Whitney
Foil	Leopold	Williams, A.
Franklin	Lopinto	Williams, P.
Gaines	Lorusso	Willmott
Garofalo	Mack	

Total - 104

The Speaker announced that there were 104 members present and a quorum.

Suspension of the Rules

On motion of Rep. Fannin, the rules were suspended in order to take up and consider Special Order of the Day at this time.

Special Order of the Day

The following legislative instruments on Special Order were taken up and acted upon as follows:

HOUSE BILL NO. 1—

BY REPRESENTATIVE FANNIN

AN ACT

Making appropriations for the ordinary expenses of the executive branch of state government, pensions, public schools, public roads, public charities, and state institutions and providing with respect to the expenditure of said appropriations.

Read by title.

Motion

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

Notice of Intention to Call

Pursuant to House Rule No. 8.26(A), Rep. Fannin gave notice of his intention to call House Bill No. 1 from the calendar on Friday, May 10, 2013.

HOUSE BILL NO. 452—

BY REPRESENTATIVE FANNIN

AN ACT

To provide relative to special treasury funds; to provide for the transfer, dedication, use, and appropriations as specified of certain treasury funds; to provide for the deposit of certain funds into the state treasury; to provide for effective dates; and to provide for related matters.

Read by title.

Motion

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

Notice of Intention to Call

Pursuant to House Rule No. 8.26(A), Rep. Fannin gave notice of his intention to call House Bill No. 452 from the calendar on Friday, May 10, 2013.

Speaker Pro Tempore Leger in the Chair

HOUSE BILL NO. 168—

BY REPRESENTATIVE FANNIN

AN ACT

To provide for the establishment and reestablishment of agency ancillary funds, to be specifically known as internal service funds, auxiliary accounts, or enterprise funds for certain state institutions, officials, and agencies; to provide for appropriation of funds; and to regulate the administration of said funds.

Read by title.

Rep. Fannin moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Geymann	Mack
Abramson	Gisclair	Miller
Adams	Greene	Montoucet
Anders	Guillory	Moreno
Armes	Guinn	Morris, Jay
Arnold	Harris	Morris, Jim
Badon	Harrison	Norton
Barras	Havard	Ortego
Berthelot	Hazel	Pearson
Billiot	Henry	Pierre
Bishop, S.	Hensgens	Ponti
Bishop, W.	Hill	Pope
Broadwater	Hodges	Price
Brossett	Hoffmann	Pugh
Brown	Hollis	Pylant
Burford	Honore	Reynolds
Burns, H.	Howard	Richard
Burns, T.	Hunter	Ritchie
Burrell	Huval	Robideaux
Carmody	Ivey	Schexnayder
Carter	Jackson, G.	Schroder
Champagne	Jackson, K.	Seabaugh
Chaney	James	Shadoin
Connick	Jefferson	Simon
Cox	Johnson	Smith
Danahay	Jones	St. Germain
Dixon	Lambert	Stokes
Dove	Landry, N.	Talbot
Edwards	Landry, T.	Thibaut
Fannin	LeBas	Thierry
Foil	Leger	Thompson
Franklin	Leopold	Whitney
Gaines	Lopinto	Williams, P.
Garofalo	Lorusso	Willmott
Total - 102		

NAYS

Total - 0

ABSENT

Barrow	Cromer	Williams, A.
Total - 3		

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Fannin moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

HOUSE BILL NO. 677—

BY REPRESENTATIVE FANNIN

AN ACT

To appropriate funds and to make certain reductions in appropriations from certain sources to be allocated to designated agencies and purposes in specific amounts for the making of supplemental appropriations and reductions for said agencies and purposes for Fiscal Year 2012-2013; to provide for an effective date; and to provide for related matters.

Read by title.

Motion

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

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HOUSE BILL NO. 687—
BY REPRESENTATIVE KLECKLEY
AN ACT

To appropriate funds for Fiscal Year 2013-2014 to defray the expenses of the Louisiana Legislature, including the expenses of the House of Representatives and the Senate, of legislative service agencies, and of the Louisiana State Law Institute; to provide for the salary, expenses, and allowances of members, officers, staff, and agencies of the Legislature; to provide with respect to the appropriations and allocations herein made; and to provide for related matters.

Read by title.

Rep. Schroder sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Schroder to Engrossed House Bill No. 687 by Representative Kleckley

AMENDMENT NO. 1

On page 8, between lines 19 and 20, insert the following:

"Section 7. If in the course of the fiscal year any legislative service agency provided for in this Act realizes budget savings through efficiencies, and documented metrics can be used to verify that such efficiencies exist, the agency is hereby authorized to use such savings to provide for one-time salary supplements for the employees of such agency which realizes the savings."

AMENDMENT NO. 2

On page 8, line 20, change "Section 7." to "Section 8."

AMENDMENT NO. 3

On page 9, line 6, change "Section 8." to "Section 9."

On motion of Rep. Schroder, the amendments were adopted.

Rep. Kleckley moved the final passage of the bill, as amended.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker Geymann Mack
Abramson Gisclair Miller
Adams Greene Montoucet
Anders Guillory Moreno
Armes Guinn Morris, Jay
Arnold Harris Morris, Jim
Badon Harrison Norton
Barras Havard Ortego
Berthelot Hazel Pearson
Billiot Henry Pierre
Bishop, S. Hensgens Ponti
Bishop, W. Hill Pope
Broadwater Hodges Price
Brossett Hoffmann Pugh
Brown Hollis Pylant
Burford Honore Reynolds
Burns, H. Howard Richard
Burns, T. Hunter Ritchie
Burrell Huval Schexnayder
Carmody Ivey Schroder
Carter Jackson, G. Seabaugh

Champagne Jackson, K. Shadoin
Chaney James Simon
Connick Jefferson Smith
Cox Johnson St. Germain
Danahay Jones Stokes
Dixon Lambert Talbot
Dove Landry, N. Thibaut
Edwards Landry, T. Thierry
Fannin LeBas Thompson
Foil Leger Whitney
Franklin Leopold Williams, P.
Gaines Lopinto Willmott
Garofalo Lorusso

Total - 101

NAYS

Total - 0

ABSENT

Barrow Robideaux
Cromer Williams, A.

Total - 4

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Kleckley moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

HOUSE BILL NO. 691—
BY REPRESENTATIVES FANNIN AND KLECKLEY AND SENATORS
ALARIO AND DONAHUE
AN ACT

To appropriate funds to defray the expenses of the Louisiana Judiciary, including the Supreme Court, Courts of Appeal, District Courts, Criminal District Court of Orleans Parish, and other courts; and to provide for related matters.

Read by title.

Rep. Fannin moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker Garofalo Lorusso
Abramson Geymann Mack
Adams Gisclair Miller
Anders Greene Moreno
Armes Guillory Morris, Jay
Arnold Guinn Morris, Jim
Badon Harris Norton
Barras Harrison Ortego
Barrow Havard Pearson
Berthelot Hazel Pierre
Billiot Henry Ponti
Bishop, S. Hensgens Pope
Bishop, W. Hill Price
Broadwater Hodges Pugh
Brossett Hoffmann Pylant
Brown Hollis Reynolds
Burford Honore Richard
Burns, H. Howard Ritchie
Burns, T. Hunter Robideaux
Burrell Huval Schexnayder
Carmody Ivey Schroder
Carter Jackson, G. Seabaugh
Champagne Jackson, K. Shadoin

Chaney	James	Simon
Connick	Jefferson	Smith
Cox	Johnson	St. Germain
Danahay	Jones	Stokes
Dixon	Lambert	Talbot
Dove	Landry, N.	Thibaut
Edwards	Landry, T.	Thierry
Fannin	LeBas	Thompson
Foil	Leger	Whitney
Franklin	Leopold	Williams, P.
Gaines	Lopinto	Willmott

Total - 102

NAYS

Total - 0

ABSENT

Cromer	Montoucet	Williams, A.
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Total - 3

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Fannin moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Speaker Kleckley in the Chair

HOUSE BILL NO. 692—

BY REPRESENTATIVE FANNIN

AN ACT

To provide with respect to the Revenue Sharing Fund and the allocation and distribution thereof for Fiscal Year 2013-2014; and to provide for related matters.

Read by title.

Rep. Lambert sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Lambert to Engrossed House Bill No. 692 by Representative Fannin

AMENDMENT NO. 1

On page 18, between lines 23 and 24

"Prairieville Fire District #3--10 mills/April 2, 2011"

On motion of Rep. Lambert, the amendments were adopted.

Rep. Fannin moved the final passage of the bill, as amended.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Garofalo	Lorusso
Abramson	Geymann	Mack
Adams	Gisclair	Miller
Anders	Greene	Montoucet
Armes	Guillory	Moreno
Arnold	Guinn	Morris, Jay
Badon	Harris	Morris, Jim
Barras	Harrison	Norton
Barrow	Havard	Ortego
Berthelot	Hazel	Pearson

Billiot	Henry	Pierre
Bishop, S.	Hensgens	Ponti
Bishop, W.	Hill	Pope
Broadwater	Hodges	Price
Brossett	Hoffmann	Pugh
Brown	Hollis	Pylant
Burford	Honore	Reynolds
Burns, H.	Howard	Ritchie
Burns, T.	Hunter	Robideaux
Burrell	Huval	Schexnayder
Carmody	Ivey	Schroder
Carter	Jackson, G.	Seabaugh
Champagne	Jackson, K.	Shadoin
Chaney	James	Simon
Connick	Jefferson	Smith
Cox	Johnson	St. Germain
Danahay	Jones	Stokes
Dixon	Lambert	Talbot
Dove	Landry, N.	Thibaut
Edwards	Landry, T.	Thierry
Fannin	LeBas	Thompson
Foil	Leger	Whitney
Franklin	Leopold	Williams, P.
Gaines	Lopinto	Willmott

Total - 102

NAYS

Total - 0

ABSENT

Cromer	Richard	Williams, A.
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Total - 3

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Fannin moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Suspension of the Rules

On motion of Rep. Carter, the rules were suspended in order to take up and consider House Bills and Joint Resolutions on Second Reading Reported by Committee at this time.

House Bills and Joint Resolutions on Second Reading Reported by Committee

The following House Bills and Joint Resolutions on second reading reported by committee were taken up and acted upon as follows:

HOUSE BILL NO. 661—

BY REPRESENTATIVE WESLEY BISHOP

AN ACT

To amend and reenact R.S. 17:3973(2)(a) and (b)(v)(aa), 3991(B)(1)(d) and (23) and (H), 3995(A)(1)(introductory paragraph) and (c) and (B), and 3996(C) and (G) and to enact R.S. 17:3973(2)(b)(v)(dd) and (vii) and 3995(A)(3), (H), (I), and (J), relative to charter schools; to create a Type 3B charter school; to provide relative to charter school funding including funding for Type 3B charter schools; to provide for the applicability of certain provisions to Type 3B schools including student enrollment, acquired assets, and budget submission; to provide that a Type 5 charter school shall be considered the local education agency for funding purposes; to provide for rules adopted by the State Board of Elementary and Secondary Education; to provide for definitions; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Education.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Education to Original House Bill No. 661 by Representative Wesley Bishop

AMENDMENT NO. 1

On page 1, line 3, after "(introductory paragraph)" and before "and (c)" delete the comma "," and delete "(a)."

AMENDMENT NO. 2

On page 1, line 4, after "(vii) and" and before "(I)," change "3995(H)," to "3995(A)(3), (H),"

AMENDMENT NO. 3

On page 1, delete line 9 in its entirety and insert "shall be"

AMENDMENT NO. 4

On page 1, line 15, after "(introductory paragraph)" and before "and (c)" delete the comma "," and delete "(a)."

AMENDMENT NO. 5

On page 1, line 16, after "(vii) and" and before "(I)," change "3995(H)," to "3995(A)(3), (H),"

AMENDMENT NO. 6

On page 3, at the end of line 10, add the following:

"The local school board shall permit a Type 3B charter school to remain in the facility in which it was located at the time of transfer or shall provide the Type 3B charter school with another facility for use. Pursuant to rules and regulations adopted by the state board, the state board may require a Type 3B charter school to participate in unified processes common to other public schools located in the same parish or school district boundaries that are critical to providing equity and access to students and families, such as processes for student enrollment, expulsion, and transportation."

AMENDMENT NO. 7

On page 4, at the end of line 13, change "Minimum" to "minimum" and at the beginning of line 14, change "Foundation Program" to "foundation program"

AMENDMENT NO. 8

On page 4, delete lines 19 through 29 in their entirety

AMENDMENT NO. 9

On page 5, between lines 8 and 9, insert the following:

"(3) Notwithstanding Paragraph (1) of this Subsection, a district with one or more Type 3B charter schools shall distribute minimum foundation program formula funds to each Type 1, 3, 3B, and 4 charter school using the weighted allocations provided for in the most recently adopted minimum foundation program formula, except that the Orleans Parish School Board shall use the allocation method provided for in this Paragraph no earlier than the 2018-2019 fiscal year for all Type 1 and 3 charter schools authorized by the school board and in operation prior to the 2013-2014 school year. Until that

time, those schools shall be funded as provided in Paragraph (1) of this Subsection. For all other Type 1, 3, and 4 charter schools in Orleans Parish, the school board may request the use of a differentiated distribution methodology to be approved by the state Department of Education prior to implementation.

* * *

AMENDMENT NO. 10

On page 5, delete lines 16 through 20 in their entirety

AMENDMENT NO. 11

On page 5, line 27, after "J." and before "Type" change "Except as otherwise provided in this Section, a" to "A"

On motion of Rep. Carter, the amendments were adopted.

On motion of Rep. Carter, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 725 (Substitute for House Bill No. 197 by Representative Greene)—
BY REPRESENTATIVE GREENE

AN ACT

To amend and reenact R.S. 39:1351(A)(1) and (3) and (B) and to enact R.S. 39:1351(A)(2)(c), 1352(A)(3) and (4), (B)(3), and (C), 1355, and 1356, relative to fiscal administrators for political subdivisions; to provide for appointment of fiscal administrators and circumstances that provide evidence of the need for or require such appointments; to provide relative to the powers and duties of fiscal administrators; to provide for payment of costs associated with fiscal administration of a political subdivision and for indemnification of fiscal administrators; to require cooperation with and provision of information to fiscal administrators by officers, officials, and employees of political subdivisions and to provide procedures for a fiscal administrator to obtain information; to provide for violations; to provide for penalties, including criminal penalties, for violation of provisions relative to fiscal administrators; to provide relative to costs and attorney fees; and to provide for related matters.

Read by title.

On motion of Rep. Girod Jackson, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 2—
BY REPRESENTATIVE ROBIDEAUX
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.

Read by title.

Reported favorably by the Committee on Appropriations.

On motion of Rep. Fannin, the bill was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 101—

BY REPRESENTATIVE HARRISON
A JOINT RESOLUTION

Proposing to amend Article IV, Section 9 of the Constitution of Louisiana, to require the state treasurer to redirect an appropriation to the state entity which has the legal authority to perform the purpose, function, or program being funded by the appropriation; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

Read by title.

Reported favorably by the Committee on House and Governmental Affairs.

Under the rules, the above bill was ordered engrossed and recommitted to the Committee on Civil Law and Procedure.

HOUSE BILL NO. 102—

BY REPRESENTATIVE HARRISON
A JOINT RESOLUTION

Proposing to add Article III, Section 16(F) of the Constitution of Louisiana, to limit the effect of an appropriation bill; to prohibit an appropriation bill from affecting laws except when directly related to an expenditure; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

Read by title.

Reported favorably by the Committee on House and Governmental Affairs.

Under the rules, the above bill was ordered engrossed and recommitted to the Committee on Civil Law and Procedure.

HOUSE BILL NO. 233—

BY REPRESENTATIVES SMITH, BADON, BARROW, WESLEY BISHOP, BROSSETT, BURRELL, KATRINA JACKSON, JAMES, MORENO, AND PATRICK WILLIAMS AND SENATOR BROOME
AN ACT

To enact Chapter 8-B of Title 46 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 46:979.1 through 979.6, relative to the medical assistance program; to provide for eligibility for benefits of the medical assistance program; to require state participation in the medical assistance program expansion provided in federal law; to provide for definitions; to provide for legislative findings and intent; to provide for reform of the Medicaid program in Louisiana; to provide for termination; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Health and Welfare.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Health and Welfare to Original House Bill No. 233 by Representative Smith

AMENDMENT NO. 1

On page 1, line 3, change "979.5" to "979.6"

AMENDMENT NO. 2

On page 1, delete lines 6 through 10 in their entirety and insert in lieu thereof "to provide for definitions; to provide for legislative findings and intent; to provide for reform of the Medicaid program in

Louisiana; to provide for termination; and to provide for related matters."

AMENDMENT NO. 3

On page 1, line 13, change "979.5" to "979.6"

AMENDMENT NO. 4

On page 1, line 14, after "~~8-B.~~" delete the remainder of the line and delete lines 15 and 16 in their entirety and insert in lieu thereof the following:

"LOUISIANA HEALTH CARE INDEPENDENCE PROGRAM

§979.1. Title

This Chapter shall be known and may be cited as the "Louisiana Health Care Independence Act".

§979.2. Definitions"

AMENDMENT NO. 5

On page 2, delete lines 1 through 13 and insert in lieu thereof the following:

"(1) "ACA" and "Affordable Care Act" mean the following acts of congress, collectively:

(a) The Patient Protection and Affordable Care Act, which originated as H.R. 3590 in the One Hundred Eleventh United States Congress and became Public Law 111-148.

(b) The Health Care and Education Reconciliation Act, which originated as H.R. 4872 in the One Hundred Eleventh United States Congress and became Public Law 111-152.

(2) "Cost sharing" means the portion of the cost of a covered medical service that must be paid by or on behalf of eligible individuals, consisting of copayments or coinsurance, but not deductibles.

(3) "Department" means the Department of Health and Hospitals.

(4) "Health insurance marketplace" means the federal vehicle created to help individuals, families, and small businesses shop for and select health insurance coverage in a way that permits comparison of available qualified health plans based upon price, benefits, services, and quality, regardless of the governance structure of the marketplace.

(5) "Independence account" means individual financing structures that operate similar to a health savings account or a medical savings account.

(6) "Medicaid" and "medical assistance program" mean the medical assistance program provided for in Title XIX of the Social Security Act.

(7) "Premium" means a charge that must be paid as a condition of enrolling in health care coverage.

(8) "Program" means the Louisiana Health Care Independence Program established by this Chapter.

(9) "Qualified health plan" means a federally certified individual health insurance plan offered by a carrier through the federal health insurance marketplace.

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(10) "Secretary" means the secretary of the Department of Health and Hospitals."

AMENDMENT NO. 6

On page 2, delete line 14 and insert in lieu thereof the following:

"§979.3. Legislative findings; purpose"

AMENDMENT NO. 7

On page 3, delete lines 1 through 17 in their entirety

AMENDMENT NO. 8

On page 3, at the beginning of line 18, change "6" to "4"

AMENDMENT NO. 9

On page 3, delete lines 21 through 29 in their entirety

AMENDMENT NO. 10

On page 4, delete lines 1 through 3 in their entirety

AMENDMENT NO. 11

On page 4, at the beginning of line 4, insert "B."

AMENDMENT NO. 12

On page 4, delete lines 20 through 29 and insert in lieu thereof the following:

"§979.4. Expansion of Medicaid eligibility in Louisiana; administration of the Louisiana Health Care Independence Program by the Department of Health and Hospitals

A. The department shall create and administer the Louisiana Health Care Independence Program within the department. After receiving the approval of the Senate and House committees on health and welfare, the department shall on or before September 1, 2013 submit and apply for all of the following:

(1) Federal waivers necessary to implement the program in a manner consistent with this Chapter, including without limitation approval for a comprehensive waiver under Section 1115 of the Social Security Act, 42 U.S.C. 1315.

(2) Medicaid state plan amendments necessary to implement the program in a manner consistent with this Chapter.

(3) Those Medicaid state plan amendments that are optional and therefore may be revoked by the state at its discretion.

B.(1) As part of its actions the department shall confirm that employers shall not be subject to the penalties, including without limitation an assessable payment, under Section 1513 of Pub. L. No. 111-148, as existing on January 1, 2013, concerning shared responsibility, for employees who are eligible individuals if the employees meet either of the following criteria:

(a) Are enrolled in the program.

(b) Enroll in a qualified health plan through the federal health insurance marketplace.

(2) If the department is unable to confirm provisions under this Section, the program shall not be implemented.

C.(1) Implementation of the program shall be contingent upon the receipt of necessary federal approvals.

(2) If the department does not receive the necessary federal approvals, the program shall not be implemented.

D. The program shall include premium assistance for eligible individuals to enable their enrollment in a qualified health plan through the federal health insurance marketplace.

E.(1) The department is hereby specifically authorized to pay premiums and supplemental cost-sharing subsidies directly to the federally qualified health plans for enrolled eligible individuals.

(2) The intent of the payments under this Subsection is to increase participation in the health insurance market, intensify price pressures, and reduce costs for both publicly and privately funded health care.

F. The department shall accomplish all of the following to the extent allowable by law:

(1) Pursue strategies that promote insurance coverage of children in their parents' or caregivers' plan, including children eligible for the Louisiana Children's Health Insurance Program (LaCHIP).

(2) Develop and implement a strategy to inform Medicaid recipient populations whose needs would be reduced or better served through participation in the federal health insurance marketplace.

G. The program authorized by this Chapter shall terminate within one hundred twenty days after a reduction in any of the following federal medical assistance percentages for services to individuals determined eligible under the new adult group and who are considered to be newly eligible as defined in section 1905(y)(2)(A) of the Patient Protection and Affordable Care Act:

(1) One hundred percent in 2014, 2015, or 2016.

(2) Ninety-five percent in 2017.

(3) Ninety-four percent in 2018.

(4) Ninety-three percent in 2019.

(5) Ninety percent in 2020 or any year after 2020.

H. An eligible individual enrolled in the program shall affirmatively acknowledge the existence of all of the following facts:

(1) The program shall not be a perpetual federal or state right or a guaranteed entitlement.

(2) The program shall be subject to cancellation upon appropriate notice.

(3) The program shall not be an entitlement program.

I.(1) The department shall develop a model and seek from the Centers for Medicare and Medicaid Services all necessary waivers and approvals to allow non-aged, non-disabled program-eligible participants to enroll in a program that shall create and utilize independence accounts that operate similar to a health savings account or medical savings account during the calendar year 2015.

(2) The independence accounts shall accomplish all of the following functions:

(a) Allow a participant to purchase cost-effective high-deductible health insurance.

(b) Promote independence and self-sufficiency.

(3) The state shall implement cost sharing and copayments, and establish as a condition of participation that earnings shall exceed fifty percent of the applicable federal poverty level.

(4) Participants may receive rewards based on healthy living and self-sufficiency.

(5)(a) At the end of each fiscal year, if there are funds remaining in the account, a majority of the state's contribution shall remain in the participant's control as a positive incentive for the responsible use of the health care system and personal responsibility of health maintenance.

(b) Uses of the funds may include, without limitation, rolling the funds into a private sector health savings account for the participant according to rules promulgated by the department.

(c) The department shall promulgate rules to implement this Section in accordance with the Administrative Procedure Act, and shall project, track, and report state obligations for uncompensated care to identify potential incremental future decreases.

(d) The department shall recommend appropriate adjustments in funding to the legislature.

(e) Adjustments shall be made by the legislature as appropriate.

J. On a quarterly basis, the department shall report to the Joint Legislative Committee on the Budget, within two weeks of the end of each quarter, information regarding the following aspects of the program:

- (1) Program enrollment.
- (2) Patient experience.
- (3) Economic impact including enrollment distribution.
- (4) Carrier competition.
- (5) Success in avoiding uncompensated care."

AMENDMENT NO. 13

On page 5, delete lines 1 through 3 in their entirety

AMENDMENT NO. 14

On page 6, between lines 7 and 8, insert the following:

"§979.6. Termination

The provisions of this Chapter shall terminate and become null and void on and after July 1, 2017."

On motion of Rep. Simon, the amendments were adopted.

On motion of Rep. Simon, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 264—

BY REPRESENTATIVE FOIL

AN ACT

To amend and reenact R.S. 42:1102(18)(b), relative to the application of the Code of Governmental Ethics to certain persons; to provide an exception to the definition of "public employee" for persons contracted to perform specified, limited contractual services; and to provide for related matters.

Read by title.

Reported favorably by the Committee on House and Governmental Affairs.

On motion of Rep. Tim Burns, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 277—

BY REPRESENTATIVE LAMBERT

AN ACT

To repeal R.S. 40:1783 through 1787, relative to the possession and transfer of certain firearms; to repeal certain provisions of law regarding the possession and transfer of certain firearms; and to repeal registration requirements to possess or transfer certain types of firearms.

Read by title.

Reported with amendments by the Committee on Administration of Criminal Justice.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Administration of Criminal Justice to Original House Bill No. 277 by Representative Lambert

AMENDMENT NO. 1

On page 1, line 2, change "R.S. 40:1784" to "R.S. 40:1783 through 1787"

AMENDMENT NO. 2

On page 1, delete line 3 in its entirety and insert "certain provisions of law regarding the possession and transfer of certain firearms; and to repeal registration requirements to possess or transfer certain types of firearms."

AMENDMENT NO. 3

On page 1, line 5, after "Section 1." delete the remainder of the line and insert "R.S. 40:1783 through 1787 are hereby repealed in their entirety."

On motion of Rep. Lopinto, the amendments were adopted.

On motion of Rep. Lopinto, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 316—

BY REPRESENTATIVES KATRINA JACKSON AND JAMES

AN ACT

To enact R.S. 47:1517.1, relative to tax incentives; to require state agencies which administer tax credits and tax rebates to make certain reports; to provide relative to the contents of such reports; to provide for certain requirements and limitations; to provide for definitions; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Ways and Means.

On motion of Rep. Robideaux, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the local and consent calendar.

HOUSE BILL NO. 352—

BY REPRESENTATIVE HARRISON
AN ACT

To amend and reenact R.S. 23:73(E)(2), R.S. 35:406(A)(1) and (D), R.S. 36:258(F), R.S. 39:33(A)(2), R.S. 46:931, 932(introductory paragraph) and (14), 933(A), (D), and (G), 934, 935(A), (B)(introductory paragraph), and (C), 936, 937, 937.1(A) and (B)(1) and (3), 937.2, 937.3, 938, and 2351(E)(introductory paragraph), to enact R.S. 36:4(A)(15) and Chapter 4 of Title 36 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 36:151 through 157, and to repeal R.S. 36:4(B)(6), relative to elderly affairs; to create the Department of Elderly Affairs and provide for its purposes and organization and for its offices and officers and for their functions, powers, duties, and responsibilities; to abolish the Office of Elderly Affairs; to provide that the department shall be the successor to the office; to transfer the Louisiana Executive Board on Aging from the office of the governor to the Department of Elderly Affairs; to provide that the office of aging and adult services in the Department of Health and Hospitals shall have no responsibility or authority for any program or function assigned to the Department of Elderly Affairs; to authorize and direct the Louisiana State Law Institute to change certain references in law; to provide for implementation and effectiveness; to provide that funding for purposes, functions, and programs within the jurisdiction or authority of the Office of Elderly Affairs or its successor, the Department of Elderly Affairs, as provided by the Louisiana Revised Statutes of 1950, shall be appropriated or allocated only to, and available for use only by, the Office of Elderly Affairs and its successor, the Department of Elderly Affairs; and to provide for related matters.

Read by title.

Reported favorably by the Committee on House and Governmental Affairs.

On motion of Rep. Tim Burns, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 377—

BY REPRESENTATIVE LEGER
AN ACT

To amend and reenact R.S. 44:4.1(B)(32) and R.S. 47:6007(C)(4)(b), 6016(F)(1)(b), 6019(A)(3)(b)(i)(cc), 6020(F)(2), 6021(I)(2), 6022(E)(1)(e)(ii), and 6034(D)(1) and to enact R.S. 47:1508(B)(33) and 1524, relative to tax credits; to establish a registry for certain tax credits; to provide relative to agencies required to submit information to the registry; to provide relative to the information which shall be recorded in the registry; to provide for certain requirements and limitations; to provide relative to access to information in the registry; to provide with respect to the confidentiality of certain tax records; to authorize the secretary of the Department of Revenue to share certain tax credit transfer information; to provide relative to the transferability of certain tax credits; to provide relative to the notification of the transfer or sale of certain tax credits; to provide that certain records are private; to provide for an effective date; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Ways and Means.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Ways and Means to Original House Bill No. 377 by Representative Leger

AMENDMENT NO. 1

On page 1, line 4, after "enact" and before the comma ", " delete "R.S. 47:1524" and insert "R.S. 47:1508(B)(33) and 1524"

AMENDMENT NO. 2

On page 1, line 8, after "registry;" and before "to" insert "to provide with respect to the confidentiality of certain tax records; to authorize the secretary of the Department of Revenue to share certain tax credit transfer information;"

AMENDMENT NO. 3

On page 1, at the beginning of line 15, delete "47:1524 is" and insert "47:1508(B)(33) and 1524 are"

AMENDMENT NO. 4

On page 1, delete lines 16 through 20 in their entirety and on page 2, delete lines 1 through 28 in their entirety and on page 3, delete lines 1 through 23 in their entirety and insert the following:

"§1508. Confidential character of tax records

* * *

B. Nothing herein contained shall be construed to prevent:

* * *

(33) The furnishing of information as requested by the transferor pursuant to the provisions of R.S. 47:1524(F).

* * *

§1524. Tax credit registry; requirements; limitations

A. Purpose. The intent of this Section is to provide for a centralized registration and recordation system for transferable tax credits granted, issued, and authorized by the State of Louisiana. The provisions of this Section shall be known and cited as the "Louisiana Tax Credit Registry Act".

B. Definitions. For purposes of this Section, the following words shall have the following meaning unless the context clearly indicates otherwise:

(1) "Department" means the Department of Revenue.

(2) "Identification number" means a unique identifying number that shall be assigned to each tax credit certificate registered in the registry. A tax credit's identification number shall remain associated with tax credit from the time the credit is originally entered into the registry through any claim, transfer, or refund associated with the credit, until such time as the tax credit is fully redeemed.

(3) "Secretary" means the secretary of the Department of Revenue.

(4) "Tax credit" means any transferable tax credit granted, issued, and authorized by the state applied against taxes collected by the department.

(5) "Tax credit certificate" means any document granting tax credits issued by a state agency administering a tax credit program, including but not limited to tax credit certification letters which shall include the name of the individual or entity issued the tax credit, the amount of the tax credit, and any other identifying information regarding the tax credit.

(6) "Transfer" means an assignment, disposition, transfer, or allocation of tax credits.

(7) "Transferee" means an individual or entity that receives a transfer of tax credits.

(8) "Transferor" means an individual or entity that makes a transfer of tax credits.

C. Administration. There is hereby established a central tax credit registry, hereinafter referred to as "registry", within the department for the registration and recordation of tax credits granted, issued, and authorized by the state and any subsequent transfers.

(1) Beginning January 1, 2014, all state agencies issuing tax credits to be applied against taxes collected by the department shall promptly send a copy of any newly granted, issued, or authorized tax credit certificates to the department. Upon receipt of this information, the department shall assign an identifying number to each tax credit, and shall record the tax credit into the registry along with the name of the individual or entity issued the tax credit, the amount of the tax credit, and any other information deemed necessary by the secretary.

(2) Any state agency that issues or authorizes tax credits shall remit an electronic report on forms prescribed by the secretary no later than January 31, 2014, of all tax credit certificates issued prior to January 1, 2014. The Department shall endeavor to record all tax credit transfers which occurred prior to January 1, 2014, into the registry.

D. Transfers.

(1) Joint notice from the transferor and the transferee of all tax credit transfers shall be submitted to the department, including additional information which the secretary deems necessary and appropriate. Upon receipt of the applicable tax credit information, the department shall record the transfer of the tax credit by recording the applicable identification numbers, the name of the transferor and transferee, the amount of the tax credits being transferred, and any other information deemed necessary by the secretary.

(2) Notwithstanding any other provision of law to the contrary, no issuance or transfer of tax credits after January 1, 2014, shall be effective as to third parties nor recognized by the department until it has been recorded in the registry.

(3) The effectiveness of a tax credit transfer as between the transferor and the transferee shall be provided by agreement of the parties or, in the absence of an agreement, in accordance with the provisions of the Louisiana Civil Code and its ancillaries.

E. Disallowance and recapture of tax credits. A tax credit shall be disallowed and recaptured if the department or state agency issuing the tax credit finds that an individual or entity obtained a tax credit in violation of the provisions of the statute authorizing issuance of the tax credit, including but not limited to fraud or misrepresentation. Any tax credit previously granted to an individual or entity, but later disallowed may be recovered by the secretary pursuant to the provisions of R.S. 47:1561. The provisions of this Subsection are in addition to and shall not limit the authority of the secretary of the department to assess, collect, or recapture under any other provision of law.

(1) If the transferor of a tax credit did not have the right to claim or use the tax credit at the time of the transfer, the transferee's recourse shall be against the transferor, as provided by agreement of the parties. The department shall warrant the validity of the information recorded in the registry for credits issued after January 1, 2014. A good faith transferee, as determined by the department at the time of transfer, that relied on the validity of the credits recorded in the registry shall not be subject to the provisions of this

Subsection. For purposes of this Subsection, "good faith" shall mean honesty in fact and the observance of reasonable commercial standards of fair dealing.

(2) Notwithstanding any other provision of law, the department may recapture any amounts and other damages from any individual or entity determined not to be in good faith as provided for in Paragraph (1) of Subsection E.

F. Prescription. (1) In case of disputed title to tax credits, prescription against assessment shall be suspended by any of the following:

(a) The filing of a summary proceeding in any state or federal court.

(b) A written agreement between all interested taxpayers and the secretary; or

(c) The filing of any pleading, either by the secretary or any taxpayer, with the Board of Tax Appeals.

(2) Prescription shall begin to run again upon the issuance of a final administrative decision, or by a judgment which has become final and non-appealable.

G. Registry Access. Information contained in the registry regarding the ownership of tax credits, all transfers of tax credits, and the value of tax credits shall be deemed personal and confidential under the provisions of R.S. 47:1508 and shall not be available to the public. The data compiled in the registry shall be available for cross-referencing by other state agencies; however, state agencies shall apply for access to the registry from the department and shall be subject to any permissions, restrictions, and conditions as determined by the department. Upon application by a transferor, on a form prescribed by the secretary, the department shall provide information sufficient to certify the transferor is the record owner of tax credits issued on or after January 1, 2014, which are registered in the transferor's name in the registry. The secretary shall prescribe the application required by the provisions of this Subsection to be submitted by a transferor to certify the record owner of tax credits.

H. Rules. The secretary of the department may promulgate rules and regulations in accordance with the Administrative Procedure Act as may be necessary to implement the provisions of this Section."

AMENDMENT NO. 5

On page 4, line 17, after "by rule." delete the remainder of the line and delete lines 18 through 20 in their entirety and insert "The tax credit transfer value means the"

AMENDMENT NO. 6

On page 4, line 23, after "submitted to the" and before "shall" delete "office" and insert "Department of Revenue"

On motion of Rep. Robideaux, the amendments were adopted.

Under the rules, the above bill, as amended, was ordered engrossed and recommitted to the Committee on House and Governmental Affairs.

HOUSE BILL NO. 385—

BY REPRESENTATIVE HODGES

AN ACT

To amend and reenact Code of Criminal Procedure Articles 930.4(B), (C), (D), and (E), and 930.8(A)(1), relative to post conviction relief; to provide for a time period to supplement an application for relief; to provide for the mandatory dismissal and denial of relief for certain repetitive applications; to require

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that the applicant demonstrate diligence in discovering post-conviction claims; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Administration of Criminal Justice.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Administration of Criminal Justice to Original House Bill No. 385 by Representative Hodges

AMENDMENT NO. 1

On page 1, line 2, after "Articles" and before "930.4(B)" delete "928,"

AMENDMENT NO. 2

On page 1, delete line 3 in its entirety and insert "and 930.8(A)(1),"

AMENDMENT NO. 3

On page 1, delete line 4 in its entirety and insert "relative to post conviction relief;"

AMENDMENT NO. 4

On page 1, line 5, delete "certain petitions; to provide for definitions;"

AMENDMENT NO. 5

On page 1, line 8, after "demonstrate" and before "diligence" delete "due" and after "claims;" delete the remainder of the line

AMENDMENT NO. 6

On page 1, delete line 9 in its entirety and insert "and"

AMENDMENT NO. 7

On page 1, line 12, after "Articles" and before "930.4(B)" delete "928,"

AMENDMENT NO. 8

On page 1, at the beginning of line 13, change "930.8(A)(introductory paragraph) and (1)" to "and 930.8(A)(1)"

AMENDMENT NO. 9

On page 1, delete lines 15 through 19 in their entirety

AMENDMENT NO. 10

On page 2, delete lines 1 through 3 in their entirety

AMENDMENT NO. 11

On page 2, line 7, after "and" and before "failed" insert "inexcusably"

AMENDMENT NO. 12

On page 2, line 10, after "and" and before "failed" insert "inexcusably"

AMENDMENT NO. 13

On page 2, line 14, after "was" and before "omitted" insert "inexcusably"

AMENDMENT NO. 14

On page 2, delete lines 15 through 19 in their entirety

AMENDMENT NO. 15

On page 2, at the end of line 23, delete "one"

AMENDMENT NO. 16

On page 2, at the beginning of line 24, delete "year" and insert "two years"

AMENDMENT NO. 17

On page 2, lines 28 and 29 in their entirety

AMENDMENT NO. 18

On page 3, delete lines 1 through 4 in their entirety and insert the following:

~~"attorney; prior attorneys. Further, the petitioner shall prove that he exercised diligence in attempting to discover any post conviction claims that may exist. "Diligence" for the purposes of this Article is a subjective inquiry that must take into account the circumstances of the petitioner. Those circumstances shall include, but are not limited to the educational background of the petitioner, the petitioner's access to formally trained inmate counsel, the financial resources of the petitioner, the age of the petitioner, the mental abilities of the petitioner, or whether the interests of justice will be served by the consideration of new evidence. New facts discovered pursuant to this exception shall be submitted to the court within two years of discovery."~~

AMENDMENT NO. 19

On page 3, delete lines 6 and 7 in their entirety and insert the following:

"Section 2. The provisions of this Act shall become effective August 1, 2014."

On motion of Rep. Lopinto, the amendments were adopted.

On motion of Rep. Lopinto, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 387—

BY REPRESENTATIVES SCHRODER AND JIM MORRIS
AN ACT

To enact R.S. 42:1169.1, relative to the Code of Governmental Ethics; to prohibit acts of reprisal for the provision of information by public employees; to provide penalties for violations; to provide remedies for wrongful acts of reprisal; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on House and Governmental Affairs.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on House and Governmental Affairs to Original House Bill No. 387 by Representative Schroder

AMENDMENT NO. 1

On page 2, after line 23, insert the following:

"E. Any action or remedy ordered by the board pursuant to this Section directed at a public employee who has attained permanent status in the classified state or city service as provided in Article X, Section 1 of the Constitution of Louisiana shall be subject to the approval of the appropriate civil service commission prior to implementation.

F. For purposes of this Section, the phrase "request of a legislator or legislative committee" shall mean a request from a legislator or legislative committee made in writing or during a public meeting."

On motion of Rep. Tim Burns, the amendments were adopted.

On motion of Rep. Tim Burns, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 423—
BY REPRESENTATIVE BILLIOT
AN ACT

To enact R.S. 15:544.1, relative to petitions for injunctive relief or declaratory judgments regarding the registration and notification requirements of sex offenders; to provide for the procedure by which such petitions must be filed; to provide for the jurisdiction where such petitions must be filed; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Administration of Criminal Justice.

On motion of Rep. Lopinto, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 429—
BY REPRESENTATIVE HOLLIS
A JOINT RESOLUTION

Proposing to add Article I, Section 28 of the Constitution of Louisiana, to prohibit mandatory participation in a health care system; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Health and Welfare.

Under the rules, the above bill was ordered engrossed and recommitted to the Committee on Civil Law and Procedure.

HOUSE BILL NO. 440—
BY REPRESENTATIVE BILLIOT
AN ACT

To amend and reenact R.S. 15:542(C)(1)(introductory paragraph), (j), and (n), (C)(2), and (F)(4)(a), (b), and (c), 542.1.2(A)(introductory paragraph), and 543.1, relative to sex offender registration and notification requirements; to provide relative to the time periods within which the sex offender is

required to provide certain information to certain entities; to provide relative to the information provided by the sex offender with regard to vehicles and temporary lodging; to provide relative to motions for relief from registration and notification requirements of certain sex offenders convicted of crime against nature; to amend provisions in the written notification of sex offender registration and notification requirements provided by the court to the offender; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Administration of Criminal Justice.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Administration of Criminal Justice to Original House Bill No. 440 by Representative Billiot

AMENDMENT NO. 1

On page 1, line 2, after "reenact" delete the remainder of the line and insert "R.S. 15:542(C)(1)(introductory paragraph), (j), and (n)."

AMENDMENT NO. 2

On page 1, line 4, after "requirements;" delete the remainder of the line and at the beginning of line 5, delete "definition of "residence";"

AMENDMENT NO. 3

On page 1, line 11, after "requirements" and before "by" change "given" to "provided"

AMENDMENT NO. 4

On page 1, line 14, after "Section 1." delete the remainder of the line and insert "R.S. 15:542(C)(1)(introductory paragraph), (j), and (n), (C)(2)"

AMENDMENT NO. 5

On page 1, delete lines 17 through 20 in their entirety and on page 2, delete lines 1 through 7 in their entirety

AMENDMENT NO. 6

On page 3, delete lines 21 through 23 in their entirety and insert the following:

"shall appear in person within three business days to register with the appropriate law enforcement agencies pursuant to the provision of this Section. The offender shall register with the sheriff of the parish in which the residence address he initially supplied to the Department of Public Safety and Corrections is located, unless his residence address has changed and he has registered with the sheriff of the parish in which his new residence address is located."

AMENDMENT NO. 7

On page 4, line 18, after "August 15, 2010" delete the remainder of the line and insert a period "." and the following:

"If the motion is filed by the offender and the district attorney objects, the district attorney shall have the burden of proof by use of an affidavit that the person being solicited was not under the age of seventeen."

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AMENDMENT NO. 8

On page 4, line 19, delete "person being solicited was not under the age of seventeen."

AMENDMENT NO. 9

On page 8, at the end of line 20, insert the following:

"The offender shall register with the sheriff of the parish in which the residence address he initially supplied to the department is located, unless the residence has changed and he has registered with the sheriff of the parish in which the new residence address is located."

On motion of Rep. Lopinto, the amendments were adopted.

On motion of Rep. Lopinto, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 444—

BY REPRESENTATIVES BURRELL AND JAMES AND SENATOR GARY SMITH

AN ACT

To amend and reenact R.S. 47:6015(I), 6019(C), and 6105, to enact R.S. 47:6004(C), 6005(G), 6006(E), 6006.1(G), 6007(G), 6008(D), 6009(F), 6013(D), 6014(F), 6017(C), 6018(F), 6022(K), 6025(D), 6028(C), 6030(G), 6032(H), 6035(H), 6036(K), 6104(D), 6106(E), and 6107(C), and to repeal R.S. 47:6010, 6012, 6016, 6021, 6027, and 6037, relative to tax credits; provides relative to the sunset of certain income tax credits under certain circumstances; to require certain reviews and reports relative to tax credits; to terminate certain tax credits; to provide for an effective date; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Ways and Means.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Ways and Means to Original House Bill No. 444 by Representative Burrell

AMENDMENT NO. 1

On page 1, line 17, after "C." and before "the", delete "Beginning January 1, 2015." and insert "No later than September 1, 2013."

AMENDMENT NO. 2

On page 2, line 3, after "credit." delete the remainder of the line and delete line 4 in its entirety

AMENDMENT NO. 3

On page 2, line 8, after "G." and before "the", delete "Beginning January 1, 2015." and insert "No later than September 1, 2013."

AMENDMENT NO. 4

On page 2, line 14, after "credit." delete the remainder of the line and delete line 15 in its entirety

AMENDMENT NO. 5

On page 2, line 18, after "E." and before "the", delete "Beginning January 1, 2015." and insert "No later than September 1, 2013."

AMENDMENT NO. 6

On page 2, line 24, after "credit." delete the remainder of the line and delete line 25 in its entirety

AMENDMENT NO. 7

On page 3, line 1, after "G." and before "the", delete "Beginning January 1, 2015." and insert "No later than September 1, 2013."

AMENDMENT NO. 8

On page 3, line 7, after "credit." delete the remainder of the line and delete line 8 in its entirety

AMENDMENT NO. 9

On page 3, line 11, after "G." and before "the", delete "Beginning January 1, 2015." and insert "No later than September 1, 2013."

AMENDMENT NO. 10

On page 3, line 17, after "credit." delete the remainder of the line and delete line 18 in its entirety

AMENDMENT NO. 11

On page 3, line 22, after "D." and before "the", delete "Beginning January 1, 2015." and insert "No later than September 1, 2013."

AMENDMENT NO. 12

On page 3, line 28, after "credit." delete the remainder of the line and delete line 29 in its entirety

AMENDMENT NO. 13

On page 4, line 3, after "F." and before "the", delete "Beginning January 1, 2015." and insert "No later than September 1, 2013."

AMENDMENT NO. 14

On page 4, line 9, after "credit." delete the remainder of the line and delete line 10 in its entirety

AMENDMENT NO. 15

On page 4, line 14, after "D." and before "the", delete "Beginning January 1, 2015." and insert "No later than September 1, 2013."

AMENDMENT NO. 16

On page 4, line 20, after "credit." delete the remainder of the line and delete line 21 in its entirety

AMENDMENT NO. 17

On page 4, line 24, after "F." and before "the", delete "Beginning January 1, 2015." and insert "No later than September 1, 2013."

AMENDMENT NO. 18

On page 5, line 1, after "credit." delete the remainder of the line and delete line 2 in its entirety

AMENDMENT NO. 19

On page 5, line 7, before "the", delete "Beginning January 1, 2015." and insert "No later than September 1, 2013."

AMENDMENT NO. 20

On page 5, line 13, after "credit." delete the remainder of the line and delete lines 14 and 15 in their entirety

AMENDMENT NO. 21

On page 5, line 19, after "C." and before "the", delete "Beginning January 1, 2015." and insert "No later than September 1, 2013."

AMENDMENT NO. 22

On page 5, line 25, after "credit." delete the remainder of the line and delete line 26 in its entirety

AMENDMENT NO. 23

On page 6, line 1, after "F." and before "the", delete "Beginning January 1, 2015." and insert "No later than September 1, 2013."

AMENDMENT NO. 24

On page 6, line 7, after "credit." delete the remainder of the line and delete line 8 in its entirety

AMENDMENT NO. 25

On page 6, line 12, before "the", delete "Beginning January 1, 2015." and insert "No later than September 1, 2013."

AMENDMENT NO. 26

On page 6, line 18, after "credit." delete the remainder of the line and delete lines 19 and 20 in their entirety

AMENDMENT NO. 27

On page 6, line 24, after "K." and before "the", delete "Beginning January 1, 2015." and insert "No later than September 1, 2013."

AMENDMENT NO. 28

On page 7, line 1, after "credit." delete the remainder of the line and delete line 2 in its entirety

AMENDMENT NO. 29

On page 7, line 6, after "D." and before "the", delete "Beginning January 1, 2015." and insert "No later than September 1, 2013."

AMENDMENT NO. 30

On page 7, line 12, after "credit." delete the remainder of the line and delete line 13 in its entirety

AMENDMENT NO. 31

On page 7, line 17, after "C." and before "the", delete "Beginning January 1, 2015." and insert "No later than September 1, 2013."

AMENDMENT NO. 32

On page 7, line 23, after "credit." delete the remainder of the line and delete line 24 in its entirety

AMENDMENT NO. 33

On page 7, line 28, after "G." and before "the", delete "Beginning January 1, 2015." and insert "No later than September 1, 2013."

AMENDMENT NO. 34

On page 8, line 5, after "credit." delete the remainder of the line and delete line 6 in its entirety

AMENDMENT NO. 35

On page 8, line 10, after "H." and before "the", delete "Beginning January 1, 2015." and insert "No later than September 1, 2013."

AMENDMENT NO. 36

On page 8, line 16, after "credit." delete the remainder of the line and delete line 17 in its entirety

AMENDMENT NO. 37

On page 8, line 21, after "H." and before "the", delete "Beginning January 1, 2015." and insert "No later than September 1, 2013."

AMENDMENT NO. 38

On page 8, line 27, after "credit." delete the remainder of the line and delete line 28 in its entirety

AMENDMENT NO. 39

On page 9, line 3, after "K." and before "the", delete "Beginning January 1, 2015." and insert "No later than September 1, 2013."

AMENDMENT NO. 40

On page 9, line 9, after "credit." delete the remainder of the line and delete line 10 in its entirety

AMENDMENT NO. 41

On page 9, line 14, after "D." and before "the", delete "Beginning January 1, 2015." and insert "No later than September 1, 2013."

AMENDMENT NO. 42

On page 9, line 20, after "credit." delete the remainder of the line and delete line 21 in its entirety

AMENDMENT NO. 43

On page 10, line 11, after "B." and before "the", delete "Beginning January 1, 2015." and insert "No later than September 1, 2013."

AMENDMENT NO. 44

On page 10, line 17, after "credit." delete the remainder of the line and delete line 18 in its entirety

AMENDMENT NO. 45

On page 10, line 21, after "E." and before "the", delete "Beginning January 1, 2015." and insert "No later than September 1, 2013."

AMENDMENT NO. 46

On page 10, line 27, after "credit." delete the remainder of the line and delete line 28 in its entirety

AMENDMENT NO. 47

On page 11, line 2, after "C." and before "the", delete "Beginning January 1, 2015." and insert "No later than September 1, 2013."

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AMENDMENT NO. 48

On page 11, line 8, after "credit," delete the remainder of the line and delete line 9 in its entirety

On motion of Rep. Robideaux, the amendments were adopted.

On motion of Rep. Robideaux, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 455—

BY REPRESENTATIVE LEGER

AN ACT

To enact R.S. 22:832.1, relative to insurance premium tax credits; to establish the Louisiana New Markets Jobs tax credit; to authorize a premium tax credit for investments in low-income community development; to provide for the amount of the tax credit; to provide for eligibility for and usage of the tax credit; and to provide for related matters.

Read by title.

Reported by substitute by the Committee on Ways and Means.

The substitute was read by title as follows:

HOUSE BILL NO. 726 (Substitute for House Bill No. 455 by Representative Leger)—

BY REPRESENTATIVE LEGER

AN ACT

To enact R.S. 47:6016.1, relative to tax credits; to provide with respect to the Louisiana New Markets Jobs Act; to authorize a premium tax credit for investments in low-income community development; to provide for the amount of the tax credit; to provide for eligibility for and usage of the tax credit; and to provide for related matters.

Read by title.

On motion of Rep. Robideaux, the substitute was adopted and became House Bill No. 726 by Rep. Leger, on behalf of the Committee on Ways and Means, as a substitute for House Bill No. 455 by Rep. Leger.

Under the rules, lies over in the same order of business.

HOUSE BILL NO. 479—

BY REPRESENTATIVE BARRAS

AN ACT

To enact R.S. 42:1170(A)(3)(c) and R.S. 46:1076.1, relative to mandatory ethics education and training; to exempt certain employees in certain hospitals from annual ethics education and training requirements; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on House and Governmental Affairs.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on House and Governmental Affairs to Original House Bill No. 479 by Representative Barras

AMENDMENT NO. 1

On page 1, line 2, after R.S. delete "42:1170(A)(3)(c)," and insert "42:1170(A)(3)(c) and R.S. 46:1076.1,"

AMENDMENT NO. 2

On page 1, delete lines 13 through 16 and insert the following:

"a nonsalaried employee of a hospital owned or operated by a hospital service district as defined in R.S. 46:1072 unless the employee is authorized to enter into contracts on behalf of the hospital for goods or services or the duties of the employee include the supervision of another public employee.

* * *

Section 2. R.S. 46:1076.1 is hereby enacted to read as follows:

§1076.1. Mandatory ethics training

As provided in R.S. 42:1170, certain hospital employees shall be exempt from mandatory ethics education and training."

On motion of Rep. Tim Burns, the amendments were adopted.

On motion of Rep. Tim Burns, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 483—

BY REPRESENTATIVE NANCY LANDRY

AN ACT

To amend and reenact R.S. 47:6034(A), (B)(4), (8), (9), (10), and (11), (C)(1)(a)(ii)(aa) and (bb), (C)(3), (E)(1)(e), (F), and (G), to enact R.S. 47:6034(B)(12), and to repeal R.S. 47:6034(C)(1)(b), (e), and (f), relative to income tax credits for state-certified musical and theatrical productions and state-certified infrastructure projects; to extend the time period for granting certain tax credits; to provide with respect to a tax credit for state-certified higher education musical or theatrical infrastructure projects; to provide relative to certain definitions; to provide for certain requirements and limitations; to provide with respect to the application for such tax credits and certification of productions and infrastructure projects; to provide for the disallowance of credits; to provide for the recovery of credits; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Ways and Means.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Ways and Means to Original House Bill No. 483 by Representative Nancy Landry

AMENDMENT NO. 1

On page 1, line 2, after "reenact" and before "relative" delete "R.S. 47:6034(C)(1)(a)(ii)(aa)," and insert the following:

"R.S. 47:6034(A), (B)(4), (8), (9), (10), and (11), (C)(1)(a)(ii)(aa) and (bb), (C)(3), (E)(1)(e), (F), and (G), to enact R.S. 47:6034(B)(12), and to repeal R.S. 47:6034(C)(1)(b), (e), and (f)"

AMENDMENT NO. 2

On page 1, at the beginning of line 3, insert "state-certified" and after "productions" and before the semicolon ";" insert "and state-certified infrastructure projects"

AMENDMENT NO. 3

On page 1, at the beginning of line 4, after "credits;" and before "and" insert the following:

"to provide with respect to a tax credit for state-certified higher education musical or theatrical infrastructure projects; to provide relative to certain definitions; to provide for certain requirements and limitations; to provide with respect to the application for such tax credits and certification of productions and infrastructure projects; to provide for the disallowance of credits; to provide for the recovery of credits"

AMENDMENT NO. 4

On page 1, line 6, after "Section 1." delete the remainder of the line and insert the following:

"R.S. 47:6034(A), (B)(4), (8), (9), (10), and (11), (C)(1)(a)(ii)(aa) and (bb), (C)(3), (E)(1)(e), (F), and (G) are hereby amended and reenacted and R.S. 47:6034(B)(12) is hereby enacted to read as"

AMENDMENT NO. 5

On page 1, delete line 9 in its entirety and insert the following:

"A. Purpose. It is the intention of the legislature in creating these ~~five~~ different types of tax credits: a credit for qualified production expenditures made from investments in a state-certified musical or theatrical production; a credit for the construction, repair, or renovation of facilities related to such productions and performances; ~~a credit for qualified transportation costs for performance-related property~~; a credit for the payroll of Louisiana residents employed in connection with a state-certified musical or theatrical production; and a credit for employing college, university, and vocational-technical students employed in connection with a state-certified musical or theatrical production, to establish and promote Louisiana as one of the primary places in the United States in which live performances, from creation to presentation are present and thriving. The live performance industry will enhance economic development because it fits well with the state's reputation as a tourist destination, will offer numerous and varied employment opportunities, and in conjunction with the available federal and state incentives, will be an attraction for new and relocating businesses and will provide for the reinventing of countless abandoned properties as either performance or rehearsal spaces. The live performance industry will also spur educational development: Louisiana colleges, universities, and vocational-technical schools will be able to offer talented undergraduate and graduate students from this state, other states, and around the world a real-world opportunity to participate in degree programs across the state that work on the various productions in accounting, law, management, and marketing and to fill arts-related positions such as actors, writers, producers, stagehands, and directors, as well as technicians working on all aspects of the production such as lighting, sound, and actual stage production and operations.

B. Definitions. For the purposes of this Section:

* * *

~~(4) "Limited state-certified musical or theatrical production" means a musical or theatrical production or a series of productions occurring in Louisiana by a nonprofit community theater that held a public performance before an audience within this state during the 2008 calendar year which has been certified, verified, and approved in accordance with the provisions of this Section. "Infrastructure expenditures" means expenditures directly related to the state-certified infrastructure project or state-certified higher education infrastructure projects including land and land acquisition costs, construction costs, design fees, furniture, fixtures, and equipment purchased subject to a sale agreement or capital lease. Infrastructure~~

expenditures shall not include indirect costs such as general administrative costs, insurance, or any costs related to the transfer or allocation of tax credits. The Department of Economic Development may determine if expenditures submitted as production-related costs or capital costs related to an infrastructure facility, represent legitimate expenditures for the actual costs or related goods or services, having economic substance and a business purpose related to the certified production or facility, and not constructive dividends, self-dealing, inflated prices or similar transactions entered into for the purpose of inflating the amount of tax credits earned rather than for the benefit of the production or facility.

* * *

(8) "Related party transaction" means a transaction between parties deemed to be related by common ownership or control, under generally accepted auditing principles. Related party transaction expenditures may be subject to limitations, as provided for by rules and regulations promulgated by the department.

(9)(a) "Resident" or "resident of Louisiana" means a natural person and, for the purpose of determining eligibility for the tax incentives provided by this Section, a person who qualifies for any of the following reasons:

(i) The person is domiciled in the state of Louisiana.

(ii) The person maintains a permanent place of abode within the state and spends in the aggregate more than six months of each year within the state.

(iii) The person pays taxes to the state on the amount of money paid to such person for which a credit is sought pursuant to this Section.

(b) A company owned or controlled by such a person and which lends the services of such a person for a state-certified musical or theatrical production shall also be deemed a resident if such company is organized or authorized to do business in the state and such company pays taxes to the state on the amount of money paid to such company for such services of such person.

~~(9)~~ (10) "State-certified higher education musical or theatrical infrastructure project" means a new proscenium or black-box theatre infrastructure project situated on a parcel of land located on the campus of a higher education institution in this state, which is owned by a higher education campus institution or support foundation related to the campus primarily operated to benefit and support campus students and the higher education facility. The primary purpose of the proposed infrastructure facility must be to host live performances and the facility must have a minimum fixed seating capacity of five hundred. Expenditures attributable to areas other than where live performances, will take place may comprise no more than twenty-five percent of total qualifying expenditures.

(11) "State-certified musical or theatrical facility infrastructure project" or "state-certified infrastructure project" means a capital infrastructure project in the state directly related to the production or performance of musical or theatrical productions as defined in this Section, and movable and immovable property and equipment related thereto, or any other facility which supports and is a necessary component of such facility, and any expenditures in the state related to the construction, repair, or renovation of such project, which are certified, verified, and approved as provided for in this Section.

~~(10)(a)~~ (12)(a) "State-certified musical or theatrical production" means a musical or theatrical production performed in this state including, but not limited to concerts, musical tours, ballet, dance, comedy revue, or live variety entertainment, or a series of productions occurring over the course of a twelve-month period, and the recording or filming of such production, which originate, are developed, or have their initial public performance before an

audience within Louisiana, or which have their United States debut within Louisiana, and the production expenditures, expenditures for the payroll of residents, ~~transportation expenditures~~; and expenditures for employing college and vocational-technical students related to such production or productions, that are certified, verified, and approved as provided for in this Section. Non-qualifying projects include, but are not limited to non-touring music and cultural festivals, industry seminars, ~~and~~ trade shows, and any production activity taking place outside the state.

(b) A "state-certified musical or theatrical production" which shall be eligible for recertification and the credit provided for in this Section shall include a previously certified musical or theatrical production which received a credit pursuant to this Section, and which is otherwise eligible pursuant to this Section, which returns for performances within the state after being performed on Broadway.

(H)(a) "~~Transportation expenditures~~" means expenditures for the packaging, crating, and transportation both to the state for use in a state-certified musical or theatrical production of sets, costumes, or other tangible property constructed or manufactured out of state, and/or from the state after use in a state-certified musical or theatrical production of sets, costumes, or other tangible property constructed or manufactured in this state. ~~Such term shall include the packaging, crating, and transporting of property and equipment used for special and visual effects, sound, lighting, and staging, costumes, wardrobes, make-up and related accessories and materials, as well as any other performance or production-related property and equipment; provided that transportation services are purchased through a company which has a significant business presence in the state.~~

(b) "~~Transportation expenditures~~" shall not include any costs to transport property and equipment to be used only for filming and not in a state-certified production, any indirect costs, any expenditures that are later reimbursed by a third party, or any amounts that are paid to persons or entities as a result of their participation in profits from the exploitation of the production."

AMENDMENT NO. 6

On page 1, delete lines 16 and 17 in their entirety and insert the following:

"(ii)(aa) ~~Until~~ For state-certified infrastructure projects which receive initial certification on or before January 1, 2014, a base investment credit may be granted earned for certified, verified, and approved expenditures made in the state on or before January 1, 2014, for the construction,"

AMENDMENT NO. 7

On page 2, between lines 3 and 4, insert the following:

"(bb) ~~If all or a portion of an infrastructure project is a facility which may be used for other purposes not directly related to the production or performance of musical or theatrical production activities, then the project shall be approved only if a determination is made that the multiple-use facility will support and will be necessary to secure musical or theatrical production activities for the musical or theatrical production or performance facility and the applicant provides sufficient contractual assurances that:~~ For state-certified higher education musical or theatrical infrastructure projects which receive initial certification on or before January 1, 2018, a base investment credit may be earned for expenditures made in the state on or before January 1, 2022, for the construction, repair, or renovation of a new state-certified higher education musical or theatrical facility infrastructure project, or for investments made by a company or a financier in such infrastructure project which are, in turn, expended for such construction, repair, or renovation. No more than ten million dollars in tax credits per project or sixty million dollars total in tax credits shall be granted for state-certified higher education musical or theatrical infrastructure projects. Twenty-five

percent of the total base investment provided for in the initial certification letter of a state-certified higher education musical or theatrical infrastructure project must be expended on or before January 1, 2020, in order for the project to earn credits for the remaining estimated base investment provided for in the initial certification letter, as expenditures are made in the state on or before January 1, 2022. No credits shall be certified until the state-certified higher education musical or theatrical infrastructure project is complete. The initial certification letter shall be effective for qualified expenditures made no more than six months prior to the date of application. State-certified higher education musical or theatrical infrastructure projects shall not be subject to the provisions of Subitem (cc) of this Item nor shall such projects be subject to the provisions of Subsection H of this Section.

~~(f) The facility will be used for the production or performance of musical or theatrical production activities, or as a support and component thereof, for the useful life of the facility.~~

~~(H) No tax credits shall be earned on such multiple-use facilities until the facility directly used in musical or theatrical productions or performances is complete."~~

AMENDMENT NO. 8

On page 2, after line 4, insert the following:

"(3) Tax credits associated with a state-certified musical or theatrical production or a state-certified musical or theatrical facility infrastructure project shall never exceed the total base investment in that production or infrastructure project ~~and transportation expenditures.~~

* * *

E. Certification and administration:

(1)

* * *

(e) Prior to the final certification of a production or infrastructure project, the applicant shall submit to the Department of Economic Development ~~a report an audit~~ of the final amount of expenditures qualifying for credits pursuant to this Section, which report the Department of Economic Development may require to be prepared by an independent certified public accountant. The Department of Economic Development shall review the ~~report audit~~ and shall issue a final tax credit certification letter, certifying the applicant and indicating the type and amount of tax credits for which the applicant or other companies or financiers are eligible pursuant to this Section.

* * *

F.(1) ~~Recapture of credits. If the Department of Economic Development, or the Department of Revenue find that funds for which a taxpayer received credits according to this Section were not expended for expenditures qualifying for a credit as provided in this Section, then the taxpayer's state income tax for such taxable period shall be increased by such amount necessary for the recapture of credit provided by this Section.~~

~~(2)(a) Recovery of credits by Department of Revenue. Credits granted to a taxpayer, but later disallowed, may be recovered by the secretary of the Department of Revenue through any collection remedy authorized by R.S. 47:1561 and initiated within three years from December thirty-first of the year in which the credit was taken.~~

~~(b) The only interest that may be assessed and collected on recovered credits is interest at a rate three percentage points above~~

the rate provided in R.S. 9:3500(B)(1), which shall be computed from the original date of the return on which the credit was taken.

(3) The provisions of this Subsection are in addition to and shall not limit the authority of the secretary of the Department of Revenue to assess or to collect under any other provision of law. Disallowance of credits by the Department of Economic Development. Tax credits shall be subject to disallowance in whole or in part, if the Department of Economic Development finds that a taxpayer has obtained a tax credit in violation of the provisions of this Section, including but not limited to fraud or misrepresentation, as further provided by rule.

G. The Department of Economic Development shall prepare, with input from the Legislative Fiscal Office, a written report to be submitted to the Senate Committee on Revenue and Fiscal Affairs and the House of Representatives Committee on Ways and Means no less than sixty days prior to the start of the Regular Session of the Legislature in 2008, and every second year thereafter. The report shall include the overall impact of the tax credits, the amount of the tax credits issued, the number of net new jobs created, the amount of Louisiana payroll created, the economic impact of the tax credits and the state-certified musical and theatrical productions and infrastructure projects, the amount of new infrastructure that has been developed in the state, and any other factors that describe the impact of the program: Recovery of credits by the Department of Revenue.

(1) Credits previously granted to a taxpayer but later disallowed by the Department of Economic Development may be recovered by the secretary of the Department of Revenue through any collection remedy authorized by R.S. 47:1561 and initiated within three years from December thirty-first of the year in which the credit was taken. If the taxpayer that claimed the credit is an entity, the Department of Revenue shall first seek recapture from the entity that claimed the credit. If the entire amount of the credit subject to recapture cannot be recaptured from the entity, the remaining credit shall be recaptured from owners of the entity. The amount of the credit subject to recapture shall be allocated among the partners, members, or shareholders in proportion to their ownership interests at the time the credit was claimed.

(2) The only interest that may be assessed and collected on recovered credits is interest at a rate three percentage points above the rate provided for in R.S. 9:3500(B)(1), which shall be computed from the original date of the return on which the credit was taken.

(3) The provisions of this Subsection are in addition to and shall not limit the authority of the secretary of the Department of Revenue to assess or to collect under any other provision of law.

Section 2. R.S. 47:6034(C)(1)(b), (e), and (f) are hereby repealed in their entirety."

On motion of Rep. Robideaux, the amendments were adopted.

On motion of Rep. Robideaux, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 501—

BY REPRESENTATIVES MORENO AND WESLEY BISHOP
AN ACT

To amend and reenact R.S. 47:6034(A),(B)(4), (8), (9), (10), and (11), (C)(1)(a)(ii)(aa) and (3), (E)(1)(e), (F), and (G) and to repeal R.S. 47:6034(C)(1)(b), (e), and (f) relative to tax credits; to provide with respect to the state-certified musical or theatrical facility infrastructure income tax credit; to extend the sunset of the tax credit in certain circumstances; to provide a deadline for certain projects to receive initial certification for the tax credit; to provide relative to certain definitions; to provide for certain requirements and limitations; to provide with respect to the

application for such tax credits and certification of productions and infrastructure projects; to provide for the disallowance of credits; to provide for the recovery of credits; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Ways and Means.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Ways and Means to Original House Bill No. 501 by Representative Moreno

AMENDMENT NO. 1

On page 1, line 2, after "reenact" and before "relative" delete "R.S. 47:6034(C)(1)(a)(ii)(aa)," and insert the following:

"R.S. 47:6034(A),(B)(4), (8), (9), (10), and (11), (C)(1)(a)(ii)(aa) and (3), (E)(1)(e), (F), and (G) and to repeal R.S. 47:6034(C)(1)(b), (e), and (f)"

AMENDMENT NO. 2

On page 1, delete line 3 in its entirety and insert "respect to the state-certified musical or theatrical facility infrastructure income tax credit;"

AMENDMENT NO. 3

On page 1, line 5, after "credit;" and before "and" insert the following:

"to provide relative to certain definitions; to provide for certain requirements and limitations; to provide with respect to the application for such tax credits and certification of productions and infrastructure projects; to provide for the disallowance of credits; to provide for the recovery of credits;"

AMENDMENT NO. 4

On page 1, line 8, after "Section 1." delete the remainder of the line and insert the following:

"R.S. 47:6034(A),(B)(4), (8), (9), (10), and (11),(C)(1)(a)(ii)(aa) and (3), (E)(1)(e), (F), and (G) are hereby amended and reenacted to read"

AMENDMENT NO. 5

On page 1, delete line 11 in its entirety and insert the following:

"A. Purpose. It is the intention of the legislature in creating these ~~five~~ different types of tax credits: a credit for qualified production expenditures made from investments in a state-certified musical or theatrical production; a credit for the construction, repair, or renovation of facilities related to such productions and performances; ~~a credit for qualified transportation costs for performance-related property~~; a credit for the payroll of Louisiana residents employed in connection with a state-certified musical or theatrical production; and a credit for employing college, university, and vocational-technical students employed in connection with a state-certified musical or theatrical production, to establish and promote Louisiana as one of the primary places in the United States in which live performances, from creation to presentation are present and thriving. The live performance industry will enhance economic development because it fits well with the state's reputation as a tourist destination, will offer numerous and varied employment

opportunities, and in conjunction with the available federal and state incentives, will be an attraction for new and relocating businesses and will provide for the reinventing of countless abandoned properties as either performance or rehearsal spaces. The live performance industry will also spur educational development: Louisiana colleges, universities, and vocational-technical schools will be able to offer talented undergraduate and graduate students from this state, other states, and around the world a real-world opportunity to participate in degree programs across the state that work on the various productions in accounting, law, management, and marketing and to fill arts-related positions such as actors, writers, producers, stagehands, and directors, as well as technicians working on all aspects of the production such as lighting, sound, and actual stage production and operations.

B. Definitions. For the purposes of this Section:

* * *

~~(4) "Limited state-certified musical or theatrical production" means a musical or theatrical production or a series of productions occurring in Louisiana by a nonprofit community theater that held a public performance before an audience within this state during the 2008 calendar year which has been certified, verified, and approved in accordance with the provisions of this Section. "Infrastructure expenditures" means expenditures directly related to the state-certified infrastructure project, including land and land acquisition costs, construction costs, design fees, furniture, fixtures, and equipment purchased subject to a sale agreement or capital lease. Infrastructure expenditures shall not include indirect costs such as general administrative costs, insurance, or any costs related to the transfer or allocation of tax credits. The Department of Economic Development may determine if expenditures submitted as production-related costs or capital costs related to an infrastructure facility, represent legitimate expenditures for the actual costs or related goods or services, having economic substance and a business purpose related to the certified production or facility, and not constructive dividends, self-dealing, inflated prices or similar transactions entered into for the purpose of inflating the amount of tax credits earned rather than for the benefit of the production or facility.~~

* * *

~~(8) "Related party transaction" means a transaction between parties deemed to be related by common ownership or control, under generally accepted auditing principles. Related party transaction expenditures may be subject to limitations, as provided for by rules and regulations promulgated by the department.~~

~~(9)(a) "Resident" or "resident of Louisiana" means a natural person and, for the purpose of determining eligibility for the tax incentives provided by this Section, a person who qualifies for any of the following reasons:~~

- ~~(i) The person is domiciled in the state of Louisiana.~~
- ~~(ii) The person maintains a permanent place of abode within the state and spends in the aggregate more than six months of each year within the state.~~
- ~~(iii) The person pays taxes to the state on the amount of money paid to such person for which a credit is sought pursuant to this Section.~~

~~(b) A company owned or controlled by such a person and which lends the services of such a person for a state-certified musical or theatrical production shall also be deemed a resident if such company is organized or authorized to do business in the state and such company pays taxes to the state on the amount of money paid to such company for such services of such person.~~

~~(9) (10) "State-certified musical or theatrical facility infrastructure project" or "state-certified infrastructure project" means a capital infrastructure project in the state directly related to the production or performance of musical or theatrical productions as defined in this Section, and movable and immovable property and equipment related thereto, or any other facility which supports and is a necessary component of such facility; a new or rehabilitated proscenium or black-box theatre infrastructure project located in the state and any expenditures in the state directly related to the construction, repair, or renovation of such project, which are certified, verified, and approved as provided for in this Section. The primary purpose of the proposed facility must be to host live performances and must have a minimum capacity of five hundred. Expenditures attributable to areas other than where live performances will take place may comprise no more than twenty-five percent of total qualifying expenditures.~~

~~(10)(a) (11)(a) "State-certified musical or theatrical production" means a musical or theatrical production performed in this state, including but not limited to concerts, musical tours, ballet, dance, comedy revue, or live variety entertainment, or a series of productions occurring over the course of a twelve-month period, and the recording or filming of such production, which originate, are developed, or have their initial public performance before an audience within Louisiana, or which have their United States debut within Louisiana, and the production expenditures, expenditures for the payroll of residents, transportation expenditures, and expenditures for employing college and vocational-technical students related to such production or productions, that are certified, verified, and approved as provided for in this Section. Non-qualifying projects include, but are not limited to non-touring music and cultural festivals, industry seminars, and trade shows, and any production activity taking place outside the state.~~

~~(b) A "state-certified musical or theatrical production" which shall be eligible for recertification and the credit provided for in this Section shall include a previously certified musical or theatrical production which received a credit pursuant to this Section, and which is otherwise eligible pursuant to this Section, which returns for performances within the state after being performed on Broadway.~~

~~(11)(a) "Transportation expenditures" means expenditures for the packaging, crating, and transportation both to the state for use in a state-certified musical or theatrical production of sets, costumes, or other tangible property constructed or manufactured out of state, and/or from the state after use in a state-certified musical or theatrical production of sets, costumes, or other tangible property constructed or manufactured in this state. Such term shall include the packaging, crating, and transporting of property and equipment used for special and visual effects, sound, lighting, and staging, costumes, wardrobes, make-up and related accessories and materials, as well as any other performance or production-related property and equipment; provided that transportation services are purchased through a company which has a significant business presence in the state.~~

~~(b) "Transportation expenditures" shall not include any costs to transport property and equipment to be used only for filming and not in a state-certified production, any indirect costs, any expenditures that are later reimbursed by a third party, or any amounts that are paid to persons or entities as a result of their participation in profits from the exploitation of the production."~~

AMENDMENT NO. 6

On page 1, delete lines 18 and 19 in their entirety and insert the following:

"(ii)(aa) ~~Until~~ For state-certified infrastructure projects which receive initial certification on or after July 1, 2013, and before January 1, 2014, a base investment credit may be granted earned for certified, verified, and approved expenditures made in the state on or before January 1, 2015, for the construction, repair,"

AMENDMENT NO. 7

On page 2, line 4, after "Item." delete the remainder of the line, delete line 5 in its entirety and from the beginning of line 6 delete "January 1, 2015."

AMENDMENT NO. 8

On page 2, after line 8, insert the following:

"(3) Tax credits associated with a state-certified musical or theatrical production or a state-certified musical or theatrical facility infrastructure project shall never exceed the total base investment in that production or infrastructure project ~~and transportation expenditures.~~

* * *

E. Certification and administration:

(1)

* * *

(e) Prior to the final certification of a production or infrastructure project, the applicant shall submit to the Department of Economic Development ~~a report~~ an audit of the final amount of expenditures qualifying for credits pursuant to this Section, which report the Department of Economic Development may require to be prepared by an independent certified public accountant. The Department of Economic Development shall review the ~~report~~ audit and shall issue a final tax credit certification letter, certifying the applicant and indicating the type and amount of tax credits for which the applicant or other companies or financiers are eligible pursuant to this Section.

* * *

~~F.(1) Recapture of credits. If the Department of Economic Development, or the Department of Revenue find that funds for which a taxpayer received credits according to this Section were not expended for expenditures qualifying for a credit as provided in this Section, then the taxpayer's state income tax for such taxable period shall be increased by such amount necessary for the recapture of credit provided by this Section.~~

~~(2)(a) Recovery of credits by Department of Revenue. Credits granted to a taxpayer, but later disallowed, may be recovered by the secretary of the Department of Revenue through any collection remedy authorized by R.S. 47:1561 and initiated within three years from December thirty-first of the year in which the credit was taken.~~

~~(b) The only interest that may be assessed and collected on recovered credits is interest at a rate three percentage points above the rate provided in R.S. 9:3500(B)(1), which shall be computed from the original date of the return on which the credit was taken.~~

~~(3) The provisions of this Subsection are in addition to and shall not limit the authority of the secretary of the Department of Revenue to assess or to collect under any other provision of law. Disallowance of credits by the Department of Economic Development. Tax credits shall be subject to disallowance in whole or in part, if the Department of Economic Development finds that a taxpayer has obtained a tax credit in violation of the provisions of this Section, including but not limited to fraud or misrepresentation, as further provided by rule.~~

G. The Department of Economic Development shall prepare, with input from the Legislative Fiscal Office, a written report to be submitted to the Senate Committee on Revenue and Fiscal Affairs and the House of Representatives Committee on Ways and Means no less than sixty days prior to the start of the Regular Session of the

~~Legislature in 2008, and every second year thereafter. The report shall include the overall impact of the tax credits, the amount of the tax credits issued, the number of net new jobs created, the amount of Louisiana payroll created, the economic impact of the tax credits and the state-certified musical and theatrical productions and infrastructure projects, the amount of new infrastructure that has been developed in the state, and any other factors that describe the impact of the program. Recovery of credits by the Department of Revenue.~~

(1) Credits previously granted to a taxpayer but later disallowed by the Department of Economic Development may be recovered by the secretary of the Department of Revenue through any collection remedy authorized by R.S. 47:1561 and initiated within three years from December thirty-first of the year in which the credit was taken. If the taxpayer that claimed the credit is an entity, the Department of Revenue shall first seek recapture from the entity that claimed the credit. If the entire amount of the credit subject to recapture cannot be recaptured from the entity, the remaining credit shall be recaptured from owners of the entity. The amount of the credit subject to recapture shall be allocated among the partners, members, or shareholders in proportion to their ownership interests at the time the credit was claimed.

(2) The only interest that may be assessed and collected on recovered credits is interest at a rate three percentage points above the rate provided for in R.S. 9:3500(B)(1), which shall be computed from the original date of the return on which the credit was taken.

(3) The provisions of this Subsection are in addition to and shall not limit the authority of the secretary of the Department of Revenue to assess or to collect under any other provision of law.

Section 2. R.S. 47:6034(C)(1)(b), (e), and (f) are hereby repealed in their entirety."

On motion of Rep. Robideaux, the amendments were adopted.

On motion of Rep. Robideaux, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 538—

BY REPRESENTATIVES SCHRODER AND KLECKLEY
AN ACT

To amend and reenact R.S. 49:150.1, relative to the state capitol complex; to provide for the allocation and use of space within the state capitol complex; to provide relative to the security of the state capitol and surrounding grounds; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on House and Governmental Affairs.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on House and Governmental Affairs to Original House Bill No. 538 by Representative Schroder

AMENDMENT NO. 1

On page 1, line 13, after "buildings," and before "and" delete "capitol annex."

AMENDMENT NO. 2

On page 2, at the end of line 5, delete "lieutenant"

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AMENDMENT NO. 3

On page 2, delete lines 6 and 7 in their entirety and insert the following:

"secretary of state shall have office space on the twentieth floor of the state capitol and may designate an office for use by the commissioner of insurance. The attorney general shall have office space on the twenty-second and twenty-third floors of the state capitol. That"

AMENDMENT NO. 4

On page 2, line 19, change "jointly determined" to "determined jointly"

AMENDMENT NO. 5

On page 2, line 19, after "by" and before "the speaker" insert "the governor."

AMENDMENT NO. 6

On page 2, line 20, after "Representatives" and before "and" insert a comma ","

AMENDMENT NO. 7

On page 2, line 21, delete "(1)"

AMENDMENT NO. 8

On page 2, at the beginning of line 22, delete "capitol annex."

AMENDMENT NO. 9

On page 3, delete lines 5 through 7 in their entirety

AMENDMENT NO. 10

On page 4, line 2, change "State Capitol" to "state capitol"

On motion of Rep. Tim Burns, the amendments were adopted.

On motion of Rep. Tim Burns, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 592—

BY REPRESENTATIVE THIBAUT
AN ACT

To amend and reenact R.S. 44:4.1(B)(11) and to enact Subpart A-1 of Part III of Chapter 4 of Title 22 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 22:1019.1 through 1019.3, relative to ensuring the adequacy, accessibility, and quality of health care services offered to covered persons by a health insurance issuer in its health benefit plan networks; to provide for definitions; to provide with respect to standards for the creation and maintenance of health benefit plan networks by health insurance issuers; to provide with respect to the Public Records Law; to provide for regulation and enforcement by the commissioner of insurance, including imposition of fines and penalties; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on House and Governmental Affairs.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on House and Governmental Affairs to Engrossed House Bill No. 592 by Representative Thibaut

AMENDMENT NO. 1

On page 2, line 21, after "services" means" delete the remainder of the line and delete line 22 and at the beginning of line 23, delete "illness, injury, or disease" and insert "health care services"

AMENDMENT NO. 2

On page 3, line 15, change "on call" to "on-call"

AMENDMENT NO. 3

On page 5, line 29, change "issuance" to "insurance"

AMENDMENT NO. 4

On page 6, line 23, after "22:42.1." and before "The" insert "If the commissioner concurs with the request, those sections of the access plan shall not be subject to the Public Records Law or shall not be made public in accordance with R.S. 22:42.1 as applicable."

AMENDMENT NO. 5

On page 6, at the end of line 23, delete "such" and insert "any such"

AMENDMENT NO. 6

On page 7, line 5, delete "only"

AMENDMENT NO. 7

On page 7, line 6, after "Subparagraph" and before "for" insert "only"

AMENDMENT NO. 8

On page 7, line 8, after "accreditation" delete the comma ","

AMENDMENT NO. 9

On page 8, line 26, change "should" to "shall"

AMENDMENT NO. 10

On page 12, line 9, delete "706,"

On motion of Rep. Tim Burns, the amendments were adopted.

On motion of Rep. Tim Burns, the bill, as amended, was ordered reengrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 614—

BY REPRESENTATIVE HUVAL
AN ACT

To amend and reenact R.S. 44:4.1(B)(11) and to enact R.S. 22:821(B)(36) and 1566, relative to health insurance navigators; to provide for definitions; to provide with respect to licensing and regulation by the commissioner of insurance of individuals and entities as navigators for health benefit exchanges, including the authority of the commissioner to assess fees and impose penalties; to provide for an exemption from the Public Records Law; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on House and Governmental Affairs.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on House and Governmental Affairs to Engrossed House Bill No. 614 by Representative Huval

AMENDMENT NO. 1

On page 4, at the beginning of line 16, delete "(4) Entities licensed as navigators" and insert "(4) Each entity licensed as a navigator"

AMENDMENT NO. 2

On page 4, line 18, after "supervises, or" delete the remainder of the line and insert "with whom it is affiliated."

AMENDMENT NO. 3

On page 7, line 6, change "(E)(1)" to "(F)(1)"

AMENDMENT NO. 4

On page 7, line 8, after "The commissioner" delete "shall have power to" and insert "may"

AMENDMENT NO. 5

On page 8, line 12, after "I. The" delete "requirements" and insert "provisions"

AMENDMENT NO. 6

On page 8, line 16, after "R.S." delete "49:950," and insert "49:950 et seq.,"

AMENDMENT NO. 7

On page 9, line 1, delete "706,"

On motion of Rep. Tim Burns, the amendments were adopted.

On motion of Rep. Tim Burns, the bill, as amended, was ordered reengrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 617— BY REPRESENTATIVES ORTEGO AND EDWARDS AN ACT

To enact Subpart KK of Part I of Chapter 1 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 47:120.181, relative to state individual income tax return checkoffs for certain donations; to provide for a method for individuals to donate a portion of any refund due to them to the Louisiana National Guard Honor Guard for Military Funerals; to provide for the disposition of such donated monies; to establish the Honor Guard for Military Funerals Fund as a special escrow fund in the state treasury; to provide for the administration and use of monies in the fund; to authorize the secretary of the Department of Revenue to make certain deposits into the fund; to provide for reporting; to provide for an effective date; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Ways and Means.

On motion of Rep. Robideaux, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the local and consent calendar.

HOUSE BILL NO. 621— BY REPRESENTATIVES ABRAMSON AND CHAMPAGNE AN ACT

To provide for the calling of a constitutional convention for the purpose of framing a new constitution; to place restrictions on the convention and to limit the convention to the consideration and submission of matters related to certain specified fiscal and related subjects; to provide for legislative findings; to fix the time and place for the convention; to provide for the qualifications and election or appointment of delegates; to create a constitutional convention Evaluation and Drafting Committee and provide for preparations and planning for the convention, including a draft of a proposed constitution; to provide for the organization and staff of the convention; to require that the constitution as adopted by the convention, including any alternative provisions, be submitted to the qualified electors for adoption and to provide relative to such submission; to provide for penalties for violations relating to elections; to require appropriation of funds for the convention and provide with respect to convention funds; to fix the effective date of the new constitution if approved by the electorate; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on House and Governmental Affairs.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on House and Governmental Affairs to Original House Bill No. 621 by Representative Abramson

AMENDMENT NO. 1

On page 9, at the end of line 15, delete "The" and insert in lieu thereof "Not later than July 23, 2014, the"

AMENDMENT NO. 2

On page 9, at the beginning of line 17, after "Section" delete the remainder of the line and insert in lieu thereof a period "." and "Each"

AMENDMENT NO. 3

On page 9, line 20, after "candidacy with the" delete the remainder of the line and insert in lieu thereof "clerk of court for the parish in which the candidate is registered to vote during the"

AMENDMENT NO. 4

On page 16, line 11, between "work" and "subject" insert a comma "," and "and not later than July 22, 2015,"

On motion of Rep. Tim Burns, the amendments were adopted.

On motion of Rep. Tim Burns, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 630—

BY REPRESENTATIVES LEGER, BROSSETT, BURFORD, HENRY BURNS, JEFFERSON, MORENO, AND PATRICK WILLIAMS AND SENATOR MORRELL

AN ACT

To amend and reenact R.S. 47:6019(A)(1)(a), (2)(a), and (3)(b)(i)(cc), (B)(1)(a), and (C), relative to tax credits for the rehabilitation of historic structures; to provide for income and corporation franchise tax credits for costs associated with the rehabilitation of historic structures; to provide for certain eligible municipalities and qualifications; to provide with respect to definitions; to provide for certain notifications and requirements; to extend the taxable periods in which the tax credit shall be applicable; to provide for an effective date; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Ways and Means.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Ways and Means to Original House Bill No. 630 by Representative Leger

AMENDMENT NO. 1

On page 1, line 2, after "reenact" delete the remainder of the line, delete line 3 in its entirety and from the beginning of line 4, delete "47:6019(3)(b)(i)(dd) and (ii)(dd)(IV)" and insert the following:

"R.S. 47:6019(A)(1)(a), (2)(a), and (3)(b)(i)(cc), (B)(1)(a), and (C)"

AMENDMENT NO. 2

On page 1, line 5, after "income" delete the comma "," and delete "premium,"

AMENDMENT NO. 3

On page 1, line 12, after "Section 1." delete the remainder of the line, delete lines 13 through 19 in their entirety, on page 2, delete lines 1 through 9 in their entirety and insert the following:

"R.S. 47:6019(A)(1)(a), (2)(a), and (3)(b)(i)(cc), (B)(1)(a), and (C) are hereby amended and reenacted to read as follows:"

AMENDMENT NO. 4

On page 2, line 11, after "against" delete the remainder of the line and from the beginning of line 12, delete "R.S. 22:832(F),"

AMENDMENT NO. 5

On page 3, delete lines 1 through 14 in their entirety and insert the following:

"(3)
* * *
(b)(i)"

AMENDMENT NO. 6

On page 3, delete lines 26 through 29 in their entirety

AMENDMENT NO. 7

On page 4, delete lines 1 through 16 in their entirety

AMENDMENT NO. 8

On page 4, delete lines 18 through 19 in their entirety

AMENDMENT NO. 9

On page 5, at the beginning of line 9, change "Section 3." to Section 2."

On motion of Rep. Robideaux, the amendments were adopted.

On motion of Rep. Robideaux, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 671—

BY REPRESENTATIVE FOIL

AN ACT

To enact R.S. 17:3351.11(E) and 3351.17 through 3351.19, relative to the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College; to authorize the board to impose certain tuition and fee amounts at certain institutions; to provide for effectiveness; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Education.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Education to Original House Bill No. 671 by Representative Foil

AMENDMENT NO. 1

On page 3, line 21, after "College;" and before "fee;" change "technology and infrastructure enhancement" to "facilities use and maintenance"

AMENDMENT NO. 2

On page 3, at the end of line 26, delete "Louisiana" and delete lines 27 and 28 and on page 4, delete lines 1 through 10 and insert "each institution under its management and supervision, for the Fall 2013 semester and thereafter, a facilities use and maintenance fee in an amount not to exceed sixty dollars per semester."

On motion of Rep. Carter, the amendments were adopted.

On motion of Rep. Carter, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 681—

BY REPRESENTATIVE ORTEGO

AN ACT

To amend and reenact R.S. 47:6035(B)(1), relative to income tax credits; to provide with respect to the tax credit for conversion of vehicles to alternative fuel usage; to provide for the definition of "alternative fuel"; to provide for applicability; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Ways and Means.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Ways and Means to Original House Bill No. 681 by Representative Ortego

AMENDMENT NO. 1

On page 1, line 4, after "fuel"; and before "and to" insert "to provide for applicability;"

AMENDMENT NO. 2

On page 1, at the end of line 18, insert the following:

"Alternative fuel" shall also mean electricity if the vehicle meets all of the following criteria:

(a) Has at least four wheels.

(b) Is manufactured primarily for use on public streets, roads, and highways and is able to attain a maximum speed of at least 55 miles per hour.

(c) Is propelled to a significant extent by an electric motor which draws electricity from a battery which has a capacity of not less than four kilowatt hours and is capable of being recharged from an external source of electricity."

AMENDMENT NO. 3

On page 1, after line 19, insert the following:

"Section 2. The provisions of this Act shall be applicable for taxable years beginning on or after January 1, 2014."

On motion of Rep. Robideaux, the amendments were adopted.

On motion of Rep. Robideaux, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 686—
BY REPRESENTATIVE GAROFALO
AN ACT

To enact Chapter 48 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:3025 through 3029, relative to tax credits; to establish the Firearm and Ammunition Manufacturers Tax Credit Program; to authorize contracts with certain businesses that establish or relocate a headquarters or manufacturing facility in the state; to provide for the content and approval of contracts; to authorize tax credits; to provide for administrative authority of the Department of Economic Development for purposes of the program; to provide for an effective date; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Ways and Means.

On motion of Rep. Robideaux, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the local and consent calendar.

HOUSE BILL NO. 571—
BY REPRESENTATIVE ROBIDEAUX
AN ACT

To amend and reenact R.S. 51:1791, 2453(1), (2)(a), (3), (4), (5)(introductory paragraph), 2454(A), (B)(1)(introductory paragraph), 2457(A)(1), (B), and (C), 2458(7), and 3121, to enact R.S. 47:6039 and Chapter 5 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, to be comprised of R.S.

47:6360 through 6374 and R.S. 51:1792, 1793, 1794, and 2453(8)(g), 2457(D), (E), (F) and (G) and to repeal R.S. 51:2453(6), relative to rebates and rebate programs; to establish certain rebate programs; to provide for the eligibility of rebate applicants; to provide for the amount of rebate payments; to provide for the administration of rebate programs; to authorize the promulgation of rules and regulations; to provide for the establishment of certain registries; to require the registration of certain information; to authorize the collection of a fee; to provide for effectiveness; and to provide for related matters.

Called from the calendar.

Read by title.

Rep. Robideaux sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Robideaux to Original House Bill No. 571 by Representative Robideaux

AMENDMENT NO. 1

On page 1, line 2, after "reenact" delete the remainder of the line and insert "R.S. 51:1787(A)(3) and (B)(3) and 1791,"

AMENDMENT NO. 2

On page 1, delete lines 3 through 8 in their entirety, at the beginning of line 9, delete "amount of rebate payments," and insert the following:

"relative to rebates and rebate programs, to provide requirements for rebate contracts;"

AMENDMENT NO. 3

On page 1, line 10, after "regulations;" delete the remainder of the line, delete line 11 in its entirety, and from the beginning of line 12 delete "the collection of a fee;"

AMENDMENT NO. 4

On page 1, line 15, after "Section 1." delete the remainder of the line, delete lines 16 through 20 in their entirety, delete pages 2 through 74 in their entirety, on page 75, delete lines 1 through 25 in their entirety, and insert the following:

"R.S. 51:1787(A)(3) and (B)(3) and 1791 are hereby amended and reenacted to read as follows:

§1787. Incentives

A. The board, after consultation with the secretaries of the Department of Economic Development and Department of Revenue, and with the approval of the governor, may enter into contracts not to exceed five years to provide:

* * *

(3) The tax credit provided in Paragraph (2) of this Subsection shall be applicable only to a position within the state that did not previously exist in the business enterprise and that is filled by a person who is a citizen of the United States and who is domiciled in Louisiana, or who is a citizen of the United States and becomes domiciled in Louisiana within sixty days after his employment in such position, performing duties in connection with the operation of the business enterprise either as a regular, full-time employee or as a part-time employee employed for at least twenty hours per week for at least six months during the taxable year. The total number of

credits allowed to a business enterprise for employees who are citizens of the United States and who become domiciled in Louisiana within sixty days after employment shall not exceed fifty percent of the total number of credits allowed to the business enterprise under the contract.

B. The board may enter into the contracts provided in Subsection A of this Section provided that:

* * *

(3) (a) The business certifies that at least ~~thirty-five~~ fifty percent of its employees:

~~(a)~~(i) Are residents of either:

~~(i)~~ (aa) Any enterprise zone in Louisiana for a business located in an urban enterprise zone, or a business not located in either an enterprise zone or an economic development zone.

~~(ii)~~ (bb) The same parish as the location of the business, or any enterprise zone in Louisiana, for a business located in a rural enterprise zone, an economic development zone, or an enterprise zone in Calcasieu Parish.

~~(b)~~ (ii) Were receiving some form of public assistance prior to employment.

~~(c)~~ (iii) Were considered unemployable by traditional standards, or lacking in basic skills.

~~(d)~~ (iv) Any combination of the above.

(b) In addition to the requirements of Subparagraph (a) of this Paragraph, eligibility for a retail business which is located in an enterprise zone and has more than one hundred employees nationwide including affiliates prior to the contract effective date shall be limited to grocery stores and pharmacies, as such terms are defined by the department by rules promulgated in accordance with the Administrative Procedure Act.

(c) ~~Such certification~~ The certifications required by Subparagraph (a) of this Paragraph shall be updated annually if the business is to continue receiving the benefits of this Chapter.

* * *

AMENDMENT NO. 5

On page 76, at the beginning of line 7, delete "1792 et seq." and insert "1787"

AMENDMENT NO. 6

On page 76, delete lines 9 through 29 in their entirety, delete pages 77 through 107 in their entirety, and insert the following:

"Section 2. The provisions of this Act shall apply to the renewal of any existing contract occurring on or after the effective date of this Act, and any new contract entered into on or after the effective date of this Act.

Section 3. (A) This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

(B) This Act shall take effect and become operative only if the proposed amendments of the Constitution of Louisiana contained in

the Joint Resolutions which originated as House Bill Nos. 434, 435, and 436 of this 2013 Regular Session of the Legislature are concurred in by both houses of the legislature and House Bill Nos. 1, 437, 456, 474, 571, 620, 653 and 696 of this 2013 Regular Session of the Legislature are enacted into law."

On motion of Rep. Robideaux, the amendments were adopted.

On motion of Rep. Robideaux, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 653—
BY REPRESENTATIVE ROBIDEAUX
AN ACT

To amend and reenact R.S. 4:168 and 227, R.S. 32:707(A), R.S. 47:301, 301.1(B)(2), (D) and (E), 302(D), 303(E)(1), and (F), 304(A), 305, 305.6, 305.7, 305.9, 305.11, 305.16, 305.17, 305.19, 305.28, 305.41, 305.43(A), (B), and (E), 305.44(A) 305.49, 305.50(F), 305.57(A), 305.59, 305.61, 305.62(B)(1), 305.64(A)(1) and (B), 305.65, 305.68, 305.70, 306(A)(3), and 6001(A), to enact R.S. 47:306(A)(3) and (F), Chapter 2-E of Subtitle II of Title 47 of the Louisiana Revised statutes of 1950, to be comprised of R.S. 47:339, and Chapter 2-F of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 47:340, and to repeal R.S. 47:305.20(C), 305.26, 305.33, 305.40, 305.42, 305.54, 305.56, 305.58, 305.60, 305.64(C), 305.66, 315.2, 315.3, 315.5, 306.1, and Section 4 of Act No. 386 of the 1990 Regular Session of the Legislature, relative to state sales and use taxes; to provide for tax rates; to provide for the taxability of certain sales and other transactions involving certain tangible personal property and services; to provide with respect to exclusions, exemptions and other special tax treatment; to provide with respect to severability; to provide for effectiveness; and to provide for related matters.

Called from the calendar.

Read by title.

Rep. Robideaux sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Robideaux to Original House Bill No. 653 by Representative Robideaux

AMENDMENT NO. 1

On page 1, line 2, after "reenact" delete the remainder of the line and delete lines 3 through 5 in their entirety

AMENDMENT NO. 2

On page 1, line 6, delete "305.68, 305.70, 306(A)(3), and 6001(A), to enact" and delete "and (F), Chapter" and insert in lieu thereof "and to enact R.S. 47:302(U)"

AMENDMENT NO. 3

On page 1, delete lines 7 through 11 in their entirety

AMENDMENT NO. 4

On page 1, line 12, delete "1990 Regular Session of the Legislature"

AMENDMENT NO. 5

On page 1, delete line 13 in its entirety and insert "provide with respect to the collection of tax on"

AMENDMENT NO. 6

On page 1, line 14, delete "to provide" and delete line 15 in its entirety and on line 16, delete "with respect to severability"

AMENDMENT NO. 7

On page 1, delete line 19 in its entirety

AMENDMENT NO. 8

On page 2, delete lines 1 through 24 in their entirety

AMENDMENT NO. 9

On page 2, line 25, after "Section" change "3." to "1" and after "R.S. 47:" delete the remainder of the line and delete lines 26 through 28 in their entirety

AMENDMENT NO. 10

On page 3, line 1, delete "305.68, 305.70," and delete "306.1 and 6001" and change "are" to "is" and after "reenacted" and before "to" insert "and R.S. 47:302(U) is hereby enacted"

AMENDMENT NO. 11

On page 3, delete lines 3 through 29 in their entirety, and delete pages 4 through 66 in their entirety

AMENDMENT NO. 12

On page 67, delete lines 1 through 9 in their entirety and delete lines 12 through 29 on their entirety and insert the following:

"U. Collection of consumer use tax. It is the duty of the secretary of the Department of Revenue to collect all taxes imposed pursuant to this Chapter and Chapters 2-A and 2-B of this Subtitle which may be due upon the sale by a remote seller of tangible personal property or services in Louisiana. The secretary is authorized and directed to employ all means available to ensure the collection of the tax in an equitable, efficient and effective manner."

AMENDMENT NO. 13

Delete pages 68 through 86 in their entirety and on page 87, delete lines 1 through 8 in their entirety

AMENDMENT NO. 14

On page 87, line 22, after "exceed" and before "dollars" change "fifty" to "one hundred"

AMENDMENT NO. 15

On page 87, line 25, after "exceed" and before "dollars" change "fifty" to "one hundred"

AMENDMENT NO. 16

On page 87, delete line 29 in its entirety, delete pages 88 through 97 in their entirety, and insert the following:

"Section 2. The provisions of this Act shall be applicable to all taxable transactions occurring on or after July 1, 2013.

Section 3. (A) This Act shall become effective on July 1, 2013; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on July 1, 2013, or on the day following such approval by the legislature, whichever is later.

(B) This Act shall take effect and become operative only if the proposed amendments of the Constitution of Louisiana contained in the Joint Resolutions which originated as House Bill Nos. 434, 435, and 436 of this 2013 Regular Session of the Legislature are concurred in by both houses of the legislature and House Bill Nos. 1, 437, 456, 474, 571, 620 and 696 of this 2013 Regular Session of the Legislature are enacted into law."

On motion of Rep. Robideaux, the amendments were adopted.

On motion of Rep. Robideaux, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 474—

BY REPRESENTATIVE STUART BISHOP
AN ACT

To amend and reenact R.S. 47:633(7)(c)(iv) and (aa), relative to severance tax on oil and gas; to provide relative to a reduced tax rate on oil produced from a well classified as inactive; and to provide for related matters.

Called from the calendar.

Read by title.

Rep. Stuart Bishop sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Stuart Bishop to Original House Bill No. 474 by Representative Stuart Bishop

AMENDMENT NO. 1

On page 1, line 2, delete "and (aa)" and insert in lieu thereof "and to repeal R.S. 47:633(9)(e)(vii)"

AMENDMENT NO. 2

On page 1, line 3, after "oil" insert "and gas"

AMENDMENT NO. 3

On page 1, line 4, after "inactive;" and before "and" insert "to provide for effectiveness;"

AMENDMENT NO. 4

On page 1, line 6, delete "and (aa)" and change "are" to "is"

AMENDMENT NO. 5

On page 1, line 19, after "shall be" delete the remainder of the line, delete line 20 in its entirety, and on page 2, delete lines 1 through 13 in their entirety, and insert the following:

"exempt from severance tax for a period of five years as provided in this item.

(aa) The provisions of this Subitem apply to a well for which an application was submitted before July 1, 2010, for the five year exemption period which ended on June 30, 2010, hereinafter referred to in this Subitem as "initial exemption period". Beginning July 1, 2013, and for the period of time remaining in the initial exemption period, oil production shall be subject to a severance tax equal to three and one eighth percent of its value and gas production shall be subject to a severance tax equal to twenty-five percent of the rate established in Paragraph (9) of this Section. Upon expiration of an initial exemption period, an additional five year exemption period

shall be allowed during which time oil production shall be subject to a severance tax of six and one quarter percent of its value and gas production shall be subject to a severance tax equal to fifty percent of the rate established in Paragraph (9) of this Section. The exemption shall be extended by the length of any inactivity of a well that has commenced production when such inactivity is caused by a force majeure.

(bb) Beginning July 1, 2015, application may be made for certification of an inactive well for a ten year period in which oil production shall be subject to a severance tax of six and one quarter percent of its value and gas production shall be subject to a severance tax equal to fifty percent of the rate established in Paragraph (9) of this Section. for a period of five years when returned to service after being inactive for two or more years or having thirty days or less of production during the past two years. The exemption shall be extended by the length of any inactivity of a well that has commenced production when such inactivity is caused by a force majeure.

~~(aa)~~ (cc) To qualify for inactive well status for purposes of eligibility for a reduced severance tax rate as provided for in this Item, an application for a two-year inactive well certification shall be made to the Department of Natural Resources, before commencement of production, during the period beginning July 31, 1994 and ending June 30, 2000, for the period beginning July 1, 2002 and ending June 30, 2006, and for the period beginning July 1, 2006 and ending June 30, 2010. Upon certification that a well is inactive, all production is exempt from severance tax for a period of five years from the date production begins or ninety days from the date of the application, whichever occurs first.

~~(bb)~~ (dd) If the severance tax is paid at the full rate provided by this Section before the Department of Natural Resources approves an application for two-year inactive well status, the operator is entitled to a credit against taxes imposed by this Section in an amount equal to the tax paid. To receive a credit, the operator must apply to the secretary of the Department of Revenue for the credit not later than the first anniversary after the date the Department of Natural Resources certifies that the well is a two-year inactive well.

AMENDMENT NO. 6

On page 2, after line 14, insert the following:

"Section 2. R.S. 47:633(9)(e)(vii) is hereby repealed in its entirety.

Section 3. (A) This Act shall become effective on July 1, 2013; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on July 1, 2013, or on the day following such approval by the legislature, whichever is later.

(B) This Act shall take effect and become operative only if the proposed amendments of the Constitution of Louisiana contained in the Joint Resolutions which originated as House Bill Nos. 434, 435, and 436 of this 2013 Regular Session of the Legislature are concurred in by both houses of the legislature and House Bill Nos. 1, 437, 456, 474, 571, 620, and 696 of this 2013 Regular Session of the Legislature are enacted into law."

On motion of Rep. Stuart Bishop, the amendments were adopted.

On motion of Rep. Stuart Bishop, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 696—

BY REPRESENTATIVE MONTOUCKET
AN ACT

To enact R.S. 47:6039 and to repeal R.S. 17:3389, Chapter 3 of Subtitle V of Title 47 of the Louisiana Revised Statutes of 1950, comprised of R.S. 47:4301 through 4306, Chapter 5 of Subtitle V of Title 47 of the Louisiana Revised Statutes of 1950, comprised of R.S. 47:4331 and 6037, and Chapter 22 of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:1801 through 1813, relative to state income and franchise tax credits; to require the reduction of certain income and franchise tax credits; to repeal certain income tax credits; to provide for an effective date; and to provide for related matters.

Called from the calendar.

Read by title.

Rep. Montoucet sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Montoucet to Original House Bill No. 696 by Representative Montoucet

AMENDMENT NO. 1

On page 1, line 2, after "To" delete the remainder of the line and delete lines 3 through 6 in their entirety and insert the following:

"amend and reenact R.S. 47:6007(B), (C)(1), (4)(b), (e), and (f), and (7), (1)(a) and (b), (2)(a)(i)(cc), (c), and (d) introductory paragraph and (i), (E), and (F)(1), to enact R.S. 47:6007(G) and 6030(G), and to repeal R.S. 47:6007(D)(2)(a)(i)(ee), relative to state"

AMENDMENT NO. 2

On page 1, at the beginning of line 7, delete "and franchise" and after "credits;" insert "to provide with respect to the motion picture investor tax credit;"

AMENDMENT NO. 3

On page 1, line 7, after "reduction of" delete the remainder of the line and from the beginning of line 8, delete "franchise tax credits; to repeal certain income tax credits;" and insert in lieu thereof the following:

"such credit under certain circumstances; to provide for certain definitions; to provide for the certification of expenditures on state-certified productions; to provide with respect to the transfer of tax credits; to provide with respect to the processing fee for the transfer of tax credits; to provide with respect to the certification and administration of tax credits; to provide for certain audit requirements; to provide for the recapture and recovery of tax credits; to provide with respect to the wind or solar energy systems tax credit; to require the reduction of such credit under certain circumstances; to provide for certain limitations;"

AMENDMENT NO. 4

On page 1, line 11, after "Section 1." delete "R.S. 47:6039 is" and insert the following:

"R.S. 47:6007(B), (C)(1), (4)(b), (e), and (f), and (7), (D)(1)(a) and (b), (2)(a)(i)(cc), (c), and (d) (introductory paragraph) and (i), (E), and (F)(1) are"

AMENDMENT NO. 5

On page 1, line 11, after "reenacted" and before "to" insert "and R.S. 47:6007(G) and 6030(G) are hereby enacted"

AMENDMENT NO. 6

On page 1, delete lines 12 through 20 in their entirety and on page 2, delete lines 1 and 2 in their entirety and insert the following:

"§6007. Motion picture investor tax credit

* * *

B. Definitions. For the purposes of this Section:

(1) "Base investment" means cash or cash equivalent investment made and used for production expenditures in the state for a state-certified production.

(2) "Box rental" means private property owned by an employee or individual contractor and leased to a state-certified production, for use in Louisiana on the state -certified production, noted as additional income on a W2 or 1099 tax form.

(3) "Expended in the state" means an expenditure to lease immovable property located in the state; an expenditure as compensation for services performed in the state; or an expenditure to purchase or lease tangible personal property within the state where the transaction is subject to the state sales or lease tax provisions of Title 47 of the Louisiana Revised Statutes of 1950. A transaction that is subject to the state sales or lease tax provisions of Title 47 of the Louisiana Revised Statutes of 1950 shall include transactions which are also subject to a statutory exclusion or exemption.

(4) "Expenditure" means actual cash or cash equivalent exchanged for goods or services.

(5) "Headquartered in Louisiana" means a corporation incorporated in Louisiana or a partnership, limited liability company, or other business entity domiciled and headquartered in Louisiana for the purpose of producing nationally or internationally distributed motion pictures as defined in this Section.

(6) "Motion picture" means a nationally or internationally distributed feature-length film, video, television pilot, television series, television movie of the week, animated feature film, animated television series, or commercial made in Louisiana, in whole or in part, for theatrical viewing, or television viewing, or any digital online platform as approved by the office. The term "motion picture" shall not include the production of television coverage of news and athletic events.

(7) "Motion picture production company" means a company engaged in the business of producing nationally or internationally distributed motion pictures as defined in this Section. Motion picture production company shall not mean or include any company owned, affiliated, or controlled, in whole or in part, by any company or person which is in default on a loan made by the state or a loan guaranteed by the state, nor with any company or person who has ever declared bankruptcy under which an obligation of the company or person to pay or repay public funds or monies was discharged as a part of such bankruptcy.

(8) "Office" means the Governor's Office of Film and Television Development until August 15, 2006; thereafter, the term "office" means the office of entertainment industry development in the Department of Economic Development provided for in R.S. 51:938.1.

(9) "Payroll" means all salary, wages, and other compensation, including benefits paid to an employee for services

relating to a state-certified production and taxable in this state. However, For applications received prior to August 1, 2013, "payroll" for purposes of the additional tax credit for Louisiana-resident payroll shall exclude any portion of an individual salary in excess of one million dollars. For applications received on or after August 1, 2013, payroll expenditures shall be limited to three million dollars per person, per state-certified production for each employee reported on a W2 form. Payments made to loan out companies or independent contractors reported on a Form 1099 shall also be subject to a limitation of three million dollars per person, per state-certified production.

(10) "Production expenditures" means preproduction, production, and postproduction expenditures in this state directly relating to a state-certified production, including without limitation the following: set construction and operation; wardrobes, makeup, accessories, and related services; costs associated with photography and sound synchronization, lighting, and related services and materials; editing and related services; rental of facilities and equipment; leasing of vehicles; costs of food and lodging; digital or tape editing, film processing, transfer of film to tape or digital format, sound mixing, special and visual effects and box rentals; and payroll. This term shall not include expenditures for marketing and distribution, non-production related overhead, amounts reimbursed by the state or any other governmental entity, costs related to the transfer of tax credits, amounts that are paid to persons or entities as a result of their participation in profits from the exploitation of the production, the application fee, or state or local taxes. Production expenditures shall not include the cost of customization or custom development of a tangible good specifically designed for use by a state-certified production in Louisiana, unless the customization services are performed in Louisiana. For applications received on or after August 1, 2013, production expenditures shall not include expenditures for airfare, finance fees, bond fees, loan interest, or insurance premiums.

(11) "Related party transaction" means a transaction between parties deemed to be related by common ownership or control, under generally accepted auditing principles. Related party transaction expenditures may be subject to limitations, as provided for by rules promulgated by the department, in accordance with the provisions of the Administrative Procedure Act.

(12) "Resident" or "resident of Louisiana" means a natural person domiciled in the state. A person who maintains a permanent place of abode within the state and spends in the aggregate more than six months of each year within the state shall be presumed to be domiciled in the state.

(13) "Secretary" means the secretary of the Department of Economic Development.

(14) "Source within the state" means a physical facility in Louisiana, operating with posted business hours and employing at least one full-time equivalent employee.

(15) "Special event" means an event that occurs irrespective of filming, such as Mardi Gras, music festivals, concerts, or other similarly situated events.

(16) "Special event production expenditures" means only costs directly related to filming the special event and only these shall qualify for tax credits. Costs indirectly related to filming shall not qualify for tax credits, including but not limited to artist compensation for festival or concert appearances and costs associated with the usual activities of a reality show or documentary.

(17) "State" means the state of Louisiana.

(18) "State-certified production" shall mean a production approved by the office and the secretary which is produced by a motion picture production company domiciled and headquartered in

Louisiana and which has a viable multi-market commercial distribution plan.

C. Investor tax credit; specific productions and projects.

(1) There is hereby authorized a tax credit against state income tax for Louisiana taxpayers for investment in state-certified productions. The tax credit shall be earned by investors at the time expenditures are made by a motion picture production company in a state-certified production. However, credits cannot be applied against a tax or transferred until the expenditures are certified by the office and the secretary. For state-certified productions, expenditures shall be certified no more than twice during the duration of a state-certified production unless the motion picture production company agrees to reimburse the office for the costs of any additional certifications once per calendar year. The tax credit shall be calculated as a percentage of the total base investment dollars certified per project.

* * *

(4) Transferability of the credit. Any motion picture tax credits not previously claimed by any taxpayer against its income tax may be transferred or sold to another Louisiana taxpayer or to the office, subject to the following conditions:

* * *

(b) Transferors and transferees shall submit to the office, and to the Department of Revenue in writing, a notification of any transfer or sale of tax credits within thirty days after the transfer or sale of such tax credits. The notification shall include the transferor's tax credit balance prior to transfer, a copy of any tax credit certification letter(s) issued by the office and the secretary of the Department of Economic Development and, the transferor's remaining tax credit balance after transfer, name and all tax identification numbers for both transferor and transferee, the date of transfer, the amount transferred, a copy of the credit certificate, price paid by the transferee to the transferor, in the case when the transferor is a state-certified production, for the tax credits, and any other information required by the office or the Department of Revenue. A transfer shall not become effective against third parties until all required transfer documents are submitted to the Department of Revenue as provided by rules promulgated by the department in accordance with the Administrative Procedure Act. For the purpose of reporting transfer prices, the term "transfer" shall include allocations pursuant to Paragraph (2) of this Subsection as provided by rule. The office may post on its website an average tax credit transfer value, as determined by the office and the secretary of the Department of Economic Development to reflect adequately the current average tax credit transfer value. The tax credit transfer value means the percentage as determined by the price paid by the transferee to the transferor divided by the dollar value of the tax credits that were transferred in return. The notification submitted to the office shall include a processing fee of up to two hundred dollars per transferee, and any pricing information submitted by a transferor or transferee shall be treated by the office and the Department of Revenue as proprietary to the entity reporting such information and therefore confidential. However, this shall not prevent the publication of summary data that includes no fewer than three transactions or prevent the Department of Revenue from issuing Tax Credit Opinion Letters.

* * *

(e) To the extent that the transferor did not have rights to claim or use the credit at the time of the transfer, the Department of Revenue shall either disallow the credit claimed by the transferee or recapture the credit from the transferee through any collection method authorized by R.S. 47:1561. The transferee's recourse is against the transferor.

(f)(i) Beginning on and after January 1, 2007, the investor who earned the motion picture investor tax credits may transfer the credits to the office Department of Revenue for seventy-two percent of the face value of the credits. Beginning January 1, 2009, and every second year thereafter, the percent of the face value of the tax credits allowed for transferring credits to the office Department of Revenue shall increase two percent until the percentage reaches eighty percent. Upon the transfer, the Department of Economic Development shall notify the Department of Revenue and shall provide it with a copy of the transfer documentation. The Department of Revenue may require the transferor to submit such additional information as may be necessary to administer the provisions of this Section. The secretary of the Department of Revenue shall make payment to the investor in the amount to which he is entitled from the current collections of the taxes collected pursuant to Chapter 1 of Subtitle II, provided such credits are transferred to the office within one calendar year of certification.

(ii) For projects which receive initial certification on and after July 1, 2009, the investor who earned the motion picture investor tax credits pursuant to such certification may transfer the credits to the office Department of Revenue for eighty-five percent of the face value of the credits in accordance with the procedures and requirements of Item (i) of this Subparagraph.

* * *

(7)(a) The processing fee provided for in Subparagraph (4)(b) of this Subsection received by the office shall be deposited upon receipt in the state treasury. After compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund and prior to any money being placed into the state general fund or any other fund, an amount equal to that deposited as required by this Paragraph shall be credited by the treasurer to a special fund hereby created in the state treasury to be known as the Louisiana Filmmakers Grant Fund. The money in the fund shall be appropriated by the legislature to be used solely for the support of Louisiana's independent filmmakers through the Louisiana Filmmakers Grant Program.

(b) The money in the fund shall be invested by the treasurer in the same manner as money in the state general fund and interest earned on the investment of the money shall be credited to the fund after compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund. All unexpended and unencumbered money in the fund at the end of the year shall remain in the fund.

(c) The office shall administer the Louisiana Filmmakers Grant Program in accordance with rules adopted by the office in accordance with the Administrative Procedure Act. The office shall award grants to filmmakers domiciled in Louisiana who make a film in Louisiana, the total cost of which film shall not exceed three hundred thousand dollars. The maximum amount of any grant shall not exceed the lesser of fifty percent of the total cost of the film or one hundred thousand dollars shall be paid to the Department of Revenue.

D. Certification and administration.

(1)(a) The secretary of the Department of Economic Development and the office shall determine through the promulgation of rules the minimum criteria that a project must meet in order to qualify according to this Section. The secretary and the office, and the division of administration shall determine through the promulgation of rules the minimum criteria that a project must meet in order to qualify according to this Section.

(b) The secretary, and the office, and the division of administration shall determine, through the promulgation of rules, an appeals process in the event that an application for or the certification of motion picture production tax credit is denied. The office shall

promptly provide written notice of such denial to the Senate Committee on Revenue and Fiscal Affairs and the House Committee on Ways and Means.

* * *

(2)(a) Application. An applicant for the motion picture investor credit shall submit an application for initial certification to the office and the secretary of the Department of Economic Development that includes the following information:

(i) For state-certified productions the application shall include:

* * *

(cc) The script, ~~including~~ or a synopsis.

* * *

(c) The office and the secretary shall submit their initial certification of a project as a state-certified production to ~~investors~~ the applicant and to the secretary of the Department of Revenue indicating the total base investment which shall be expended in the state on the state-certified production. The initial certification shall include a unique identifying number for each state-certified production.

(d) Prior to any final certification of the state-certified production, the motion picture production company shall submit to the office and the secretary an audit of the production expenditures certified by an independent certified public accountant, approved by the office as determined by rule. The office and the secretary shall review the audit, the production expense details, and may require additional information needed to make a determination. Upon approval of the audit, the office and the secretary shall issue a final tax credit certification letter indicating the amount of tax credits certified for the state-certified production to the investors. The rules required by this Subparagraph shall, at a minimum, require that:

(i) The auditor shall be a certified public accountant licensed in the state of Louisiana and shall be an independent third party, not related to the producer. The auditor's opinion shall disclose all non-audit services provided for a state-certified production and independence shall be comprised, and an audit rejected, if either consulting services or tax credit assessments are performed, in addition to an audit of expenditures.

* * *

E. Recapture of credits. If the office finds that ~~monies for which an investor received tax credits according to this Section are not invested in and expended with respect to a state-certified production within twenty-four months of the date that such credits are earned~~ a taxpayer has obtained a tax credit in violation of the provisions of this Chapter, including but not limited to fraud or misrepresentation, then the investor's state income tax for such taxable period any tax liability of the taxpayer collected under Title 47 of the Louisiana Revised Statutes shall be increased by such amount necessary for the recapture of credit provided by this Section.

F. Recovery of credits by Department of Revenue. (1) Credits previously ~~granted to a taxpayer paid~~, but later disallowed, may be recovered by the secretary of the Department of Revenue through any collection remedy authorized by R.S. 47:1561 and initiated within three years from December thirty-first of the year in which the twenty-four-month investment period specified in Subsection E of this Section ends; the latter of either of the following:

(a) Two years from December thirty-first of the year in which the tax credit or rebate was paid.

(b) Three years from December thirty-first of the year in which the taxes for the filing period were due.

G. Notwithstanding any provision of law to the contrary, any tax credit certified by the office and the secretary according to the provisions of this Section on or after July 1, 2013, through June 30, 2016, shall be reduced by ten percent, which shall become the face value of such credits. Beginning July 1, 2016, any tax credit, including tax credits certified by the office and the secretary on or after July 1, 2013 and before June 30, 2016, shall be given their full value.

* * *

§6030. Wind or solar energy systems tax credit

* * *

G. Notwithstanding any provision of law to the contrary, beginning July 1, 2013, any tax credit subject to the provisions of this Section which is presented to the Department of Revenue or claimed by a taxpayer as an offset against corporate tax liability on a taxpayer's tax return shall be reduced by fifteen percent."

AMENDMENT NO. 7

On page 2, line 3, after "Section 2." delete the remainder of the line and delete lines 4 through 6 in their entirety and from the beginning of line 7, delete "through 1813 are" and insert "R.S. 47:6007(D)(2)(a)(i)(ee) is"

AMENDMENT NO. 8

On page 2, line 7, after change "their" to "its"

AMENDMENT NO. 9

On page 2, at the beginning of line 8, after "Section 3." delete the remainder of the line and delete lines 9 through 11 in their entirety and insert the following:

"(A) This Act shall become effective on July 1, 2013; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on July 1, 2013, or on the day following such approval by the legislature, whichever is later.

(B) This Act shall take effect and become operative only if the proposed amendments of the Constitution of Louisiana contained in the Joint Resolutions which originated as House Bill Nos. 434, 435, and 436 of this 2013 Regular Session of the Legislature are concurred in by both houses of the legislature and House Bill Nos. 1, 437, 456, 474, 571, 620, and 653 of this 2013 Regular Session of the Legislature are enacted into law."

On motion of Rep. Montoucet, the amendments were adopted.

On motion of Rep. Montoucet, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

Senate Instruments on Second Reading Returned from the Legislative Bureau

The following Senate Instruments on second reading, returned from the Legislative Bureau, were taken up and acted upon as follows:

SENATE BILL NO. 53—
BY SENATOR ERDEY

AN ACT

To amend and reenact R.S. 22:1573(L), relative to continuing education requirements for title insurance producers; to provide for required hours of instruction for license renewal; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Insurance.

Reported without amendments by the Legislative Bureau.

On motion of Rep. Thierry, the bill was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

SENATE BILL NO. 101—
BY SENATOR JOHNS

AN ACT

To amend and reenact R.S. 22:752(A) and (D)(introductory paragraph), 753(B) and (C), and 936(G)(8)(f) and (g) and (9), and R.S. 44:4.1(B)(11), and to enact R.S. 22:752(E) and (F), 753(D), (E), (F), (G), (H), (I), and (J), and 936(G)(8)(h) and (i) and (J)(7), relative to life insurance reserves; to provide with respect to policies under standard valuation law; to provide relative to standard nonforfeiture law for life insurance; to provide for an effective date; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Insurance.

Under the rules, the above bill was recommitted to the Committee on House and Governmental Affairs.

SENATE BILL NO. 120—
BY SENATOR WALSWORTH AND REPRESENTATIVE JAY MORRIS
AN ACT

To amend and reenact R.S. 22:550.17(C), relative to captive insurers; to allow the commissioner of insurance to grant reinsurance credits to captive insurers under certain conditions; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Insurance.

Reported without amendments by the Legislative Bureau.

On motion of Rep. Thierry, the bill was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

Suspension of the Rules

On motion of Rep. Nancy Landry, the rules were suspended in order to take up and consider Introduction of Resolutions, House, and House Concurrent at this time.

**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 CONCURRENT RESOLUTION NO. 114—
BY REPRESENTATIVES NANCY LANDRY, STUART BISHOP, AND ROBIDEAUX AND SENATOR CORTEZ

A CONCURRENT RESOLUTION

To commend the St. Thomas More High School girls' golf team upon winning the Division I state championship.

Read by title.

On motion of Rep. Nancy Landry, and under a suspension of the rules, the resolution was adopted.

Ordered to the Senate.

HOUSE CONCURRENT RESOLUTION NO. 115—
BY REPRESENTATIVES NANCY LANDRY, STUART BISHOP, AND ROBIDEAUX AND SENATOR CORTEZ

A CONCURRENT RESOLUTION

To commend the St. Thomas More High School girls' softball team upon winning the 2013 Class 4A state championship.

Read by title.

On motion of Rep. Nancy Landry, and under a suspension of the rules, the resolution was adopted.

Ordered to the Senate.

HOUSE CONCURRENT RESOLUTION NO. 116—
BY REPRESENTATIVES NANCY LANDRY, STUART BISHOP, AND ROBIDEAUX AND SENATOR CORTEZ

A CONCURRENT RESOLUTION

To commend the St. Thomas More High School girls' volleyball team upon winning the Division II state championship.

Read by title.

On motion of Rep. Nancy Landry, and under a suspension of the rules, the resolution was adopted.

Ordered to the Senate.

HOUSE CONCURRENT RESOLUTION NO. 117—
BY REPRESENTATIVES NORTON, BADON, BARROW, WESLEY BISHOP, BROSSETT, BURRELL, COX, DIXON, FRANKLIN, GAINES, HONORE, HUNTER, GIROD JACKSON, KATRINA JACKSON, JAMES, JEFFERSON, TERRY LANDRY, PIERRE, PRICE, SMITH, THIERRY, ALFRED WILLIAMS, AND PATRICK WILLIAMS AND SENATORS BROOME, BROWN, DORSEY-COLOMB, GALLOT, GUILLORY, MORRELL, MURRAY, PETERSON, AND TARVER

A CONCURRENT RESOLUTION

To express the condolences upon the death of the Reverend Danny Mitchell, former state representative for Louisiana House District No. 2.

Read by title.

On motion of Rep. Norton, and under a suspension of the rules, the resolution was adopted.

Ordered to the Senate.

HOUSE CONCURRENT RESOLUTION NO. 118—
BY REPRESENTATIVES ST. GERMAIN, BARROW, HILL, KATRINA JACKSON, MORENO, NORTON, SMITH, AND THIERRY AND SENATORS BROOME, DORSEY-COLOMB, AND PETERSON

A CONCURRENT RESOLUTION

To recognize Wednesday, May 15, 2013, as Louisiana Center for Health Equity Day in the state of Louisiana.

Read by title.

On motion of Rep. St. Germain, and under a suspension of the rules, the resolution was adopted.

Ordered to the Senate.

Reports of Committees

The following reports of committees were received and read:

**Report of the Committee on
Labor and Industrial Relations**

May 9, 2013

To the Speaker and Members of the House of Representatives:

Pursuant to a meeting held on May 8, 2013, I am directed by your Committee on Labor and Industrial Relations to submit the following report:

House Bill No. 606, by Cromer
Reported by substitute. (9-0) (Regular)

HERBERT B. DIXON
Chairman

**Report of the Committee on
Retirement**

May 9, 2013

To the Speaker and Members of the House of Representatives:

Pursuant to a meeting held on May 8, 2013, I am directed by your Committee on Retirement to submit the following report:

House Bill No. 53, by Seabaugh
Reported by substitute. (7-2) (Regular)

J. KEVIN PEARSON
Chairman

Privileged Report of the Legislative Bureau

May 9, 2013

To the Speaker and Members of the House of Representatives:

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

Senate Bill No. 6
Reported without amendments.

Senate Bill No. 8
Reported without amendments.

Senate Bill No. 31
Reported without amendments.

Senate Bill No. 32
Reported without amendments.

Senate Bill No. 39
Reported without amendments.

Senate Bill No. 43
Reported without amendments.

Senate Bill No. 60
Reported without amendments.

Senate Bill No. 72
Reported without amendments.

Senate Bill No. 84
Reported with amendments.

Senate Bill No. 85
Reported without amendments.

Senate Bill No. 113
Reported without amendments.

Senate Bill No. 117
Reported without amendments.

Senate Bill No. 118
Reported without amendments.

Senate Bill No. 130
Reported with amendments.

Senate Bill No. 141
Reported without amendments.

Senate Bill No. 154
Reported with amendments.

Senate Bill No. 170
Reported with amendments.

Senate Bill No. 171
Reported with amendments.

Senate Bill No. 202
Reported without amendments.

Senate Bill No. 216
Reported without amendments.

Senate Bill No. 229
Reported without amendments.

Respectfully submitted,

REGINA BARROW
Chairman

Leave of Absence

Rep. Cromer - 2 days

Adjournment

On motion of Rep. Billiot, at 2:34 P.M., the House agreed to adjourn until Friday, May 10, 2013, at 9:00 A.M.

The Speaker of the House declared the House adjourned until 9:00 A.M., Friday, May 10, 2013.

ALFRED W. SPEER
Clerk of the House

