

THE OFFICIAL JOURNAL
OF THE

SENATE

OF THE

STATE OF LOUISIANA

SIXTH DAY'S PROCEEDINGS

Fifty-Third Extraordinary Session of the Legislature
Under the Adoption of the
Constitution of 1974

Senate Chamber
State Capitol
Baton Rouge, Louisiana

Tuesday, November 19, 2024

The Senate was called to order at 3:40 o'clock P.M. by Hon. J. Cameron Henry, Jr., President of the Senate.

Morning Hour

CONVENING ROLL CALL

PRESENT

Mr. President	Edmonds	Mizell
Abraham	Fesi	Morris
Allain	Foil	Owen
Barrow	Harris	Pressly
Bass	Hensgens	Price
Boudreaux	Hodges	Reese
Bouie	Jenkins	Seabaugh
Carter	Kleinpeter	Stine
Cathey	Lambert	Talbot
Cloud	Luneau	Wheat
Connick	Miguez	Womack
Duplessis	Miller	
Total - 35		

ABSENT

Coussan	Jackson-Andrews
Fields	McMath
Total - 4	

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

Prayer

The prayer was offered by Senator Beth Mizell, following which the Senate joined in the Pledge of Allegiance to the flag of the United States of America.

Reading of the Journal

On motion of Senator Mizell, the reading of the Journal was dispensed with and the Journal of November 18, 2024, was adopted.

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON

FINANCE

Senator Glen Womack, Chair on behalf of the Committee on Finance, submitted the following report:

November 19, 2024

To the President and Members of the Senate:

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

HOUSE BILL NO. 4—

BY REPRESENTATIVE MCFARLAND
AN ACT

To appropriate funds and to make certain reductions from certain sources to be allocated to the designated agencies and purposes in specific amounts for the making of supplemental appropriations and reductions for said agencies and purposes for Fiscal Year 2024-2025; to provide for an effective date; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 5—

BY REPRESENTATIVES BACALA, ADAMS, AMEDEE, BAGLEY, BAMBURG, BERAULT, BOURRIAQUE, BOYD, BRASS, BRAUD, BRYANT, BUTLER, CARLSON, CARRIER, WILFORD CARTER, CARVER, CHASSION, CHENEVERT, COATES, COX, DEVILLIER, DEWITT, DOMANGUE, EDMONSTON, EMERSON, FIRMINT, FISHER, FREIBERG, GADBERRY, GLORIOSO, GREEN, HILFERTY, HORTON, JACKSON, MIKE JOHNSON, KERNER, KNOX, LAFLEUR, LARVADAIN, LYONS, MACK, MARCELLE, MCFARLAND, MCMAHEN, MCMAKIN, MELERINE, MILLER, MYERS, OWEN, RISER, SCHAMERHORN, SCHLEGEL, SELTERS, ST. BLANC, TAYLOR, THOMAS, TURNER, VILLIO, WALTERS, WILDER, WILEY, WYBLE, AND YOUNG AND SENATOR EDMONDS

AN ACT

To enact R.S. 17:418.1, relative to the compensation of teachers and other school employees; to require public school systems to provide a salary increase to certain personnel; to provide relative to the amount of the increase; to provide relative to related benefits; to provide for a funding mechanism; to provide for definitions; to provide for effectiveness; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 6—

BY REPRESENTATIVE BEAULLIEU
AN ACT

To provide for a special statewide election to be held on March 29, 2025, for the purpose of submitting proposed constitutional amendments to the electors of the state; to provide for the conduct of such election; to provide for an effective date; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 12—

BY REPRESENTATIVE DESHOTEL
AN ACT

To amend and reenact R.S. 17:3801(A) and (C) and 3802(A)(1), R.S. 30:86(A)(1) and 2483(B) through (E), R.S. 39:94(A)(introductory paragraph) and (1) through (4), (B), and (C)(5), 98.1, 98.2(A) and (E), 98.3(A) and (C)(introductory paragraph), 98.4(A), 100.112, 100.116(A)(introductory paragraph), (1) through (3), (10), (12), and (B), and 100.161(B)(3), R.S. 49:214.5.4(B) through (D), (E)(1), (F), (G)(introductory paragraph), (H), (I)(1), and (J), and R.S. 56:639.8(C) and (E)(1), to enact R.S. 30:86(I) through (K) and 2483(F) and (G) and R.S. 56:639.8(H), and to repeal R.S. 17:3801 through 3805, R.S. 30:86(C), and R.S. 39:97, 98.3(C) and (E), 100.112, 100.116(A)(4), (9), (11), and (13), (C), and (D), R.S. 49:214.5.4(K), and R.S. 56:639.8(E)(3), relative to finances of the state; to provide for certain treasury funds; to provide for the transfer, deposit, and use, as specified, of monies in certain treasury funds and accounts; to provide for the investment of certain treasury funds and accounts; to repeal certain treasury funds and accounts; to provide for effectiveness; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 13—

BY REPRESENTATIVE GEYMANN AND SENATOR HENSGENS
AN ACT

To amend and reenact R.S. 39:34(C), 38(B), and 54(C) and to enact R.S. 39:33.3, relative to state finances; to provide relative to the calculation of a limit above which certain funds may be appropriated only for certain purposes; to provide relative to exceptions; to provide for definitions; to provide relative to the authority of the governor; to provide relative to the powers and duties of the commissioner of administration; to provide relative to the powers and duties of the Revenue Estimating Conference; to provide for a special effective date; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 23—

BY REPRESENTATIVES GEYMANN AND ROMERO AND SENATOR HENSGENS
AN ACT

To amend and reenact R.S. 30:81(B), 83(Section heading), (A), and (B), 83.1(A)(1) and (2), (B), and (C), 84(A)(7), 85(A)(4), 86(A)(2), (B), (E)(introductory paragraph), (1), (2), and (5) through (7), (G), and (H), 87(A), (B), and (F)(1), 88(B) and (C), 88.1(C) and (D), 88.2(C), 89(C)(3), 90(Section heading), (A) through (C), and (E)(introductory paragraph) and (5), 91(B)(2)(c), and 95, to enact R.S. 30:82(16), and to repeal R.S. 30:82(3) and 83(C) through (I), relative to oilfield site restoration; to provide for the use and administration of the Oilfield Site Restoration Fund; to repeal the Oilfield Site Restoration Commission; to authorize the Natural Resources Trust Authority to administer the fund with the oversight of the State Mineral and Energy Board; to transfer functions of the commission to the trust authority; to provide definitions; to provide for the administration of federal funds for oilfield site restoration and plugging of orphan wells; to provide for the authority to execute financial agreements and instruments; to provide for the calculation of oilfield site restoration fees; to increase oilfield site restoration fees; to provide an effective date; and to provide for related matters.

Reported favorably.

Respectfully submitted,
GLEN WOMACK
Chair

REPORT OF COMMITTEE ON

REVENUE AND FISCAL AFFAIRS

Senator Franklin J. Foil, Chair on behalf of the Committee on Revenue and Fiscal Affairs, submitted the following report:

November 19, 2024

To the President and Members of the Senate:

I am directed by your Committee on Revenue and Fiscal Affairs to submit the following report:

HOUSE BILL NO. 1—

BY REPRESENTATIVE EMERSON
AN ACT

To amend and reenact R.S. 47:32(A), 32.1, 44.1(A), 287.732.2(B), 287.750(I), 293(9)(a)(iv) and (10), 294, 295, the Section heading of 297.14, 300.1, 300.3(3), 4302(B), 6007(I), 6015(J), 6019(A)(1)(a)(i), 6020(H), 6022(D)(4)(introductory paragraph), and 6023(I), and R.S. 51:1787(L) and 2461, to enact R.S. 47:293(9)(a)(xxvi), 297.25, 300.6(B)(3), 300.7(C)(3), 3204(M), and 6022(M) and R.S. 51:2399.3(C), and to repeal R.S. 47:32(B), 79, 293(9)(a)(ix) and (xvii), 293.2, 297, 297.2, 297.6, 297.7, 297.9, 297.20(A)(2), and 297.21(A)(2), relative to income tax; to provide for a flat tax rate for individuals, estates, and trusts; to provide for the calculation of individual income

tax liability; to provide for the reduction of individual income tax rates under certain circumstances; to provide for certain requirements and limitations for the reduction of individual income tax rates; to provide for the amount of the standard deduction; to reduce certain deductions and credits; to increase the amount of the deduction for certain annual retirement income; to provide for certain definitions; to establish bonus depreciation and bonus amortization deductions; to provide for certain limitations with respect to the bonus depreciation and amortization; to provide for personal exemptions and credits for dependents; to provide for the rates and brackets for estates and trusts; to provide for the termination of certain credits claimed against income tax liability; to repeal provisions relative to elections made by certain corporations and flow-through entities; to repeal provisions for certain disallowed expenses; to repeal the deduction for net capital gains; to repeal regulation requirements for the capital gains deduction; to repeal certain limitations on the deduction for children adopted from foster care; to repeal certain limitations on the deduction for the private adoption of certain children; to provide for applicability; to provide for an effective date; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 2—

BY REPRESENTATIVE EMERSON
AN ACT

To amend and reenact R.S. 47:287.12, 287.750(I), 4302(B), 6007(I), 6015(J), 6019(A)(1)(a)(i), 6020(H), 6022(D)(4)(introductory paragraph), and 6023(I) and R.S. 51:1787(L) and 2461, to enact R.S. 47:287.73(C)(6), 287.744, 3204(M), and 6022(M) and R.S. 51:2399.3(C), and to repeal R.S. 17:3389, Part II of Chapter 26 of Title 25 of the Louisiana Revised Statutes of 1950, comprised of R.S. 25:1226 through 1226.6, R.S. 47:12, 34, 37, 287.73(C)(4), 287.95(H), 287.748, 287.749, 287.752, 287.755, 287.758, 287.759, 301(10)(a)(vi), Chapter 5 of Subtitle V of Title 47 of the Louisiana Revised Statutes of 1950, comprised of R.S. 47:4331, R.S. 47:6005(G), 6006, 6008(D), 6011, 6012, 6013(D), 6014(F), 6015(L), 6016, 6016.1(N), 6017(C), 6018, 6021, 6022(L), 6025 through 6027, 6030, 6032(H), 6035 through 6037, 6041, 6104(D), 6105(B), 6106(E), and 6107(C), Chapter 22 of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:1801 through 1813, R.S. 51:1932, Part VI of Chapter 39 of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:2351 through 2360, Chapter 52 of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:3081 through 3094, Chapter 54 of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:3111 through 3115, and Chapter 55 of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:3121, relative to corporate taxation; to provide for a flat tax rate for purposes of calculating corporation income tax liability; to provide for the reduction of the rate; to establish a bonus depreciation deduction; to provide for definitions and certain limitations with respect to the bonus depreciation; to authorize the promulgation of rules and regulations; to provide for the termination of certain credits claimed against corporation income tax liability; to repeal certain tax exemptions, deductions, and credits; to repeal provisions relative to determination of location of movables for purposes of determining apportioned income for certain businesses; to repeal a sales tax exclusion for certain purchases by motion picture production companies; to repeal the corporate tax apportionment program; to repeal expired requirements for certain legislative committees to review certain tax credits; to provide for applicability; to provide for an effective date; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 3—

BY REPRESENTATIVE EMERSON

AN ACT

To amend and reenact R.S. 47:287.750(E)(1), 6005(C)(1), 6006(A) and (B)(1)(introductory paragraph), (2), and (4), 6006.1(A), (B)(introductory paragraph), (1), (3), and (4), and (C), 6008(A), 6013(A), 6014(A), (B), and (C)(1) and (3) through (5), 6015(B)(1) and (2), (C)(3)(a) and (d)(i), (D)(2)(introductory paragraph), and (K), 6017(A), 6018(B), (D)(introductory paragraph), and (E), 6019(A)(1)(a)(i) and (3)(a) and (b)(ii)(aa) and (dd)(I), 6020(D)(2)(a) and (3)(a) and (d)(i), 6022(E)(1)(a), (b), and (e)(introductory paragraph), 6028(C)(introductory paragraph) and (D)(1) and (2), 6032(A) and (D), 6033(C)(introductory paragraph) and (D)(1) and (2), 6036(C)(1)(a)(introductory paragraph) and (I)(2)(a)(i) and (b), 6105(A), 6107(A) and (B), and 6108(A) and (B)(introductory paragraph), (1), (3), and (4) and R.S. 51:1787(A)(2)(a) and (b) and (G) and 2399.3(A)(1) and (3)(a) and (d)(i) and to repeal Chapter 5 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, comprised of R.S. 47:601 through 618, and R.S. 47:3204(H)(1), (I)(1)(a), and (J)(1) and 4305(B)(1), relative to corporation taxes; to repeal the corporation franchise tax; to repeal provisions relative to the application, administration, collection, and payment of the corporation franchise tax; to repeal the automatic corporation franchise tax rate reduction under certain circumstances; to repeal provisions relative to corporations not subject to the corporation franchise tax; to provide with respect to tax credits applicable against corporation franchise tax; to provide for applicability; to provide for an effective date; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 7—

BY REPRESENTATIVE EMERSON

A JOINT RESOLUTION

Proposing to revise Article VII of the Constitution of Louisiana, relative to revenue and finance; to provide with respect to the power of taxation including limitations thereon; to require uniformity with respect to certain local and state tax measures; to provide with respect to assessment of property and other items of taxation; to provide with respect to remittance of some or all of certain tax revenues to local entities; to provide with respect to rates of taxation; to provide with respect to dedication of certain revenue; to provide with respect to bonded indebtedness including limitations thereon; to provide with respect to the Interim Emergency Board; to provide with respect to the State Bond Commission; to provide with respect to deposit of monies received by the state or its instrumentalities; to provide with respect to the Bond Security and Redemption Fund; to provide with respect to expenditure of state revenues; to provide with respect to the Revenue Estimating Conference; to provide with respect to appropriations; to provide with respect to deficits; to provide with respect to budgets; to provide with respect to publication of certain data; to provide with respect to the Budget Stabilization Fund; to provide with respect to the Transportation Trust Fund including subfunds thereof; to provide with respect to the Coastal Protection and Restoration Fund; to provide for establishing certain classes of trusts and funds in the state treasury; to provide with respect to designation of certain trusts and funds in the state treasury as a member of such classes; to provide with respect to the Louisiana Education Quality Trust Fund including subfunds thereof; to provide with respect to the Mineral Revenue Audit and Settlement Fund; to provide with respect to the Oilfield Site Restoration Fund; to provide with respect to the Oil Spill Contingency Fund; to provide with respect to the Millennium Trust and any funds within it; to provide with respect to the Louisiana Fund; to provide with respect to the Artificial Reef Development Fund; to provide with respect to the legislature's authority to take certain actions; to provide with respect to the Hospital Stabilization Formula and Fund; to provide with respect to the Louisiana Medical Assistance Trust Fund and any accounts therein; to provide with respect to the Revenue Stabilization Trust Fund; to provide with respect to the Conservation Fund;

to provide with respect to public access to certain revenue and expenditure information; to provide with respect to investment of certain monies; to provide with respect to things of value; to provide with respect to cooperative endeavors; to provide with respect to prior obligations regarding things of value; to provide with respect to release or extinguishment of certain obligations; to provide with respect to taxes; to require transfer of certain assets to the Teachers' Retirement System of Louisiana; to provide with respect to the authority of the Teachers' Retirement System of Louisiana regarding calculation of system liabilities and required funding; to provide with respect to use by certain political subdivisions of certain revenues to provide a salary increase for certain personnel; to provide with respect to valuation of property for tax purposes; to provide with respect to treatment of certain property, income, or things of value for tax purposes; to provide with respect to tax liability; to provide with respect to reduction or elimination of tax liability in certain circumstances; to provide with respect to certain payments to political subdivisions; to provide with respect to invalidation or impairment of certain taxes or obligations; to provide with respect to millage rates; to provide with respect to tax assessors; to provide with respect to tax sales; to provide with respect to liens and privileges; to provide with respect to the Revenue Sharing Fund; to provide with respect to the Louisiana Unclaimed Property Permanent Trust Fund; to make technical and conforming changes; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 8—

BY REPRESENTATIVE BRASS

AN ACT

To amend and reenact R.S. 47:301(3)(a), (b), and (i)(i)(introductory paragraph) and (ii)(aa)(I)(aaa), (4)(introductory paragraph), (a) through (e), (h), and (i), (5), (7)(a), (g), and (i), (8)(b), (9), (10)(a)(i) through (iv), (c)(ii)(bb), (j), (l), (q)(i), (r), (s), (u), (ff), and (hh), (12), (13)(a), (14)(h) through (k), (15), (18)(a), (d)(i), (e), and (f), (19), and (29)(x)(introductory paragraph) and (ix), 302(A), (B), (D), (K)(1) and (2), (U), (V)(1)(introductory paragraph), (a), and (b)(introductory paragraph), (BB)(9), (13), (17), (23), (25), (27), (30), (33), (56), (66), (81), (109), and (113), and (CC), 303(A)(2) and (3)(a) and (G), 303.1(A) and (B)(1)(introductory paragraph) and (c) and (2)(b), 304(B), 305(E), 305.10(A) and (C) through (E), 305.14(A)(1)(a) and (5), 305.38, 305.53(A), 305.54(B) and (C)(1), 306.5(A)(1) and (2)(c), 307(A) through (C), 309(A)(1), 309.1(B)(1) and (2)(b) and (D), 310(A), 312, 314, 315(A) and (B)(1), 315.3(A), 315.5(A), (B)(3), and (C)(1)(c), 321(A), (B), (P)(9), (13), (17), (23), (25), (27), (30), (33), (56), (66), (81), (109), and (114), and (Q), 321.1(A), (B), (I)(9), (13), (17), (23), (25), (27), (30), (33), (56), (66), (81), (109), and (114), and (J), 331(A), (B), (V)(9), (13), (17), (23), (25), (27), (30), (33), (56), (66), (81), (109), and (114), and (W), 337.3(A), and 340.1(A)(3) and (5) and R.S. 51:1286(B), to enact R.S. 47:301(10)(c)(ii)(cc) and (jj), (14)(l) and (m), (32), (33), and (34), 301.3, 301.4, and 305.5, and to repeal R.S. 47:301(16)(h) and (p) and (23), relative to sales and use taxes; to provide for the levy of sales and use taxes on certain digital products and services; to provide for the rates of such taxes; to provide for definitions; to provide relative to exclusions and exemptions from sales and use taxes; to provide relative to administration of sales and use taxes; to provide relative to tax collection and enforcement; to provide for liability for collection and payment of certain sales and use taxes; to provide for record keeping and reporting; to provide for sourcing; to provide for certain limitations and requirements; to provide for effectiveness; to provide for applicability; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 10—

BY REPRESENTATIVE WRIGHT

AN ACT

To amend and reenact R.S. 12:425, R.S. 22:2065, R.S. 33:4169(D), R.S. 47:301(3), (4)(i) through (k), (6), (7), (8), (10), (13), (14), (16), (18), and (23) through (30), 301.1(A)(introductory paragraph), (B)(2)(b) through (d), (C)(2)(b), (D), and (E), 302(D), 303(B)(introductory paragraph), (1)(introductory paragraph) and (b)(introductory paragraph), (3)(b)(ii), and (4), (D)(1), (E), and (F), 303.1(B)(5), 304(A), 305(A), (B), (C), (D)(1), and (E) through (I), 305.2 through 305.4, 305.6 through 305.8, 305.10(F), 305.13, 305.20(A), (C), and (D), 305.39, 305.50(B) through (D), 305.72(C), 305.73(B) through (D), 305.75, 306.5(B), 318(A), 321(A) and (C), 321.1(A), (B), and (C), 322, 331(A) through (C), 332, 337.2(C)(2) and (4)(a) and (b)(i)(aa)(II) and (bb)(II), 337.4(B)(6) and (7), 337.6(B), 337.8(B), 337.13(A), 463.8(B)(1)(b) and (3), and 6001(A), and R.S. 51:1286, to enact R.S. 47: 301(4)(I), 301.3, 301.4, 301.5, 305(J), 305.5, 305.12, and 305.72(D) through (F), and to repeal Part V of Chapter 3 of Title 40, comprised of R.S. 40:582.1 through 582.7, R.S. 47:9, 301(4)(m) and (n) and (31), 301.1(B)(2)(e) and (f) and (F), 301.2, 302(F) through (J), (L) through (T), and (X) through (CC), 305(D)(3) through (6), 305.9, 305.14 through 305.18, 305.24 through 305.26, 305.28, 305.30, 305.33, 305.36, 305.37, 305.40 through 305.44, 305.46, 305.47, 305.49, 305.50(E) and (F), 305.52 through 305.54, 305.56 through 305.65, 305.67, 305.68, 305.70, 305.71, 305.73(A)(5) and (6), (E), and (F), 305.74, 305.76 through 305.80, 306(A)(3), (6), and (7), and (D), 315.1 through 315.3, 315.5, 321(E) through (Q), 321.1(E), (F), (I), and (J), 331(F) through (W), 337.2(A)(2) and (B)(3)(e) through (h), 337.4(B)(4) and (8), 337.5(A)(1)(e), 337.10.1 through 337.10.2, 337.11.1, 337.11.2, 337.11.4, 337.18(A)(3), 337.23(C)(1)(a)(ii), 338.1(B), 340(G)(6)(d), 6003, and 6040, and Chapter 10 of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:1301 through 1316, relative to sales and use taxes; to provide for the rate of the sales and use tax; to provide for sales and use tax exclusions, exemptions, credits, and rebates; to provide for the applicability of certain exclusions, exemptions, credits, and rebates to sales and use taxes levied by the state and certain other political subdivisions; to provide with respect to compensation for certain dealers for collecting and remitting sales and use taxes; to provide for the administration and sourcing of certain sales; to provide for the sourcing of certain bundled transactions; to provide for certain requirements and limitations; to repeal the Louisiana Tax Free Shopping Program; to repeal certain sales and use tax exclusions, exemptions, credits, and rebates; to provide for applicability; to provide for an effective date; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 11—

BY REPRESENTATIVE DESHOTEL

AN ACT

To amend and reenact R.S. 47:1703, 1703.1(A), 1705(B)(1)(a) and (b)(i), (2)(a), (b), (c)(i)(introductory paragraph) and (ii), (d), and (D), 1707 through 1708, 1710, 1712, 1713(B), 1714(introductory paragraph), (1), and (6), 1715(introductory paragraph), (1), and (6), and 1716 and to enact R.S. 47:1702(12) through (15) and 1717 through 1719, relative to ad valorem taxation; to provide for definitions; to provide for classification of property; to provide for valuation of property; to provide for reappraisal of property; to provide for a special assessment level; to provide for ad valorem taxation; to provide for the administration of ad valorem taxation; to provide for ad valorem tax exemptions; to provide for requirements and limitations; to provide for the adjustment of millages; to provide for ad valorem tax assessors; to authorize and direct the Louisiana State Law Institute to re-designate certain provisions; to provide for effectiveness; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 25—

BY REPRESENTATIVE RISER

AN ACT

To amend and reenact R.S. 30:87(A), R.S. 39:100.116, and R.S. 47:631, 633, 633.2, 633.4(E), 645(A) and (B), and 1624(A)(1)(b), to enact R.S. 47:633.1 and 633.1.1, and to repeal R.S. 47:324 and 633.5, Part I-E of Chapter 6 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, comprised of R.S. 47:648.21, and R.S. 47:1624(A)(2), relative to severance tax; to provide for rates of severance tax on oil and gas; to provide for computation of severance tax amounts to be imposed on oil and gas; to provide for exemptions from severance tax; to provide for dedication of certain severance tax revenues; to provide for severance tax administration; to provide for duties of the Department of Revenue and the Department of Energy and Natural Resources with respect to severance tax; to make technical changes in laws relating to severance tax; to provide for effectiveness; to provide for applicability; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
FRANKLIN J. FOIL
Chair

**House Bills and Joint Resolutions
on Second Reading
Just Reported by Committees**

Senator Womack asked for and obtained a suspension of the rules to take up House Bills and Joint Resolutions just reported by Committees and send the bills to the Legislative Bureau.

HOUSE BILL NO. 1—

BY REPRESENTATIVE EMERSON

AN ACT

To amend and reenact R.S. 47:32(A), 32.1, 44.1(A), 287.732.2(B), 287.750(I), 293(9)(a)(iv) and (10), 294, 295, the Section heading of 297.14, 300.1, 300.3(3), 4302(B), 6007(I), 6015(J), 6019(A)(1)(a)(i), 6020(H), 6022(D)(4)(introductory paragraph), and 6023(I), and R.S. 51:1787(L) and 2461, to enact R.S. 47:293(9)(a)(xxvi), 297.25, 300.6(B)(3), 300.7(C)(3), 3204(M), and 6022(M) and R.S. 51:2399.3(C), and to repeal R.S. 47:32(B), 79, 293(9)(a)(ix) and (xvii), 293.2, 297, 297.2, 297.6, 297.7, 297.9, 297.20(A)(2), and 297.21(A)(2), relative to income tax; to provide for a flat tax rate for individuals, estates, and trusts; to provide for the calculation of individual income tax liability; to provide for the reduction of individual income tax rates under certain circumstances; to provide for certain requirements and limitations for the reduction of individual income tax rates; to provide for the amount of the standard deduction; to reduce certain deductions and credits; to increase the amount of the deduction for certain annual retirement income; to provide for certain definitions; to establish bonus depreciation and bonus amortization deductions; to provide for certain limitations with respect to the bonus depreciation and amortization; to provide for personal exemptions and credits for dependents; to provide for the rates and brackets for estates and trusts; to provide for the termination of certain credits claimed against income tax liability; to repeal provisions relative to elections made by certain corporations and flow-through entities; to repeal provisions for certain disallowed expenses; to repeal the deduction for net capital gains; to repeal regulation requirements for the capital gains deduction; to repeal certain limitations on the deduction for children adopted from foster care; to repeal certain limitations on the deduction for the private adoption of certain children; to provide for applicability; to provide for an effective date; and to provide for related matters.

Reported with amendments by the Committee on Revenue and Fiscal Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Revenue and Fiscal Affairs to Reengrossed House Bill No. 1 by Representative Emerson

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 47:32(A)" and before "44.1(A)" delete "32.1."

AMENDMENT NO. 2

On page 1, line 3, after "4302(B)," delete the remainder of the line and delete line 4 in its entirety and insert "6006(A), (B)(1)(introductory paragraph), (2), and (4), (D), and (E), 6007(J)(1)(b)(i), (c), and (2)(a), 6019(A)(1)(e), 6020(H), and"

AMENDMENT NO. 3

On page 1, line 6, after "3204(M)," insert "6007(J)(1)(d), 6015(M),"

AMENDMENT NO. 4

On page 1, line 7, after "R.S. 47:32(B)" and before "79," insert "32.1."

AMENDMENT NO. 5

On page 1, line 8, after "297.21(A)(2)" insert "6006(F), (G), and (H),"

AMENDMENT NO. 6

On page 1, line 19, after "liability;" and before "to repeal" insert "to provide relative to the motion picture production tax credit; to provide relative to the research and development tax credit; to provide relative to the tax credit for rehabilitation of historic structures; to provide for credit caps;"

AMENDMENT NO. 7

On page 2, line 2, after "net capital gains;" and before "to repeal" insert "to repeal the individual income tax rate reduction trigger;"

AMENDMENT NO. 8

On page 2, line 8, after R.S. 47:32(A)" and before "44.1(A)" delete "32.1."

AMENDMENT NO. 9

On page 2, line 9, after "4302(B)," delete the remainder of the line and delete line 10 in its entirety and insert "6006(A), (B)(1)(introductory paragraph), (2), and (4), (D), and (E), 6007(J)(1)(b)(i), (c) and (2)(a), 6019(A)(1)(e), 6020(H), and 6023(I) are hereby"

AMENDMENT NO. 10

On page 2, at the beginning of line 12, after "3204(M)," insert "6007(J)(1)(d), 6015(M)"

AMENDMENT NO. 11

On page 2, delete lines 24 through 29 in their entirety, delete pages 3 and 4 in their entirety, and on page 5, delete lines 1 through 3 in their entirety

AMENDMENT NO. 12

On page 8, line 6, after "Single Individual" insert "and Married-Separate"

AMENDMENT NO. 13

On page 8, delete line 12 and insert:
"c. Married-Separate ————— \$4500.00"

AMENDMENT NO. 14

On page 14, between lines 18 and 19 insert the following:
"\$6006. Tax credits for local inventory taxes paid

A.(1) There shall be allowed a credit against ~~any~~ Louisiana individual income ~~or corporation franchise~~ tax for ad valorem taxes paid to political subdivisions on inventory held by manufacturers, distributors, and retailers.

(2) There shall be allowed a credit against ~~any~~ Louisiana individual income ~~or corporation franchise~~ tax for ad valorem taxes paid to political subdivisions on natural gas held, used, or consumed

in providing natural gas storage services or operating natural gas storage facilities.

(3) No credit shall be allowed for taxpayers taxed as a C-corporation for federal income tax purposes for taxable periods beginning on or after July 1, 2026. However, any such taxpayer may carry forward any remaining credits for an additional ten years from the date that the credits would have expired under the provisions of this Section. This additional carry forward period shall not apply to any credits for which the carry forward period expired prior to January 1, 2025.

~~B.(1) Credit for taxes paid by corporations shall be applied to state corporate income and corporation franchise taxes. Credit for taxes paid by unincorporated persons and pass-through entities shall be applied to state personal individual income taxes. The secretary shall make a refund to the taxpayer in the amount to which he is entitled from the current collections of the taxes collected pursuant to Chapters Chapter 1 and 5 of Subtitle II of this Title. If the amount of the credit authorized pursuant to Subsection A of this Section exceeds the amount of tax liability for the tax year, the following amounts of the excess credit shall either be refundable or may be carried forward as a credit against subsequent Louisiana individual income or corporation franchise tax liability for a period not to exceed ten years, as follows:~~

* * *

(2) Each taxpayer allowed a credit under this Section shall claim the credit on its separately filed individual income ~~or corporate franchise~~ tax return; ~~however, for purposes of the application of the limitations on refundability of excess credit provided for in Subparagraphs (1)(a) through (c) of this Subsection, all taxpayers included in one consolidated federal income tax return filed under the Internal Revenue Code shall be treated as a single taxpayer.~~

* * *

(4) Notwithstanding any provision in this Section to the contrary, for a manufacturer, as defined in Subparagraph (C)(3)(b) of this Section, if the amount of the credit authorized pursuant to Subsection A of this Section exceeds the amount of tax liability for the tax year, the excess credit shall not be refundable and may only be carried forward as a credit against subsequent Louisiana individual income ~~or corporation franchise~~ tax liability for a period not to exceed ten years and shall not be refundable.

* * *

D. The credit provided in this Section shall be allowed as follows:

(1) ~~For inventory taxes paid to political subdivisions on or after July 1, 1992, and before June 30, 1993, the credit shall be twenty percent of such taxes paid.~~

(2) ~~For inventory taxes paid to political subdivisions on or after July 1, 1993, and before June 30, 1994, the credit shall be forty percent of such taxes paid.~~

(3) ~~For inventory taxes paid to political subdivisions on or after July 1, 1994, and before June 30, 1995, the credit shall be sixty percent of such taxes paid.~~

(4) ~~For inventory taxes paid to political subdivisions on or after July 1, 1995, and before June 30, 1996, the credit shall be eighty percent of such taxes paid.~~

(5) ~~For for one hundred percent of inventory taxes paid to political subdivisions on or after July 1, 1996, the credit shall be one hundred percent of such taxes paid.~~

~~E. Commencing no later than January 31, 2016, the House Committee on Ways and Means and the Senate Committee on Revenue and Fiscal Affairs shall review the credit authorized pursuant to the provisions of this Section to determine if the economic benefit provided by such credit outweighs the loss of revenue realized by the state as a result of awarding such credit. The House and Senate committees shall make a specific recommendation no later than March 1, 2017, to either continue the credit or to terminate the credit.~~

F. At any time after a finding of overvaluation or misclassification of inventory for the purposes of this credit by audit or on appeal by the Board of Tax Appeals or court that last reviews the matter, the secretary of the Department of Revenue may intervene in any proceeding related to the valuation or classification of property as inventory for which a credit will be claimed pursuant to this Section.

G. Taxpayers that pay ad valorem taxes for the 2020 tax year that are eligible for the credit provided by this Section but are paid after December 31, 2020, may elect to treat these taxes as having been paid on December 31, 2020, for purposes of this credit, provided that the payments are made to the local tax collector on or before April 15, 2021. Taxpayers that make this election shall not also claim these taxes as having been paid in 2021 for purposes of claiming this credit for the 2021 tax year.

~~H.(1) Notwithstanding the provisions of Subparagraphs (B)(1)(b) and (B)(3)(c) of this Section, for ad valorem taxes on inventory paid for tax year 2020, taxpayers whose ad valorem taxes eligible for the credit authorized pursuant to this Section paid to all political subdivisions in the taxable year was less than or equal to one million dollars shall be refunded all of the excess credit.~~

~~(2) The provisions of this Subsection shall apply only to taxpayers that employed a minimum of one hundred full-time employees at each location in the state for whom withholding tax was remitted to the Department of Revenue for at least one month within each of the first three quarters of calendar year 2020.~~

~~(3) The provisions of this Subsection shall not apply to manufacturers as defined in Subparagraph (C)(3)(b) of this Section."~~

AMENDMENT NO. 15

On page 14, delete lines 21 and 22 and insert the following:

"J. Credit caps, structured pay outs, and project size limitations.

(1) Department of Economic Development program issuance cap.

* * *

(b)

* * *

(i) ~~For tax credits granted in a final certification letter prior to July 1, 2024, if the total amount of credits granted to QECs in any fiscal year is less than the QEC cap, any residual amount of unused credits shall carry forward for use in subsequent years and may be granted in addition to the QEC cap for each year.~~

(c) For applications for state-certified productions and qualified entertainment companies submitted on or after July 1, 2023, but prior to July 1, 2025, the total amount of all tax credits granted in a final certification letter by the department in any fiscal year shall not exceed one hundred fifty million dollars. If the total amount of credits applied for in any particular year exceeds the aggregate amount of tax credits allowed for that year, the excess shall be treated as having been applied for on the first day of the subsequent year.

(d) For applications for state-certified productions and qualified entertainment companies submitted on or after July 1, 2025, the total amount of all tax credits granted in a final certification letter by the department in any fiscal year shall not exceed one hundred twenty-five million dollars. If the total amount of credits applied for in any particular year exceeds the aggregate amount of tax credits allowed for that year, the excess shall be treated as having been applied for on the first day of the subsequent year.

(2) Department of Revenue taxpayer claim cap.

(a)(i) Beginning July 1, 2017 through June 30, 2025, claims against state income tax allowed on returns for tax credits or transfers of such tax credits, including legacy credits, to the Department of Revenue as provided for in Paragraph (C)(4) of this Section shall be limited to an aggregate total of one hundred eighty million dollars each fiscal year. ~~For claims allowed on returns for tax credits or transfers of such tax credits to the Department of Revenue on or before June 30, 2024, if less than one hundred eighty million dollars of such tax credits and transfers are allowed in a fiscal year, the remaining amount, plus any amounts remaining from previous fiscal years, shall be added to the one hundred eighty million dollar limit of subsequent fiscal years until that amount of tax credits or tax credit transfers to the Department of Revenue are claimed and allowed.~~

(ii) Beginning July 1, 2025, claims against state income tax allowed on returns for tax credits or transfers of such tax credits to the Department of Revenue as provided for in Paragraph (C)(4) of this Section shall be limited to an aggregate total of one hundred twenty-five million dollars each fiscal year."

AMENDMENT NO. 16

On page 14, delete lines 26 and 27 and on page 15, delete lines 1 and 2 and insert the following:

"M.(1) Beginning July 1, 2025, claims against state income tax allowed on returns for tax credits as provided for in this Section shall be limited to an aggregate total of twelve million dollars each fiscal year.

(2) Claims for tax credits or transfers of tax credits to the Department of Revenue shall be allowed on a first-come, first-served basis. Any taxpayer whose claim for such tax credits is disallowed because the fiscal year cap has been reached may use the tax credits against state income tax due in an original return filed in the next fiscal year, and his claim shall have priority over other claims filed after the date of his original claim."

AMENDMENT NO. 17

On page 15, delete lines 5 through 20 and insert the following:

"A.(1)

* * *

(e)(i) For State of Louisiana Commercial Rehabilitation Tax Credit Part 2 applications received by the Department of Culture, Recreation and Tourism on or after January 1, 2021, but prior to January 1, 2025, the maximum aggregate total of tax credits that may be reserved by all taxpayers pursuant to the provisions of this Section shall not exceed one hundred twenty-five million dollars annually. ~~For tax credit reservations issued prior to January 1, 2024, if the amount of tax credit reservations issued in a calendar year is less than one hundred twenty-five million dollars, the excess reservation amount shall be available for issuance in any subsequent calendar year. The Department of Culture, Recreation and Tourism shall establish by rule the method of reserving available tax credits including but not limited to a first-come, first-served system or any other method that the Department of Culture, Recreation and Tourism determines to be beneficial to the program. Rules promulgated pursuant to the provisions of this Subparagraph shall be subject to oversight by the House Committee on Ways and Means and the Senate Committee on Revenue and Fiscal Affairs. The Department of Revenue and the Department of Culture, Recreation and Tourism shall make reasonable efforts to post a listing of estimated credit amounts remaining under the annual cap on their websites.~~

(ii) For State of Louisiana Commercial Rehabilitation Tax Credit Part 2 applications received by the Department of Culture, Recreation and Tourism on or after July 1, 2025, the maximum aggregate total of tax credits that may be reserved by all taxpayers pursuant to the provisions of this Section shall not exceed eighty-five million dollars annually.

(iii) The Department of Culture, Recreation and Tourism shall establish by rule the method of reserving available tax credits including, but not limited to a first-come, first-served system or any other method that the Department of Culture, Recreation and Tourism determines to be beneficial to the program. Rules promulgated pursuant to the provisions of this Subparagraph shall be subject to oversight by the House Committee on Ways and Means and the Senate Committee on Revenue and Fiscal Affairs. The Department of Revenue and the Department of Culture, Recreation and Tourism shall make reasonable efforts to post a listing of estimated credit amounts remaining under the annual cap on their websites."

AMENDMENT NO. 18

On page 15, delete lines 27 and 28, and on page 16, delete lines 1 through 10

AMENDMENT NO. 19

On page 17, line 8, after "R.S. 47:32(B)," and before "79," insert "32.1,"

AMENDMENT NO. 20

On page 17, line 9, after "297.21(A)(2)" insert "6006(F), (G), and (H),"

AMENDMENT NO. 21

On page 17, delete lines 12 through 16 in their entirety and insert the following:

"Section 5. This Act shall become effective on January 1, 2025."

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

HOUSE BILL NO. 2—

BY REPRESENTATIVE EMERSON

AN ACT

To amend and reenact R.S. 47:287.12, 287.750(I), 4302(B), 6007(I), 6015(J), 6019(A)(1)(a)(i), 6020(H), 6022(D)(4)(introductory paragraph), and 6023(I) and R.S. 51:1787(L) and 2461, to enact R.S. 47:287.73(C)(6), 287.744, 3204(M), and 6022(M) and R.S. 51:2399.3(C), and to repeal R.S. 17:3389, Part II of Chapter 26 of Title 25 of the Louisiana Revised Statutes of 1950, comprised of R.S. 25:1226 through 1226.6, R.S. 47:12, 34, 37, 287.73(C)(4), 287.95(H), 287.748, 287.749, 287.752, 287.755, 287.758, 287.759, 301(10)(a)(vi), Chapter 5 of Subtitle V of Title 47 of the Louisiana Revised Statutes of 1950, comprised of R.S. 47:4331, R.S. 47:6005(G), 6006, 6008(D), 6011, 6012, 6013(D), 6014(F), 6015(L), 6016, 6016.1(N), 6017(C), 6018, 6021, 6022(L), 6025 through 6027, 6030, 6032(H), 6035 through 6037, 6041, 6104(D), 6105(B), 6106(E), and 6107(C), Chapter 22 of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:1801 through 1813, R.S. 51:1932, Part VI of Chapter 39 of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:2351 through 2360, Chapter 52 of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:3081 through 3094, Chapter 54 of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:3111 through 3115, and Chapter 55 of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:3121, relative to corporate taxation; to provide for a flat tax rate for purposes of calculating corporation income tax liability; to provide for the reduction of the rate; to establish a bonus depreciation deduction; to provide for definitions and certain limitations with respect to the bonus depreciation; to authorize the promulgation of rules and regulations; to provide for the termination of certain credits claimed against corporation income tax liability; to repeal certain tax exemptions, deductions, and credits; to repeal provisions relative to determination of location of movables for purposes of determining apportioned income for certain businesses; to repeal a sales tax exclusion for certain purchases by motion picture production companies; to repeal the corporate tax apportionment program; to repeal expired requirements for certain legislative committees to review certain tax credits; to provide for applicability; to provide for an effective date; and to provide for related matters.

Reported with amendments by the Committee on Revenue and Fiscal Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Revenue and Fiscal Affairs to Reengrossed House Bill No. 2 by Representative Emerson

AMENDMENT NO. 1

On page 1, line 2, after "4302(B)," delete the remainder of the line and delete line 3 and insert "6006(A), (B), (D) and (E), 6006.1(C), 6007(C)(1) and (4)(g), and (J)(1)(b)(i), (c) and (2)(a), 6014(D), 6015(M), 6019(A)(1)(a)(i) and (e), 6020(H), 6022(D)(4)(introductory paragraph) and (E)(2), 6023(I) and 6043(B)(1)"

AMENDMENT NO. 2

On page 1, line 4, after "3204(M)," insert "6007(J)(1)(d), 6015(M),"

AMENDMENT NO. 3

On page 1, line 4, after "R.S. 51:1787(L)" insert a comma "," and insert "2399.3(A)(1)"

AMENDMENT NO. 4

On page 1, line 10, after "47:6005(G)," delete "6006," and insert "6006(F), (G), and (H),"

AMENDMENT NO. 5

On page 1, line 10, change "6014(F)," to "6014(E) and (F),"

AMENDMENT NO. 6

On page 1, line 11, after "6021," delete "6022(L),"

AMENDMENT NO. 7

On page 1, line 12, after "6041," insert "6043(D),"

AMENDMENT NO. 8

On page 2, line 2, after "depreciation" and before the semicolon "," insert "and amortization"

AMENDMENT NO. 9

On page 2, line 4, after "liability;" and before "to repeal" insert "to provide relative to the motion picture production tax credit; to provide relative to the research and development tax credit; to provide relative to the tax credit for rehabilitation of historic structures; provide for credit caps;"

AMENDMENT NO. 10

On page 2, line 10, after "certain tax credits;" insert "to provide relative to claiming of tax credits; to provide relative to refundable credits;"

AMENDMENT NO. 11

On page 2, line 13, after "4302(B)," delete the remainder of the line and delete line 14 in its entirety and insert "6006(A), (B), (D) and (E), 6006.1(C), 6007(C)(1) and (4)(g), (J)(1)(b)(i), (c) and (2)(a), 6014(D), 6015(M), 6019(A)(1)(a)(i) and (e), 6020(H), 6022(D)(4)(introductory paragraph) and (E)(2), 6023(I) and 6043(B)(1) are hereby amended and"

AMENDMENT NO. 12

On page 2, line 15, after "3204(M)," insert "6007(J)(1)(d), 6015(M)"

AMENDMENT NO. 13

On page 2, line 15, delete "6022(M)"

AMENDMENT NO. 14

On page 2, line 18, after "2025," delete the remainder of the line and at the beginning of line 19, delete "January 1, 2026,"

AMENDMENT NO. 15

On page 2, at the end of line 20, delete "five" and delete line 21 and insert "six percent."

AMENDMENT NO. 16

On page 3, delete lines 1 through 3

AMENDMENT NO. 17

On page 6, between lines 15 and 16, insert the following:

"§6006. Tax credits for local inventory taxes paid

A.(1) There shall be allowed a credit against ~~any~~ Louisiana individual income ~~or corporation franchise~~ tax for ad valorem taxes paid to political subdivisions on inventory held by manufacturers, distributors, and retailers.

(2) There shall be allowed a credit against ~~any~~ Louisiana individual income ~~or corporation franchise~~ tax for ad valorem taxes paid to political subdivisions on natural gas held, used, or consumed in providing natural gas storage services or operating natural gas storage facilities.

(3) No credit shall be allowed for taxpayers taxed as a C-corporation for federal income tax purposes for taxable periods beginning on or after July 1, 2026. However, any such taxpayer may carry forward any remaining credits for an additional ten years from the date that the credits would have expired under the provisions of this Section. This additional carry forward period shall not apply to any credits for which the carry forward period expired prior to January 1, 2025.

B.(1) Credit for taxes paid by corporations shall be applied to ~~state corporate income and corporation franchise taxes~~. Credit for taxes paid by unincorporated persons and pass-through entities shall be applied to state ~~personal~~ individual income taxes. ~~The secretary~~

shall make a refund to the taxpayer in the amount to which he is entitled from the current collections of the taxes collected pursuant to Chapters Chapter 1 and 5 of Subtitle II of this Title. If the amount of the credit authorized pursuant to Subsection A of this Section exceeds the amount of tax liability for the tax year, the following amounts of the excess credit shall either be refundable or may be carried forward as a credit against subsequent Louisiana individual income or corporation franchise tax liability for a period not to exceed ten years, as follows:

(a) Taxpayers whose ad valorem taxes eligible for the credit authorized pursuant to this Section paid to all political subdivisions in the taxable year was less than or equal to five hundred thousand dollars shall be refunded all of the excess credit.

(b) Taxpayers whose ad valorem taxes eligible for the credit authorized pursuant to this Section paid to all political subdivisions in the taxable year was more than five hundred thousand dollars, but less than or equal to one million dollars, shall be refunded seventy-five percent of the excess credit, and the remaining twenty-five percent of the excess credit shall be carried forward as a credit against subsequent tax liability for a period not to exceed ten years.

(c) Taxpayers whose ad valorem taxes eligible for the credit authorized pursuant to this Section paid to all political subdivisions in the taxable year was more than one million dollars shall be refunded seventy-five percent of the first one million dollars of excess credit, and the remaining amount of the credit shall be carried forward as a credit against subsequent tax liability for a period not to exceed ten years.

(2) Each taxpayer allowed a credit under this Section shall claim the credit on its separately filed income or corporate franchise tax return; however, for purposes of the application of the limitations on refundability of excess credit provided for in Subparagraphs (1)(a) through (c) of this Subsection, all taxpayers included in one consolidated federal income tax return filed under the Internal Revenue Code shall be treated as a single taxpayer.

(3)(a) Subparagraphs (1)(a) and (b) of this Subsection shall not apply to any new business entity formed or registered to do business in this state after April 15, 2016.

(b) New business entities formed or first registered to do business in this state after April 15, 2016, whose ad valorem taxes paid to all political subdivisions in the taxable year was less than ten thousand dollars shall be refunded all of the excess credit.

(c) New business entities formed or first registered to do business in this state after April 15, 2016, whose ad valorem taxes paid to all political subdivisions in the taxable year was ten thousand dollars or more, but no more than one million dollars shall be refunded seventy-five percent of the excess credit, and the remaining twenty-five percent of the credit shall be carried forward as a credit against subsequent tax liability for a period not to exceed ten years.

(4) Notwithstanding any provision in this Section to the contrary, for a manufacturer, as defined in Subparagraph (C)(3)(b) of this Section, if the amount of the credit authorized pursuant to Subsection A of this Section exceeds the amount of tax liability for the tax year, the excess credit shall not be refundable and may only be carried forward as a credit against subsequent Louisiana income or corporation franchise tax liability for a period not to exceed ten years and shall not be refundable

* * *

D. The credit provided in this Section shall be allowed as follows:

(1) For inventory taxes paid to political subdivisions on or after July 1, 1992, and before June 30, 1993, the credit shall be twenty percent of such taxes paid.

(2) For inventory taxes paid to political subdivisions on or after July 1, 1993, and before June 30, 1994, the credit shall be forty percent of such taxes paid.

(3) For inventory taxes paid to political subdivisions on or after July 1, 1994, and before June 30, 1995, the credit shall be sixty percent of such taxes paid.

(4) For inventory taxes paid to political subdivisions on or after July 1, 1995, and before June 30, 1996, the credit shall be eighty percent of such taxes paid.

(5) For for one hundred percent of inventory taxes paid to political subdivisions on or after July 1, 1996, the credit shall be one hundred percent of such taxes paid.

E. Commencing no later than January 31, 2016, the House Committee on Ways and Means and the Senate Committee on Revenue and Fiscal Affairs shall review the credit authorized pursuant to the provisions of this Section to determine if the economic benefit provided by such credit outweighs the loss of revenue realized by the state as a result of awarding such credit. The House and Senate committees shall make a specific recommendation no later than March 1, 2017, to either continue the credit or to terminate the credit.

F. At any time after a finding of overvaluation or misclassification of inventory for the purposes of this credit by audit or on appeal by the Board of Tax Appeals or court that last reviews the matter, the secretary of the Department of Revenue may intervene in any proceeding related to the valuation or classification of property as inventory for which a credit will be claimed pursuant to this Section.

G. Taxpayers that pay ad valorem taxes for the 2020 tax year that are eligible for the credit provided by this Section but are paid after December 31, 2020, may elect to treat these taxes as having been paid on December 31, 2020, for purposes of this credit, provided that the payments are made to the local tax collector on or before April 15, 2021. Taxpayers that make this election shall not also claim these taxes as having been paid in 2021 for purposes of claiming this credit for the 2021 tax year.

H.(1) Notwithstanding the provisions of Subparagraphs (B)(1)(b) and (B)(3)(c) of this Section, for ad valorem taxes on inventory paid for tax year 2020, taxpayers whose ad valorem taxes eligible for the credit authorized pursuant to this Section paid to all political subdivisions in the taxable year was less than or equal to one million dollars shall be refunded all of the excess credit.

(2) The provisions of this Subsection shall apply only to taxpayers that employed a minimum of one hundred full-time employees at each location in the state for whom withholding tax was remitted to the Department of Revenue for at least one month within each of the first three quarters of calendar year 2020.

(3) The provisions of this Subsection shall not apply to manufacturers as defined in Subparagraph (C)(3)(b) of this Section." §6006.1. Tax credits for taxes paid with respect to vessels in Outer Continental Shelf Lands Act Waters

* * *

C. Notwithstanding any other provision of law to the contrary in Title 47 of the Louisiana Revised Statutes of 1950, as amended, any excess of allowable credit established by this Section over the aggregate tax liabilities against which such credit can be applied, as provided in this Section, shall constitute an overpayment, as defined in R.S. 47:1621(A), and the secretary shall make a refund of such overpayment from the current collections of the taxes imposed by Chapter 1 or Chapter 5 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, as amended, together with interest as provided in R.S. 47:1624. The right to a credit or refund of any such overpayment shall not be subject to the requirements of R.S. 47:1621(B). All credits and refunds, together with interest thereon, must be paid or disallowed within ninety days of receipt by the secretary, of any such claim for refund or credit. Failure of the secretary to pay or disallow, in whole or in part, any claim for a credit or a refund shall entitle the aggrieved taxpayer to proceed with the remedies provided in R.S. 47:1625.

* * *

AMENDMENT NO. 18

On page 6, between lines 17 and 18, insert the following:

"C. Production tax credit; specific productions and projects.

(1) There is hereby authorized a tax credit against state income tax for Louisiana taxpayers for expenditures related to state-certified productions and qualified entertainment companies. The tax credit shall be earned by a motion picture production company at the time expenditures are certified by the office and the secretary for 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 once per production, after project completion. However, if at the

time of application for initial certification, the office is notified that post-production activities will take place in Louisiana, a supplemental request for certification of expenditures directly related to such post-production activity may be submitted for consideration by the office. The cost of any verification or audit of such expenditures shall be borne by the motion picture production company. The tax credit shall be calculated as a percentage of the total base investment dollars certified per project, or as otherwise provided in this Paragraph.

(4) Transferability of the credit. Except as provided for in Subparagraph (g) of this Paragraph, 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 Department of Revenue, subject to the following conditions:

(g)(i) For projects that apply on and after July 1, 2017, except as provided for in Subparagraph (f) of this Paragraph, motion picture tax credits not previously claimed by any taxpayer against its income tax may not be transferred or sold to another taxpayer.

(ii) For projects that apply on or after January 1, 2025, motion picture tax credits may not be transferred to the Department of Revenue and shall be only utilized to offset income tax on a return.

AMENDMENT NO. 19

On page 6, delete lines 18 and 19 and insert the following:

"J. Credit caps, structured pay outs, and project size limitations.

(1) Department of Economic Development program issuance cap.

(b)

(i) For tax credits granted in a final certification letter prior to July 1, 2024, if the total amount of credits granted to QECs in any fiscal year is less than the QEC cap, any residual amount of unused credits shall carry forward for use in subsequent years and may be granted in addition to the QEC cap for each year.

(c) For applications for state-certified productions and qualified entertainment companies submitted on or after July 1, 2023, but prior to July 1, 2025, the total amount of all tax credits granted in a final certification letter by the department in any fiscal year shall not exceed one hundred fifty million dollars. If the total amount of credits applied for in any particular year exceeds the aggregate amount of tax credits allowed for that year, the excess shall be treated as having been applied for on the first day of the subsequent year.

(d) For applications for state-certified productions and qualified entertainment companies submitted on or after July 1, 2025, the total amount of all tax credits granted in a final certification letter by the department in any fiscal year shall not exceed one hundred twenty-five million dollars. If the total amount of credits applied for in any particular year exceeds the aggregate amount of tax credits allowed for that year, the excess shall be treated as having been applied for on the first day of the subsequent year.

(2) Department of Revenue taxpayer claim cap.

(a)(i) Beginning July 1, 2017 through June 30, 2025, claims against state income tax allowed on returns for tax credits or transfers of such tax credits, including legacy credits, to the Department of Revenue as provided for in Paragraph (C)(4) of this Section shall be limited to an aggregate total of one hundred eighty million dollars each fiscal year. For claims allowed on returns for tax credits or transfers of such tax credits to the Department of Revenue on or before June 30, 2024, if less than one hundred eighty million dollars of such tax credits and transfers are allowed in a fiscal year, the remaining amount, plus any amounts remaining from previous fiscal years, shall be added to the one hundred eighty million dollar limit of subsequent fiscal years until that amount of tax credits or tax credit transfers to the Department of Revenue are claimed and allowed.

(ii) Beginning July 1, 2025, claims against state income tax allowed on returns for tax credits or transfers of such tax credits to the Department of Revenue as provided for in Paragraph (C)(4) of this Section shall be limited to an aggregate total of one hundred twenty-five million dollars each fiscal year."

AMENDMENT NO. 20

On page 6, between lines 20 and 21, insert the following:

"§6014. Credit for property taxes paid by certain telephone companies; fund

* * *

D. ~~The excess, if any, of the credit allowed by this Section over the aggregate tax liabilities against which such allowable credit may be applied, as provided in this Section, shall constitute an overpayment, as defined in R.S. 47:1621(A), and the secretary shall make a refund of such overpayment from the current collections of the taxes imposed under Chapter 2 of Subtitle II of this Title, together with interest as provided in R.S. 47:1624. The right to a refund of any such overpayment shall not be subject to the requirements of R.S. 47:1621(B). Any such refund, together with interest thereon, shall be paid by the secretary within ninety days of receipt by the secretary of the return on which the credit allowed by this Section is claimed. Failure of the secretary to pay such refund, in whole or in part, shall entitle the aggrieved taxpayer to proceed with the remedies provided in R.S. 47:1625.~~

E.(1)(a) The avails of sales and use taxes imposed pursuant to R.S. 47:302, 321, and 331 attributable to the furnishing of interstate and international telecommunication services, as both those terms are defined in Chapter 2 of Subtitle II of this Title, shall be credited to the Bond Security and Redemption Fund, and after a sufficient amount is allocated from that fund to pay all of the obligations secured by the full faith and credit of the state which become due and payable within any fiscal year, the treasurer shall deposit an amount of avails as determined pursuant to Subparagraph (b) of this Paragraph into a special fund which is hereby created and established in the state treasury and known as the "Telephone Company Property Assessment Relief Fund", hereinafter the "fund".

(b) The amount of such avails shall be determined by the secretary, by rule, using industry data as available at the time the fund was originally created, and as had been published by the Federal Communications Commission. The secretary shall adopt and promulgate such rule no later than March 1, 2006, and the rule shall be effective for tax periods starting on or after July 1, 2006.

(2) The monies in the fund shall be used solely and exclusively for the purpose of providing funds to pay the credits ~~or refunds~~ as provided in this Section. The treasurer shall annually transfer to the state general fund an amount equal to the credits taken ~~and refunds~~ issued pursuant to this Section.

* * *

AMENDMENT NO. 21

On page 6, delete lines 23 through 26 and insert the following:

"M.(1) Beginning July 1, 2026, claims against state income tax allowed on returns for tax credits as provided for in this Section shall be limited to an aggregate total of twelve million dollars each fiscal year.

(2) Claims for tax credits or transfers of tax credits to the Department of Revenue shall be allowed on a first-come, first-served basis. Any taxpayer whose claim for such tax credits is disallowed because the fiscal year cap has been reached may use the tax credits against state income tax due in an original return filed in the next fiscal year, and his claim shall have priority over other claims filed after the date of his original claim."

AMENDMENT NO. 22

On page 7, delete lines 2 through 16 and insert the following:

"A.(1)

* * *

(e)(i) For State of Louisiana Commercial Rehabilitation Tax Credit Part 2 applications received by the Department of Culture, Recreation and Tourism on or after January 1, 2021, but prior to January 1, 2025, the maximum aggregate total of tax credits that may be reserved by all taxpayers pursuant to the provisions of this Section shall not exceed one hundred twenty-five million dollars annually. For tax credit reservations issued prior to January 1, 2024, if the amount of tax credit reservations issued in a calendar year is less than one hundred twenty-five million dollars, the excess reservation amount shall be available for issuance in any subsequent calendar year. The Department of Culture, Recreation and Tourism shall establish by rule the method of reserving available tax credits including but not limited to a first-come, first-served system or any

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other method that the Department of Culture, Recreation and Tourism determines to be beneficial to the program. Rules promulgated pursuant to the provisions of this Subparagraph shall be subject to oversight by the House Committee on Ways and Means and the Senate Committee on Revenue and Fiscal Affairs. The Department of Revenue and the Department of Culture, Recreation and Tourism shall make reasonable efforts to post a listing of estimated credit amounts remaining under the annual cap on their websites.

(ii) For State of Louisiana Commercial Rehabilitation Tax Credit Part 2 applications received by the Department of Culture, Recreation and Tourism on or after July 1, 2025, the maximum aggregate total of tax credits that may be reserved by all taxpayers pursuant to the provisions of this Section shall not exceed eighty-five million dollars annually.

(iii) The Department of Culture, Recreation and Tourism shall establish by rule the method of reserving available tax credits including, but not limited to a first-come, first-served system or any other method that the Department of Culture, Recreation and Tourism determines to be beneficial to the program. Rules promulgated pursuant to the provisions of this Subparagraph shall be subject to oversight by the House Committee on Ways and Means and the Senate Committee on Revenue and Fiscal Affairs. The Department of Revenue and the Department of Culture, Recreation and Tourism shall make reasonable efforts to post a listing of estimated credit amounts remaining under the annual cap on their websites."

AMENDMENT NO. 23

On page 7, delete lines 23 through 29 and on page 8, delete lines 1 and 5

AMENDMENT NO. 24

On page 8, between lines 3 and 4, insert the following:

"E. Use of tax credits.
* * *

(2) For tax credits earned for expenditures made on or after January 1, 2012:

(a) The tax credits shall be refundable and allowed against the individual or corporate income tax liability of the companies or financiers of the project in accordance with their share of the credit as provided for in the application for certification for the project. The credit shall be allowed for the taxable period in which expenditures eligible for a credit are expended as set forth in the final tax credit certification letter. Any excess of the credit over the income tax liability against which the credit may be applied shall constitute an overpayment, as defined in R.S. 47:1621(A), and the secretary of the Department of Revenue shall make a refund of such overpayment from the current collections of the taxes imposed by Chapter 1 of Subtitle II of this Title, as amended. The right to a refund of any such overpayment shall not be subject to the requirements of R.S. 47:1621(B).

(b) At the time of final certification of tax credits, a company may elect, on a one-time basis, to receive a rebate of the credits. The amount of the rebate shall be eighty-five percent of the face value of the credits. Upon receipt of the final tax credit certification letter and any necessary additional information, the secretary of the Department of Revenue shall make payment to the company, or its irrevocable designee, which may include but not be limited to a bank or other lender, in the amount to which he is entitled from the current collections of the taxes collected pursuant to Chapter 1 of Subtitle II of this Title, as amended.
* * *

AMENDMENT NO. 25

On page 8, between lines 10 and 11, insert the following:
"\$6043. Recycling of oyster shells; restaurant tax credit
* * *

B.(1) There shall be allowed a refundable credit against Louisiana income tax for restaurants that donate oyster shells for beneficial use in accordance with the qualifications provided in this Subsection.
* * *

AMENDMENT NO. 26

On page 8, between lines 18 and 19, insert the following:

"A.(1) Except as provided in Subsection B of this Section, an employer may earn and apply for and, if qualified, be granted a refundable credit on any income or corporation franchise tax liability owed to the state by the employer seeking to claim the credit, in the amount approved by the secretary of the department for the amount of qualified expenditures incurred by the employer for a modernization. Except as otherwise provided in this Paragraph, the refundable credit shall be allowed against the income tax for the taxable period in which the credit is earned and the franchise tax for the taxable period following the period in which the credit is earned."

AMENDMENT NO. 27

On page 9, line 5, after "R.S. 47:6005(G)," and before "6008(D)," delete "6006," and insert "6006(F), (G), and (H),"

AMENDMENT NO. 28

On page 9, at the end of line 5, change "6014(F)," to "6014(E) and (F),"

AMENDMENT NO. 29

On page 9, line 7, after "6041," insert "6043(D),"

AMENDMENT NO. 30

On page 9, delete lines 21 through 25 and insert the following:

"Section 6. This Act shall become effective on January 1, 2025."

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

HOUSE BILL NO. 3—

BY REPRESENTATIVE EMERSON

AN ACT

To amend and reenact R.S. 47:287.750(E)(1), 6005(C)(1), 6006(A) and (B)(1)(introductory paragraph), (2), and (4), 6006.1(A), (B)(introductory paragraph), (1), (3), and (4), and (C), 6008(A), 6013(A), 6014(A), (B), and (C)(1) and (3) through (5), 6015(B)(1) and (2), (C)(3)(a) and (d)(i), (D)(2)(introductory paragraph), and (K), 6017(A), 6018(B), (D)(introductory paragraph), and (E), 6019(A)(1)(a)(i) and (3)(a) and (b)(ii)(aa) and (dd)(I), 6020(D)(2)(a) and (3)(a) and (d)(i), 6022(E)(1)(a), (b), and (e)(introductory paragraph), 6028(C)(introductory paragraph) and (D)(1) and (2), 6032(A) and (D), 6033(C)(introductory paragraph) and (D)(1) and (2), 6036(C)(1)(a)(introductory paragraph) and (I)(2)(a)(i) and (b), 6105(A), 6107(A) and (B), and 6108(A) and (B)(introductory paragraph), (1), (3), and (4) and R.S. 51:1787(A)(2)(a) and (b) and (G) and 2399.3(A)(1) and (3)(a) and (d)(i) and to repeal Chapter 5 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, comprised of R.S. 47:601 through 618, and R.S. 47:3204(H)(1), (I)(1)(a), and (J)(1) and 4305(B)(1), relative to corporation taxes; to repeal the corporation franchise tax; to repeal provisions relative to the application, administration, collection, and payment of the corporation franchise tax; to repeal the automatic corporation franchise tax rate reduction under certain circumstances; to repeal provisions relative to corporations not subject to the corporation franchise tax; to provide with respect to tax credits applicable against corporation franchise tax; to provide for applicability; to provide for an effective date; and to provide for related matters.

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

HOUSE BILL NO. 4—

BY REPRESENTATIVE MCFARLAND

AN ACT

To appropriate funds and to make certain reductions from certain sources to be allocated to the designated agencies and purposes in specific amounts for the making of supplemental appropriations and reductions for said agencies and purposes for

Fiscal Year 2024-2025; to provide for an effective date; and to provide for related matters.

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

HOUSE BILL NO. 5—

BY REPRESENTATIVE BACALA AND SENATOR EDMONDS AND REPRESENTATIVES ADAMS, AMEDEE, BAGLEY, BAMBURG, BERAULT, BOURRIQUE, BOYD, BRASS, BRAUD, BRYANT, BUTLER, CARLSON, CARRIER, WILFORD CARTER, CARVER, CHASSION, CHENEVERT, COATES, COX, DEVILLIER, DEWITT, DOMANGUE, EDMONSTON, EMERSON, FIRMONT, FISHER, FREIBERG, GADBERRY, GLORIOSO, GREEN, HILFERTY, HORTON, JACKSON, MIKE JOHNSON, KERNER, KNOX, LAFLEUR, LARVADAIN, LYONS, MACK, MARCELLE, MCFARLAND, MCMAHEN, MCMAKIN, MELERINE, MILLER, MYERS, OWEN, RISER, SCHAMERHORN, SCHLEGEL, SELDERS, ST. BLANC, TAYLOR, THOMAS, TURNER, VILLIO, WALTERS, WILDER, WILEY, WYBLE, AND YOUNG AND SENATOR HODGES

AN ACT

To enact R.S. 17:418.1, relative to the compensation of teachers and other school employees; to require public school systems to provide a salary increase to certain personnel; to provide relative to the amount of the increase; to provide relative to related benefits; to provide for a funding mechanism; to provide for definitions; to provide for effectiveness; and to provide for related matters.

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

HOUSE BILL NO. 6—

BY REPRESENTATIVE BEAULLIEU
AN ACT

To provide for a special statewide election to be held on March 29, 2025, for the purpose of submitting proposed constitutional amendments to the electors of the state; to provide for the conduct of such election; to provide for an effective date; and to provide for related matters.

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

HOUSE BILL NO. 7—

BY REPRESENTATIVE EMERSON
A JOINT RESOLUTION

Proposing to revise Article VII of the Constitution of Louisiana, relative to revenue and finance; to provide with respect to the power of taxation including limitations thereon; to require uniformity with respect to certain local and state tax measures; to provide with respect to assessment of property and other items of taxation; to provide with respect to remittance of some or all of certain tax revenues to local entities; to provide with respect to rates of taxation; to provide with respect to dedication of certain revenue; to provide with respect to bonded indebtedness including limitations thereon; to provide with respect to the Interim Emergency Board; to provide with respect to the State Bond Commission; to provide with respect to deposit of monies received by the state or its instrumentalities; to provide with respect to the Bond Security and Redemption Fund; to provide with respect to expenditure of state revenues; to provide with respect to the Revenue Estimating Conference; to provide with respect to appropriations; to provide with respect to deficits; to provide with respect to budgets; to provide with respect to publication of certain data; to provide with respect to the Budget Stabilization Fund; to provide with respect to the Transportation Trust Fund including subfunds thereof; to provide with respect to the Coastal Protection and Restoration Fund; to provide for establishing certain classes of trusts and funds in the state treasury; to provide with respect to designation of certain trusts and funds in the state treasury as a member of such classes; to provide with respect to the Louisiana Education Quality Trust Fund including subfunds thereof; to provide with respect to the Mineral Revenue Audit and Settlement Fund; to provide with respect to the Oilfield Site Restoration Fund; to provide with respect to the Oil Spill Contingency Fund; to provide with respect to the Millennium Trust and any funds within it; to provide with respect to the Louisiana Fund; to

provide with respect to the Artificial Reef Development Fund; to provide with respect to the legislature's authority to take certain actions; to provide with respect to the Hospital Stabilization Formula and Fund; to provide with respect to the Louisiana Medical Assistance Trust Fund and any accounts therein; to provide with respect to the Revenue Stabilization Trust Fund; to provide with respect to the Conservation Fund; to provide with respect to public access to certain revenue and expenditure information; to provide with respect to investment of certain monies; to provide with respect to things of value; to provide with respect to cooperative endeavors; to provide with respect to prior obligations regarding things of value; to provide with respect to release or extinguishment of certain obligations; to provide with respect to taxes; to require transfer of certain assets to the Teachers' Retirement System of Louisiana; to provide with respect to the authority of the Teachers' Retirement System of Louisiana regarding calculation of system liabilities and required funding; to provide with respect to use by certain political subdivisions of certain revenues to provide a salary increase for certain personnel; to provide with respect to valuation of property for tax purposes; to provide with respect to treatment of certain property, income, or things of value for tax purposes; to provide with respect to tax liability; to provide with respect to reduction or elimination of tax liability in certain circumstances; to provide with respect to certain payments to political subdivisions; to provide with respect to invalidation or impairment of certain taxes or obligations; to provide with respect to millage rates; to provide with respect to tax assessors; to provide with respect to tax sales; to provide with respect to liens and privileges; to provide with respect to the Revenue Sharing Fund; to provide with respect to the Louisiana Unclaimed Property Permanent Trust Fund; to make technical and conforming changes; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

Reported with amendments by the Committee on Revenue and Fiscal Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Revenue and Fiscal Affairs to Re-Engrossed House Bill No. 7 by Representative Emerson

AMENDMENT NO. 1

On page 2, line 29, after "Trust Fund;" insert "to create the Local Revenue Fund; to authorize the legislature to establish a fee for geologic sequestration; to provide relative to the severance tax allocation on brine;"

AMENDMENT NO. 2

On page 3, at the beginning of line 27, insert "in the executive branch"

AMENDMENT NO. 3

On page 4, delete lines 19 through 22 and insert:

"(2) Natural gas, electricity, and water sold directly to the consumer for residential use.

(3) Prescription drugs.

(E) (B) As used in this Section, the term "sold directly to the"

AMENDMENT NO. 4

On page 5, delete lines 1 through 3

AMENDMENT NO. 5

On page 5, line 4, change "C." to "(C)"

AMENDMENT NO. 6

On page 5, line 6, change "D." to "(D)"

AMENDMENT NO. 7

On page 5, line 9, after "as" and before "required" insert "authorized by or"

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AMENDMENT NO. 8

On page 5, between lines 9 and 10, insert the following:

"(E) Notwithstanding any other provision of this constitution to the contrary, all local taxing authorities are hereby authorized to amend their ordinances concerning sales and use taxes to conform any existing levy to the authority granted to those taxing authorities pursuant to applicable law."

AMENDMENT NO. 9

On page 6, line 13, after "established" delete the remainder of the line and insert "by July 1, 1992."

AMENDMENT NO. 10

On page 6, delete lines 26 through 29 and on page 7, delete lines 1 through 3 and insert the following:

"(5) The provisions of Subparagraphs 1 and 2 of this Paragraph shall not apply in those parishes which have a single collector or a centralized collection arrangements as of July 1, 1992, that remains in effect.

(6) Taxes collected on behalf of a taxing authority by any collector shall be held in trust by the collector and shall always be considered the money of the taxing authority for whom they are collected.

(7) Nothing in this Paragraph or Article VI of this constitution shall impede the operations or funding of the Uniform Local Sales Tax Board, as provided in R.S. 47:337.102 or other applicable law, which is hereby continued subject to change by law as provided in this Subparagraph. Notwithstanding any other provision of this constitution to the contrary, the Uniform Local Sales Tax Board shall exercise any authority provided by law, provided that any change to the membership or reduction in the authority of the board, as effective on July 1, 2024, shall be enacted only by a vote of two-thirds of the elected members of each house of the legislature."

AMENDMENT NO. 11

On page 7, delete line 8 and insert "three and three quarter's percent."

AMENDMENT NO. 12

On page 7, delete lines 19 and 20 and insert the following: "of the products at the time and place of severance. No further or additional tax or license shall be levied or imposed upon oil, gas, or sulphur leases or rights. No"

AMENDMENT NO. 13

On page 8, line 9, after "~~thousand dollars,~~" and before "one-fifth" insert "and one-half of brine severance tax that is not produced as an incident to the production of oil and gas, unless the brine is saved, retained, used, or sold for the purpose of extracting the constituent parts, minerals, elements, or compounds;"

AMENDMENT NO. 14

On page 8, line 10, after "lignite," and before "or timber," insert "brine,"

AMENDMENT NO. 15

On page 8, line 17, after "taxes" and before "." insert ", provided that the limitation shall not be an amount less than the amount provided for on July 1, 2024"

AMENDMENT NO. 16

On page 10, between lines 17 and 18 insert the following:

"§8.I. Geologic Sequestration of Carbon Dioxide

Section 8.I. The legislature shall establish by law a fee on carbon dioxide injected in underground formations for the purpose of geologic sequestration."

AMENDMENT NO. 17

On page 18, line 19, after "(a)" delete the remainder of the line and insert "Beginning with the 2026-2027 Fiscal Year,"

AMENDMENT NO. 18

On page 18, at the beginning of line 20, delete "2026 fiscal year,"

AMENDMENT NO. 19

On page 18, line 21, after "from the" and before "only be" delete "state general fund and dedicated funds can" and insert "State General Fund (Direct) shall"

AMENDMENT NO. 20

On page 18, line 25, between "calculation" and "of such" insert "and application"

AMENDMENT NO. 21

On page 19, line 4, after "forecast" and before "above" insert "for the State General Fund (Direct)"

AMENDMENT NO. 22

On page 19, delete lines 10 through 12

AMENDMENT NO. 23

On page 19, at the beginning of line 13, change "(e)" to "(d)"

AMENDMENT NO. 24

On page 25, delete lines 22 through 29 and on page 26, delete lines 1 through 10.

AMENDMENT NO. 25

On page 26, at the beginning of line 11, change "(3)" to "(2)"

AMENDMENT NO. 26

On page 26, at the beginning of line 13, change "(4)" to "(3)"

AMENDMENT NO. 27

On page 26, at the beginning line 14, change "(5)" to "(4)"

AMENDMENT NO. 28

On page 32, at the end of line 26 insert the following: "The two-thirds vote required herein may only be changed by two-thirds vote of the elected members of each house of the legislature. The purposes of the program funds designated herein shall be retained and may only be changed by a two-thirds vote of the elected members of each house of the legislature."

AMENDMENT NO. 29

On page 33, delete line 2, and insert the following:

"(4) The Louisiana Fund.

(5) Any other fund designated by law as a program fund."

AMENDMENT NO. 30

On page 71, line 24, after "contrary," delete the remainder of the line and at the beginning of line 25 delete "and directed to" and insert "no later than May 1, 2025, the state treasurer shall"

AMENDMENT NO. 31

On page 71, at the end of line 25, delete "balance" and insert "liquidated fair market value"

AMENDMENT NO. 32

On page 72, line 19, after "provided in" delete the remainder of the line in its entirety and insert "Paragraphs (C), (F), and (G); this Section or"

AMENDMENT NO. 33

On page 72, line 23, after "Classification." and before "The" insert "(1)"

AMENDMENT NO. 34

On page 72, at the beginning of line 27, delete "1." and insert "(a)"

AMENDMENT NO. 35

On page 72, at the beginning of line 28, delete "2." and insert "(b)"

AMENDMENT NO. 36

On page 72, at the beginning of line 29, delete "3." and insert "(c)"

AMENDMENT NO. 37

On page 73, at the beginning of line 1, delete "4." and insert "(d)"

AMENDMENT NO. 38

On page 73, at the beginning of line 2, delete "5." and insert "(e)"

AMENDMENT NO. 39

On page 73, between lines 3 and 4, insert:

"(g) Business inventory 15%"

AMENDMENT NO. 40

On page 73, at the beginning of line 4, delete "6." and insert "(h)"

AMENDMENT NO. 41

On page 73, between lines 4 and 5, insert the following:

"(2) For purposes of ad valorem taxation, a parish governing authority may elect to reduce the percentage of fair market value applicable to property considered business inventory, as defined in law. The legislature may provide by law enacted by two-thirds of the elected members of each house for the implementation of the provision of this Subparagraph. Once enacted, any change to these laws shall also be enacted by two-thirds of the elected members of each house of the legislature."

AMENDMENT NO. 42

On page 73, at the beginning of line 5, insert "(3)"

AMENDMENT NO. 43

On page 73, line 11, after "(D)" and before "Valuation." insert "(1)"

AMENDMENT NO. 44

On page 73, between lines 18 and 19, insert the following:

"(2) No additional value shall be added to the assessment of land by reason of the presence of oil, gas, or sulphur therein or their production therefrom. However, sulphur in place shall be assessed for ad valorem taxation to the person, firm, or corporation having the right to mine or produce the same in the parish where located, at no more than twice the total assessed value of the physical property subject to taxation, excluding the assessed value of sulphur above ground, as is used in sulphur operations in such parish. Likewise, the severance tax shall be the only tax on timber; however, standing timber shall be liable equally with the land on which it stands for ad valorem taxes levied on the land."

"(3) Notwithstanding the provisions of Subparagraph (2) of this Paragraph, the presence of oil or gas, or the production thereof, may be included in the methodology to determine the fair market value of an oil or gas well for ad valorem taxes."

AMENDMENT NO. 45

On page 75, delete lines 20 and 21 and insert the following: "~~of Article VII, Section 23(B) of this constitution: this Subparagraph.~~"

AMENDMENT NO. 46

On page 83, line 12, after "Section 35." insert "(A)"

AMENDMENT NO. 47

On page 83, at the beginning of line 15, change "two-thirds" to "three-fourths"

AMENDMENT NO. 48

On page 83, between lines 20 and 21, insert the following:

"(B) Property owned by a nonprofit operated exclusively for religious purposes as a house of worship, residential housing for clergy, priests, or nuns, or a seminary or other educational institution training individuals for religious ministry shall be exempt from ad valorem tax pursuant to this Section."

AMENDMENT NO. 49

On page 109, between lines 26 and 27, insert the following:

"Part V. Local Revenue Fund

Section 43. (A) Creation of Fund. (1) The Local Revenue Fund is authorized to be created as a special fund in the state treasury."

(2) Any funds deposited into the fund shall be deemed to belong to the local government subdivisions entitled to distribution pursuant to Paragraph D of this Section and shall not be considered state funds for the purposes of Section 13 of this Article. Distribution pursuant to this Section shall not be subject to any separate requirement of appropriation and all provisions of this Section may be enforced by a mandamus action brought in any court of competent jurisdiction by an impacted party."

(B) Deposit and Dedication of Funds. The legislature may provide by law for the dedication of taxes or funds to this fund. Once enacted the dedication shall not be subject to repeal or amendment except by a two-thirds vote of the elected members of each house of the legislature, which shall be approved only by passage of a specific stand-alone legislative instrument that modifies no other provisions of law."

(C) Oversight by the Uniform Local Sales Tax Board. The Uniform Local Sales Tax Board, or its legal successor, is hereby authorized to enter into agreements with the state concerning collection of any taxes dedicated to this fund. It is further authorized to take actions of review, audit, or collection, as provided by law, in coordination with any local sales tax collector concerning any tax due pursuant to the taxes levied specifically for deposit into this fund."

(D) Distribution Formula. Commencing January 1, 2026, the Local Revenue Fund shall be distributed monthly. For each parish that elects to irrevocably exempt, in accordance with law, business inventory from ad valorem tax, the ad valorem tax collectors in the parish shall be transmitted from the fund, on a pro rata basis considering all available funds, a monthly sum equal to one-twelfth of the amount of ad valorem tax on inventory the collector actually collected on an annual basis using an average of the amounts collected in tax years 2022 through 2024. Except as otherwise provided by law, no additional funds shall be deposited into the fund once all parishes have been fully compensated pursuant to this Section. After deductions in each parish for retirement systems and commissions, as authorized by law, the remaining funds shall be distributed to the ad valorem tax recipient bodies within the parish in the manner provided by law to compensate those ad valorem tax recipient bodies for the loss of any inventory tax."

AMENDMENT NO. 50

On page 110, line 11, after "Stabilization" change "fund" to "Fund"

AMENDMENT NO. 51

On page 112, delete lines 2 through 12 and insert the following:

"Section 9. Notwithstanding any provision of this Act to the contrary, for the remainder of Fiscal Year 2024-2025, the treasurer shall allocate severance tax to the governing authority of the parish in which severance or production occurs in accordance with the provisions of law in effect on July 1, 2024."

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

HOUSE BILL NO. 8—

BY REPRESENTATIVE BRASS

AN ACT

To amend and reenact R.S. 47:301(3)(a), (b), and (i)(i)(introductory paragraph) and (ii)(aa)(I)(aaa), (4)(introductory paragraph), (a) through (e), (h), and (i), (5), (7)(a), (g), and (i), (8)(b), (9), (10)(a)(i) through (iv), (c)(ii)(bb), (j), (l), (q)(i), (r), (s), (u), (ff), and (hh), (12), (13)(a), (14)(h) through (k), (15), (18)(a), (d)(i), (e), and (f), (19), and (29)(x)(introductory paragraph) and (ix), 302(A), (B), (D), (K)(1) and (2), (U), (V)(1)(introductory paragraph), (a), and (b)(introductory paragraph), (BB)(9), (13), (17), (23), (25), (27), (30), (33), (56), (66), (81), (109), and (113), and (CC), 303(A)(2) and (3)(a) and (G), 303.1(A) and (B)(1)(introductory paragraph) and (c) and (2)(b), 304(B), 305(E), 305.10(A) and (C) through (E), 305.14(A)(1)(a) and (5), 305.38, 305.53(A), 305.54(B) and (C)(1), 306.5(A)(1) and (2)(c), 307(A) through (C), 309(A)(1), 309.1(B)(1) and (2)(b) and (D), 310(A), 312, 314, 315(A) and (B)(1), 315.3(A), 315.5(A), (B)(3), and (C)(1)(c), 321(A), (B), (P)(9), (13), (17), (23), (25), (27), (30), (33), (56), (66), (81), (109), and (114), and (Q), 321.1(A), (B), (I)(9), (13), (17), (23), (25), (27), (30), (33),

(56), (66), (81), (109), and (114), and (J), 331(A), (B), (V)(9), (13), (17), (23), (25), (27), (30), (33), (56), (66), (81), (109), and (114), and (W), 337.3(A), and 340.1(A)(3) and (5) and R.S. 51:1286(B), to enact R.S. 47:301(10)(c)(ii)(cc) and (ji), (14)(l) and (m), (32), (33), and (34), 301.3, 301.4, and 305.5, and to repeal R.S. 47:301(16)(h) and (p) and (23), relative to sales and use taxes; to provide for the levy of sales and use taxes on certain digital products and services; to provide for the rates of such taxes; to provide for definitions; to provide relative to exclusions and exemptions from sales and use taxes; to provide relative to administration of sales and use taxes; to provide relative to tax collection and enforcement; to provide for liability for collection and payment of certain sales and use taxes; to provide for record keeping and reporting; to provide for sourcing; to provide for certain limitations and requirements; to provide for effectiveness; to provide for applicability; and to provide for related matters.

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

HOUSE BILL NO. 10— BY REPRESENTATIVE WRIGHT

AN ACT

To amend and reenact R.S. 12:425, R.S. 22:2065, R.S. 33:4169(D), R.S. 47:301(3), (4)(i) through (k), (6), (7), (8), (10), (13), (14), (16), (18), and (23) through (30), 301.1(A)(introductory paragraph), (B)(2)(b) through (d), (C)(2)(b), (D), and (E), 302(D), 303(B)(introductory paragraph), (1)(introductory paragraph) and (b)(introductory paragraph), (3)(b)(ii), and (4), (D)(1), (E), and (F), 303.1(B)(5), 304(A), 305(A), (B), (C), (D)(1), and (E) through (I), 305.2 through 305.4, 305.6 through 305.8, 305.10(F), 305.13, 305.20(A), (C), and (D), 305.39, 305.50(B) through (D), 305.72(C), 305.73(B) through (D), 305.75, 306.5(B), 318(A), 321(A) and (C), 321.1(A), (B), and (C), 322, 331(A) through (C), 332, 337.2(C)(2) and (4)(a) and (b)(i)(aa)(II) and (bb)(II), 337.4(B)(6) and (7), 337.6(B), 337.8(B), 337.13(A), 463.8(B)(1)(b) and (3), and 6001(A), and R.S. 51:1286, to enact R.S. 47:301(4)(l), 301.3, 301.4, 301.5, 305(J), 305.5, 305.12, and 305.72(D) through (F), and to repeal Part V of Chapter 3 of Title 40, comprised of R.S. 40:582.1 through 582.7, R.S. 47:9, 301(4)(m) and (n) and (31), 301.1(B)(2)(e) and (f) and (F), 301.2, 302(F) through (J), (L) through (T), and (X) through (CC), 305(D)(3) through (6), 305.9, 305.14 through 305.18, 305.24 through 305.26, 305.28, 305.30, 305.33, 305.36, 305.37, 305.40 through 305.44, 305.46, 305.47, 305.49, 305.50(E) and (F), 305.52 through 305.54, 305.56 through 305.65, 305.67, 305.68, 305.70, 305.71, 305.73(A)(5) and (6), (E), and (F), 305.74, 305.76 through 305.80, 306(A)(3), (6), and (7), and (D), 315.1 through 315.3, 315.5, 321(E) through (Q), 321.1(E), (F), (I), and (J), 331(F) through (W), 337.2(A)(2) and (B)(3)(e) through (h), 337.4(B)(4) and (8), 337.5(A)(1)(e), 337.10.1 through 337.10.2, 337.11.1, 337.11.2, 337.11.4, 337.18(A)(3), 337.23(C)(1)(a)(ii), 338.1(B), 340(G)(6)(d), 6003, and 6040, and Chapter 10 of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:1301 through 1316, relative to sales and use taxes; to provide for the rate of the sales and use tax; to provide for sales and use tax exclusions, exemptions, credits, and rebates; to provide for the applicability of certain exclusions, exemptions, credits, and rebates to sales and use taxes levied by the state and certain other political subdivisions; to provide with respect to compensation for certain dealers for collecting and remitting sales and use taxes; to provide for the administration and sourcing of certain sales; to provide for the the sourcing of certain bundled transactions; to provide for certain requirements and limitations; to repeal the Louisiana Tax Free Shopping Program; to repeal certain sales and use tax exclusions, exemptions, credits, and rebates; to provide for applicability; to provide for an effective date; and to provide for related matters.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Revenue and Fiscal Affairs to Reengrossed House Bill No. 10 by Representative Wright

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 47: 301(3)," delete the remainder of the line and delete lines 3 through 15 and insert the following: "(4)(introductory paragraph), (4)(a) through (e) and (h) through (k), (5) through (10), (12) through (16), (18), (19), and (23) through (31), 301.1(A) (introductory paragraph), (B)(2)(b) through (d), (C)(2)(b), (D), and (E), 302(A), (B), (D), (K)(1) and (2), (U), (V)(1)(introductory paragraph), (a) and (b)(introductory paragraph), 303(A)(2) and (3)(a), (B)(introductory paragraph), (1)(introductory paragraph) and (b)(introductory paragraph), (3)(b)(ii) and (4), (D)(1), (E), (F), and (G), 303.1(A), (B)(1)(introductory paragraph) and (c), (2)(b), and (5), 304(A) and (B), 305(A), (B), (C), (D)(1) and (E) through (I), 305.2 through 305.4, 305.6 through 305.8, 305.10(A) and (C) through (F), 305.13, 305.14(A)(1)(a) and (5), 305.20(A), (C) and (D), 305.38, 305.39, 305.50(B) through (F), 305.72(C), 305.73(B) through (F), 305.75, 306(A)(3)(a), 306.5(A)(1) and (2)(c) and (B), 307(A) through (C), 309(A)(1), 309.1(B)(1) and (2)(b) and (D), 310(A), 312, 314, 315(A) and (B)(1), 318(A), 321(A), (B), and (C), 321.1(A), (B) and (C), 322, 331(A) through (C), 332, 337.2(C)(2) and (4)(a) and (b)(i)(aa)(II) and (bb)(II), 337.3(A), 337.4(B)(6), (7), and (8), 337.6(B), 337.8(B), 337.13(A), 340.1(A)(3) and (5), 463.8(B)(1)(b) and (3), and 6001(A), and R.S. 51:1286, to enact R.S. 47:301(4)(l) and (32) through (35), 301.3, 301.4, 301.5, 301.6 and 301.7, 305(J), 305.5, 305.12, 305.21, 305.22, and 305.72(D) through (F), and to repeal Part V of Chapter 3 of Title 40, comprised of R.S. 40:582.1 through 582.7, R.S. 47:9, 301(4)(m) and (n), (16)(h) and (p), 301.1(B)(2)(c) and (f) and (F), 301.2, 302(F)"

AMENDMENT NO. 2

On page 1, line 17, delete "305.14" and insert "305.15"

AMENDMENT NO. 3

On page 1, line 17, delete "305.36"

AMENDMENT NO. 4

On page 1, line 19, delete "305.56 through 305.65," and insert "305.56 through 305.61, 305.63 through 305.65,"

AMENDMENT NO. 5

On page 2, line 1, after "305.80," delete "306(A)(3), (6)," and insert "306(A)(6)"

AMENDMENT NO. 6

On page 2, line 16, after "rebates;" insert the following: "to provide for the levy of sales and use taxes on certain digital products and services; to provide for the rates of such taxes; to provide for definitions; to provide relative to exclusions and exemptions from sales and use taxes; to provide relative to administration of sales and use taxes; to provide relative to tax collection and enforcement; to provide for liability for collection and payment of certain sales and use taxes; to provide for record keeping and reporting; to provide for sourcing; to provide for certain limitations and requirements;"

AMENDMENT NO. 7

On page 3, delete lines 17 through 27, and insert the following: "Section 4. R.S. 47:301(3), (4)(introductory paragraph), (4)(a) through (e) and (h) through (k), (5) through (10), (12) through (16), (18), (19), and (23) through (31), 301.1(A) (introductory paragraph), (B)(2)(b) through (d), (C)(2)(b), (D), and (E), 302(A), (B), (D), (K)(1) and (2), (U), (V)(1)(introductory paragraph), (a) and (b)(introductory paragraph), 303(A)(2) and (3)(a), (B)(introductory paragraph), (1)(introductory paragraph) and (b)(introductory paragraph), (3)(b)(ii) and (4), (D)(1), (E), (F), and (G), 303.1(A), (B)(1)(introductory paragraph) and (c), (2)(b), and (5), 304(A) and (B), 305(A), (B), (C), (D)(1) and (E) through (I), 305.2 through 305.4, 305.6 through 305.8, 305.10(A) and (C) through (F), 305.13, 305.14(A)(1)(a) and (5), 305.20(A), (C) and (D), 305.38, 305.39, 305.50(B) through (F), 305.72(C), 305.73(B) through (F), 305.75, 306(A)(3)(a), 306.5(A)(1) and (2)(c) and (B), 307(A) through (C),

309(A)(1), 309.1(B)(1) and (2)(b) and (D), 310(A), 312, 314, 315(A) and (B)(1), 318(A), 321(A), (B), and (C), 321.1(A), (B) and (C), 322, 331(A) through (C), 332, 337.2(C)(2) and (4)(a) and (b)(i)(aa)(II) and (bb)(II), 337.3(A), 337.4(B)(6), (7), and (8), 337.6(B), 337.8(B), 337.13(A), 340.1(A)(3) and (5), 463.8(B)(1)(b) and (3), and 6001(A) are amended and reenacted and R.S. 47:301(4)(l) and (32) through (35), 301.3, 301.4, 301.5, 301.6 and 301.7, 305(J), 305.5, 305.12, 305.21, 305.22, and 305.72(D) through (F) are hereby enacted to read as follows:"

AMENDMENT NO. 8

On page 4, line 6, after "property" and before "without" insert "or digital products"

AMENDMENT NO. 9

On page 4, line 9, after "for" delete "installation," and insert "the installation of tangible personal property and digital products."

AMENDMENT NO. 10

On page 4, line 11, after "personal property" insert "or digital product"

AMENDMENT NO. 11

On page 4, at the end of line 11, after "less." insert "Cost price shall not include the amount charged for labor or services rendered in installing, applying, remodeling, or repairing property sold if such cost is separately billed to the customer at the time of installation."

AMENDMENT NO. 12

On page 11, line 28, after "personal property" insert "or digital products"

AMENDMENT NO. 13

On page 12, delete line 3 and insert the following:

"(a) Every person who imports, or causes to be imported, tangible personal property or digital products from any other state, foreign country, or other taxing jurisdiction for sale at retail, for use, or consumption, or distribution, or for storage to be used or consumed in a taxing jurisdiction.

(b) Every person who sells at retail, or who offers for sale at retail, or who has in his possession for sale at retail, or for use, or consumption, or distribution, or storage to be used or consumed in the taxing jurisdiction, tangible personal property or digital products as defined in this Section.

(c) Any person who has sold at retail, or used, or consumed, or distributed, or stored for use or consumption in the taxing jurisdiction, tangible personal property and who cannot prove that the tax levied by this Chapter has been paid on the sale at retail, the use, the consumption, the distribution, or the storage of ~~said~~ the tangible personal property or digital products.

(d)(i) Any person who leases or rents tangible personal property or digital products for a consideration, permitting the use or possession of ~~said~~ the property or digital products without transferring title thereto.

(ii) However, a person who leases or rents tangible personal property or digital products to customers who provide information to ~~such~~ the person that they will use the property or digital products only offshore beyond the territorial limits of the state shall not be included in the term "dealer" for purposes of the collection of the rental or lease tax of the state, statewide political subdivisions, and other political subdivisions on such lease or rental contracts. For purposes of this Item "use" means the operational or functional use of the property and not other uses related to its possession such as transportation, maintenance, and repair. It is the intention of this Item that the customers of such persons shall remit any tax due on the lease or rental of ~~such~~ the property or digital products directly to the state and local taxing bodies to whom they are due.

(e) Any person who is the lessee or rentee of tangible personal property or digital products and who pays to the owner of ~~such~~ the property or digital products a consideration for the use or possession of such property without acquiring title thereto.

* * *

(h) Any person engaging in business in the taxing jurisdiction. "Engaging in business in the taxing jurisdiction" means and includes any of the following methods of transacting business: maintaining directly, indirectly, or through a subsidiary, an office, distribution house, sales house, warehouse, or other place of business or by having an agent, salesman, or solicitor operating within the taxing jurisdiction under the authority of the seller or its subsidiary irrespective of whether ~~such~~ the place of business, agent, salesman, or solicitor is located in ~~such~~ taxing jurisdiction permanently or temporarily or whether ~~such~~ the seller or subsidiary is qualified to do business in ~~such~~ the taxing jurisdiction, or any person who makes deliveries of tangible personal property or digital products into the taxing jurisdiction other than by a common or contract carrier."

AMENDMENT NO. 14

On page 13, delete line 15 in its entirety and insert the following:

"(5) "Gross sales" means the sum total of all retail sales of tangible personal property or digital products, without any deduction whatsoever of any kind or character except as provided in this Chapter."

AMENDMENT NO. 15

On page 14, line 21, after "property" and before "and" insert "or digital products"

AMENDMENT NO. 16

On page 14, line 22, after "property" and before the period "." insert "or digital products"

AMENDMENT NO. 17

On page 14, at the beginning of line 25, delete "such" and insert "that"

AMENDMENT NO. 18

On page 14, line 27, delete "such" and insert "that"

AMENDMENT NO. 19

On page 19, delete line 23 in its entirety and insert the following:

"(9) "Purchaser" means and includes any person who acquires or receives any tangible personal property or digital products, or the privilege of using any tangible personal property or digital products, or receives any services pursuant to a transaction subject to tax under this Chapter."

AMENDMENT NO. 20

On page 19, at the beginning of line 24, change "(10)(a)(i)" to "(10)(a)(~~i~~)"

AMENDMENT NO. 21

On page 19, line 26, after "consumer" and before "or" insert ", end user,"

AMENDMENT NO. 22

On page 19, line 27, after "property" insert "or a digital product"

AMENDMENT NO. 23

On page 20, line 1, after "transactions" delete "as" and insert "that"

AMENDMENT NO. 24

On page 20, between lines 22 and 23, insert the following:

"(b) The term "sale at retail" does not include consuming any digital product in producing for sale a new product or taxable service, where the digital product becomes an ingredient or component of the new product or taxable service. A digital code becomes an ingredient or component of a new product or taxable service if the digital product, through the use of the digital code, becomes an ingredient or component of the new product or taxable service."

AMENDMENT NO. 25

On page 32, delete lines 9 through 20 and insert asterisks

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AMENDMENT NO. 26

On page 32, between lines 25 and 26, insert the following:

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"(12)(a) "Sale" means any transfer of title or possession, or both, exchange, barter, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property or digital products, for a consideration, and includes the fabrication of tangible personal property for consumers who furnish, either directly or indirectly, the materials used in fabrication work, and the furnishing, preparing or serving, for a consideration, of any tangible personal property, consumed on the premises of the person furnishing, preparing or serving ~~such~~ the tangible personal property. A transaction whereby the possession of property is transferred but the seller retains title as security for the payment of the price shall be deemed a sale.

(b) With respect to digital products, "sale" means the first act within this state by which the taxpayer, as a consumer, views, accesses, downloads, possesses, stores, opens, manipulates, or otherwise uses or enjoys the product.

(c) With respect to digital services, "sale" means the first act within this state by which the taxpayer, as a consumer, uses, enjoys, or otherwise receives the benefit of the service.

AMENDMENT NO. 27

On page 32, line 27, after "property" delete "is" and insert "or digital products are"

AMENDMENT NO. 28

On page 33, delete lines 6 and 7, insert the following: "shall not be included; ~~nor~~ Sales price shall ~~the sales price~~ not include the amount charged for labor or services rendered in installing, applying, remodeling, or repairing property sold if that charge is separately billed to the customer at the time of the sale."

AMENDMENT NO. 29

On page 41, delete lines 23 through 29 and on page 42 delete lines 1 through 8

AMENDMENT NO. 30

On page 42, delete line 9 and insert the following:

"(15) "Storage" means and includes any keeping or retention in the taxing jurisdiction of tangible personal property or digital products for use or consumption within the taxing jurisdiction or for any purpose other than for sale at retail in the regular course of business."

AMENDMENT NO. 31

On page 50, line 23, change "(18)(a)(~~ii~~)" to "(18)(a)(i)"

AMENDMENT NO. 32

On page 50, line 25, after "property" and before "incident" insert "or digital products"

AMENDMENT NO. 33

On page 50, line 26, after "retail of" and before "in the regular course" delete "that property" and insert "those items of property or products"

AMENDMENT NO. 34

On page 50, line 27, after "business" insert a period "." and the following:

"(ii) The term "use" for purposes of sales and use tax imposed on digital products applies to the first act within this state by which the taxpayer, as a consumer, views, accesses, downloads, possesses, stores, opens, manipulates or otherwise enjoys, uses, or receives the benefits of the digital product, prewritten computer access service, or information service. Use includes access and use of digital products, prewritten computer access services, and information services that remain in the possession of the dealer or in the possession of a third party on behalf of the dealer."

AMENDMENT NO. 35

On page 53, line 10, after "property" insert "or digital products"

AMENDMENT NO. 36

On page 57, between lines 2 and 3, insert the following:

"(19) "Use tax" includes the use, the consumption, the distribution, and the storage as ~~herein~~ defined in this Section. No use tax shall be due to or collected by:

(a) The state on tangible personal property or digital products used, consumed, distributed, or stored for use or consumption in the state if the sale of ~~such~~ the property or digital products would have been exempted or excluded from sales tax at the time ~~such~~ the property or digital products became subject to the taxing jurisdiction of the state.

(b) Any political subdivision on tangible personal property or digital products used, consumed, distributed, or stored for use or consumption in ~~such~~ the political subdivision if the sale of ~~such~~ the property or the products would have been exempted or excluded from sales tax at the time ~~such~~ the property or digital products became subject to the taxing jurisdiction of the political subdivision."

AMENDMENT NO. 37

On page 63, line 14, after "includes" and before "transmission" delete "such" and insert "the"

AMENDMENT NO. 38

On page 63, line 16, after "whether" and before "service" delete "such" and insert "the"

AMENDMENT NO. 39

On page 65, between lines 10 and 11, insert the following:

"(31) "Accommodations intermediary" means a person other than the owner, operator, or manager of a room, suite, hotel, condominium, townhouse, rental house, or other accommodation.

(32) "Furnishing" means providing, brokering, coordinating, making available for, or otherwise arranging for the sale or use of a taxable service provided for in this Chapter.

(33)(a) "Digital product" means digital audiovisual works, digital audio works, digital books, digital codes, digital applications and games, digital periodicals and discussion forums, and any other otherwise taxable tangible personal property transferred electronically, whether digitally delivered, streamed, or accessed and whether purchased singly, by subscription, or in any other manner, including maintenance, updates, and support.

(b) For the purposes of this Paragraph, the term:

(i) "Digital audiovisual works" means a series of related images that, when shown in succession, impart an impression of motion, together with accompanying sounds. "Digital audiovisual works" includes, but is not limited to, motion pictures, musical, videos, news, and entertainment programs, and live events.

(ii) "Digital audio works" means works that result from the fixation of a series of musical, spoken, or other sounds that are transferred electronically, including prerecorded or live songs, music, readings of books or other written materials, speeches, ringtones, or other sound recording.

(iii) "Digital books" means works that are generally recognized in the ordinary and usual sense as books that are transferred electronically, including works of fiction, nonfiction, and short stories.

(iv) "Digital code" means a code that provides the person that holds the code a right to obtain one or more digital products. A digital code may be obtained by any means, including tangible forms and electronic mail, regardless of whether the code is designated as song code, video code, or book code. The term "digital code" includes codes used to access or obtain any digital products that have been previously purchased, and promotion cards or codes that are purchased by a retailer or other business entity for use by the retailer's or entity's customers. "Digital code" does not include any gift certificate or gift card with monetary value that may be redeemable for an item other than a digital product.

(v) "Digital applications and games" means any application or games, including add-ons or additional content that can be used by a computer, mobile device, or tablet notwithstanding the function performed.

(vi) "Digital periodicals and discussion forums" means a digital newspaper, digital magazine, other digital periodical, chat room discussion, weblog or any other similar product.

(c) "Digital product" shall not include any of the following:

(i) Any intangible such as a patent, stock, bond, goodwill, trademark, franchise, or copyright.

(ii) Telecommunications services and ancillary services as those terms are defined in Items (27)(b) and (x) of this Section.

(iii) Internet access service charges.

(iv) The representation of a professional service, as described in Subparagraph (16)(d) of this Section, in an electronic form, such as an electronic copy of an engineering report prepared by an engineer that primarily involves the application of human effort, and the human effort originated after the customer requested the service.

(v) A product having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities where the purchaser holds a copyright or other intellectual property interest in the product, in whole or part, if the purchaser uses the product solely for commercial purposes, including advertising or other marketing activities.

(vi) Cable television services, direct-to-home satellite services, video programming services, or satellite digital audio radio services.

(d) The sale of a digital code that may be utilized to obtain a digital product shall be taxed in the same manner as the digital product.

(e) For purposes of taxes imposed under this Chapter and Chapters 2-A and 2-B of this Subtitle, whenever the words "property" or "personal property" are used, those terms shall be construed to include any digital product unless any of the following circumstances apply.

(i) It is clear from the context that the term "personal property" is intended only to refer to tangible personal property.

(ii) It is clear from the context that the term "property" is intended only to refer to tangible personal property, real property or both.

(iii) To construe the term "property" or "personal property" as including any digital product would yield unlikely, absurd, or strained consequences.

(34)(a) "Transferred electronically" means any product obtained by the purchaser by means other than tangible storage media, regardless of whether the seller grants permanent or less than permanent use and regardless of whether the transaction is conditioned upon contingent payment. It is not necessary that a copy of the product be physically transferred to the purchaser. So long as the purchaser may access the product, it shall be considered to have been transferred electronically to the purchaser.

(b) For purposes of this Paragraph, the term, "permanent use", means perpetual or for an indefinite or unspecified length of time.

(35)(a) "End user" means any purchaser other than a purchaser who receives by contract a digital product for further commercial broadcast, rebroadcast, transmission, retransmission, licensing, relicensing, distribution, redistribution, or exhibition of the product, in whole or in part, to others. A person that purchases digital products for the purpose of giving away such products or codes will not be considered to have engaged in the distribution or redistribution of such products or codes and will be treated as an end user.

(b) If a purchaser of a digital product does not receive the contractual right to further redistribute, after the digital code is redeemed, the underlying product to which the digital code relates, then the purchaser of the digital code is an end user. If the purchaser of the digital code receives the contractual right to further redistribute, after the digital code is redeemed, the underlying product to which the digital code relates, then the purchaser of the digital code is not an end user. A purchaser of a digital code who has the contractual right to further redistribute the digital code is an end user if that purchaser does not have the right to further redistribute, after the digital code is redeemed, the underlying product to which the digital code relates."

AMENDMENT NO. 40

On page 67, delete lines 25 through 29, and on page 68, delete lines 1 through 26, and insert the following:

"(1) The rental or furnishing of sleeping rooms, cottages, cabins, rooms, suites, condominiums, townhouses, rental houses, or other accommodations by hotels, apartment hotels, lodging houses, tourist camps, tourist courts, property management companies, accommodations intermediaries, or any other provider or seller of accommodations to transient guests. The sales price shall include

service, facilitator, processing, delivery, and other similar fees and charges associated with the processing of a transaction, even if such fee or charge is separately stated.

(2) The furnishing of admissions which shall include sales of tickets, and fees or other charges, for admissions to places of amusement, recreational events, entertainment, exhibitions, displays, and athletic entertainment, and charges made for participation in games and amusement activities. This service shall include the furnishing, for dues, fees, or other consideration, of the privilege of access to clubs, including buyer's clubs, or the privilege of having access to or the use of amusement, entertainment, athletic, or recreational facilities. This service shall also include coin-operated amusement devices, including, but not limited to, massage chairs, video games, pinball games, table games such as billiards and air hockey, and redemption games such as the claw and skeet ball that may award prizes of tangible personal property. The sales price shall include any service, facility, processing, delivery, facilitator, and other similar fees and charges, even if such fee or charge is separately stated.

(3) Parking, storing, or keeping of motor vehicles, including, but not limited to valet services, the use of parking spaces, parking lots, and parking structures, and charges for street parking at metered spaces.

(4) Printing and copying services, including but not limited to printing or overprinting, lithographic, multilith, blue printing, photostating, or other similar services of reproducing written or graphic matter, and copying, photocopying, reproducing, duplicating, and other similar services including those services provided in coin-operated, self-service form.

(5) Laundry, cleaning, pressing, alterations, repair, and dyeing services, including but not limited to, the cleaning and renovation of clothing, furs, linens, furniture, carpets, and rugs, and the furnishing of storage space for clothing, furs, and rugs. The service shall be taxable at the location where the laundered, cleaned, pressed, or dyed article is returned to the customer.

(6) The furnishing of cold storage space, except that which is furnished pursuant to a bailment arrangement, and the furnishing of the service of preparing tangible personal property for cold storage where the service is incidental to the operation of storage facilities.

(7)(a) Repairs and maintenance of tangible personal property. Repairs and maintenance include, but are not limited to, the repair and servicing of automobiles, vehicles, boats and vessels, electrical and mechanical appliances and equipment, farm machinery and implements, motors, tires, batteries, engineering instruments, medical and surgical instruments, machinery, mechanical tools, shop equipment, furniture, rugs, flooring, watches, clocks, jewelry, refrigerators, phones, televisions, radios, shoes, including shoe shining, and office appliances and equipment. This includes service calls and trip or travel charges.

(b) For purposes of this Paragraph, "tangible personal property" includes machinery, appliances, and equipment which have been declared immovable by declaration under the provisions of Civil Code Article 467 and things which have been separated from land, buildings, or other constructions permanently attached to the ground or their component parts as defined in Civil Code Article 466.

(8) Telecommunications services for compensation, in accordance with the provisions of R.S. 47:301.1.

(9) The providing of prewritten computer software access services. For purposes of this Paragraph, prewritten computer software access services means charges made to customers for the right to access and use prewritten computer software, where possession of the software is maintained by the seller or third party regardless of whether the charge for the services is on a per use, per user, per license, subscription, or some other basis.

(10)(a) The providing of information services. For purposes of this Paragraph, information services means electronic data retrieval or research; and collecting, compiling, analyzing, or furnishing of information of any kind, including, but not limited to, general or specialized news, other current information or financial information, by printed, mimeographed, electronic, or electrical transmission, or by utilizing wires, cable, radio waves, microwaves, satellites, fiber optics, or any other method now in existence or which may be devised; this includes delivering or providing access to information

through databases or subscriptions. Information services include, but are not limited to:

(i) Furnishing newsletters; tax guides; research publications; financial, investment, circulation, credit, stock market, or bond rating reports; mailing lists; abstracts of title; news clipping services; wire services; scouting reports; surveys; bad check lists; and broadcast rating services.

(ii) Subscriptions to genealogical, financial, or similar databases.

(iii) Global positioning system services including driving directions and sports, news, and similar information provided through satellite audio programming services.

(b) Information services shall not include any of the following:

(i) Information sold to a newspaper or a radio or television station licensed by the Federal Communications Commission, if the information is gathered or purchased for direct use in newspapers or radio or television broadcasts.

(ii) Charges to a person by a financial institution for account balance information; or information gathered or compiled on behalf of a particular client, if the information is of a proprietary nature to that client and may not be sold to others by the person who compiled the information, except for a subsequent sale of the information by the client for whom the information was gathered or compiled.

(iii) Internet access service or information services that are provided in conjunction with and merely incidental to the provision of Internet access service when provided for a single charge.

(iv) Data processing, including but not limited to check or payment processing services."

AMENDMENT NO. 41

On page 74, between lines 21 and 22, insert the following:

"§301.6. Digital products

For purposes of the taxes imposed in this Chapter and Chapters 2-A and 2-B of this Subtitle, the department shall not consider a person's ownership of, or rights in digital products residing on servers located in this state in determining whether the person has substantial nexus with this state. For purposes of this Section, "substantial nexus" means the requisite connection that a person has with a state to allow the state to subject the person to the state's taxing authority, consistent with the commerce clause of the United States Constitution."

AMENDMENT NO. 42

On page 74, delete line 23 and insert the following:

"A. There is hereby levied a tax upon the sale at retail, the use, the consumption, the distribution, and the storage for use or consumption in this state, of each item or article of tangible personal property or digital product, as defined ~~herein, the levy of said tax to~~ in this Chapter. The levy of the tax shall be as follows:

(1) At the rate of two percent ~~per centum~~ (2%) of the sales price of each item or article of tangible personal property or digital product when sold at retail in this state; the tax to be computed on gross sales for the purpose of remitting the amount of tax due the state, and to include each and every retail sale.

(2) At the rate of two percent ~~per centum~~ (2%) of the cost price of each item or article of tangible personal property or digital product when the same is not sold but is used, consumed, distributed, or stored for use or consumption in this state; provided there shall be no duplication of the tax.

B. There is hereby levied a tax upon the lease or rental within this state of each item or article of tangible personal property or digital product, as defined ~~herein, the levy of said tax to~~ in this Chapter. The levy of the tax shall be as follows:

(1) At the rate of two percent ~~per centum~~ (2%) of the gross proceeds derived from the lease or rental of tangible personal property, or a digital product as defined in this Chapter, where the lease or rental of the property or product is an established business, or part of an established business, or the same is incidental or germane to the said business.

(2) At the rate of two percent ~~per centum~~ (2%) of the monthly lease or rental price paid by lessee or rentee, or contracted or agreed to be paid by lessee or rentee to the owner of the tangible personal property or digital product.

* * *

AMENDMENT NO. 43

On page 75, between lines 16 and 17, insert the following:

"K. An additional tax shall be levied as follows:

(1) At the rate of four percent of the sales price of each item or article of tangible personal property or digital product when sold at retail in this state; the tax to be computed on gross sales for the purpose of remitting the amount of tax due the state, and to include each and every retail sale.

(2) At the rate of four percent of the cost price of each item or article of tangible personal property or digital product when the same is not sold but is used, consumed, distributed, or stored for use or consumption in this state; provided there shall be no duplication of the tax.

* * *

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 retailer of tangible personal property, digital products, 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.

V. (1) In addition to the definition of "dealer" as provided in R.S. 47:301(4) for purposes of the consumer use tax, the term "dealer" includes every person who manufactures or produces tangible personal property or digital products for sale at retail, for use or consumption, or distribution, or for storage to be used or consumed in a taxing jurisdiction. "Dealer" is further defined to mean:

(a) Any person engaging in business in the taxing jurisdiction which shall mean the solicitation of business through an independent contractor or any other representative pursuant to an agreement with a Louisiana resident or business under which the resident or business, for a commission, referral fee, or other consideration of any kind, directly or indirectly, refers potential customers, whether by link on an internet website, an in-person oral presentation, telemarketing, or otherwise to the seller. If the cumulative gross receipts from sales of tangible personal property or digital products, to customers in this state who are referred to the person through ~~such~~ an agreement exceeds fifty thousand dollars during the preceding twelve months, the presumption regarding the status of that person as a dealer may be rebutted if the person can demonstrate, to the satisfaction of the secretary, that he cannot reasonably be expected to have gross receipts in excess of fifty thousand dollars for the succeeding twelve months.

(b) Any person selling tangible personal property, digital products or services, the use of which is taxed pursuant to this Chapter, who:

* * *

AMENDMENT NO. 44

On page 75, between lines 17 and 18, insert the following:

"A. Collection from dealer.

* * *

(2) On all tangible personal property or digital products imported, or caused to be imported, from other states or foreign countries, and used by him, the "dealer", as hereinafter defined, shall pay the tax imposed by this Chapter on all articles of tangible personal property or digital products ~~so~~ imported and used, the same as if ~~the said those articles and digital products~~ had been sold at retail for use or consumption in this state. For the purposes of this Chapter, the use, or consumption, or distribution, or storage to be used or consumed in this state of tangible personal property or digital products, shall each be equivalent to a sale at retail, and the tax shall thereupon immediately levy and be collected in the manner provided herein, provided there shall be no duplication of the tax ~~in any event~~.

(3)(a) A credit against the use tax imposed by this Chapter shall be granted to taxpayers who have paid a similar tax upon the sale or use of the same tangible personal property or digital products in another state. The credit provided herein shall ~~only~~ be granted ~~only~~ in the case where the state to which a similar tax has been paid grants a similar credit as provided herein, provided that members of the armed forces who are citizens of this state and whose orders or enlistment contracts stipulate a period of active duty of two years or more and who purchase automobiles outside of the state of Louisiana while on ~~such~~ a tour of active duty shall be granted ~~such~~ the credit in

connection with the purchase of such automobiles whether or not the state to which such tax thereon has been paid grants a similar credit as herein provided. The amount of the credit shall be calculated by multiplying the rate of the similar tax paid in the other state by the cost price which is subject to Louisiana use tax at the time of the importation of the tangible personal property or digital products. The proof of payment of a similar tax to another state shall be made according to rules and regulations promulgated by the secretary. In no event shall the credit be greater than the tax imposed by Louisiana upon the particular tangible personal property or digital product which is the subject of the Louisiana use tax."

AMENDMENT NO. 45

On page 78, between lines 28 and 29, insert the following:

"G. Direct Payment Numbers. Notwithstanding any provision of law to the contrary, a Louisiana taxpayer who obtains a DP Number as provided in R.S. 47:303.1 shall remit sales and use taxes due on purchases and rentals of tangible personal property, digital products, and taxable services directly to the state and local taxing bodies to whom the sales and use taxes are due, and shall not be liable to remit the tax to the vendor or lessor of the tangible personal property, digital products, and taxable services, as provided in R.S. 47:303.1."

AMENDMENT NO. 46

On page 79, delete lines 2 and 3 and insert the following:

"A. Notwithstanding any other law to the contrary except for the provisions of R.S. 47:303(B) and (E), the state and local sales and use tax due on the purchase, importation, or lease of tangible personal property, digital products, or taxable services by taxpayers who have obtained a Direct Payment Number, hereinafter referred to as a "DP Number," shall be remitted directly to the state and appropriate political subdivision by such taxpayer, as provided in this Section. The vendor or lessor of tangible personal property, digital products, or taxable services shall not be responsible for collecting sales and use tax on such sales or leases, and shall not be liable for such tax as provided in R.S. 47:304(C), upon presentation to him of a valid DP Number by such purchaser or lessee, provided that the vendor or lessor notes the DP Number on the untaxed contract or invoice submitted to such purchaser and lessee.

B.(1) A DP Number shall be issued to and shall be continued to be held by a taxpayer who obtains the required approvals and who meets all of the qualifications and all other applicable qualifications provided for in this Section: and the following qualifications:

(c) The taxpayer has an annual average of five million dollars of taxable purchases or leases of tangible personal property, digital products, and taxable services, or any combination of these for three calendar years prior to the year of application by the taxpayer, and has such an average for each subsequent three-year period.

(2)

(b) Separate DP Numbers shall be issued to and shall be continued to be held by taxpayers that are subsidiary entities of a private, nonprofit, tax-exempt organization, as defined under Section 501(c)(3) of the Internal Revenue Code, that meets the requirements of Subparagraph (a) of this Paragraph, as well as to those taxpayer entities in which the tax-exempt organization is the sole member, provided that these entities are licensed by the Louisiana Department of Health, Louisiana Board of Pharmacy, or otherwise have as their mission promoting the delivery of healthcare and patient medical services and products and further provided that these entities and the tax exempt organization together have in the aggregate an annual average of ten million dollars of taxable purchases or leases of tangible personal property, digital products, or and taxable services for three calendar years prior to the year of application, and have such an average for each subsequent three-year period, and which obtain the required approvals and meet the qualifications provided for in Subparagraphs (1)(b) and (1)(d) of this Subsection."

AMENDMENT NO. 47

On page 79, between lines 23 and 24, insert the following:

"B. Every dealer located outside the state making sales of tangible personal property or digital products for distribution, storage, use, or other consumption, in this state, shall at the time of

making sales collect the tax imposed by this Chapter from the purchaser."

AMENDMENT NO. 48

On page 86, line 25, after "property" and before "imported" insert "or digital products"

AMENDMENT NO. 49

On page 86, line 28, after "property" and before "into" insert "or digital products"

AMENDMENT NO. 50

On page 87, delete line 5 and insert the following: "of tangible person property after it has or digital products after they have come to rest in this state and has have become a"

AMENDMENT NO. 51

On page 90, between lines 2 and 3 insert the following:

"K.(1) Sales and use tax levied by any taxing authority shall not apply to sales for the purposes of lease or rental of tangible personal property or digital products in an arms-length transaction.

(2) To qualify for this exemption, sales must be made in strict compliance with rules and regulations. Any dealer making a sale for lease or rental that is not in strict compliance with the regulations shall himself be liable for the tax.

(3) Sales of motor vehicles, trailers, and semitrailers for lease or rental shall comply with the requirements set forth in R.S. 47:305.36."

AMENDMENT NO. 52

On page 90, line 16, delete "authorized to prescribe drugs" and insert "with prescriptive authority"

AMENDMENT NO. 53

On page 90, line 25, after "consumed by" delete "patients" and insert "individuals"

AMENDMENT NO. 54

On page 91, line 16, change "a patient" to "an individual"

AMENDMENT NO. 55

On page 92, line 4, after "property" and before "if" insert "or digital product"

AMENDMENT NO. 56

On page 99, delete line 24, and insert the following: "equipment used directly in the manufacturing process, or which control or communicate with computer systems that control heating or cooling systems for machinery or equipment that manufactures tangible personal property for sale. Computers and software used for inventory and accounting systems or that control non-qualifying machinery and equipment are not considered machinery and equipment for purposes of this Subparagraph."

AMENDMENT NO. 57

On page 103, delete line 8 and insert "imposed by the state or a political subdivision whose boundaries are coterminous with the state:"

AMENDMENT NO. 58

On page 103, line 14 and delete "any taxing authority:" and insert "imposed by the state or a political subdivision whose boundaries are coterminous with the state:"

AMENDMENT NO. 59

On page 107, line 21, after "property" and before "for" delete "purchase" and insert "purchased"

AMENDMENT NO. 60

On page 107, delete line 23 and insert the following:

"A. There shall be no sales or use tax due upon the sale at retail or use of tangible personal property, or digital products including diesel fuel, purchased within or imported into Louisiana for first use

exclusively beyond the territorial limits of Louisiana as specifically provided hereinafter in this Section.

C. If the first use of tangible personal property or digital product purchased within or imported into Louisiana occurs offshore beyond the territorial limits of any state, the exemption provided herein shall apply only if:

(1) The purchaser or importer has determined the location of the first use of the tangible personal property or digital product at the time of its purchase and has notified the vendor of that location; or

(2) The purchaser or importer has not determined the intended offshore location of first use at the time of purchase or importation, but has obtained from the secretary of the Department of Revenue an "offshore registration number" authorizing him to claim the exemption under the conditions provided in this Paragraph:

(a) Said offshore registration number shall be issued only if the purchaser or importer has shown, to the satisfaction of the secretary, that records, reports, and business practices are sufficient to permit verification that tangible personal property or digital products purchased or imported tax-free under this Subsection ~~is~~ are, in fact, being purchased or imported for use offshore beyond the territorial limits of any state. In cases of purchases of fungible goods, including vessel fuel and lubricants, the required records shall include purchase invoices, vessel logs, fuel usage records, fuel transfer records and other reports and records that will enable the secretary to determine the amount of fungible goods consumed within Louisiana so as to be subject to the sales and use tax, and the amount of fungible goods delivered to or consumed at offshore locations beyond the territorial limits of the state, so as not to be subject to the sales and use tax. For the purpose of the Section, the term "fungible goods" means goods of which any unit is unidentifiable and is, from its nature or by mercantile custom, treated as the equivalent of any other unit and shall include crude petroleum and its refined products.

(b) The offshore registration number issued by the secretary under this Subsection may be revoked by the secretary at any time if the purchaser or importer fails to meet the conditions set herein, or if the secretary finds that the purchaser or importer is consistently using the certificate to purchase or import tax-free tangible personal property or digital products for first use in state.

(c) If the offshore registration number is revoked, all tangible personal property purchased or imported tax-free under this Paragraph and in the possession of the purchaser or importer within this state shall be deemed taxable unless otherwise exempt under the provisions of Paragraph (1) of this Subsection. If the provisions of Paragraph (1) of this Subsection are not complied with, any subsequent purchase or import of tangible personal property or digital products will be taxable, whether for instate or offshore use, until the certificate and offshore number are reissued.

(d) Whenever there is a conflict between a purchaser or importer and the secretary as to whether an offshore registration number shall be issued, reissued, or revoked, it shall be the responsibility of the purchaser or importer to show that he meets the conditions and requirements set herein for having and retaining said certificate and offshore registration number.

(3) Except for purchases or importation of tangible personal property or digital products in accordance with Paragraphs (1) and (2) of this Subsection, any purchase or importation of property is taxable at the time of purchase or import unless otherwise exempt.

D. If tangible personal property or digital products purchased or imported tax-free under the provisions of this Section ~~is~~ are subsequently used for any taxable purpose within the state, use tax shall be paid by the purchaser or importer as of the time of its use in this state. Storage of ~~property~~ tangible personal property or digital products purchased or imported tax-free under this Section ~~which is~~ are ultimately used in another state will be considered a "subsequent use for a taxable purpose".

E. If tangible personal property or digital products purchased within or imported into the state tax-free under the provisions of this Section ~~is~~ are later returned to Louisiana for use for a taxable purpose, the ~~property~~ tangible personal property or digital products shall be subject to the Louisiana use tax as of the time it is brought into the state, subject to the credit provided in R.S. 47:303(A)."

AMENDMENT NO. 61

On page 110, between lines 10 and 11, insert the following:

"§305.14. Exemptions; nonprofit organizations; nature of exemption; limitations; qualifications; newspapers; determination of tax exempt status

A.(1)(a) The sales and use taxes imposed by taxing authorities shall not apply to sales of tangible personal property or digital products at, or admission charges for, outside gate admissions to, or parking fees associated with, events sponsored by domestic, civic, educational, historical, charitable, fraternal, or religious organizations, which are nonprofit, when the entire proceeds, except for necessary expenses such as fees paid for guest speakers, chair and table rentals, and food and beverage utility related items connected therewith, are used for educational, charitable, religious, or historical restoration purposes, including the furtherance of the civic, educational, historical, charitable, fraternal, or religious purpose of the organization. In addition, newspapers published in this state by religious organizations shall also be exempt from such taxes, provided that the price paid for the newspaper or a subscription to the newspaper does not exceed the cost to publish such newspaper.

(5) Notwithstanding any other provision of law to the contrary, for purposes of state and political subdivision sales and use tax, "sales and use" shall not mean the purchase of tangible personal property, digital products, or taxable services, by nonprofit literacy organizations in compliance with the court order from the Dodd Brumfield decision and Section 501(c)(3) of the Internal Revenue Code, limited to books, workbooks, computers, computer software, films, videos and audio tapes."

AMENDMENT NO. 62

On page 112, between lines 5 and 6, insert the following:

"§305.21 Exemptions; digital products

The sales and use tax imposed by taxing authorities shall not apply to any digital product available free of charge for the use of enjoyment of others. For purposes of this Section, "free of charge" means that the recipient of the digital product is not required to provide anything of significant value in exchange for the product. A transfer is not free of charge if the digital product is bundled or combined with other products of services subject to sales or use tax regardless of whether such items are separately stated and invoiced.

§305.22 Exemptions; business use of software and digital products

A. The sales and use tax imposed by taxing authorities shall not apply to computer software or prewritten computer software access services, information services and digital products when all of the following conditions are met:

(1) It is purchased or licensed exclusively for commercial purposes.

(2) It is used by the business directly in the production of goods or services for sale to its customers.

(3) The goods or services produced and sold by the business are subject to sales and use tax.

B. Computer software or computer software access services not directly involved in the production of goods or services for the customers of the business are not subject to this exemption.

C. The use tax imposed by taxing authorities shall not apply to the use of digital products that are created solely for the business needs of the person who created the digital product and is not the type of digital product that is offered for sale.

D. Computer software or software as a service purchased or licensed solely for commercial purposes in an enterprise computer system, including operating programs or application software for the exclusive use of the enterprise software system, that is housed or maintained by the purchaser or on a cloud server, whether hosted by the purchaser, the software vendor, or a third party shall be exempt from the sales and use tax imposed by taxing authorities.

E. Digital products used by licensed healthcare facilities and providers for storing or transmitting healthcare information or for the diagnosis or treatment of a medical condition shall be exempt from sales and use tax imposed by taxing authorities.

F. Digital products, prewritten computer software access services, and information services purchased and used by an FDIC insured financial institution for storing, transmitting, processing or analyzing customer and account information, facilitating transactions,

account processes, investment processes, lending processes, security, and compliance shall be exempt from sales and use tax imposed by taxing authorities. This exemption shall also apply to an FDIC insured financial institution's holding company, subsidiaries, or affiliates, and to a service corporation wholly-owned by one or more FDIC insured financial institutions.

* * *

§305.38. Exemptions; sheltered workshop or supported employment provider for persons with intellectual disabilities

The sale at retail, the use, the consumption, the distribution, and the storage for use or consumption in this state of each item or article of tangible personal property or digital products by a sheltered workshop or a supported employment provider as defined in R.S. 39:1604.4 for persons with intellectual disabilities licensed by the Department of Children and Family Services as a day developmental training center for persons with intellectual disabilities shall not be subject to the sales and use taxes levied by the state or by any political subdivision thereof."

AMENDMENT NO. 63

On page 118, between lines 16 and 17, insert the following:

"§306. Returns and payment of tax; penalty for absorption

A.

(3)(a) For the purpose of compensating the dealer in accounting for and remitting the tax levied by this Chapter, each dealer shall be allowed one and five hundredths percent of the amount of tax due and accounted for and remitted to the secretary in the form of a deduction in submitting his report and paying the amount due by him, provided the amount of any credit claimed for taxes already paid to a wholesaler shall not be deducted in computing the commission allowed the dealer hereunder. The aggregate state compensation for a dealer who operates one or more business locations within Louisiana shall not exceed ~~one thousand five hundred~~ five hundred dollars per calendar month. This compensation shall be allowed only if the payment of the dealer is timely paid and the return is timely filed. Notwithstanding any other provision of law, the calculation of this deduction shall be based only on the taxes levied pursuant to R.S. 47:302, 321, 331, and R.S. 51:1286. There shall be no compensation for the taxes accounted for and remitted pursuant to R.S. 47:321.1 or any other sales tax levied by the state.

* * *

AMENDMENT NO. 64

On page 118, between lines 17 and 18, and insert the following:

"A.(1) Notwithstanding any provision of law to the contrary, transactions listed in Subsection B of this Section involving sales of tangible personal property, digital products, or services that are not subject to state sales and use tax pursuant to the exclusions and exemptions provided by law shall be subject to an annual reporting requirement based on transactions occurring during the previous fiscal year, beginning on July first of the preceding year and ending on June thirtieth of the current year.

(2) The annual report shall include all of the following information:

* * *

(c) Annual gross sales of tangible personal property, digital products, or services that are not subject to state sales and use tax pursuant to the exclusions and exemptions provided for in Subsection B of this Section."

AMENDMENT NO. 65

On page 119, between lines 24 and 25, insert the following:

"§307. Collector's authority to determine the tax in certain cases

A. In the event any dealer fails to make a report and pay the tax as provided in this Chapter or in case the dealer makes a grossly incorrect report or a report that is false or fraudulent, the collector shall make an estimate of the retail sales of such dealer for the taxable period, of the gross proceeds from rentals or leases of tangible personal property by the dealer, or the cost price of all articles of tangible personal property or digital products imported by the dealer for use or consumption or distribution or storage to be used or consumed in this state, and of the gross amounts paid or charged for services taxable; and it shall be the duty of the collector to assess

and collect the tax together with any interest and penalty that may have accrued thereon, which assessment shall be considered prima facie correct and the burden to show the contrary shall rest upon the dealer.

B. In the event the dealer has imported tangible personal property or digital products and he fails to produce an invoice showing the cost price of the articles which are subject to tax, or the invoice does not reflect the true or actual cost, then the collector shall ascertain in any manner feasible the true cost price and shall assess and collect the tax, together with any interest and penalties that may have accrued, on the basis of the true cost as assessed by him. The assessment so made shall be considered prima facie correct, and the burden shall be on the dealer to show the contrary.

C. In the case of the lease or rental of tangible personal property or digital products, if the consideration given or reported by the dealer does not, in the judgment of the collector, represent the true or actual consideration, then the collector is authorized to ascertain in any manner feasible the true or actual consideration and assess and collect the tax thereon together with any interest and penalties that may have accrued. The assessment ~~so made~~ shall be considered prima facie correct and the burden shall be on the dealer to show the contrary.

* * *

§309. Dealers required to keep records

A.(1) Every dealer required to make a report and pay any tax under this Chapter shall keep and preserve suitable records of the sales, purchases, or leases taxable ~~under~~ pursuant to this Chapter, and ~~such~~ other books of accounts as may be necessary to determine the amount of tax due hereunder, and other information as may be required by the secretary; and each dealer shall secure, maintain and keep until the taxes to which they relate have prescribed, a complete record of tangible personal property or digital products received, used, sold at retail, distributed, or stored, leased or rented, within this state by the said dealer, together with invoices, bills of lading, and other pertinent records and papers as may be required by the secretary for the reasonable administration of this Chapter, and a complete record of all sales or purchases of services taxable ~~under~~ pursuant to this Chapter until the taxes to which they relate have prescribed.

* * *

§309.1. Sales in Louisiana of tangible personal property, digital products, and taxable services by a dealer or remote retailer; the provision of lists, notices, and statements by a dealer or remote retailer

* * *

B. Definitions. As used in this Section, the following words and phrases have the following meanings unless the context clearly indicates otherwise:

(1) "Louisiana purchaser" or "purchaser" means a person who purchases tangible personal property, digital products, or taxable services in a transaction with a remote retailer for property or a service that is delivered for use or benefit in Louisiana, and no Louisiana sales and use tax was collected or paid on the transaction.

(2) "Remote retailer" or "retailer" means a retailer that purposefully avails itself in any way of the benefits of an economic market in Louisiana or who has any other minimum contacts with the state and who meets all of the following criteria:

* * *

(b) Makes retail sales of tangible personal property, digital products, or taxable services where the property is delivered into Louisiana or the beneficial use of the service occurs in Louisiana, and the cumulative annual gross receipts for the retailer and its affiliates from those sales exceeds fifty thousand dollars per calendar year.

* * *

D. Annual statement submitted by remote retailer. By March first of each year a remote retailer who made retail sales of tangible personal property, digital products, or taxable services to Louisiana purchasers in the immediately preceding calendar year shall file with the secretary an annual statement for each purchaser which includes the total amount paid by the purchaser to that retailer in the immediately preceding calendar year. Under no circumstances shall the statement contain detail as to specific property or services purchased, but it shall include the total amount paid. The statement shall be submitted on forms to be developed and provided by the

secretary. The secretary ~~is authorized to~~ may require the electronic filing of statements by a remote retailer who had sales in Louisiana in excess of one hundred thousand dollars in the immediately enforcement of this Section. If the retailer fails to respond to the subpoena, the secretary may request that the subpoena be enforced on the order of a court.

* * *

§310. Wholesalers and jobbers required to keep records

A. All wholesale dealers and jobbers in this state shall keep a record of all sales of tangible personal property or digital products made in this state whether such sales be for cash or on terms of credit. These records shall contain and include the name and address of the purchaser, the date of the purchase, the article purchased and the price at which the article is sold to the purchaser. These records shall be kept until the taxes to which they relate have prescribed and shall be open to the inspection of the secretary at all reasonable hours.

* * *

§312. Failure to pay tax on imported tangible personal property or digital products; grounds for attachment

A. The failure of any dealer to pay the tax and any interest, penalties, or costs due ~~under~~ pursuant to the provisions of this Chapter on any tangible personal property or digital products imported from outside the state for use, consumption, distribution or storage to be used in this state, or imported for the purpose of leasing or renting the same, shall make the tax, interest, penalties, or costs ipso facto delinquent. This failure shall moreover be a sufficient ground for the attachment of the personal property imported wherever it may be found, whether the delinquent taxpayer is a resident or nonresident, and whether the property is in the possession of the delinquent taxpayer or in the possession of other persons.

B. It is the intention of this law to prevent the disposition of the said tangible personal property or digital products in order to insure payment of the tax imposed by this Chapter, together with interest, penalties and costs, and authority to attach is hereby specifically granted to the collector. The procedure prescribed by law in attachment proceedings shall be followed except that no bond shall be required of the ~~State~~ state.

* * *

§314. Failure to pay tax; rule to cease business

Failure to pay any tax due as provided in this Chapter shall ipso facto, without demand or putting in default, cause the tax, interest, penalties, and costs to become immediately delinquent, and the collector has the authority, on motion in a court of competent jurisdiction, to take a rule on the dealer, to show cause in not less than two or more than ten days, exclusive of holidays, why the dealer should not be ordered to cease from further pursuit of business as a dealer. This rule may be tried out of term and in chambers, and shall always be tried by preference. If the rule is made absolute, the order rendered thereon shall be considered a judgment in favor of the state, prohibiting the dealer from the further pursuit of ~~said~~ business until ~~such time as~~ he has paid the delinquent tax, interest, penalties and costs, and every violation of the injunction shall be considered as a contempt of court, and punished according to law. For ~~the purpose~~ purposes of the enforcement of this Chapter and the collection of the tax levied hereunder, it is presumed that all tangible personal property or digital products imported or held in this state by any dealer are to be sold at retail, used or consumed, or stored for use or consumption in this state, or leased or rented within this state, and are subject to the tax herein levied; this presumption shall be prima facie only, and subject to proof furnished to the collector.

§315. Sales returned to dealer; credit or refund of tax

A. Whenever tangible personal property or digital products sold is returned to the dealer by the purchaser or consumer or in the event the amount paid or charged for services is refunded or credited to the purchaser or consumer after the tax imposed by this Chapter has been collected, or charged to the account of the purchaser, consumer, or user, the dealer shall be entitled to reimbursement of the amount of tax so collected or charged by him, in the manner prescribed by the collector; and if the tax has not been remitted by the dealer to the collector, the dealer may deduct the same in submitting his return. Upon receipt of a signed statement of the dealer as to the gross amount of refunds during the period covered by the signed statement, which period shall not be longer than ninety days, the collector shall

issue to the dealer an official credit memorandum equal to the net amount remitted by the dealer for the tax collected. This memorandum shall be accepted by the collector at full face value from the dealer to whom it is issued, in the remittance for subsequent taxes accrued ~~under~~ pursuant to the provisions of this Chapter. In cases where a dealer has retired from business and has filed a final return, a refund of tax may be made if it can be established to the satisfaction of the collector that the tax paid was not due.

B.(1) Whenever the unpaid balance of an account due to the dealer for the purchase of tangible personal property, digital products, or the sale of services subject to sales taxation has been found to be bad in accordance with Section 166 of the United States Internal Revenue Code and has actually been charged off for federal income tax purposes, the dealer shall be entitled to reimbursement of the amount of tax previously paid by the dealer on such amounts.

* * *

AMENDMENT NO. 66

On page 120, line 7, after "47:302(A)" and before "and" insert "² 321.1(A)."

AMENDMENT NO. 67

On page 120, delete line 8, and insert the following: "~~under~~ pursuant to the provisions of ~~Chapter~~ Chapters 2 and 2-B of this Subtitle H of this Title, there is hereby levied"

AMENDMENT NO. 68

On page 120, delete lines 11 and 12, and insert the following: "personal property or digital product, as defined in Chapter 2 of this Subtitle H of this Title. The levy of ~~said~~ this tax shall be as follows:"

AMENDMENT NO. 69

On page 120, line 14, after "property" and before "when" insert "or digital product"

AMENDMENT NO. 70

On page 120, line 19, after "property" and before "~~except~~" insert "or digital product"

AMENDMENT NO. 71

On page 120, delete line 23, and insert the following: "^{B.} In addition to the tax levied by R.S. 47:302(B), 321.1(B), and 331(B) and collected ~~under~~ pursuant to the provisions of ~~Chapter 2 of Subtitle H of Title 47 of the Louisiana Revised Statutes of 1950~~ Chapters 2 and 2-B of this Subtitle, there is hereby levied a tax upon the lease or rental within this state of each item or article of tangible personal property or digital product, as defined by ~~said~~ in Chapter 2 of this Subtitle H of Title 47 of the Louisiana Revised Statutes of 1950; the levy of the tax to be as follows:

(1) At the rate of one percent of the gross proceeds derived from the lease or rental of tangible personal property or digital product, as defined in Chapter 2 of this subtitle of 1950, where the lease or rental of ~~such~~ the property or digital product, is in an established business, or part of an established business, or the same is incidental or germane to the business.

(2) At the rate of one percent of the monthly lease or rental price paid by a lessee or rentee, or contracted or agreed to be paid by a lessee or rentee to the owner of the tangible personal property or digital product."

AMENDMENT NO. 72

On page 121, delete line 6, and insert the following: "collected ~~under~~ pursuant to the provisions of ~~Chapter~~ Chapters 2 and 2-B of this Subtitle, there is hereby levied an"

AMENDMENT NO. 73

On page 121, line 9, after "property" and before "as defined" insert "or digital product"

AMENDMENT NO. 74

On page 121, line 12, after "property" and before "when" insert "or digital product"

AMENDMENT NO. 75

On page 121, line 16, after "property" insert "or digital product"

AMENDMENT NO. 76

On page 121, delete line 20, and insert the following: "collected ~~under~~ pursuant to the provisions of ~~Chapter~~ Chapters 2 and 2-B of this Subtitle, there is hereby levied a"

AMENDMENT NO. 77

On page 121, line 22, after "property" and before ", " insert " or digital product"

AMENDMENT NO. 78

On page 121, line 25, after "property" and before ", " insert " or digital product"

AMENDMENT NO. 79

On page 121, line 26, after "property" insert "or digital product"

AMENDMENT NO. 80

On page 122, line 3, after "property" insert "or digital product"

AMENDMENT NO. 81

On page 122, delete lines 22 through 24, and insert the following:
 "A. In addition to the tax levied by R.S. 47:302(A) ~~and 321(A)~~, 321(A), and 321.1(A) and collected under the provisions of ~~Chapter 2 of Subtitle H of Title 47 of the Louisiana Revised Statutes of 1950~~ Chapters 2 and 2-A of this Subtitle, there is hereby levied an additional tax upon the sale at retail, the"

AMENDMENT NO. 82

On page 122, line 26 after "property" insert "or digital product"

AMENDMENT NO. 83

On page 122, delete lines 27 and 28 and insert the following: "this Subtitle H of Title 47 of the Louisiana Revised Statutes of 1950; the levy of ~~said~~ the tax to shall be as follow:"

AMENDMENT NO. 84

On page 123, line 2, after "property" and before "when" insert "or digital product"

AMENDMENT NO. 85

On page 123, line 6, after "property" and before "when" insert "or digital product"

AMENDMENT NO. 86

On page 123, delete lines 9 through 14 and insert the following:
 "B. In addition to the tax levied by R.S. 47:302(B) ~~and 321(B)~~, 321(B), and 321.1(B) and collected ~~under the provisions of Chapter 2 of Subtitle H of Title 47 of the Louisiana Revised Statutes of 1950~~ pursuant to the provisions of Chapters 2 and 2A of this Subtitle, there is hereby levied a tax upon the lease or rental within this state of each item or article of tangible personal property or digital product, as defined by said Chapter 2 of Subtitle H of Title 47 of the Louisiana Revised Statutes of 1950; the levy of said tax to be as follows in Chapter 2 of this Subtitle. The levy of the tax shall be as follows:"

AMENDMENT NO. 87

On page 123, line 16, after "property" and before the comma, insert "or digital product"

AMENDMENT NO. 88

On page 123, line 18, after "property" and before "is" insert "or digital product"

AMENDMENT NO. 89

On page 123, line 22, after "property" and before the period "." insert "or digital product"

AMENDMENT NO. 90

On page 126, between lines 11 and 12, insert the following:
 "\$337.3. Imposition of political subdivision tax

A. (1) A taxing authority may continue to levy sales and use taxes under authority provided for such political subdivisions by the statutes or Constitution of Louisiana.

(2) A taxing authority shall levy sales and use taxes on the sale at retail, the use, the lease or rental, the consumption, and the storage of digital products. The levy of local sales and use tax on digital products shall be subject to the definitions, exclusions, and exemptions provided in Chapters 2, 2-A, and 2-B of this Subtitle.

AMENDMENT NO. 91

On page 132, between lines 25 and 26, insert the following:

"§340.1. Marketplace facilitators; collection and remittance of state and local sales and use tax

A. Definitions. For purposes of this Section, the following words and phrases shall have the following meanings, unless the context clearly indicates otherwise:

(3) "Marketplace" means any physical or electronic platform or forum, owned, operated, or otherwise controlled by the marketplace facilitator through which a marketplace seller may sell or offer for sale tangible personal property, digital products, or sales of services for delivery into Louisiana.

(5) "Marketplace seller" means a person who sells or offers for sale tangible personal property or digital products, or sales of services for delivery into Louisiana through a marketplace that is owned, operated, or controlled by a marketplace facilitator.

AMENDMENT NO. 92

On page 135, line 13, after "(n)" delete "and (31)," and insert ", (16)(h) and (p),"

AMENDMENT NO. 93

On page 135, at the end of line 14, change "305.14" to "305.15"

AMENDMENT NO. 94

On page 135, line 15, delete "305.36,"

AMENDMENT NO. 95

On page 135, line 17, delete "through 305.65," and insert "through 305.61, 305.63 through 305.65,"

AMENDMENT NO. 96

On page 135, line 18, after "305.80," delete "306(A)(3), (6)," and insert "306(A)(6)"

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

HOUSE BILL NO. 11—

BY REPRESENTATIVE DESHOTEL
 AN ACT

To amend and reenact R.S. 47:1703, 1703.1(A), 1705(B)(1)(a) and (b)(i), (2)(a), (b), (c)(i)(introductory paragraph) and (ii), (d), and (D), 1707 through 1708, 1710, 1712, 1713(B), 1714(introductory paragraph), (1), and (6), 1715(introductory paragraph), (1), and (6), and 1716 and to enact R.S. 47:1702(12) through (15) and 1717 through 1719, relative to ad valorem taxation; to provide for definitions; to provide for classification of property; to provide for valuation of property; to provide for reappraisal of property; to provide for a special assessment level; to provide for ad valorem taxation; to provide for the administration of ad valorem taxation; to provide for ad valorem tax exemptions; to provide for requirements and limitations; to provide for the adjustment of millages; to provide for ad valorem tax assessors; to authorize and direct the Louisiana State Law Institute to re-designate certain provisions; to provide for effectiveness; and to provide for related matters.

Reported with amendments by the Committee on Revenue and Fiscal Affairs.

Page 24 SENATE

November 19, 2024

6th DAY'S PROCEEDINGS

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Revenue and Fiscal Affairs to Reengrossed House Bill No. 11 by Representative Deshotel

AMENDMENT NO. 1

On page 1, at the beginning of line 6, change "1719," to "1720,"

AMENDMENT NO. 2

On page 1, line 11, after "millages;" and before "to provide" insert the following: "to provide for the reduction of the fair market value percentage of certain property under certain circumstances; to provide for requirements and limitations;"

AMENDMENT NO. 3

On page 1, line 19, change "1719" to "1720"

AMENDMENT NO. 4

On page 40, between lines 8 and 9, insert the following:
"§1720. Business inventory; fair market value adjustment"

A.(1) For purposes of ad valorem taxation, a parish governing authority may elect to reduce the percentage of fair market value applicable to property considered business inventory. For purposes of this Section, the term "business inventory" shall have the same meaning as the term in defined in R.S.47:1702.

(2) The reduction in the percentage of fair market value for business inventory shall only apply in parishes in which the sheriff, school board, and the parish governing authority elect to reduce the percentage of fair market value applicable to business inventory. However, the percentage of fair market value applicable to business inventory shall never be higher than the percentage applicable to business inventory pursuant to Article VII, Section 32(B) of the State Constitution.

(3) The parish election to reduce the percentage of fair market value applicable to business inventory shall be evidenced in writing and shall be submitted to the Louisiana Tax Commission and the appropriate tax assessor within ten calendar days of the execution of the agreement between the sheriff, school board, and the parish governing authority to reduce the percentage of fair market value applicable to business inventory. The written documentation shall contain the new percentage of fair market value applicable to business inventory in the parish and shall indicate the taxable periods to which the reduced percentage shall apply. The Louisiana Tax Commission shall include all written notifications received from parishes indicating a reduction of the percentage of the fair market value applicable to business inventory in the commission's annual reports.

B. Any decrease in the total amount of ad valorem tax collected by a taxing authority as a result of the reduction of the percentage of fair market value applicable to business inventory authorized in this Section shall be absorbed by the taxing authority and no additional tax liability for taxpayers in the taxing district shall be created as a result of any subsequent reappraisal and valuation or millage adjustment. Implementation of the reduction of the percentage of fair market value applicable to business inventory authorized in this Section shall neither trigger nor be cause for a reappraisal of property or an adjustment of millages pursuant to R.S. 47:1719."

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

HOUSE BILL NO. 12—

BY REPRESENTATIVE DESHOTEL
AN ACT

To amend and reenact R.S. 17:3801(A) and (C) and 3802(A)(1), R.S. 30:86(A)(1) and 2483(B) through (E), R.S. 39:94(A)(introductory paragraph) and (1) through (4), (B), and (C)(5), 98.1, 98.2(A) and (E), 98.3(A) and (C)(introductory paragraph), 98.4(A), 100.112, 100.116(A)(introductory paragraph), (1) through (3), (10), (12), and (B), and 100.161(B)(3), R.S. 49:214.5.4(B) through (D), (E)(1), (F), (G)(introductory paragraph), (H), (I)(1), and (J), and R.S. 56:639.8(C) and (E)(1), to enact R.S. 30:86(I) through (K) and 2483(F) and (G) and R.S. 56:639.8(H), and to repeal R.S.

17:3801 through 3805, R.S. 30:86(C), and R.S. 39:97, 98.3(C) and (E), 100.112, 100.116(A)(4), (9), (11), and (13), (C), and (D), R.S. 49:214.5.4(K), and R.S. 56:639.8(E)(3), relative to finances of the state; to provide for certain treasury funds; to provide for the transfer, deposit, and use, as specified, of monies in certain treasury funds and accounts; to provide for the investment of certain treasury funds and accounts; to repeal certain treasury funds and accounts; to provide for effectiveness; and to provide for related matters.

Reported with amendments by the Committee on Finance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Finance to Reengrossed House Bill No. 12 by Representative Deshotel

AMENDMENT NO. 1

On page 9, line 1, delete "(2)(a)" and insert "~~(2)(a)~~"

AMENDMENT NO. 2

On page 9, delete lines 21 through 28

AMENDMENT NO. 3

On page 10, delete lines 1 through 8

AMENDMENT NO. 4

On page 10, at the beginning of line 9, change "(3)" to "(2)"

AMENDMENT NO. 5

On page 10, at the beginning of line 13, change "(4)" to "(3)"

AMENDMENT NO. 6

On page 24, line 2, change "Millennium Trust" to "UCP Permanent Trust Fund"

AMENDMENT NO. 7

On page 24, line 20, change "Millennium Trust" to "UCP Permanent Trust Fund"

AMENDMENT NO. 8

On page 25, line 9, change "Millennium Trust" to "UCP Permanent Trust Fund"

AMENDMENT NO. 9

On page 25, line 26, change "Millennium Trust" to "UCP Permanent Trust Fund"

AMENDMENT NO. 10

On page 28, at the beginning of line 9, delete "Subsection E" and insert "Subsection D"

AMENDMENT NO. 11

On page 28, delete lines 16 and 17, and insert the following:
"(3) As provided by the requirements of Article VII, ~~Sections 10-A and 10-B~~ Section 23 of the Constitution of Louisiana."

AMENDMENT NO. 12

On page 33, line 16, delete "January" and insert "July"

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

HOUSE BILL NO. 13—

BY REPRESENTATIVE GEYMAN AND SENATOR HENSGENS
AN ACT

To amend and reenact R.S. 39:34(C), 38(B), and 54(C) and to enact R.S. 39:33.3, relative to state finances; to provide relative to the calculation of a limit above which certain funds may be appropriated only for certain purposes; to provide relative to exceptions; to provide for definitions; to provide relative to the authority of the governor; to provide relative to the powers and duties of the commissioner of administration; to provide relative to the powers and duties of the Revenue Estimating Conference;

to provide for a special effective date; and to provide for related matters.

Reported with amendments by the Committee on Finance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Finance to Reengrossed House Bill No. 13 by Representative Geymann

AMENDMENT NO. 1

On page 1, at the end of line 17, delete "state general fund and" and insert "State General Fund (Direct)"

AMENDMENT NO. 2

On page 1, at the beginning of line 18, delete "dedicated funds can" and insert "shall"

AMENDMENT NO. 3

On page 3, at the beginning of line 5, delete "state general fund and dedicated funds" and insert "State General Fund (Direct)"

AMENDMENT NO. 4

On page 3, at the end of line 6, delete "either of the following:" and insert "any appropriations made pursuant to Subsection D of this Section."

AMENDMENT NO. 5

On page 3, delete lines 7 through 10

AMENDMENT NO. 6

On page 3, delete lines 20 through 25, and insert the following:
 "(E) The limit calculated pursuant to the provisions of this Subparagraph shall not apply to the appropriation of the following state funds:

- (1) Any funds originating from the federal government.
- (2) Any funds being transferred among state agencies, colleges, universities, boards, or commissions.
- (3) Any funds originating from self-generated collections by a state agency, college, university, board or commission.
- (4) Any funds originating from a statutorily or constitutionally dedicated fund.
- (5) Any funds from the Budget Stabilization Fund incorporated into the official forecast for the current fiscal year.
- (6) Any funds appropriated as a result of a means of financing substitution resulting in an increase in State General Fund (Direct) to compensate for a decrease in federal funding, funds transferred from another state entity, self-generated collections, or statutorily or constitutionally dedicated funds.
- (7) Any funds appropriated or allocated that are excluded from the analysis of appropriation totals in relation to the expenditure limit."

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

HOUSE BILL NO. 23—

BY REPRESENTATIVES GEYMAN AND ROMERO AND SENATOR HENSGENS

AN ACT

To amend and reenact R.S. 30:81(B), 83(Section heading), (A), and (B), 83.1(A)(1) and (2), (B), and (C), 84(A)(7), 85(A)(4), 86(A)(2), (B), (E)(introductory paragraph), (1), (2), and (5) through (7), (G), and (H), 87(A), (B), and (F)(1), 88(B) and (C), 88.1(C) and (D), 88.2(C), 89(C)(3), 90(Section heading), (A) through (C), and (E)(introductory paragraph) and (5), 91(B)(2)(c), and 95, to enact R.S. 30:82(16), and to repeal R.S. 30:82(3) and 83(C) through (I), relative to oilfield site restoration; to provide for the use and administration of the Oilfield Site Restoration Fund; to repeal the Oilfield Site Restoration Commission; to authorize the Natural Resources Trust Authority to administer the fund with the oversight of the State Mineral and Energy Board; to transfer functions of the commission to the trust authority; to provide definitions; to

provide for the administration of federal funds for oilfield site restoration and plugging of orphan wells; to provide for the authority to execute financial agreements and instruments; to provide for the calculation of oilfield site restoration fees; to increase oilfield site restoration fees; to provide an effective date; and to provide for related matters.

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

HOUSE BILL NO. 25—

BY REPRESENTATIVE RISER

AN ACT

To amend and reenact R.S. 30:87(A), R.S. 39:100.116, and R.S. 47:631, 633, 633.2, 633.4(E), 645(A) and (B), and 1624(A)(1)(b), to enact R.S. 47:633.1 and 633.1.1, and to repeal R.S. 47:324 and 633.5, Part I-E of Chapter 6 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, comprised of R.S. 47:648.21, and R.S. 47:1624(A)(2), relative to severance tax; to provide for rates of severance tax on oil and gas; to provide for computation of severance tax amounts to be imposed on oil and gas; to provide for exemptions from severance tax; to provide for dedication of certain severance tax revenues; to provide for severance tax administration; to provide for duties of the Department of Revenue and the Department of Energy and Natural Resources with respect to severance tax; to make technical changes in laws relating to severance tax; to provide for effectiveness; to provide for applicability; and to provide for related matters.

Reported with amendments by the Committee on Revenue and Fiscal Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Revenue and Fiscal Affairs to Reengrossed House Bill No. 25 by Representative Riser

AMENDMENT NO. 1

On page 1, line 2 after "To" delete the remainder of the line and delete lines 3 through 5, and at the beginning of line 6, delete "47:1624(A)(2)," and insert "enact R.S. 47:633(7)(e),"

AMENDMENT NO. 2

On page 1, line 8 after "tax;" delete the remainder of the line, and insert "to provide definitions; to provide for effectiveness;"

AMENDMENT NO. 3

On page 1, delete lines 9 through 12

AMENDMENT NO. 4

On page 1, delete lines 15 through 20 and insert the following:

"Section 1. R.S. 47:633(7)(e) is hereby enacted to read as follows:

§633. Rates of tax

*	*	*
(7)	*	*

(e) For purposes of this Paragraph, the following terms shall have the following definitions:

(i) "Payout of well cost" shall be the cost of completing the well to the commencement of production as reflected in the well cost statement submitted to the Department of Energy and Natural Resources.

(ii) "Qualified accountant" means a certified public accountant ("CPA") who meets all of the following qualifications:

(aa) Maintains an active unrestricted original certified public accountant license.

(bb) Maintains a current Louisiana certified public accountant firm permit.

(cc) Actively participates in a Peer Review Program approved by the State Board of Certified Public Accountants of Louisiana.

(iii) "Well cost statement" means a statement issued by a qualified accountant who is unrelated to the operator and that is a report of the qualified accountant's verification of the costs of

completing the well to the commencement of production. The well cost statement shall contain an opinion from the qualified accountant that the well cost statement presents fairly, in all material aspects, the costs expended to complete the well. The well cost statement shall:

(aa) Be performed in accordance with the accounting standards generally accepted in the United States.

(bb) Be addressed to the party which has engaged the qualified accountant, with a copy addressed to the operator.

(cc) Contain the qualified accountant's name, address, and telephone number.

(dd) Contain a certification that the qualified accountant is unrelated to the operator.

(ee) Be dated as of the date of completion of the qualified accountant's field work.

(ff) Contain a statement of acknowledgment by the qualified accountant that the state is relying on the well cost statement in the allowance of an exemption under the provisions of this Section.

* * *

AMENDMENT NO. 5

Delete pages 2 through 31 and on page 32 delete lines 1 through 23 and insert the following:

"Section 2. 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."

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

House Bills and Joint Resolutions on Third Reading and Final Passage

HOUSE BILL NO. 21—

BY REPRESENTATIVES BOURRIQUE AND CREWS
AN ACT

To enact R.S. 47:306.6, relative to sales and use taxes; to require the secretary of the Department of Revenue to annually estimate state taxes collected on sales of aviation fuel; to require monies collected from the avails of aviation fuel taxes to be used for certain purposes; to provide for certain calculations; to require the secretaries of the Department of Revenue and the Department of Transportation and Development to enter into certain agreements; to require the Joint Legislative Committee on the Budget to review and approve certain agreements; to provide for reporting requirements and limitations; to provide for termination of certain requirements; to provide for an effective date; and to provide for related matters.

The bill was read by title. Senator Reese moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Edmonds	Mizell
Abraham	Fesi	Morris
Allain	Foil	Owen
Barrow	Harris	Pressly
Bass	Hensgens	Price
Boudreaux	Hodges	Reese
Bouie	Jenkins	Seabaugh
Carter	Kleinpeter	Stine
Cathey	Lambert	Talbot
Cloud	Luneau	Wheat
Connick	Miguez	Womack
Duplessis	Miller	

Total - 35

NAYS

Total - 0

ABSENT

Coussan
Fields

Jackson-Andrews
McMath

Total - 4

The Chair declared the bill was passed and ordered it returned to the House. Senator Reese moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 24—

BY REPRESENTATIVE GEYMAN AND SENATOR HENSGENS
AN ACT

To amend and reenact R.S. 30:124(B), 125, 126(A), 127(A)(introductory paragraph), (B)(introductory paragraph), (C), (E), and (H), 128(A), 129(B)(3), 148.3, and 209(4)(b) and to enact R.S. 30:124(G) and 148.10, relative to leasing of state property for energy-related purposes; to provide for the authority of the State Mineral and Energy Board; to classify lease payments for purposes of federal estate law; to increase fees and deposits collected by the State Mineral and Energy Board and the office of mineral resources; to provide relative to applications for the lease of state property; to provide for the transfer or assignment of leases; to provide for limitations of acreage on state property for lease; to provide for minimum royalty, continuing security, and Pugh clauses in mineral leases on state property; to provide for applicability of laws regarding the lease of state property for storage and transportation facilities; to provide for the distribution of revenue collected by the office of mineral resources under operating agreements; to provide an effective date; and to provide for related matters.

Floor Amendments

Senator Hensgens proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Hensgens to Engrossed House Bill No. 24 by Representative Geymann

AMENDMENT NO. 1

On page 5, line 2, after "acres" insert ", except upon approval by the Senate Committee on Natural Resources and the House Committee on Natural Resources and Environment such lease may exceed thirty-five acres up to a maximum of five thousand acres"

AMENDMENT NO. 2

On page 5, between lines 18 and 19, insert
" * * "

On motion of Senator Hensgens, the amendments were adopted.

The bill was read by title. Senator Hensgens moved the final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Edmonds	Mizell
Abraham	Fesi	Morris
Allain	Foil	Owen
Barrow	Harris	Pressly
Bass	Hensgens	Price
Boudreaux	Hodges	Reese
Bouie	Jenkins	Seabaugh
Carter	Kleinpeter	Stine

Cathey	Lambert	Talbot
Cloud	Luneau	Wheat
Connick	Miguez	Womack
Duplessis	Miller	
Total - 35		

NAYS

Total - 0

ABSENT

Coussan	Jackson-Andrews
Fields	McMath
Total - 4	

The Chair declared the amended bill was passed and ordered it returned to the House. Senator Hensgens moved to reconsider the vote by which the bill was passed and laid the motion on the table.

ATTENDANCE ROLL CALL

PRESENT

Mr. President	Edmonds	Mizell
Abraham	Fesi	Morris
Allain	Foil	Owen
Barrow	Harris	Pressly
Bass	Hensgens	Price
Boudreaux	Hodges	Reese
Bouie	Jenkins	Seabaugh
Carter	Kleinpeter	Stine
Cathey	Lambert	Talbot
Cloud	Luneau	Wheat
Connick	Miguez	Womack
Duplessis	Miller	
Total - 35		

ABSENT

Coussan	Jackson-Andrews
Fields	McMath
Total - 4	

Leaves of Absence

The following leaves of absence were asked for and granted:

Coussan	1 Day	Fields	1 Day
Jackson-Andrews	1 Day	McMath	1 Day

Adjournment

On motion of Senator Talbot, at 4:00 o'clock P.M. the Senate adjourned until Wednesday, November 20, 2024, at 11:00 o'clock A.M.

The President of the Senate declared the Senate adjourned.

YOLANDA J. DIXON
Secretary of the Senate

FRANCINE K. OGNIBENE
Journal Clerk

