

SENATE FLOOR AMENDMENTS

2016 Regular Session

Amendments proposed by Senator Claitor to Engrossed House Bill No. 772 by Representative Abramson

1 AMENDMENT NO. 1

2 Delete Senate Committee Amendments No. 1, 2, 4, and 5 proposed by the Senate
3 Committee on Revenue and Fiscal Affairs and adopted by the Senate on May 24, 2016.

4 AMENDMENT NO. 2

5 On page 1, line 2, delete "R.S. 47:6351(B)(1)" and insert "R.S. 47:6351 and Section 7 of Act
6 No. 126 of the 2015 Regular Session of the Legislature"

7 AMENDMENT NO. 3

8 On page 1, line 3, at the end of the line, insert "to provide for non-transactional event
9 rebates; to provide for effectiveness;"

10 AMENDMENT NO. 4

11 On page 1, between lines 7 and 8 insert:

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

14 (1) "Affiliated entity" shall mean a person who, directly or indirectly through
15 one or more intermediaries, controls or is controlled by or is under common control
16 with another person.

17 (2) "Department" shall mean the Department of Revenue.

18 (3) "New taxable sales" shall mean the sale of goods and services upon which
19 state sales and use tax is paid under this Title and which would not have occurred in
20 the state but for the operation in the state of a procurement processing company. The
21 term "new taxable sales" shall not include any sales or purchases of services or
22 property upon which such sales and use tax would have been due if the procurement
23 processing company was not operating in the state.

24 (4)(a) "Non-transactional event company" shall mean a company that has
25 agreed to absorb the taxes due under R.S. 47:302, 321, 321.1 and 331, has advertised
26 that fact to customers or clients as required by R.S. 47:304, and either:

27 (i) has a contract with the state or a political subdivision of the state that
28 ensures reimbursement of or protection, defense and indemnification to the company
29 from sales tax if an existing sales tax exemption is removed, repealed or modified,
30 or if a new sales or other tax is levied; or

31 (ii) hosts an existing major annual sporting event from which the individual
32 income tax of the nonresident athletes participating in the event is dedicated to the
33 Sports Facility Assistance Fund under the provisions of R.S. 39:100.1.

34 (b) The contract with the state or a political subdivision of the state, as
35 provided in Subparagraph (a) of this Paragraph, may include a bid, invitation, or
36 proposal that has been awarded to the state or political subdivision of the state to
37 host, conduct, join, or share in the occurrence of a special event when the special
38 event requires protection from or reimbursement of any sales tax levied on the
39 special event as a condition of the award and the special event is held in a facility
40 owned by the state or a political subdivision of the state.

41 (5) "Non-transactional event rebate" shall mean a rebate to a
42 non-transactional event company by the department for sales taxes absorbed and due
43 to the department but required to be reimbursed under a contract between the
44 company and the state or a political subdivision of the state that ensures
45 reimbursement of or protection, defense and indemnification of a non-transactional
46 event company from a sales tax if a prior sales tax exemption is removed, repealed

1 or modified, or if new sales tax is levied. The contract between the company and the
2 state or political subdivision of the state or the dedication to the Sports Facility
3 Assistance Fund shall be in effect and duly approved before any non-transactional
4 event rebate may be authorized for that company.

5 ~~(4)~~ (6) "Procurement processing company" means a company engaged in
6 managing the activities of unrelated purchasing companies.

7 ~~(5)~~ (7) "Purchasing company" means a company engaged in the activity of
8 selling property and services to affiliated entities.

9 ~~(6)~~ (8) "Secretary" shall mean the secretary of the Department of Revenue.

10 ~~(7)~~ (9) "Significant positive economic benefit" means that net positive state
11 tax revenues are to be generated from the new taxable sales."

12 AMENDMENT NO. 5

13 On page 1, delete lines 8 and 9, and insert:

14 "B. Contract Procurement processing company contract.

15 (1) ~~The Beginning July 1, 2016, the secretary of the Department of Economic~~
16 ~~Development~~ is authorized to enter into a contract with a procurement"

17 AMENDMENT NO. 6

18 On page 1, line 17, at the end of the line, insert:

19 "Any contract entered into before July 1, 2016, shall continue in full force and effect
20 for the term stated in the contract.

21 Section 2. Section 7 of Act No. 126 of the 2015 Regular Session is hereby
22 amended and reenacted to read as follows:

23 * * *

24 Section 7. ~~In the event the Act that originated as House Bill No. 62 of the~~
25 ~~2016 First Extraordinary Session of the Legislature is enacted and becomes effective,~~
26 ~~the provisions of Sections 1, 2, and 3 of this Act shall remain in effect through the~~
27 ~~termination date in the Act that originated as House Bill No. 62 of the 2016 First~~
28 ~~Extraordinary Session of the Legislature. The provisions of Section 3 of this Act~~
29 ~~shall become effective upon the sunset date of Section 2 of this Act.~~

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