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HOUSE FLOOR AMENDMENTS

2019 Regular Session

Amendments proposed by Representative James to Engrossed House Concurrent Resolution
No. 3 by Representative Edmonds

1 AMENDMENT NO. 1

2 On page 2, at the beginning of line 18, delete "13:I.503(E)(4)" and insert "13:I.502,
3 503(E)(4)"

4 AMENDMENT NO. 2

5 On page 2, between lines 19 and 20, insert the following:

6 "§502. Definitions

7 *Addition to a Manufacturing Establishment-*

8 1.a. a capital expenditure for property that would meet the standard of a
9 new manufacturing establishment if the addition were treated as a stand-alone
10 establishment;

11 b. a capital expenditure for property that is directly related to the
12 manufacturing operations of an existing manufacturing establishment; or

13 c. an installation or physical change made to a manufacturing
14 establishment that increases its value, utility or competitiveness;

15 2. maintenance capital, required environmental capital upgrades, and
16 replacement parts, except those replacements required in the rehabilitation or
17 restoration of an establishment, to conserve as nearly, and as long as possible,
18 original condition, shall not qualify as an addition to a manufacturing establishment;

19 3. expenses associated with the rehabilitation or restoration of an
20 establishment as provided for in §511 shall be included as an addition to a
21 manufacturing establishment.

22 *Beginning of Construction*-the first day on which foundations are started or,
23 where foundations are unnecessary, the first day on which installations of the
24 manufacturing establishment begins.

25 *Board*-Board of Commerce and Industry.

26 *Capital Expenditure*-the cost associated with a new manufacturing
27 establishment or an addition to an existing manufacturing establishment, including
28 purchasing or improving real property and tangible personal property, whose useful
29 life exceeds one year and which is used in the conduct of business.

30 *Department*-Louisiana Department of Economic Development.

31 *Establishment*-an economic unit at a single physical location.

32 *Exhibit A*-a fully executed agreement between the department and the
33 applicant specifying the terms and conditions of the granting of the exemption
34 contract

35 *Integral*-required to make whole the product being produced.

36 *Job*-positions of employment that are:

37 1. new (not previously existing in the state) or retained;

38 2. permanent (without specific term);

39 3. full-time (working 30 or more hours per week);

40 4. employed directly, by an affiliate or through contract labor;

41 5. based at the manufacturing establishment;

1 6. filled by a United States citizen who is domiciled in Louisiana or who
2 becomes domiciled in Louisiana within 60 days of employment; and

3 7. any other terms of employment as negotiated in the exhibit A,
4 including a requirement that in order to qualify as a job, a basic health benefits plan
5 is or has been offered in conjunction with the position of employment.

6 *Local Governmental Entity*- the parish governing authority, ~~school board~~,
7 sheriff, and any municipality in which the manufacturing establishment is or will be
8 located.

9 *Maintenance Capital*-costs incurred to conserve as nearly as possible the
10 original condition.

11 *Manufacturer*-a person or business who engages in manufacturing at a
12 manufacturing establishment.

13 *Manufacturing*-working raw materials by means of mass or custom
14 production, including fabrication, applying manual labor or machinery into wares
15 suitable for use or which gives new shapes, qualities or combinations to matter which
16 already has gone through some artificial process. The resulting products must be
17 "suitable for use" as manufactured products that are placed into commerce for sale
18 or sold for use as a component of another product to be placed, and placed into
19 commerce for sale.

20 *Mega-Project*-a manufacturing establishment that provides all of the
21 following:

22 1. 500 jobs, employed directly, only, and otherwise meeting the
23 definition of jobs, which shall generate a minimum of \$20,000,000 in net new
24 payroll within three years of the beginning of operations; and

25 2. a minimum of \$100,000,000 in capital expenditures.

26 *Obsolescence*-the inadequacy, disuse, outdated or non-functionality of
27 facilities, infrastructure, equipment or product technologies due to the effects of
28 time, decay, changing market conditions, invention and adoption of new product
29 technologies or changing consumer demands.

30 *Qualified Disaster*-

31 1. a disaster which results from:

32 a. an act of terror directed against the United States or any of its allies;

33 or

34 b. any military action involving the Armed Forces of the United States
35 and resulting from violence or aggression against the United States or any of its
36 allies (or threat thereof), but not including training exercises;

37 2. any disaster which, with respect to the area in which the
38 manufacturing establishment is located, resulted in a subsequent determination by
39 the president of the United States that such area warrants assistance by the federal
40 government under the Robert T. Stafford Disaster Relief and Emergency Assistance
41 Act;

42 3. a disaster which is determined by an applicable federal, state, or local
43 authority (as determined by the secretary) to warrant assistance from the federal state
44 or local government or agency of instrumentality thereof; or

45 4. any other extraordinary event that destroys or renders all or a portion
46 of the manufacturing establishment inoperable.

47 *Rehabilitation*-the extensive renovation of a building or project that is
48 intended to cure obsolescence or to repurpose a facility.

49 *Required Environmental Capital Upgrades*-upgrades required by any state
50 or federal governmental agency in order to avoid fines, closures or other penalty.
51 Environmental upgrades demonstrated to be in excess of state and federal
52 governmental agency requirements shall not be considered required environmental
53 capital upgrades.

54 *Restoration*-repairs to bring a building or structure to at least its original form
55 or an improved condition.

56 *Secretary*-secretary of the Louisiana Department of Economic Development.

57 *Site*-one or more contiguous parcels of land which are under the control of
58 the manufacturing establishment or which contains certain assets of the
59 manufacturing establishment.

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2 AMENDMENT NO. 3

3 On page 4, at the end of line 9, delete the semi-colon ";" and insert a period "."

4 AMENDMENT NO. 4

5 On page 4, delete line 10 in its entirety