

CONFERENCE COMMITTEE REPORT
House Bill No. 971 By Representative Barrow

June 4, 2012

To the Honorable Speaker and Members of the House of Representatives and the Honorable President and Members of the Senate.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 971 by Representative Barrow, recommend the following concerning the Engrossed bill:

1. That the set of Senate Committee Amendments proposed by the Senate Committee on Revenue and Fiscal Affairs and adopted by the Senate on May 28, 2012, be rejected.
2. That the set of Senate Floor Amendments proposed by Senators White and Claitor and adopted by the Senate on May 31, 2012, be rejected.
3. That the following amendments to the Engrossed bill be adopted:

AMENDMENT NO. 1

On page 1, line 3, after "district in" and before "to provide " change "East Baton Rouge Parish;" to "the parishes of East Baton Rouge, Ouachita, and Rapides;"

AMENDMENT NO. 2

On page 1, line 13, after "district;" delete the remainder of the line and insert "parishes of East Baton Rouge, Ouachita, and Rapides"

AMENDMENT NO. 3

On page 1, line 14, after "of the" delete the remainder of the line and insert "parishes of East Baton Rouge, Ouachita, and Rapides may each create."

AMENDMENT NO. 4

On page 1, line 19, after "parish" delete the period "." and insert "creating the district."

AMENDMENT NO. 5

On page 2, line 12, after "in the" delete the remainder of the line and delete line 13 and insert "parish creating the district."

AMENDMENT NO. 6

On page 2, line 26, after "C." insert "(1)"

AMENDMENT NO. 7

On page 2, line 28, change "(1) Thirty" to "(a) Forty"

AMENDMENT NO. 8

On page 2, line 29, after "operations" delete the period "." and insert "and programs."

AMENDMENT NO. 9

On page 3, delete line 1 in its entirety

AMENDMENT NO. 10

On page 3, at the beginning of line 2, change "(3) Twenty-three percent" to "(b) Fifteen percent"

AMENDMENT NO. 11

On page 3, at the beginning of line 3, change "(4) Seventeen percent" to "(c) Fifteen percent"

AMENDMENT NO. 12

On page 3, between lines 4 and 5 insert the following:

"(d) Fifteen percent to the general fund of the East Baton Rouge Parish Sheriff's Office.

(e) Fifteen percent to the general fund of the East Baton Rouge District Attorney's Office.

(2) The avails of the tax in Ouachita Parish shall be distributed as follows:

(a) Fifty percent to the general fund of the parish.

(b) Twenty percent to Score.

(c) Twenty percent to the parish council on aging.

(d) Ten percent to the food bank of Ouachita.

(3) The avails of the tax in Rapides Parish shall be distributed as follows:

(a) Fifty percent to the parish council on aging.

(b) Fifty percent to the Food Bank of Central Louisiana."

Respectfully submitted,

Representative Regina Barrow

Senator Sharon Weston Broome

Representative Girod Jackson, III

Senator Yvonne Dorsey-Colomb

Representative Erich E. Ponti

Senator Mack "Bodi" White

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

CONFERENCE COMMITTEE REPORT DIGEST

House Bill No. 971 by Representative Barrow

Keyword and oneliner of the instrument as it left the House

TAX/LEASE: Authorizes East Baton Rouge Parish to create an automobile rental tax district

Report adopts Senate amendments to:

1. Distribute a certain percentage of tax avails to the Arts Council of Greater Baton Rouge for operations and programs rather than for operations and grants.
2. Decrease the distribution percentage of tax avails granted to the Shaw Center for the Arts.
3. Distribute a certain percentage of tax avails to the general fund of the East Baton Rouge Parish Sheriff's Office and to the general fund of the East Baton Rouge District Attorney's Office.

Report rejects Senate amendments which would have:

1. Removed provisions that distribute a certain percentage of tax avails to the general fund of the parish of East Baton Rouge/city of Baton Rouge.

Report amends the bill to:

1. Distribute 40% rather than 60% of the tax avails to the Arts Council of Greater Baton Rouge for operations and programs.
2. Distribute 15% rather than 23% of the tax avails to the Shaw Center for the Arts.
3. Distribute 15% rather than 17% of the tax avails to the general fund of the parish of East Baton Rouge/city of Baton Rouge.
4. Distribute 15% of the tax avails to the general fund of the East Baton Rouge Parish Sheriff's Office and 15% of the tax avails to the general fund of the East Baton Rouge District Attorney's Office. (Senate amendments had provided for a 10% distribution to each of these offices.)
5. Provide for the creation of taxing districts and the distribution of tax avails in the parishes of Ouachita and Rapides

Digest of the bill as proposed by the Conference Committee

Present law (R.S. 47:551) levies, for the period from Aug. 1, 1990, through June 30, 2012, a state tax of 2-½% and a local tax of ½ of 1% of the gross proceeds derived from the lease or rental of an automobile pursuant to an automobile rental contract, less any sales and use tax included in such contract.

Present law excludes the following transactions from any tax that may be imposed:

- (1) Automobiles rented by an insurance company as a replacement vehicle for a policyholder.
- (2) Automobiles rented by an automobile dealer as a replacement vehicle while a customer's vehicle is being repaired.
- (3) An automobile rental by an individual or business who rents a vehicle as a replacement vehicle while his vehicle is being repaired if the individual presents to the renter upon return of the rented vehicle a copy of the repair or service invoice.

Present law defines "automobile rental contract" to mean an agreement for the rental of an automobile without a driver, designated to carry less than nine passengers, for a rental period of not more than 29 calendar days. Provides that rental agreements in excess of 29 days shall not be subject to the tax, unless the actual period of the rental agreement is less than 29 days as a result of the exercise of a cancellation clause.

Present law provides that tax is payable to the secretary of the Dept. of Revenue. Requires that the tax be collected and enforced pursuant to the provisions of present law (Chapter 2 of Subtitle II of Title 47 of the La. Revised Statutes of 1950) insofar as the provisions are not in conflict with present law (R.S. 47:551).

Present law requires that the local tax be remitted to the secretary of the Dept. of Revenue who collects the tax as an agent of local government. Authorizes the secretary to assess a collection fee, not to exceed ½ of 1% of the proceeds of the tax, as reimbursement for the actual cost of collection.

Present law requires the secretary to distribute monthly the proceeds of the tax to the central local sales and use tax collector or, if none, the parish governing authority. Requires the central local sales and use tax collector or governing authority to distribute at no charge the tax proceeds received from the secretary to each political subdivision in the parish which levies a sales and use tax. Provides that the distribution shall be in accordance with each political subdivision's pro rata share of local sales and use tax receipts collected to the total of all such taxes collected within the parish. Provides specifically for the distribution of proceeds in the parishes of Jefferson and Orleans.

Proposed law retains present law and additionally authorizes the governing authority of the parishes of East Baton Rouge Parish, Ouachita, and Rapides to create, by ordinance, an automobile rental tax district as a political subdivision of the state. Provides that the boundaries of the district shall be coterminous with the boundaries of the parish creating the district. Provides that the parish governing authority shall be the governing authority of the district.

Proposed law authorizes the district, subject to voter approval, to levy an automobile rental tax, not to exceed 3% of the gross proceeds derived from the lease or rental of an automobile pursuant to an automobile rental contract, less any sales and use tax included in such contract. Requires that the election on the question of the levy of the tax be held at the same time as a regularly scheduled election in the parish in which the district is created.

Proposed law excludes the same transactions as present law (R.S. 47:551) from any tax that may be imposed. Defines "automobile rental contract" to mean the same as defined in present law (R.S. 47.551). Provides that rental agreements in excess of 29 days shall not be subject to the tax, unless the actual period of the rental agreement is less than 29 days as a result of the exercise of a cancellation clause.

Proposed law requires that the avails of the tax in East Baton Rouge Parish be distributed as follows:

- (1) 40% to the Arts Council of Greater Baton Rouge for its operations and programs.
- (2) 15% to the Shaw Center for the Arts.
- (3) 15% to the general fund of the parish of East Baton Rouge/city of Baton Rouge.

- (4) 15% to the general fund of the East Baton Rouge Parish Sheriff's Office.
- (5) 15% to the general fund of the East Baton Rouge District Attorney's Office

Proposed law requires that the avails of the tax in Ouachita Parish be distributed as follows:

- (1) 50% to the general fund of the parish.
- (2) 20% to Score.
- (3) 20% to the parish council on aging.
- (4) 10% to the food bank of Ouachita.

Proposed law requires that the avails of the tax in Rapides Parish be distributed as follows:

- (1) 50% to the parish council on aging.
- (2) 50% to the Food Bank of Central Louisiana.

Proposed law requires the parish governing authority to prescribe in the ordinance creating the district any other purposes of the district.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 47:551.1)