

## **House Committee on Ways and Means**

Minutes of Meeting  
2023 Regular Session  
May 22, 2023

### **I. CALL TO ORDER**

Representative Stuart J. Bishop, chairman of the House Committee on Ways and Means, called the meeting to order at 9:02 a.m. in Room 6, in the state capitol in Baton Rouge, Louisiana.

### **II. ROLL CALL**

#### **MEMBERS PRESENT:**

Representative Stuart J. Bishop, chairman  
Representative Gerald "Beau" Beaulieu, IV, vice chairman  
Representative Ryan Bourriaque  
Representative Marcus Anthony Bryant  
Representative Rhonda Gaye Butler  
Representative Phillip R. DeVillier  
Representative Les Farnum  
Representative Jeremy S. LaCombe  
Representative Mandie Landry  
Representative Tanner D. Magee  
Representative Wayne McMahan  
Representative Buddy Mincey, Jr.  
Representative Joseph A. Orgeron  
Representative Tammy T. Phelps  
Representative Neil Riser  
Representative Laurie Schlegel  
Representative Malinda B. White  
Representative Matthew Willard

#### **MEMBERS ABSENT:**

None

#### **STAFF MEMBERS PRESENT:**

Brittany Lea, committee administrative assistant  
Drew Murray, legislative analyst  
Alison Pryor, senior attorney

Claire Vermaelen, capital outlay specialist

**ADDITIONAL ATTENDEES PRESENT:**

Janet Anthony, sergeant at arms

Angela McKnight, sergeant at arms

**III. DISCUSSION OF LEGISLATION**

**Senate Bill No. 1 by Senator Allain**

Senator Allain presented Senate Bill No. 1, which phases-out the corporate franchise tax.

Senator Allain referenced a letter prepared and provided by the Tax Foundation with regard to Senate Bill No. 1, Exhibit A, which is included in the committee records.

Ms. Anne G. Villa, undersecretary, Louisiana Economic Development (LED), 617 North 3<sup>rd</sup> Street, Baton Rouge, Louisiana 70802, (225) 342-5395, spoke for information only on Senate Bill No. 1.

Mr. Kevin Richard, secretary, Louisiana Department of Revenue (DOR), 617 North 3<sup>rd</sup> Street, Baton Rouge, Louisiana 70802, (225) 219-2704, spoke for information only on Senate Bill No. 1.

Mr. Ben Vincent, economist, Legislative Fiscal Office (LFO), 900 North 3<sup>rd</sup> Street, Baton Rouge, Louisiana 70804, (225) 342-7233, spoke for information only on Senate Bill No. 1.

Representative Bishop offered a motion to report Senate Bill No. 1 favorably. Without objection, Senate Bill No. 1 was reported favorably by a vote of 15 yeas and 0 nays. Representatives Bishop, Beaulieu, Bourriaque, Bryant, Butler, DeVillier, Farnum, Landry, McMahan, Mincey, Orgeron, Phelps, Riser, Schlegel, and White voted yea.

Witness cards submitted by individuals who did not speak are as follows: 4 in support. Witness cards are included in the committee records.

**Senate Bill No. 6 by Senator Allain**

Senator Allain presented Senate Bill No. 6, which reduces the rate of the Quality Jobs Program project facility expense rebate when certain conditions are met.

Mr. Luke Morris, deputy secretary, Louisiana Department of Revenue (DOR), 617 North 3<sup>rd</sup> Street, Baton Rouge, Louisiana 70802, (985) 662-8411, spoke for information only on Senate Bill No. 6.

Ms. Anne G. Villa, undersecretary, Louisiana Economic Development (LED), 617 North 3<sup>rd</sup> Street, Baton Rouge, Louisiana 70802, (225) 342-5395, spoke for information only on Senate Bill No. 6.

Representative Bishop offered a motion to report Senate Bill No. 6 favorably. Without objection, Senate Bill No. 6 was reported favorably by a vote of 13 yeas and 0 nays. Representatives Bishop, Beaulieu, Bourriaque, Butler, Farnum, Landry, McMahan, Mincey, Orgeron, Riser, Schlegel, White, and Willard voted yea.

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

### **Senate Bill No. 3 by Senator Allain**

Senator Allain presented Senate Bill No. 3, which changes the month for the annual determination of the personal income tax and corporate franchise tax automatic rate reductions.

Representative Bishop offered an amendment to change the effective date of proposed law from August 1, 2023, to upon signature of the governor. Representative Bishop offered a motion to adopt the proposed amendments. Without objection, the amendment was adopted by a vote of 13 yeas and 0 nays. Representatives Bishop, Beaulieu, Bourriaque, Butler, Farnum, Landry, Mincey, Orgeron, Phelps, Riser, Schlegel, White, and Willard voted yea.

Representative Beaulieu offered a motion to report Senate Bill No. 3 with amendments. Without objection, Senate Bill No. 3 was reported with amendments by a vote of 12 yeas and 0 nays. Representatives Bishop, Beaulieu, Bourriaque, Butler, Farnum, Landry, Mincey, Orgeron, Phelps, Riser, Schlegel, and White voted yea.

Witness cards submitted by individuals who did not speak are as follows: 3 in support. Witness cards are included in the committee records.

### **Senate Bill No. 5 by Senator Allain**

Senator Allain presented Senate Bill No. 5, which provides for alternatives in lieu of payment under protest for challenges to ad valorem tax assessments.

Representative Bishop offered amendments which: (1) add rules for bond or other security as provided for in present law to the list of matters that may be brought before the board; and (2) require procedural statutes related to ad valorem taxes that apply to district courts to also apply to the board and its Local Tax Division. Representative Bishop offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 14 yeas and 0 nays. Representatives Bishop, Beaulieu, Bourriaque, Butler, Farnum, Landry, McMahan, Mincey, Orgeron, Phelps, Riser, Schlegel, White, and Willard voted yea.

Representative Farnum offered a motion to report Senate Bill No. 5 with amendments. Without objection, Senate Bill No. 5 was reported with amendments by a vote of 14 yeas and 0 nays. Representatives Bishop, Beaulieu, Bourriaque, Butler, Farnum, Landry, McMahan, Mincey, Orgeron, Phelps, Riser, Schlegel, White, and Willard voted yea.

Witness cards submitted by individuals who did not speak are as follows: 5 in support. Witness cards are included in the committee records.

#### **Senate Bill No. 230 by Senator Allain**

Senator Allain presented Senate Bill No. 230, which modifies the federal income tax deduction for taxpayers impacted by Hurricane Ida.

Representative Mincey offered a motion to report Senate Bill No. 230 favorably. Without objection, Senate Bill No. 230 was reported favorably by a vote of 13 yeas and 0 nays. Representatives Bishop, Beaulieu, Bourriaque, Butler, Farnum, Landry, McMahan, Mincey, Orgeron, Phelps, Riser, Schlegel, and White voted yea.

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

#### **Senate Bill No. 8 by Senator Luneau**

Senator Luneau presented Senate Bill No. 8, which provides relative to interest applicable to local sales and use taxes paid under protest.

Representative Butler offered a motion to report Senate Bill No. 8 favorably. Without objection, Senate Bill No. 8 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Beaulieu, Bourriaque, Butler, Farnum, McMahan, Mincey, Orgeron, Riser, Schlegel, and White voted yea.

#### **Senate Bill No. 79 by Senator Luneau**

*Representative Bourriaque in the chair.*

Senator Luneau presented Senate Bill No. 79, which provides relative to expenditures utilized to claim income and franchise tax credits.

Mr. Luke Morris, deputy secretary, Louisiana Department of Revenue (DOR), 617 North 3<sup>rd</sup> Street, Baton Rouge, Louisiana 70802, (985) 662-8411, spoke for information only on Senate Bill No. 79.

*Chairman Bishop in the chair.*

Representative Butler offered a motion to report Senate Bill No. 79 favorably. Without objection, Senate Bill No. 79 was reported favorably by a vote of 15 yeas and 0 nays. Representatives Bishop, Beaulieu, Bourriaque, Bryant, Butler, DeVillier, Farnum, Landry, McMahan, Mincey, Orgeron, Phelps, Schlegel, White, and Willard voted yea.

Witness cards submitted by individuals who did not speak are as follows: 7 in opposition and 1 for information only. Witness cards are included in the committee records.

### **Senate Bill No. 127 by Senator Duplessis**

Senator Duplessis presented Senate Bill No. 127, a constitutional amendment which authorizes the local governing authority of each parish to provide a limited ad valorem tax exemption for qualified first responders.

Mr. Trey Caruso, director of state relations, City of New Orleans, 1300 Perdido Street, New Orleans, Louisiana 70112, (504) 641-7521, spoke in support of Senate Bill No. 127.

Representative Beaulieu offered amendments which: (1) provide that proposed constitutional amendment, if approved by the electors, shall become effective on Jan. 1, 2024, and shall apply to ad valorem taxes due beginning in tax year 2024 and thereafter; and (2) make technical changes. Representative Beaulieu offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 13 yeas and 0 nays. Representatives Bishop, Beaulieu, Bourriaque, Bryant, Butler, DeVillier, Farnum, McMahan, Mincey, Orgeron, Phelps, Schlegel, and Willard voted yea.

Representative Phelps offered a motion to report Senate Bill No. 127 with amendments. Without objection, Senate Bill No. 127 was reported with amendments by a vote of 12 yeas and 0 nays. Representatives Bishop, Beaulieu, Bourriaque, Bryant, Butler, DeVillier, McMahan, Mincey, Orgeron, Phelps, Schlegel, and Willard voted yea.

Witness cards submitted by individuals who did not speak are as follows: 5 in support. Witness cards are included in the committee records.

### **Senate Bill No. 227 by Senator Duplessis**

Senator Duplessis presented Senate Bill No. 227, which provides for state and local sales and use taxes on digital art sold in a cultural product district.

Mr. Eric Peterson, Nieux Society, 1933 South Lopez Street, New Orleans, Louisiana 70125, no phone number provided, spoke in support of Senate Bill No. 227.

*Representative Bourriaque in the chair.*

Representative Willard offered a motion to report Senate Bill No. 227 favorably. Without objection, Senate Bill No. 227 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Bourriaque, DeVillier, Farnum, McMahan, Mincey, Orgeron, Phelps, Riser, Schlegel, White, and Willard voted yea.

#### **Senate Bill No. 41 by Senator Mizell**

Senator Mizell presented Senate Bill No. 41, which establishes a tax credit for certain maternal wellness centers.

Mr. Kevin Richard, secretary, Louisiana Department of Revenue (DOR), 617 North 3<sup>rd</sup> Street, Baton Rouge, Louisiana 70802, (225) 219-2704, spoke for information only on Senate Bill No. 41.

Mr. Ben Clapper, executive director, Louisiana Right to Life, 200 Allen Toussaint Boulevard, New Orleans, Louisiana 70124, (504) 835-6520, spoke in support of Senate Bill No. 41.

Representative Schlegel offered a motion to report Senate Bill No. 41 favorably, to which Representative Phelps objected. The administrative assistant called the roll, and Senate Bill No. 41 was reported favorably by a vote of 12 yeas and 3 nays. Representatives Beaulieu, Bourriaque, Bryant, Butler, DeVillier, Farnum, McMahan, Mincey, Orgeron, Riser, Schlegel, and White voted yea. Representatives Landry, Phelps, and Willard voted nay.

Witness cards submitted by individuals who did not speak are as follows: 5 in support and 1 in opposition. Witness cards are included in the committee records.

Statements submitted in accordance with House Rule 14.33 in lieu of appearing before the committee are as follows: 7 in support and 76 in opposition. Copies of these statements are included in the committee records.

#### **Senate Bill No. 77 by Senator Reese**

Senator Reese presented Senate Bill No. 77, which provides relative to the capital outlay process.

Mr. Mark Moses, assistant commissioner, Division of Administration (DOA), P.O. Box 94095, Baton Rouge, Louisiana 70802, (225) 342-9654, spoke for information only on Senate Bill No. 77.

Representative Farnum offered a motion to report Senate Bill No. 77 favorably. Without objection, Senate Bill No. 77 was reported favorably by a vote of 12 yeas and 0 nays. Representatives Beaulieu, Bourriaque, Bryant, Butler, Farnum, McMahan, Mincey, Orgeron, Phelps, Riser, Schlegel, and White voted yea.

**Senate Bill No. 132 by Senator Reese**

Senator Reese presented Senate Bill No. 132, which provides relative to exemptions to capital outlay procedure.

Representative Riser offered amendments which: (1) add authority for DOA to delegate the administration of projects through FP&C to a state agency or higher education management board through the approval and execution of a CEA for the planning, design, bidding, contracting, construction, and management of projects; (2) add authority for FP&C to delegate administration of projects to a state agency or higher education management board through the approval and execution of a CEA for the planning, design, bidding, contracting, construction, and management of projects; and (3) increase the maximum costs an agency may incur to undertake repairs, renovations, or construction of projects not included in the capital outlay budget from \$150,000 to \$250,000 and remove the cumulative per agency, per fiscal year limitation for these expenditures and the requirement that the expenditures for these repairs be first approved by the commissioner of administration and JLCB.

Representative Riser offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 11 yeas and 0 nays. Representatives Beaulieu, Bourriaque, Bryant, Butler, Farnum, McMahan, Mincey, Orgeron, Phelps, Riser, and Schlegel voted yea.

Representative Farnum offered a motion to report Senate Bill No. 132 with amendments. Without objection, Senate Bill No. 132 was reported with amendments by a vote of 11 yeas and 0 nays. Representatives Beaulieu, Bourriaque, Bryant, Butler, Farnum, McMahan, Mincey, Orgeron, Phelps, Riser, and Schlegel voted yea.

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

**Senate Bill No. 151 by Senator Reese**

Senator Reese presented Senate Bill No. 151, which provides relative to the Louisiana New Markets Jobs Act.

Mr. Tony Toups, principal, Advantage Capital, 909 Poydras Street, New Orleans, Louisiana 70112, (504) 522-4850, spoke in support of Senate Bill No. 151.

Representative Farnum offered a motion to report Senate Bill No. 151 favorably. Without objection, Senate Bill No. 151 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Beaulieu, Bourriaque, Bryant, DeVillier, Farnum, McMahan, Mincey, Orgeron, Riser, and Schlegel voted yea.

Witness cards submitted by individuals who did not speak are as follows: 4 in support. Witness cards are included in the committee records.

**Senate Bill No. 9 by Senator Foil**

Senator Foil presented Senate Bill No. 9, which exempts certain real estate investment trusts from the corporate franchise tax.

Representative Riser offered a motion to report Senate Bill No. 9 favorably. Without objection, Senate Bill No. 9 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Beaulieu, Bourriaque, Butler, DeVillier, Farnum, McMahan, Mincey, Orgeron, Riser, and Schlegel voted yea.

Witness cards submitted by individuals who did not speak are as follows: 3 in support. Witness cards are included in the committee records.

**Senate Bill No. 69 by Senator Foil**

Senator Foil presented Senate Bill No. 69, which extends the sunset of the research and development tax credit.

Representative Butler offered a motion to report Senate Bill No. 69 favorably. Without objection, Senate Bill No. 69 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Beaulieu, Bourriaque, Butler, DeVillier, Farnum, McMahan, Mincey, Orgeron, Riser, Schlegel, and Willard voted yea.

Witness cards submitted by individuals who did not speak are as follows: 13 in support. Witness cards are included in the committee records.

**Senate Bill No. 197 by Senator Peacock**

Senator Peacock presented Senate Bill No. 197, which provides relative to teacher certification.

Mr. Ethan Melancon, executive director of governmental affairs with the Louisiana Department of Education (LDOE), Board of Elementary and Secondary Education (BESE), 1201 North 3<sup>rd</sup> Street, Baton Rouge, Louisiana 70802, (225) 342-5840, spoke in support of Senate Bill No. 56.

Representative Bishop offered a motion to report Senate Bill No. 197 favorably. Without objection, Senate Bill No. 197 was reported favorably by a vote of 13 yeas and 0 nays. Representatives Bishop, Beaulieu, Bourriaque, Butler, DeVillier, Farnum, McMahan, Mincey, Orgeron, Riser, Schlegel, White, and Willard voted yea.



Witness cards submitted by individuals who did not speak are as follows: 2 in support. Witness cards are included in the committee records.

### **Senate Bill No. 56 by Senator Cathey**

On behalf of Senator Cathey, Representative Riser presented Senate Bill No. 56, which reinstates the Second Amendment sales tax holiday.

Representative Beaulieu offered amendments which: (1) extend the Edward Via College of Osteopathic Medicine sales tax exemption to state sales and use taxes; and (2) reinstates the effectiveness of the sales tax exemption beginning July 1, 2023. Representative Beaulieu offered a motion to adopt the proposed amendments. After further discussion, Representative Beaulieu withdrew the amendment. No vote was taken.

Representative Riser offered a motion to report Senate Bill No. 56 favorably. Without objection, Senate Bill No. 56 was reported favorably by a vote of 15 yeas and 0 nays. Representatives Bishop, Beaulieu, Bourriaque, Bryant, Butler, DeVillier, Farnum, Landry, McMahan, Mincey, Orgeron, Riser, Schlegel, White, and Willard voted yea.

Witness cards submitted by individuals who did not speak are as follows: 2 in support. Witness cards are included in the committee records.

The committee recessed at 12:51 p.m. The committee reconvened at 5:59 p.m.

### **Senate Bill No. 72 by Senator Bouie**

Senator Bouie presented Senate Bill No. 72, which provides relative to the issuance of revenue bonds on behalf of the Department of Public Safety and Corrections.

Lieutenant Colonel Greg Graphia, chief administrative officer, Department of Public Safety, 7979 Independence Boulevard, Baton Rouge, Louisiana 70806, (225) 925-6032, spoke for information only on Senate Bill No. 72.

Representative Beaulieu offered a motion to report Senate Bill No. 72 favorably. Without objection, Senate Bill No. 72 was reported favorably by a vote of 14 yeas and 0 nays. Representatives Bishop, Beaulieu, Bourriaque, Bryant, Butler, DeVillier, Farnum, McMahan, Mincey, Orgeron, Riser, Schlegel, White, and Willard voted yea.

### **Senate Bill No. 183 by Senator Talbot**

Senator Talbot presented Senate Bill No. 183, which provides relative to the construction code retrofitting deduction for individual income tax.

Representative Willard offered a motion to report Senate Bill No. 183 favorably. Without objection, Senate Bill No. 183 was reported favorably by a vote of 13 yeas and 0 nays. Representatives Bishop, Beaulieu, Bourriaque, Butler, DeVillier, Farnum, McMahan, Orgeron, Phelps, Riser, Schlegel, White, and Willard voted yea.

#### **Senate Bill No. 61 by Senator Stine**

Senator Stine presented Senate Bill No. 61, which creates an individual income tax checkoff for donations for Holden's Hope.

Representative Farnum offered a motion to report Senate Bill No. 61 favorably. Without objection, Senate Bill No. 61 was reported favorably by a vote of 14 yeas and 0 nays. Representatives Bishop, Beaulieu, Bourriaque, Butler, DeVillier, Farnum, McMahan, Mincey, Orgeron, Phelps, Riser, Schlegel, White, and Willard voted yea.

#### **Senate Bill No. 89 by Senator Stine**

Senator Stine presented Senate Bill No. 89, which provides relative to the net capital gains deduction for individual income tax.

Representative Bishop offered a motion to report Senate Bill No. 89 favorably. Without objection, Senate Bill No. 89 was reported favorably by a vote of 14 yeas and 0 nays. Representatives Bishop, Beaulieu, Bourriaque, Butler, DeVillier, Farnum, Landry, McMahan, Orgeron, Phelps, Riser, Schlegel, White, and Willard voted yea.

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

#### **Senate Bill No. 228 by Senator Abraham**

Senator Abraham presented Senate Bill No. 228, which exempts from state and local sales and use taxes certain tangible personal property and services related to photography and videography services.

Representative Bishop offered amendments which: (1) within the definition of the term "sale" for the purposes of state sales tax law, add an exclusion providing that the term shall not encompass the fabrication of photos or videos delivered electronically through the internet or via email or by USB flash drive, digital versatile disk, compact disk, or tapes; (2) add references to the proposed sales tax exclusion into the sections of law providing for the various state sales tax levies; and (3) make technical changes.

Representative Bishop offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 13 yeas and 0 nays. Representatives Bishop, Beaulieu, Bourriaque, Butler, DeVillier, Farnum, Landry, McMahan, Orgeron, Phelps, Schlegel, White, and Willard voted yea.

Ms. Debbie Vivien, chief economist, Legislative Fiscal Office (LFO), 900 North 3<sup>rd</sup> Street, Baton Rouge, Louisiana 70804, (225) 342-7233, spoke for information only on Senate Bill No. 228.

Ms. Tiffani Delapasse, East Baton Rouge Parish, 222 St. Louis Street, Baton Rouge, Louisiana 70802, (225) 335-2811, spoke for information only on Senate Bill No. 228.

Mr. Kevin Richard, secretary, Louisiana Department of Revenue (DOR), 617 North 3<sup>rd</sup> Street, Baton Rouge, Louisiana 70802, (225) 219-2704, spoke for information only on Senate Bill No. 228.

Mr. Drew Talbot, attorney, Louisiana Association of Tax Administration (LATA), 10518 Kentshire Court, Baton Rouge, Louisiana 70810, (225) 766-0200, spoke in opposition to Senate Bill No. 228.

Representative Bourriaque offered a motion to report Senate Bill No. 228 with amendments, to which Representative Riser objected. The administrative assistant called the roll, and the motion failed to pass by a vote of 6 yeas and 10 nays. Representatives Bourriaque, Bryant, Butler, Farnum, Phelps, and White voted yea. Representatives Bishop, Beaulieu, DeVillier, LaCombe, Landry, McMahan, Orgeron, Riser, Schlegel, and Willard voted nay.

Representative Bishop offered a motion to voluntarily defer action on Senate Bill No. 228. Without objection, action on Senate Bill No. 228 was voluntarily deferred by a vote of 16 yeas and 0 nays. Representatives Bishop, Beaulieu, Bourriaque, Bryant, Butler, DeVillier, Farnum, LaCombe, Landry, McMahan, Orgeron, Phelps, Riser, Schlegel, White, and Willard voted yea.

Witness cards submitted by individuals who did not speak are as follows: 12 in opposition. Witness cards are included in the committee records.

#### **IV. OTHER BUSINESS**

**To review and approve the third party convenience fee schedule for certain online transactions pursuant to R.S. 49:316.1 for the Louisiana Department of Revenue**

#### **V. ANNOUNCEMENTS**

Chairman Bishop announced that there will be no action taken on Senate Bill Nos. 75, 108, 118, 166, as well as the third-party convenience fee, but will be placed on the agenda for Tuesday, May 30<sup>th</sup>.

## **VI. ADJOURNMENT**

Representative Schlegel offered a motion to adjourn. Without objection, the motion passed by a vote of 16 yeas and 0 nays. Representatives Bishop, Beaulieu, Bourriaque, Bryant, Butler, DeVillier, Farnum, LaCombe, Landry, McMahan, Orgeron, Phelps, Riser, Schlegel, White, and Willard voted yea.

The meeting was adjourned at 7:17 p.m.

Respectfully submitted,

Chairman Stuart J. Bishop  
House Committee on Ways and Means