

OFFICIAL JOURNAL
OF THE
SENATE
OF THE
STATE OF LOUISIANA

NINTH DAY'S PROCEEDINGS

**Twenty-Sixth Regular Session of the Legislature
Under the Adoption of the
Constitution of 1974**

Senate Chamber
State Capitol
Baton Rouge, Louisiana

Monday, May 29, 2000

The Senate was called to order at 5:00 o'clock P.M., by Hon. John Hainkel, President of the Senate.

ROLL CALL

The roll being called, the following members answered to their names:

PRESENT

Mr. President	Fontenot	Marionneaux
Barham	Gautreaux	McPherson
Bean	Heitmeier	Michot
Boissiere	Hines	Mount
Cain	Hollis	Robichaux
Campbell	Hoyt	Romero
Chaisson	Irons	Schedler
Cravins	Johnson	Smith
Dardenne	Jones, B	Tarver
Dean	Jones, C	Theunissen
Ellington	Lambert	Thomas
Fields, C	Lentini	Ullo
Fields, W	Malone	

Total—38

ABSENT

Bajoie
Total—1

The President of the Senate announced there were 38 Senators present and a quorum.

Prayer

The prayer was offered by Senator Hoyt, following which the Senate joined in pledging allegiance to the flag of the United States of America.

Reading of the Journal

On motion of Senator Hoyt, the reading of the Journal was dispensed with and the Journal of yesterday was adopted.

Morning Hour

Rules Suspended

Senator Campbell asked for and obtained a suspension of the rules for the purpose of advancing to the order of

**Senate Bills and Joint Resolutions on
Third Reading
and Final Passage**

The following Senate Bills and Joint Resolutions on third reading and final passage were taken up and acted upon as follows:

SENATE BILL NO. 1—

BY SENATORS CAMPBELL, CRAVINS AND MCPHERSON

A JOINT RESOLUTION

Proposing to amend Article VII, Section 4(B) and (C), to add Article VII, Section 4(F), and to repeal Article IX, Section 9 of the Constitution of Louisiana, relative to taxes related to natural resources; to authorize the legislature to levy a tax on the use of hydrocarbon processing facilities; to provide for the reduction and repeal of certain severance taxes; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

Motion to Make Special Order

Senator Campbell asked for and obtained a suspension of the rules for the purpose of making Senate Bill No. 1, which is on Third Reading and Final Passage, Special Order of the Day No. 1 on Thursday, June 1, 2000 immediately following the Morning Hour.

Morning Hour Resumed

**Privilege Report of the
Legislative Bureau**

May 29, 2000

To the President and Members of the Senate:

I am directed by your Legislative Bureau to submit the following report:

The following bills are approved as to construction and duplication.

HOUSE BILL NO. 5—

BY REPRESENTATIVE R. CARTER
AN ACT

To appropriate funds out of the General Fund of the state of Louisiana to be used to pay the consent judgment in the suit "Waymar Corporation, Inc. v. State of Louisiana" before the Louisiana Board of Tax Appeals; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 39—

BY REPRESENTATIVE GREEN
AN ACT

To appropriate funds out of the General Fund of the state of Louisiana to be used to pay the final judgment in the suit entitled "Parker Hannifin Corporation v. Secretary, Department of Revenue, State of Louisiana", and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 41—

BY REPRESENTATIVE ILES
AN ACT

To appropriate funds out of the General Fund of the state of Louisiana to be used to pay the final judgment in the suit entitled "Boise Cascade Corporation v. State of Louisiana"; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 143—
BY REPRESENTATIVE LEBLANC
AN ACT

To appropriate funds out of the General Fund of the state of Louisiana to be used to pay judgments in the suits entitled "Pano Enterprises, Inc. v. State of Louisiana" and "The Clothes Hamper, Inc. v. State of Louisiana"; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 160—
BY REPRESENTATIVE DONELON
AN ACT

To appropriate funds out of the General Fund of the state of Louisiana to be used to pay the consent judgment in the suit entitled "Dobry Georgieff d/b/a Clothesline Laundromat, Clothesline Laundromat, Inc., and River City Opera, Inc. d/b/a Soap Opera Laundromat v. State of Louisiana"; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 162—
BY REPRESENTATIVE QUEZAIRE
AN ACT

To appropriate funds out of the General Fund of the state of Louisiana to be used to pay judgments in the suits entitled "ICI Americas, Inc. v. Secretary, Department of Revenue, State of Louisiana" and "The Glidden Company v. Secretary, Department of Revenue, State of Louisiana"; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 172—
BY REPRESENTATIVE BRUNEAU
AN ACT

To appropriate funds out of the General Fund of the state of Louisiana for the Fiscal Year 2000-2001 to be credited to the special fund in the state treasury created by R.S. 33:2218.3(B) for payment of supplemental salaries to deputy sheriffs as provided in R.S. 33:2218.8, for the purpose of paying uncollected back supplemental pay to Charles Kertz, former deputy civil sheriff in Orleans Parish; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 173—
BY REPRESENTATIVE DOWNER
AN ACT

To appropriate funds out of the General Fund of the state of Louisiana to be used to pay the judgment in the suit entitled "Dixie Carriers, Inc. v. John Neely Kennedy, Secretary, Department of Revenue, State of Louisiana"; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 184—
BY REPRESENTATIVE DURAND AND SENATOR ROMERO
AN ACT

To appropriate funds out of the General Fund of the state of Louisiana to be used to pay the judgments in the suits entitled "Manpower International, Inc. v. Secretary, Department of Revenue, State of Louisiana"; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 203—
BY REPRESENTATIVE DANIEL
AN ACT

To appropriate funds out of the General Fund of the state of Louisiana to be used to pay judgments in the suits entitled "Tandy Corporation v. John Neely Kennedy, Secretary, Department of Revenue, State of Louisiana" and "Snap On, Incorporated v.

Secretary, Department of Revenue, State of Louisiana"; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 205—
BY REPRESENTATIVE CRANE
AN ACT

To appropriate funds out of the General Fund of the state of Louisiana to be used to pay the final judgment in the suit entitled "John Deere Industrial Equipment Company, Deere Marketing, Inc. and Deere & Company v. Secretary, Department of Revenue, State of Louisiana and State of Louisiana, through its Attorney General, Richard P. Ieyoub"; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 266—
BY REPRESENTATIVE DANIEL
AN ACT

To appropriate funds out of the General Fund of the state of Louisiana to be used to pay the final judgments in the suits entitled "American Greetings Corporation v. Secretary, Department of Revenue, State of Louisiana", "Gibson Greetings, Inc. v. Secretary, Department of Revenue, State of Louisiana", and "Triplex, Inc. v. Secretary, Department of Revenue, State of Louisiana"; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 311—
BY REPRESENTATIVE HUDSON
AN ACT

To appropriate funds out of the General Fund of the state of Louisiana to be used to pay the final judgments in the suits entitled "TBA Insurance of Louisiana, Inc. v. Secretary, Department of Revenue, State of Louisiana" and "Brookshire Grocery Company v. Department of Revenue, State of Louisiana"; and to provide for related matters.

Reported without amendments.

Respectfully submitted,
LOUIS LAMBERT
Chairman

Adoption of Legislative Bureau Report

On motion of Senator Lambert, the Bills and Joint Resolutions were read by title and passed to a third reading.

Messages from the House

The following Messages from the House were received and read as follows:

Message from the House

**CONCURRING IN
SENATE CONCURRENT RESOLUTIONS**

May 29, 2000

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally concurred in the following Senate Concurrent Resolutions:

SENATE CONCURRENT RESOLUTION NO. 11—

BY SENATOR MICHOT

A CONCURRENT RESOLUTION

To urge and request the Board of Regents to rename the Lafayette Technical College as the Ted A. Ardoin Technical College.

Reported with amendments.

SENATE CONCURRENT RESOLUTION NO. 36—

BY SENATOR DARDENNE

A CONCURRENT RESOLUTION

To commend Evan Pierce on being selected East Baton Rouge Parish Elementary School Student of the Year.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 37—

BY SENATOR DARDENNE

A CONCURRENT RESOLUTION

To commend Carolyn Sauer, principal of Shenandoah Elementary School, on being named East Baton Rouge Parish Elementary Principal of the Year.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 38—

BY SENATORS W. FIELDS AND FONTENOT AND REPRESENTATIVE CARTER

A CONCURRENT RESOLUTION

To express the condolences of the Legislature of Louisiana upon the death of Nolan Williamson, Sr., of Clinton.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 39—

BY SENATOR DARDENNE

A CONCURRENT RESOLUTION

To commend and congratulate Mrs. Mary Clark on being selected East Baton Rouge Parish Volunteer of the Year through the Volunteer in Public Schools program.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 15—

BY SENATORS FONTENOT AND MOUNT

A CONCURRENT RESOLUTION

To urge and request the State Board of Elementary and Secondary Education, the state Department of Education, the division of administration, and the governor to consider the increased costs of providing safe and reliable school transportation in the provision of funding to local school systems.

Reported without amendments.

Respectfully submitted,
ALFRED W. SPEER
Clerk of the House of Representatives

**Introduction of
Senate Concurrent Resolutions**

Senator Lambert asked for and obtained a suspension of the rules for the purpose of introducing and reading the following Senate Concurrent Resolutions a first and second time and acting upon them as follows:

SENATE CONCURRENT RESOLUTION NO. 40—

BY SENATOR THEUNISSEN AND REPRESENTATIVE MORRISH

A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to provide funds under the River and Harbor Act for the U.S. Army Corps of Engineers' Aquatic Plant Control Program.

On motion of Senator Lambert, the resolution was read by title and referred to the Committee on Natural Resources.

SENATE CONCURRENT RESOLUTION NO. 41—

BY SENATOR HOYT AND REPRESENTATIVE FRUGE

A CONCURRENT RESOLUTION

To urge and request the Senate Committee on Environmental Quality and the House Committee on Environment to meet and to function as a joint committee to study and determine the possible effects of drawing water from the Chicot Aquifer by a proposed Cleco/Calpine Corporation electricity regeneration plant in Acadia Parish on agricultural and local interests.

On motion of Senator Lambert, the resolution was read by title and referred to the Committee on Environmental Quality.

Messages from the House

The following Messages from the House were received and read as follows:

Message from the House

**ASKING CONCURRENCE IN
HOUSE BILLS AND JOINT RESOLUTIONS**

May 29, 2000

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Bills and Joint Resolutions:

HOUSE BILL NO. 44—

BY REPRESENTATIVES DANIEL, BOWLER, BRUCE, R. CARTER, CLARKSON, CRANE, DEVILLIER, DIEZ, FARRAR, FAUCHEUX, FLAVIN, FRITH, FUTRELL, HEBERT, HILL, HOPKINS, MCCALLUM, MONTGOMERY, ODINET, PERKINS, PINAC, QUEZAIRE, JOHN SMITH, STELLY, STRAIN, TOWNSEND, WADDELL, WALSWORTH, WINDHORST, AND WINSTON

AN ACT

To enact R.S. 47:301(16)(f), relative to the sales and use taxes of all tax authorities in the state; to define tangible personal property to exclude certain transactions relating to manufactured homes; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 138—

BY REPRESENTATIVES ALARIO, DANIEL, AND FAUCHEUX

AN ACT

To amend and reenact R.S. 47:301(10)(a)(iii) and (18)(a)(iii), relative to local sales and use tax; to exclude from such tax tangible personal property which is to be leased or rented; and to provide for related matters.

HOUSE BILL NO. 252—

BY REPRESENTATIVE JOHNS

AN ACT

To amend and reenact R.S. 47:315.3(A), relative to the state and local sales and use tax; to provide for refunds for taxes paid on the sale or rental of certain tangible personal property covered by Medicare; and to provide for related matters.

HOUSE BILL NO. 254—

BY REPRESENTATIVE DANIEL

AN ACT

To amend and reenact Section 2 of Act No. 29 of the 1996 Regular Session of the Legislature, as amended by Act No. 21 of the 1998 Regular Session of the Legislature, relative to the sales and use tax; to provide for the effectiveness of the exemption for boiler fuel; and to provide for related matters.

May 29, 2000

HOUSE BILL NO. 299—
BY REPRESENTATIVES HAMMETT AND FAUCHEUX
AN ACT

To amend and reenact R.S. 47:293(2), relative to individual income taxes; to limit the deductibility of excess federal itemized deductions; and to provide for related matters.

Respectfully submitted,
ALFRED W. SPEER
Clerk of the House of Representatives

House Bills and Joint Resolutions

Senator Lambert asked for and obtained a suspension of the rules to take up at this time the following House Bills and Joint Resolutions just received from the House which were taken up, read a first and second time by their titles and acted upon as follows:

HOUSE BILL NO. 44—
BY REPRESENTATIVES DANIEL, BOWLER, BRUCE, R. CARTER, CLARKSON, CRANE, DEVILLIER, DIEZ, FARRAR, FAUCHEUX, FLAVIN, FRITH, FUTRELL, HEBERT, HILL, HOPKINS, MCCALLUM, MONTGOMERY, ODINET, PERKINS, PINAC, QUEZAIRE, JOHN SMITH, STELLY, STRAIN, TOWNSEND, WADDELL, WALSWORTH, WINDHORST, AND WINSTON
AN ACT

To enact R.S. 47:301(16)(f), relative to the sales and use taxes of all tax authorities in the state; to define tangible personal property to exclude certain transactions relating to manufactured homes; to provide for an effective date; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Local and Municipal Affairs.

HOUSE BILL NO. 138—
BY REPRESENTATIVES ALARIO, DANIEL, AND FAUCHEUX
AN ACT

To amend and reenact R.S. 47:301(10)(a)(iii) and (18)(a)(iii), relative to local sales and use tax; to exclude from such tax tangible personal property which is to be leased or rented; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Local and Municipal Affairs.

HOUSE BILL NO. 252—
BY REPRESENTATIVE JOHNS
AN ACT

To amend and reenact R.S. 47:315.3(A), relative to the state and local sales and use tax; to provide for refunds for taxes paid on the sale or rental of certain tangible personal property covered by Medicare; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Revenue and Fiscal Affairs.

HOUSE BILL NO. 254—
BY REPRESENTATIVE DANIEL
AN ACT

To amend and reenact Section 2 of Act No. 29 of the 1996 Regular Session of the Legislature, as amended by Act No. 21 of the 1998 Regular Session of the Legislature, relative to the sales and use tax; to provide for the effectiveness of the exemption for boiler fuel; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Revenue and Fiscal Affairs.

HOUSE BILL NO. 299—
BY REPRESENTATIVES HAMMETT AND FAUCHEUX
AN ACT

To amend and reenact R.S. 47:293(2), relative to individual income taxes; to limit the deductibility of excess federal itemized deductions; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Revenue and Fiscal Affairs.

Messages from the House

The following Messages from the House were received and read as follows:

Message from the House

**ASKING CONCURRENCE IN
HOUSE CONCURRENT RESOLUTIONS**

May 29, 2000

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Concurrent Resolutions:

HOUSE CONCURRENT RESOLUTION NO. 34—
BY REPRESENTATIVES PITRE, E. ALEXANDER, DOWNER, FRUGE, HEBERT, JOHNS, LANCASTER, SCALISE, GARY SMITH, TRICHE, AND WRIGHT

A CONCURRENT RESOLUTION

To direct the Department of State Civil Service to identify, study, and consider reforms of the management of the human resources employed by the state and its agencies that may reduce waste and inefficiency in state government and result in a more effective and efficient use of the human resources employed by the state and its agencies and instrumentalities and to include certain specified matters in such consideration and study.

HOUSE CONCURRENT RESOLUTION NO. 44—
BY REPRESENTATIVE JACK SMITH

A CONCURRENT RESOLUTION

To direct the Louisiana Commission on Law Enforcement and Administration of Criminal Justice to accredit the Department of Wildlife and Fisheries Basic Law Enforcement Training Academy as a P.O.S.T.-certified training academy.

HOUSE CONCURRENT RESOLUTION NO. 51—
BY REPRESENTATIVES POWELL AND MCMAINS AND SENATOR SCHEDLER

A CONCURRENT RESOLUTION

To urge and request that the State Employees Group Benefits Program Board of Trustees adopt actuarially certified premium rates for the operation of the group life and health benefits program sponsored by the state of Louisiana.

HOUSE CONCURRENT RESOLUTION NO. 39—
BY REPRESENTATIVES SCHNEIDER, BRUNEAU, FUTRELL, LANCASTER, PITRE, SCALISE, SNEED, AND WADDELL

A CONCURRENT RESOLUTION

To direct appointing authorities in the executive branch of state government to take no action to provide for the permanent appointment of any probationary employee who holds a position funded in whole or in part by funds from the State General Fund (Direct) or by other funds the balance of which reverts to the State General Fund (Direct); to require separation of employees on job appointments so funded not later than the conclusion of their current appointments; to provide for exceptions and for procedures therefor; and to provide for certain reports.

HOUSE CONCURRENT RESOLUTION NO. 64—
BY REPRESENTATIVES ALARIO, DAMICO, TOOMY, GREEN, WINDHORST, AND WOOTON

A CONCURRENT RESOLUTION

To name the Fifth Circuit Court of Appeal Courthouse in Gretna the Judge Lawrence A. Chehardy Courthouse.

Respectfully submitted,
 ALFRED W. SPEER
 Clerk of the House of Representatives

House Concurrent Resolutions

Senator Lambert asked for and obtained a suspension of the rules to take up at this time the following House Concurrent Resolutions just received from the House which were taken up, read a first and second time by their titles and acted upon as follows:

HOUSE CONCURRENT RESOLUTION NO. 34—
 BY REPRESENTATIVES PITRE, E. ALEXANDER, DOWNER, FRUGE, HEBERT, JOHNS, LANCASTER, SCALISE, GARY SMITH, TRICHE, AND WRIGHT

A CONCURRENT RESOLUTION

To direct the Department of State Civil Service to identify, study, and consider reforms of the management of the human resources employed by the state and its agencies that may reduce waste and inefficiency in state government and result in a more effective and efficient use of the human resources employed by the state and its agencies and instrumentalities and to include certain specified matters in such consideration and study.

On motion of Senator Lambert, the resolution was read by title and referred to the Committee on Senate and Governmental Affairs.

HOUSE CONCURRENT RESOLUTION NO. 39—
 BY REPRESENTATIVES SCHNEIDER, BRUNEAU, FUTRELL, LANCASTER, PITRE, SCALISE, SNEED, AND WADDELL

A CONCURRENT RESOLUTION

To direct appointing authorities in the executive branch of state government to take no action to provide for the permanent appointment of any probationary employee who holds a position funded in whole or in part by funds from the State General Fund (Direct) or by other funds the balance of which reverts to the State General Fund (Direct); to require separation of employees on job appointments so funded not later than the conclusion of their current appointments; to provide for exceptions and for procedures therefor; and to provide for certain reports.

On motion of Senator Lambert, the resolution was read by title and referred to the Committee on Senate and Governmental Affairs.

HOUSE CONCURRENT RESOLUTION NO. 44—
 BY REPRESENTATIVE JACK SMITH

A CONCURRENT RESOLUTION

To direct the Louisiana Commission on Law Enforcement and Administration of Criminal Justice to accredit the Department of Wildlife and Fisheries Basic Law Enforcement Training Academy as a P.O.S.T.-certified training academy.

On motion of Senator Lambert, the resolution was read by title and referred to the Committee on Natural Resources.

HOUSE CONCURRENT RESOLUTION NO. 51—
 BY REPRESENTATIVES POWELL AND MCMAINS AND SENATOR SCHEDLER

A CONCURRENT RESOLUTION

To urge and request that the State Employees Group Benefits Program Board of Trustees adopt actuarially certified premium rates for the operation of the group life and health benefits program sponsored by the state of Louisiana.

On motion of Senator Lambert, the resolution was read by title and referred to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 64—
 BY REPRESENTATIVES ALARIO, DAMICO, TOOMY, GREEN, WINDHORST, AND WOOTON

A CONCURRENT RESOLUTION

To name the Fifth Circuit Court of Appeal Courthouse in Gretna the Judge Lawrence A. Chehardy Courthouse.

On motion of Senator Lambert, the resolution was read by title and referred to the Committee on Senate and Governmental Affairs.

Messages from the Governor

The following messages from the Governor were received and read as follows:

M. J. "Mike" Foster
 GOVERNOR
 State of Louisiana

May 24, 2000

The Honorable President and Members of the Senate

Ladies and Gentlemen:

I have appointed John D. Travis as Commissioner of Financial Institutions, Department of Economic Development, effective June 7, 2000.

In compliance with Article IV, Section 5(H)(3) of the Louisiana Constitution of 1974, I do hereby present his name for your review.

Sincerely,
 M. J. "MIKE" FOSTER, JR.
 Governor

Reports of Committees

The following reports of committees were received and read:

**REPORT OF COMMITTEE ON
 REVENUE AND FISCAL AFFAIRS**

Senator Barham, Chairman on behalf of the Committee on Revenue and Fiscal Affairs, submitted the following report:

May 26, 2000

To the President and Members of the Senate:

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

SENATE BILL NO. 4—
 BY SENATOR ROBICHAUX
 A JOINT RESOLUTION

Proposing to amend Article VII, Section 21(F) of the Constitution of Louisiana; to provide that certain exemptions from ad valorem taxes granted shall not apply to ad valorem taxes levied by school boards; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

Reported by substitute.

SENATE BILL NO. 58—
 BY SENATORS MALONE AND MICHOT
 AN ACT

To amend and reenact R.S. 47:633(7)(c)(iv)(aa) and 648.2(1)(c), relative to severance tax suspensions; to extend the period for severance tax suspensions for inactive and new discovery wells; and to provide for related matters.

Reported with amendments.

May 29, 2000

SENATE BILL NO. 81—
BY SENATOR THOMAS

AN ACT

To amend and reenact R.S. 17:3095(A)(1) and 3096(E)(3) and to enact R.S. 17:3098(E) and Subpart V of Part I of Chapter 1 of Title 47 of the Louisiana Revised Statutes of 1950, comprised of R.S. 47:120.62, and R.S. 47:293(6)(a)(vi), relative to the Student Tuition Assistance and Revenue Trust Program; to provide that deposits made in education savings accounts as part of such program are exempt from state income taxation up to a certain amount; to increase tuition assistance grant rates at certain levels of adjusted gross income; to specify that the basis for a determination of the tuition assistance grant rates is federal adjusted gross income; to provide for income taxation of amounts converted from such accounts for other than educational purposes; to provide for disposition of certain state income tax refunds; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 85—
BY SENATOR MICHOT

AN ACT

To amend and reenact R.S. 51:2461(A) and to repeal R.S. 51:2461(B), relative to tax credits; to provide relative to incentive tax credits under the Louisiana Quality Jobs Program; to remove the time limitation on receiving applications for incentive tax credits; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 224—

BY REPRESENTATIVES MONTGOMERY, ALARIO, BAYLOR, BROOME, BRUCE, BRUNEAU, CRANE, CURTIS, DAMICO, DANIEL, DARTEZ, DEVILLIER, DOERGE, DOWNER, DUPRE, DURAND, FARRAR, FRITH, FRUGE, FUTRELL, GLOVER, HILL, HOLDEN, HUDSON, ILES, L. JACKSON, M. JACKSON, JOHNS, KATZ, KENNARD, LAFLEUR, LANCASTER, MARTINY, MCCALLUM, MCDONALD, MCMAINS, MORRELL, MORRISH, NEVERS, PIERRE, PINAC, PRATT, SALTER, SHAW, JANE SMITH, STRAIN, THOMPSON, TOWNSEND, TRAVIS, WALSWORTH, WELCH, WILLARD, AND SENATORS BEAN, BOISSIERE, CRAVINS, GAUTREAUX, HEITMEIER, HOYT, MICHOT, MOUNT, AND ROMERO

AN ACT

To amend and reenact R.S. 47:301(14)(i)(ii)(cc) and (v), to enact R.S. 47:301(14)(i)(ii)(dd), (iv)(ff), and (vi), and to repeal R.S. 47:301(14)(i)(iii)(cc), relative to the sales and use tax; to include interstate telecommunication services within the definition of taxable telecommunication services; to amend and reenact R.S. 47:302(C) and 331(C), to reduce the sales and use tax on such telecommunication services; to enact R.S. 47:6014, to provide for a tax credit to be taken by certain telephone companies; to enact R.S. 47:301(14)(i)(iii)(cc) and (gg) and to repeal R.S. 47:301(14)(i)(v), to provide for the taxation of interstate telecommunications and telephone companies under certain circumstances; to provide for the pass-through to customers of savings through reduction in rates for telecommunication services; to provide for the effectiveness of certain provisions; to provide for effective dates; and to provide for related matters.

Reported favorably.

Respectfully submitted,
ROBERT J. BARHAM
Chairman

REPORT OF COMMITTEE ON
FINANCE

Senator Dardenne, Chairman on behalf of the Committee on Finance, submitted the following report:

May 28, 2000

To the President and Members of the Senate:

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

HOUSE BILL NO. 40—

BY REPRESENTATIVE HOLDEN

AN ACT

To appropriate funds out of the General Fund of the state of Louisiana to be used to pay the consent judgments in the suits entitled "Gloria Henderson v. The State Board of Elementary Education and Secondary Education and Dr. Richard N. Day" and "Yvette Muse v. The State Board of Elementary Education and Secondary Education and Dr. Richard N. Day"; to provide for interest; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 49—

BY REPRESENTATIVE LANDRIEU

AN ACT

To appropriate funds out of the General Fund of the state of Louisiana to be used to pay the final judgment in the suit entitled "Merck & Co., Inc. v. Secretary, Department of Revenue, State of Louisiana"; to pay the final judgment in "John Crane, Inc. v. Secretary, Department of Revenue, State of Louisiana"; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 59—

BY REPRESENTATIVE JACK SMITH

AN ACT

To appropriate funds out of the General Fund of the state of Louisiana to be used to pay the final judgment in the suit entitled "Columbian Chemicals Company v. State of Louisiana"; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 165—

BY REPRESENTATIVE HOPKINS

AN ACT

To appropriate funds out of the General Fund of the state of Louisiana to be used to pay the final judgments in the suits entitled "Swedish Match North America, Inc. v. John Neely Kennedy, Secretary, Department of Revenue, State of Louisiana" and "Northwest Louisiana Production Credit Association v. State of Louisiana, Department of Revenue and Taxation"; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 246—

BY REPRESENTATIVE LEBLANC

AN ACT

To provide with respect to the Revenue Sharing Fund and the allocation and distribution thereof for Fiscal Year 2000-2001; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 327 (Substitute for House Bill No. 312 by Representative Hudson)—

BY REPRESENTATIVES MURRAY, GLOVER, AND BAYLOR

AN ACT

To appropriate funds out of the General Fund of the state of Louisiana for Fiscal Year 2000-2001 to be used to pay certain legal fees and expenses incurred by certain state officials; to pay the legal fees and expenses incurred by Gregory Tarver in his successful defense of criminal charges brought against him, which charges arose from actions taken by him in the discharge of his duties and within the

scope of his membership in the Louisiana Senate; to pay the legal fees and expenses incurred by Ecotry Fuller in his successful defense of criminal charges brought against him, which charges arose from actions taken by him in the discharge of his duties and within the scope of his membership on the Louisiana Gaming Control Board; to require review and certification of fees and expenses by the attorney general; and to provide for related matters.

Reported favorably.

Respectfully submitted,
JAY DARDENNE
Chairman

**REPORT OF COMMITTEE ON
LOCAL AND MUNICIPAL AFFAIRS**

Senator Johnson, Chairman on behalf of the Committee on Local and Municipal Affairs, submitted the following report:

May 25, 2000

To the President and Members of the Senate:

I am directed by your Committee on Local and Municipal Affairs to submit the following report:

HOUSE BILL NO. 106—
BY REPRESENTATIVE FRITH
AN ACT

To enact R.S. 33:2738.82, relative to Hospital Service District No. 1 of Vermilion Parish; to authorize the Hospital Service District No. 1 of Vermilion Parish to levy and collect a sales and use tax with voter approval; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 109—
BY REPRESENTATIVE MCDONALD
AN ACT

To enact R.S. 33:2737.75, relative to the West Carroll Parish School Board; to authorize the West Carroll Parish School Board to levy and collect an additional sales and use tax with voter approval; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 215—
BY REPRESENTATIVE HAMMETT
AN ACT

To amend and reenact R.S. 33:2711(A) and to repeal R.S. 33:2711.15, relative to municipalities in Concordia Parish; to authorize the governing body of each respective municipality to levy and collect a sales and use tax, subject to voter approval; to provide for legislative intent; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 238—
BY REPRESENTATIVES M. JACKSON AND FUTRELL
AN ACT

To enact Part VI of Chapter 6 of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:3031, relative to tax incentives for businesses in East Baton Rouge Parish; to authorize the State Board of Commerce and Industry to grant tax exemptions and other tax incentives to certain types of businesses within a specified area of the parish; and to provide for related matters.

Reported favorably.

Respectfully submitted,
JON D. JOHNSON
Vice chairman

**REPORT OF COMMITTEE ON
TRANSPORTATION, HIGHWAYS, AND
PUBLIC WORKS**

Senator Heitmeier, Chairman on behalf of the Committee on Transportation, Highways, and Public Works, submitted the following report:

May 26, 2000

To the President and Members of the Senate:

I am directed by your Committee on Transportation, Highways, and Public Works to submit the following report:

SENATE RESOLUTION NO. 15—
BY SENATOR SMITH

A RESOLUTION

To urge and request the Department of Transportation and Development to include in the state highway system Thomas Mill Road in Winn Parish.

Reported favorably.

SENATE CONCURRENT RESOLUTION NO. 12—
BY SENATOR SMITH

A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to designate the area along Louisiana Highway 285 between the communities of Los Adais and Allen in Natchitoches Parish as the community of Spanish Lake and to urge and request the department to erect appropriate signs to denote the area as Spanish Lake.

Reported favorably.

SENATE CONCURRENT RESOLUTION NO. 21—
BY SENATOR JOHNSON

A CONCURRENT RESOLUTION

To urge and request the office of state police, Department of Public Safety and Corrections, sheriff's departments, and municipal police departments to remove a vehicle involved in a traffic accident resulting in no injury or fatality from the traffic lane of a highway as expeditiously as possible.

Reported favorably.

SENATE CONCURRENT RESOLUTION NO. 28—
BY SENATOR MCPHERSON

A CONCURRENT RESOLUTION

To direct the Department of Transportation and Development to take alternate bids on pavement type during the competitive bidding process for highway projects.

Reported with amendments.

HOUSE CONCURRENT RESOLUTION NO. 50—
BY REPRESENTATIVE DIEZ

A CONCURRENT RESOLUTION

To urge and request the Federal Motor Carrier Safety Administration of the U.S. Department of Transportation to adopt additional regulations regarding "Hours of Service of Drivers: Rest and Sleep for Safe Operations" which recognize the duty of utility companies to provide effective customer service and which support utility operations with equitable rules that fairly balance safety concerns and effective customer service.

May 29, 2000

Reported favorably.

Respectfully submitted,
FRANCIS C. HEITMEIER
Chairman

**Senate Bills and Joint Resolutions
on Second Reading
Reported by Committees**

Senator Barham asked for and obtained a suspension of the rules to take up at this time the following Senate Bills and Joint Resolutions just reported by Committees.

SENATE BILL NO. 4—

BY SENATOR ROBICHAUX

A JOINT RESOLUTION

Proposing to amend Article VII, Section 21(F) of the Constitution of Louisiana; to provide that certain exemptions from ad valorem taxes granted shall not apply to ad valorem taxes levied by school boards; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

Reported by substitute by the Committee on Revenue and Fiscal Affairs. The bill was read by title; the committee substitute bill was read.

**SENATE BILL NO. (SUBSTITUTE FOR SENATE BILL 4 BY
SENATOR ROBICHAUX)**

BY SENATOR ROBICHAUX

TAX EXEMPTIONS. Constitutional amendment to provide that any manufacturing establishment receiving a 5-year renewal of an exemption from ad valorem taxes shall by terms of the contract granting such exemption be required to make a payment in lieu of any school board taxes. (2/3 - CA13s1(A))

A JOINT RESOLUTION

Proposing to amend Article VII, Section 21(F) of the Constitution of Louisiana; to provide that any renewal of a contract of exemption entered into by the State Board of Commerce and Industry and a manufacturing establishment shall require a payment in lieu of taxes for any exemption from ad valorem taxes imposed by a school board; to provide for the distribution of any funds received from such payments; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members elected to each house concurring, that there shall be submitted to the electors of the state, for their approval or rejection in the manner provided by law, a proposal to amend Article VII, Section 21(F) of the Constitution of Louisiana, to read as follows:

§21. Other Property Exemptions

Section 21. In addition to the homestead exemption provided for in Section 20 of this Article, the following property and no other shall be exempt from ad valorem taxation:

* * *

(F)(1) Notwithstanding any contrary provision of this Section, the State Board of Commerce and Industry or its successor, with the approval of the governor, may enter into contracts for the exemption from ad valorem taxes of a new manufacturing establishment or an addition to an existing manufacturing establishment, on such terms and conditions as the board, with the approval of the governor, deems in the best interest of the state.

(2) The exemption shall be for an initial term of no more than five calendar years and may be renewed for an additional five years. All property exempted shall be listed on the assessment rolls and submitted to the Louisiana Tax Commission or its successor, but no taxes shall be collected thereon during the period of exemption.

(3) Beginning January 1, 2001, any contract of exemption entered into by and between the State Board of Commerce and Industry and a new manufacturing establishment or an existing manufacturing establishment for an addition therefor shall not be renewed for an additional five years unless the contract is amended to contain a provision which requires a payment in lieu of taxes for any exemption from ad valorem taxes imposed by a school board. Such payment shall be made annually in an amount equal to the ad valorem taxes which would have been collected on such property had the property not been exempted from taxation. Seventy percent of such payment shall be made to the school board or school boards in whose jurisdiction the property is located. Thirty percent of such payment shall be paid to the state treasurer for distribution to low wealth school districts as such districts are established in the minimum foundation program of education or as provided by law.

(4) The terms "manufacturing establishment" and "addition" as used herein mean a new plant or establishment or an addition or additions to any existing plant or establishment which engages in the business of working raw materials into wares suitable for use or which gives new shapes, qualities, or combinations to matter which already has gone through some artificial process.

* * *

Section 2. Be it further resolved that this proposed amendment shall be submitted to the electors of the state at the statewide election to be held on November 7, 2000.

Section 3. Be it further resolved that on the official ballot to be used at the election there shall be printed a proposition, upon which the electors of the state shall be permitted to vote FOR or AGAINST, to amend the Constitution of Louisiana, which proposition shall read as follows:

To prohibit the five-year renewal of a contract of exemption from ad valorem taxes by and between the State Board of Commerce and Industry and a manufacturing establishment on or after January 1, 2001 unless the contract is amended to require a payment in lieu of taxes to be made by the manufacturing establishment in an amount equal to the amount of school board taxes which would have been collected had such property not been exempt from such ad valorem taxation; requires seventy percent of such payment to be made to the school board in whose jurisdiction the property is located and thirty percent of such payment to be remitted to the state treasurer for distribution to low-wealth school districts as established by the minimum foundation program of education or as provided by law. (Amends Article VII, Section 21(F))

On motion of Senator Barham, the committee substitute bill was adopted and becomes Senate Bill No. 92 by Senator Robichaux, substitute for Senate Bill No. 4 by Senator Robichaux.

SENATE BILL NO. 92 (SUBSTITUTE FOR SENATE BILL 4 BY—

BY SENATOR ROBICHAUX

A JOINT RESOLUTION

Proposing to amend Article VII, Section 21(F) of the Constitution of Louisiana; to provide that any renewal of a contract of exemption entered into by the State Board of Commerce and Industry and a manufacturing establishment shall require a payment in lieu of taxes for any exemption from ad valorem taxes imposed by a school board; to provide for the distribution of any funds received from such payments; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

The bill was read by title; lies over under the rules.

SENATE BILL NO. 58—

BY SENATORS MALONE AND MICHOT
AN ACT

To amend and reenact R.S. 47:633(7)(c)(iv)(aa) and 648.2(1)(c), relative to severance tax suspensions; to extend the period for severance tax suspensions for inactive and new discovery wells; 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 Original Senate Bill No. 58 by Senator Malone

AMENDMENT NO. 1

On page 1, line 2, change "and 648.2(1)(c)" to ", 648.2(1)(c), and 648.3"

AMENDMENT NO. 2

On page 1, line 3, after "suspensions" insert "and exemptions"

AMENDMENT NO. 3

On page 1, line 4, after "suspensions" insert "and exemptions" and after "wells" insert "under certain conditions"

AMENDMENT NO. 4

On page 1, line 7, change "and 648.2(1)(c)" to ", 648.2(1)(c), and 648.3"

AMENDMENT NO. 5

On page 2, line 1, after "years" insert "as provided for in Item (aa) of this Subsubparagraph"

AMENDMENT NO. 6

On page 2, line 8, after "certification" insert "approved before July 1, 2000"

AMENDMENT NO. 7

On page 2, at the end of line 9, insert:

"Upon certification approved on and after July 1, 2000 that a well is inactive, all production is exempt from severance tax for a period of five years from the date of the application, except that the exemption or credit provided for in this Subsubparagraph shall not be allowed for oil production during any month in which the average value of oil as set forth in Subparagraph (a) of this Paragraph is seventeen dollars per barrel or more, and shall not be allowed for gas production during any month in which the average of the monthly spot market price of gas fuels delivered into the pipelines in Louisiana as reported by Dynegy, Inc. or its successor is two dollars and twenty-five cents or more per one thousand cubic feet."

AMENDMENT NO. 8

On page 2, between lines 20 and 21, insert:

"§648.3 Severance tax suspension on production from certified new discovery oil and natural gas wells

A. All severance taxes on production from certified new discovery oil and natural gas wells **completed before August 1, 2000** are hereby suspended from the date of completion for a period of twenty-four months or until recovery of payout of the well cost, whichever comes first. **However, for wells completed after September 30, 2000, such suspension shall not occur for oil production during any month in which the average value of oil as set forth in R.S. 47:633(7)(a) is seventeen dollars per barrel or more, and such suspension shall not occur for gas production during any month in which the average of the**

monthly spot market price of gas fuels delivered into the pipelines in Louisiana as reported by Dynegy, Inc. or its successor is two dollars and twenty-five cents or more per one thousand cubic feet.

B. Payout of the well cost shall be determined by the Department of Natural Resources."

On motion of Senator Barham, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 81—

BY SENATOR THOMAS

AN ACT

To amend and reenact R.S. 17:3095(A)(1) and 3096(E)(3) and to enact R.S. 17:3098(E) and Subpart V of Part I of Chapter 1 of Title 47 of the Louisiana Revised Statutes of 1950, comprised of R.S. 47:120.62, and R.S. 47:293(6)(a)(vi), relative to the Student Tuition Assistance and Revenue Trust Program; to provide that deposits made in education savings accounts as part of such program are exempt from state income taxation up to a certain amount; to increase tuition assistance grant rates at certain levels of adjusted gross income; to specify that the basis for a determination of the tuition assistance grant rates is federal adjusted gross income; to provide for income taxation of amounts converted from such accounts for other than educational purposes; to provide for disposition of certain state income tax refunds; 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 Original Senate Bill No. 81 by Senator Thomas

AMENDMENT NO. 1

On page 2, line 12, change "Amounts" to "For tax years beginning on and after January 1, 2000, amounts"

AMENDMENT NO. 2

On page 2, line 22, after "(3)" change "The" to "Effective for calendar years beginning January 1, 2000, the"

AMENDMENT NO. 3

On page 4, line 5, change "with the tax year" to "on and after January 1, 2000" and on line 6, delete "beginning July 1, 2000,"

AMENDMENT NO. 4

On page 4, delete line 15, and insert:

"B. The secretary of"

AMENDMENT NO. 5

On page 5, line 5, change "The" to "For tax years beginning on and after January 1, 2000, the"

On motion of Senator Barham, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 85—

BY SENATOR MICHOT

AN ACT

To amend and reenact R.S. 51:2461(A) and to repeal R.S. 51:2461(B), relative to tax credits; to provide relative to incentive tax credits under the Louisiana Quality Jobs Program; to remove the time limitation on receiving applications for incentive tax credits; and to provide for related matters.

May 29, 2000

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by the Senate Committee on Revenue and Fiscal Affairs to Original Senate Bill No. 85 by Senator Michot.

AMENDMENT NO. 1

On page 1, line 2, after "reenact" delete the remainder of the line and insert:

"the introductory paragraph of R.S. 51:2452(A), and 2453(1)(b)(i) and (2), and the introductory paragraph of (8), 2454, 2455(E)(3), and 2461(A) and (B), relative"

AMENDMENT NO. 2

On page 1, line 3, after "relative to" insert "requirements for"

AMENDMENT NO. 3

On page 1, line 8, after "Section 1." change "R.S. 51:2461(A) is" to the following:

"The introductory paragraph of R.S. 51:2452(A), and 2453(1)(b)(i) and (2), and the introductory paragraph of (8), 2454, 2455(E)(3), and 2461(A) and (B) are"

AMENDMENT NO. 4

On page 1, between lines 9 and 10, insert the following:

"§2452. Intent

A. It is the intent of the Louisiana Legislature that the quality jobs benefits provided for in this Chapter in contracts for which an application is filed with the department after June 1, 2000 should be used primarily as an inducement to locate in Louisiana for any business operation that does not have to be located in Louisiana in order to profitably and rationally conduct its business profitably. A business operation that must be located in Louisiana in order to profitably and rationally conduct its business should be considered for Quality Jobs benefits only if no less than fifty percent of its business is of a multi-state, national, or international nature, or if it is an industry that has been designated as a target cluster in Vision 2020. It is the further intent of the Louisiana Legislature that the following should apply to quality jobs benefits provided both before and after that date:

* * *

§2453. Definitions

The following words or terms as used in this Chapter shall have the following meaning, unless a different meaning appears from the context:

(1) * * *

(b) An establishment described in Subparagraph (a) of this Paragraph shall not be considered to be engaged in a basic industry unless it offers, or will offer within one hundred eighty days of the date it first qualifies for the incentive tax credits pursuant to the provisions of this Chapter, a basic health benefits plan to the individuals it employs in new direct jobs in this state which shall be determined by the Department of Economic Development to consist of the following elements or elements substantially equivalent thereto:

(i)(aa) For contracts for which an application is filed with the department before June 1, 2000, not less than fifty percent of the premium shall be paid by the employer.

(bb) For contracts for which an application is filed with the department on and after June 1, 2000, not less than one

hundred percent of the premium for full-time employees and fifty percent of the premium for dependents of such employees shall be paid by the employer. Not less than fifty percent of the premium for part-time employees who choose to participate shall be paid by the employer, but the employer shall not be required to pay any premium for his dependents.

* * *

(2) "New direct job" means:

(a) For contracts for which an application is filed with the department before June 1, 2000, full-time-equivalent employment in this state with an establishment that has qualified to receive an incentive tax credit pursuant to the provisions of this Chapter and did not exist in this state prior to the date of approval by the Department of Economic Development of the application of the establishment pursuant to the provisions of R.S. 51:2455.

(bb) For contracts for which an application is filed with the department on and after June 1, 2000, means full-time-equivalent employment in this state at a gross annual wage equal to no less than twice the minimum hourly wage required by law, multiplied by two thousand eighty hours, with an establishment that has qualified to receive an incentive tax credit pursuant to the provisions of this Chapter. The job shall not have existed in this state prior to the date of approval by the Department of Economic Development of the application of the establishment pursuant to the provisions of R.S. 51:2455. For purposes of this Subparagraph, "full-time employment" means employment in a job to work not less than thirty-five hours per week.

* * *

(8) "Wages" means all remuneration for services from whatever source, including commissions and bonuses and the cash value of all remuneration in any medium other than cash, and dismissal payments which the employer is required by law or contract to make. Gratuities customarily received by an individual in the course of his work from persons other than his employing unit shall be treated as wages received from his employing unit. The reasonable cash value of remuneration in any medium other than cash and the reasonable amount of gratuities shall be estimated and determined in accordance with the Internal Revenue Code and its rules and regulations. However, for contracts for which an application is filed with the department on and after June 1, 2000, "wages" shall mean the remuneration defined in this Paragraph which is paid in cash only. The term "wages" shall not include the following:

* * *

§2454. Incentive approval

A. The board of Commerce and Industry or its successor, after consultation with the secretaries of the Department of Labor and the Department of Revenue, with the approval of the governor, may enter into a contract with an establishment complying with the provisions of this Chapter for a period of up to five years.

B. The contract may be renewed for an additional five years unless there has been a failure to comply with the provisions of this Chapter.

C. On and after July 1, 2000, a contract may only be renewed if the establishment agrees to the requirements provided for in that Act of the 2000 Regular Session of the Legislature which originated as Senate Bill No. 85.

* * *

§2455. Incentive tax credits

* * *

E. In order to qualify to receive such incentive tax credits, the establishment applying shall be required to:

(3) Have a number of full-time employees working an average of twenty-five or more hours per week in new direct jobs equal to or in excess of eighty percent of the total number of new direct jobs. For contracts for which an application is filed with the department on and after June 1, 2000, all new direct jobs shall be full time jobs as provided for in R.S. 51:2453(2)(b).

AMENDMENT NO. 5

On page 2, delete line 3, and insert:

"(B) On and after January 1, ~~2001~~ **2003**, no new applications to receive incentive tax credits under this Chapter shall be approved by the Department of Economic Development. However, an establishment which, prior to January 1, ~~2001~~ **2003**, has been approved by the department to receive incentive tax credits under the program shall continue to receive tax credits pursuant to the terms of its agreement with the state of Louisiana as long as the establishment retains its eligibility.

AMENDMENT NO. 6

On page 2, line 4, change "Section.3." to "Section 2."

AMENDMENT NO. 7

On page 2, line 6, after "which" insert "are"

AMENDMENT NO. 8

On page 2, line 8, change "Department of Revenue" to "Division of Administration"

AMENDMENT NO. 9

On page 2, at the bottom of the page, insert:

"Section 3. 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 Barham, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

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

Senator Dardenne asked for and obtained a suspension of the rules to take up at this time the following House Bills and Joint Resolutions just reported by Committees.

HOUSE BILL NO. 40—

BY REPRESENTATIVE HOLDEN
AN ACT

To appropriate funds out of the General Fund of the state of Louisiana to be used to pay the consent judgments in the suits entitled "Gloria Henderson v. The State Board of Elementary Education and Secondary Education and Dr. Richard N. Day" and "Yvette Muse v. The State Board of Elementary Education and Secondary Education and Dr. Richard N. Day"; to provide for interest; and to provide for related matters.

Reported favorably by the Committee on Finance. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 49—

BY REPRESENTATIVE LANDRIEU
AN ACT

To appropriate funds out of the General Fund of the state of Louisiana to be used to pay the final judgment in the suit entitled "Merck & Co., Inc. v. Secretary, Department of Revenue, State of Louisiana"; to pay the final judgment in "John Crane, Inc. v. Secretary, Department of Revenue, State of Louisiana"; and to provide for related matters.

Reported favorably by the Committee on Finance. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 59—

BY REPRESENTATIVE JACK SMITH
AN ACT

To appropriate funds out of the General Fund of the state of Louisiana to be used to pay the final judgment in the suit entitled "Columbian Chemicals Company v. State of Louisiana"; and to provide for related matters.

Reported favorably by the Committee on Finance. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 106—

BY REPRESENTATIVE FRITH
AN ACT

To enact R.S. 33:2738.82, relative to Hospital Service District No. 1 of Vermilion Parish; to authorize the Hospital Service District No. 1 of Vermilion Parish to levy and collect a sales and use tax with voter approval; and to provide for related matters.

Reported favorably by the Committee on Local and Municipal Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 109—

BY REPRESENTATIVE MCDONALD
AN ACT

To enact R.S. 33:2737.75, relative to the West Carroll Parish School Board; to authorize the West Carroll Parish School Board to levy and collect an additional sales and use tax with voter approval; and to provide for related matters.

Reported favorably by the Committee on Local and Municipal Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 165—

BY REPRESENTATIVE HOPKINS
AN ACT

To appropriate funds out of the General Fund of the state of Louisiana to be used to pay the final judgments in the suits entitled "Swedish Match North America, Inc. v. John Neely Kennedy, Secretary, Department of Revenue, State of Louisiana" and "Northwest Louisiana Production Credit Association v. State of Louisiana, Department of Revenue and Taxation"; and to provide for related matters.

Reported favorably by the Committee on Finance. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

May 29, 2000

HOUSE BILL NO. 215—

BY REPRESENTATIVE HAMMETT
AN ACT

To amend and reenact R.S. 33:2711(A) and to repeal R.S. 33:2711.15, relative to municipalities in Concordia Parish; to authorize the governing body of each respective municipality to levy and collect a sales and use tax, subject to voter approval; to provide for legislative intent; and to provide for related matters.

Reported favorably by the Committee on Local and Municipal Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 224—

BY REPRESENTATIVES MONTGOMERY, ALARIO, BAYLOR, BROOME, BRUCE, BRUNEAU, CRANE, CURTIS, DAMICO, DANIEL, DARTEZ, DEVILLIER, DOERGE, DOWNER, DUPRE, DURAND, FARRAR, FRITH, FRUGE, FUTRELL, GLOVER, HILL, HOLDEN, HUDSON, ILES, L. JACKSON, M. JACKSON, JOHNS, KATZ, KENNARD, LAFLEUR, LANCASTER, MARTINY, MCCALLUM, MCDONALD, MCMAINS, MORRELL, MORRISH, NEVERS, PIERRE, PINAC, PRATT, SALTER, SHAW, JANE SMITH, STRAIN, THOMPSON, TOWNSEND, TRAVIS, WALSWORTH, WELCH, WILLARD, AND SENATORS BEAN, BOISSIERE, CRAVINS, GAUTREAU, HEITMEIER, HOYT, MICHOT, MOUNT, AND ROMERO
AN ACT

To amend and reenact R.S. 47:301(14)(i)(ii)(cc) and (v), to enact R.S. 47:301(14)(i)(ii)(dd), (iv)(ff), and (vi), and to repeal R.S. 47:301(14)(i)(iii)(cc), relative to the sales and use tax; to include interstate telecommunication services within the definition of taxable telecommunication services; to amend and reenact R.S. 47:302(C) and 331(C), to reduce the sales and use tax on such telecommunication services; to enact R.S. 47:6014, to provide for a tax credit to be taken by certain telephone companies; to enact R.S. 47:301(14)(i)(iii)(cc) and (gg) and to repeal R.S. 47:301(14)(i)(v), to provide for the taxation of interstate telecommunications and telephone companies under certain circumstances; to provide for the pass-through to customers of savings through reduction in rates for telecommunication services; to provide for the effectiveness of certain provisions; to provide for effective dates; and to provide for related matters.

Reported favorably by the Committee on Revenue and Fiscal Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 238—

BY REPRESENTATIVES M. JACKSON AND FUTRELL
AN ACT

To enact Part VI of Chapter 6 of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:3031, relative to tax incentives for businesses in East Baton Rouge Parish; to authorize the State Board of Commerce and Industry to grant tax exemptions and other tax incentives to certain types of businesses within a specified area of the parish; and to provide for related matters.

Reported favorably by the Committee on Local and Municipal Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 246—

BY REPRESENTATIVE LEBLANC
AN ACT

To provide with respect to the Revenue Sharing Fund and the allocation and distribution thereof for Fiscal Year 2000-2001; and to provide for related matters.

Reported favorably by the Committee on Finance. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 327 (Substitute for House Bill No. 312 by Representative Hudson)—

BY REPRESENTATIVES MURRAY, GLOVER, AND BAYLOR
AN ACT

To appropriate funds out of the General Fund of the state of Louisiana for Fiscal Year 2000-2001 to be used to pay certain legal fees and expenses incurred by certain state officials; to pay the legal fees and expenses incurred by Gregory Tarver in his successful defense of criminal charges brought against him, which charges arose from actions taken by him in the discharge of his duties and within the scope of his membership in the Louisiana Senate; to pay the legal fees and expenses incurred by Ecotry Fuller in his successful defense of criminal charges brought against him, which charges arose from actions taken by him in the discharge of his duties and within the scope of his membership on the Louisiana Gaming Control Board; to require review and certification of fees and expenses by the attorney general; and to provide for related matters.

Reported favorably by the Committee on Finance. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

**Senate Concurrent Resolutions
on Second Reading
Reported by Committees**

The following Senate Concurrent Resolutions reported by Committees were taken up and acted upon as follows:

SENATE CONCURRENT RESOLUTION NO. 5—

BY SENATORS MOUNT, B. JONES AND SCHEDLER
A CONCURRENT RESOLUTION

To create the Louisiana Commission on Child Abuse Multidisciplinary Teams to study the multidisciplinary team approach to the handling of cases of child abuse and neglect as well as cases involving suspected child maltreatment related fatalities and to develop recommendations for improving the investigation, prosecution, and assessments of these cases.

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Concurrent Resolution No. 5 by Senator Mount

AMENDMENT NO. 1

On page 4, between lines 9 and 10, insert the following:

"(26) The attorney general, or his designee."

On motion of Senator Schedler, the committee amendment was adopted.

The resolution was read by title. Senator Mount moved to adopt the amended Senate Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Hines	Michot
Barham	Hollis	Mount
Bean	Hoyt	Robichaux
Cain	Irons	Romero
Campbell	Johnson	Schedler

Chaisson	Jones, B	Smith
Dardenne	Jones, C	Tarver
Ellington	Lambert	Theunissen
Fields, W	Lentini	Thomas
Fontenot	Malone	Ullo
Gautreaux	Marionneaux	
Heitmeier	McPherson	
Total—34		

NAYS

Dean
Total—1

ABSENT

Bajoie	Cravins
Boissiere	Fields, C
Total—4	

The Chair declared the Senate had adopted the amended Senate Concurrent Resolution and ordered it engrossed and sent to the House.

SENATE CONCURRENT RESOLUTION NO. 8—
BY SENATORS IRONS, BAJOIE, AND MOUNT AND REPRESENTATIVES WILKERSON, BAUDOIN, BOWLER, BROOME, BRUCE, CARTER, CLARKSON, DARTEZ, DEVILLIER, DOERGE, DURAND, ILES, JACKSON, KATZ, PRATT, SCHWEGMANN, SMITH, SNEED, WELCH, WILLARD, AND WINSTON

A CONCURRENT RESOLUTION

To urge and request the Department of Health and Hospitals to seek and apply for all potential sources of funds, including federal grant money, to institute a disease prevention campaign.

Reported favorably by the Committee on Health and Welfare.

The resolution was read by title. Senator Irons moved to adopt the Senate Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Gautreaux	McPherson
Barham	Heitmeier	Michot
Bean	Hines	Mount
Boissiere	Hollis	Robichaux
Cain	Hoyt	Romero
Campbell	Irons	Schedler
Chaisson	Johnson	Smith
Cravins	Jones, B	Tarver
Dardenne	Jones, C	Theunissen
Dean	Lambert	Thomas
Ellington	Lentini	Ullo
Fields, W	Malone	
Fontenot	Marionneaux	
Total—37		

NAYS

Total—0

ABSENT

Bajoie	Fields, C
Total—2	

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

SENATE CONCURRENT RESOLUTION NO. 30—

BY SENATOR SCHEDLER

A CONCURRENT RESOLUTION

To recognize social anxiety disease as a treatable psychiatric disorder which affects many Louisianians and to applaud all psychological and pharmacologic interventions designed to treat social anxiety disease.

Reported favorably by the Committee on Health and Welfare.

The resolution was read by title. Senator Schedler moved to adopt the Senate Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Barham	Heitmeier	McPherson
Bean	Hines	Michot
Boissiere	Hollis	Mount
Cain	Hoyt	Robichaux
Campbell	Irons	Romero
Chaisson	Johnson	Schedler
Cravins	Jones, B	Smith
Dardenne	Jones, C	Tarver
Ellington	Lambert	Theunissen
Fields, W	Lentini	Thomas
Fontenot	Malone	Ullo
Gautreaux	Marionneaux	
Total—35		

NAYS

Dean
Total—1

ABSENT

Mr. President	Bajoie	Fields, C
Total—3		

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

Senate Bills and Joint Resolutions on Third Reading and Final Passage, Subject to Call

The following Senate Bills and Joint Resolutions on third reading and final passage, subject to call, were taken up and acted upon as follows:

Called from the Calendar

Senator Schedler asked that Senate Bill No. 46 be called from the Calendar at this time for its final passage.

SENATE BILL NO. 46—
BY SENATORS HAINKEL AND SCHEDLER
AN ACT

To amend and reenact R.S. 47:301(14)(g)(i), relative to sales and use tax; to provide for an exclusion from political subdivision sales and use tax for certain repairs to tangible personal property; and to provide for related matters.

Floor Amendments Sent Up

Senator Barham sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

May 29, 2000

Amendments proposed by Senator Barham to Engrossed Senate Bill No. 46 by Senator Hainkel

AMENDMENT NO. 1

On page 2, line 9, after "means." delete "This" and insert the following:

"Except in the parishes of Lafourche, Terrebonne, Jackson, Lincoln, Claiborne, East Carroll, West Carroll, Morehouse, Union, Avoyelles, Allen, Evangeline, St. Landry, Caddo, Washington, Iberia, St. Martin, Concordia, Franklin, LaSalle, Caldwell, Rapides, Catahoula, Acadia, Cameron, Calcasieu, Jefferson Davis, Grant, Natchitoches, Red River, Sabine, Richland, Desoto, Tensas, East Baton Rouge, West Baton Rouge, East Feliciana, St. Helena, West Feliciana, Madison, Winn, Bienville and Bossier, this"

The Chair declared the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Name, Fields, W, Lentini. Lists names like Mr. President, Barham, Bean, Boissiere, Cain, Campbell, Chaisson, Dardenne, Dean, Ellington, Total—29.

NAYS

Table with 3 columns: Name, Marionneaux, Theunissen. Lists names like Fields, C, Hines, Lambert, Total—8.

ABSENT

Table with 2 columns: Name, Cravins. Lists name Bajoie, Total—2.

The Chair declared the amended bill was passed. The title was read and adopted. Senator Schedler moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Personal Privilege

Senator Hainkel asked for and obtained the floor on a point of personal privilege for the purpose of recognizing the outstanding 40 year military service of Assistant Sergeant at Arms, Lawrence Carter on this Memorial Day. Mr. Carter received a standing ovation by the body.

House Concurrent Resolutions on Second Reading Reported by Committees

The following House Concurrent Resolutions reported by Committees were taken up and acted upon as follows:

HOUSE CONCURRENT RESOLUTION NO. 16—

BY REPRESENTATIVE CRANE A CONCURRENT RESOLUTION

To memorialize the United States Congress to amend the Internal Revenue Code, regarding the children of deceased public sector employees who receive death benefits from a state-sponsored retirement system, to provide those children with an exclusion from gross income equal to one-half of such benefits and to treat all such benefits above that limit as ordinary income, but not as investment income, and thereby bring equality of treatment to children of deceased public and private sector employees.

Reported favorably by the Committee on Revenue and Fiscal Affairs.

The resolution was read by title. Senator Dardenne moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Name, Fontenot, McPherson. Lists names like Mr. President, Barham, Bean, Boissiere, Cain, Campbell, Chaisson, Cravins, Dardenne, Dean, Ellington, Fields, C, Fields, W, Total—37.

NAYS

Total—0

ABSENT

Table with 2 columns: Name, Irons. Lists name Bajoie, Total—2.

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

HOUSE CONCURRENT RESOLUTION NO. 24—

BY REPRESENTATIVE MURRAY A CONCURRENT RESOLUTION

To urge and request the governor and the secretary of the Department of Health and Hospitals to pursue all opportunities for Louisiana to receive enhanced federal funding for its Medicaid program through the Intergovernmental Transfer Program.

Reported favorably by the Committee on Health and Welfare.

The resolution was read by title. Senator C. Jones moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Name, Fontenot, Marionneaux. Lists names like Mr. President, Barham, Bean, Fontenot, Gautreaux, Heitmeier, Marionneaux, McPherson, Michot.

Boissiere
Cain
Campbell
Chaisson
Cravins
Dardenne
Dean
Ellington
Fields, C
Fields, W
Total—38

Hines
Hollis
Hoyt
Irons
Johnson
Jones, B
Jones, C
Lambert
Lentini
Malone

Mount
Robichaux
Romero
Schedler
Smith
Tarver
Theunissen
Thomas
Ullo

NAYS

Total—0

ABSENT

Bajoie
Total—1

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

House Bills and Joint Resolutions on Third Reading and Final Passage

The following House Bills and Joint Resolutions on third reading and final passage were taken up and acted upon as follows:

HOUSE BILL NO. 240—
BY REPRESENTATIVES FUTRELL AND M. JACKSON
AN ACT

To enact Part VI of Chapter 6 of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:3031, relative to tax incentives for businesses in East Baton Rouge Parish, to authorize the State Board of Commerce and Industry, with approval of the city-parish governing authority, to grant tax exemptions and other tax incentives to businesses within a specified area of the parish; to provide for the transfer of certain responsibilities relative to granting tax incentives under specified conditions; and to provide for related matters.

Motion to Recommit

Senator Dardenne asked for and obtained a suspension of the rules and recommended House Bill No. 240, which was on Third Reading and Final Passage, to the Committee on Revenue and Fiscal Affairs.

HOUSE BILL NO. 250—
BY REPRESENTATIVE MONTGOMERY
AN ACT

To amend and reenact R.S. 27:391, relative to the taxation of slot machine gaming at certain live horse racing tracks; authorizes certain local governing authorities in Bossier Parish to levy a tax on taxable net slot machine proceeds; and to provide for related matters.

On motion of Senator Campbell, the bill was read by title and returned to the Calendar, subject to call.

HOUSE BILL NO. 263—
BY REPRESENTATIVE JOHNS
AN ACT

To amend and reenact R.S. 27:391, relative to the taxation of slot machine gaming at certain live horse racing tracks; to authorize the governing authority of Calcasieu Parish to levy a tax on taxable net slot machine proceeds; and to provide for related matters.

On motion of Senator Campbell, the bill was read by title and returned to the Calendar, subject to call.

Rules Suspended

Senator Campbell asked for and obtained a suspension of the rules for the purpose of reverting to the order of

Senate Bills and Joint Resolutions on Third Reading and Final Passage, Subject to Call

The following Senate Bills and Joint Resolutions on third reading and final passage, subject to call, were taken up and acted upon as follows:

Called from the Calendar

Senator Campbell asked that Senate Bill No. 86 be called from the Calendar at this time for its final passage.

SENATE BILL NO. 86—
BY SENATOR CAMPBELL

AN ACT

To enact R.S. 47:301(10)(s), (13)(f), (14)(j), and (18)(g), relative to taxation of funeral services; to prohibit state or political subdivision taxation of such services; and to provide for related matters.

Floor Amendments Sent Up

Senator Campbell sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Campbell to Engrossed Senate Bill No. 86 by Senator Campbell

AMENDMENT NO. 1

On page 2, line 12, change "term" to "services"

On motion of Senator Campbell, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Barham	Fontenot	Marionneau
Bean	Gautreaux	McPherson
Boissiere	Heitmeier	Mount
Cain	Hines	Robichaux
Campbell	Hollis	Romero
Chaisson	Hoyt	Schedler
Cravins	Irons	Smith
Dardenne	Johnson	Tarver
Dean	Jones, B	Theunissen
Ellington	Jones, C	Thomas
Fields, C	Lambert	Ullo
Fields, W	Lentini	
Total—35		

NAYS

Total—0

ABSENT

Mr. President
Bajoie
Total—4

Malone
Michot

May 29, 2000

The Chair declared the amended bill was passed. The title was read and adopted. Senator Campbell moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Personal Privilege

Senator Malone asked for and obtained the floor of the Senate on a point of personal privilege, and stated he appeared as absent on the vote on Senate Bill No. 86. He had intended to vote yea on the bill. He asked that the Official Journal so state.

Rules Suspended

Senator Mount asked for and obtained a suspension of the rules for the purpose of taking up at this time.

House Bills and Joint Resolutions on Third Reading and Final Passage, Subject to Call

The following House Bills and Joint Resolutions on third reading and final passage, subject to call, were taken up and acted upon as follows:

Called from the Calendar

Senator Mount asked that House Bill No. 263 be called from the Calendar at this time for its final passage.

HOUSE BILL NO. 263— BY REPRESENTATIVE JOHNS

AN ACT

To amend and reenact R.S. 27:391, relative to the taxation of slot machine gaming at certain live horse racing tracks; to authorize the governing authority of Calcasieu Parish to levy a tax on taxable net slot machine proceeds; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Bean, Boissiere, Cain, Campbell, Chaisson, Cravins, Dardenne, Fields, W, Fontenot, Gautreaux, Total—29

NAYS

Barham, Dean, Total—6; Ellington, Fields, C, Michot, Smith

ABSENT

Mr. President, Bajoie, Total—4; Jones, B, Robichaux

The Chair declared the bill was passed. The title was read and adopted. Senator Mount moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Rules Suspended

Senator Heitmeier asked for and obtained a suspension of the rules for the purpose of reverting to the Morning Hour.

Introduction of Senate Resolutions

Senator Lambert asked for and obtained a suspension of the rules for the purpose of introducing and reading the following Senate Resolutions a first and second time and acting upon them as follows:

SENATE RESOLUTION NO. 25—

BY SENATOR HEITMEIER

A RESOLUTION

To direct the legislative auditor to review the use of investment capital by certified Louisiana capital companies; and to issue a written report to the members of the Senate.

The resolution was read by title. Senator Heitmeier moved to adopt the Senate Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President, Barham, Bean, Boissiere, Cain, Campbell, Chaisson, Cravins, Dardenne, Dean, Ellington, Fields, C, Total—36; Fields, W, Gautreaux, Heitmeier, Hines, Hollis, Hoyt, Irons, Johnson, Jones, B, Jones, C, Lentini, Malone, Marionneaux, McPherson, Michot, Mount, Robichaux, Romero, Schedler, Smith, Tarver, Theunissen, Thomas, Ullo

NAYS

Total—0

ABSENT

Bajoie, Total—3; Fontenot, Lambert

The Chair declared the Senate had adopted the Senate Resolution.

Messages from the House

The following Messages from the House were received and read as follows:

Message from the House

ASKING CONCURRENCE IN HOUSE BILLS AND JOINT RESOLUTIONS

May 29, 2000

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Bills and Joint Resolutions:

HOUSE BILL NO. 180—
BY REPRESENTATIVES BOWLER, DOWNER, KATZ, AND JOHN SMITH
AN ACT

To enact R.S. 47:293(6)(e), relative to individual income tax; to provide for an exemption for certain income earned by military personnel for services performed outside of the state; to provide for an effective date; and to provide for related matters.

Respectfully submitted,
ALFRED W. SPEER
Clerk of the House of Representatives

House Bills and Joint Resolutions

Senator Lambert asked for and obtained a suspension of the rules to take up at this time the following House Bills and Joint Resolutions just received from the House which were taken up, read a first and second time by their titles and acted upon as follows:

HOUSE BILL NO. 180—
BY REPRESENTATIVES BOWLER, DOWNER, KATZ, AND JOHN SMITH
AN ACT

To enact R.S. 47:293(6)(e), relative to individual income tax; to provide for an exemption for certain income earned by military personnel for services performed outside of the state; to provide for an effective date; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Revenue and Fiscal Affairs.

Reports of Committees

The following reports of committees were received and read:

**REPORT OF COMMITTEE ON
REVENUE AND FISCAL AFFAIRS**

Senator Barham, Chairman on behalf of the Committee on Revenue and Fiscal Affairs, submitted the following report:

May 29, 2000

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. 22—
BY REPRESENTATIVE MONTGOMERY
AN ACT

To amend and reenact R.S. 47:305.50(A)(1) and Section 2 of Act No. 8 of the 1996 Regular Session of the Legislature, as amended by Act No. 41 of the 1998 Regular Session of the Legislature, relative to the sales and use tax; to extend the time limitation for the exemption for certain buses, trucks, and trailers used in interstate commerce; to provide for an effective date; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 23—
BY REPRESENTATIVE MONTGOMERY
AN ACT

To amend and reenact Section 3 of Act No. 12 of the 1996 Regular Session of the Legislature, as amended by Act No. 10 of the 1998 Regular Session of the Legislature, relative to sales and use tax; to

extend the time limitation of the exclusion for certain transactions involving motor vehicles purchased for subsequent lease; to provide for an effective date; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 48—
BY REPRESENTATIVE HAMMETT
AN ACT

To amend and reenact Section 2 of Act No. 45 of the 1998 Regular Session of the Legislature, relative to the imposition of the occupational license tax on utilities selling electricity or gas in more than one municipality; to extend the applicability of the law; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 193—
BY REPRESENTATIVE DEWITT
AN ACT

To amend and reenact R.S. 47:551(A), relative to the taxation of rental of automobiles; to extend the automobile rental tax; to provide for an effective date; and to provide for related matters.

Reported favorably.

Respectfully submitted,
ROBERT J. BARHAM
Chairman

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

Senator Barham asked for and obtained a suspension of the rules to take up at this time the following House Bills and Joint Resolutions just reported by Committees.

HOUSE BILL NO. 22—
BY REPRESENTATIVE MONTGOMERY
AN ACT

To amend and reenact R.S. 47:305.50(A)(1) and Section 2 of Act No. 8 of the 1996 Regular Session of the Legislature, as amended by Act No. 41 of the 1998 Regular Session of the Legislature, relative to the sales and use tax; to extend the time limitation for the exemption for certain buses, trucks, and trailers used in interstate commerce; to provide for an effective date; and to provide for related matters.

Reported favorably by the Committee on Revenue and Fiscal Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 23—
BY REPRESENTATIVE MONTGOMERY
AN ACT

To amend and reenact Section 3 of Act No. 12 of the 1996 Regular Session of the Legislature, as amended by Act No. 10 of the 1998 Regular Session of the Legislature, relative to sales and use tax; to extend the time limitation of the exclusion for certain transactions involving motor vehicles purchased for subsequent lease; 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 recommitted to the Committee on Local and Municipal Affairs.

May 29, 2000

HOUSE BILL NO. 48—
BY REPRESENTATIVE HAMMETT
AN ACT

To amend and reenact Section 2 of Act No. 45 of the 1998 Regular Session of the Legislature, relative to the imposition of the occupational license tax on utilities selling electricity or gas in more than one municipality; to extend the applicability of the law; and to provide for related matters.

Reported favorably by the Committee on Revenue and Fiscal Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 193—
BY REPRESENTATIVE DEWITT
AN ACT

To amend and reenact R.S. 47:551(A), relative to the taxation of rental of automobiles; to extend the automobile rental tax; to provide for an effective date; and to provide for related matters.

Reported favorably by the Committee on Revenue and Fiscal Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

Rules Suspended

Senator Marionneaux asked for and obtained a suspension of the rules for the purpose of recalling Senate Resolution No. 22 from the Committee on Transportation, Highways, and Public Works.

SENATE RESOLUTION NO. 22—
BY SENATOR MARIONNEAUX
A RESOLUTION

To urge and request the Department of Transportation and Development and the Kansas City Southern Railroad to install gates at the railroad crossing at the intersection of Louisiana Highway 419 and Louisiana Highway 1 in Batchelor, Louisiana.

The resolution was read by title. Senator Marionneaux moved to adopt the Senate Resolution.

Without objection, so ordered.

Rules Suspended

Senator Theunissen asked for and obtained a suspension of the rules for the purpose of recalling Senate Concurrent Resolution No. 40 from the Committee on Natural Resources.

SENATE CONCURRENT RESOLUTION NO. 40—
BY SENATOR THEUNISSEN AND REPRESENTATIVE MORRISH
A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to provide funds under the River and Harbor Act for the U.S. Army Corps of Engineers' Aquatic Plant Control Program.

The resolution was read by title. Senator Theunissen moved to adopt the Senate Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fontenot	Marionneaux
Barham	Gautreaux	McPherson
Bean	Heitmeier	Michot
Boissiere	Hines	Mount
Cain	Hollis	Robichaux
Campbell	Hoyt	Romero

Chaisson
Cravins
Dardenne
Dean
Ellington
Fields, C
Fields, W
Total—38

Irons
Johnson
Jones, B
Jones, C
Lambert
Lentini
Malone

Schedler
Smith
Tarver
Theunissen
Thomas
Ullo

NAYS

Total—0

ABSENT

Bajoie
Total—1

The Chair declared the Senate had adopted the Senate Concurrent Resolution, and ordered it sent to the House.

Rules Suspended

Senator Hoyt asked for and obtained a suspension of the rules for the purpose of recalling Senate Concurrent Resolution No. 41 from the Committee on Environmental Quality.

SENATE CONCURRENT RESOLUTION NO. 41—
BY SENATOR HOYT AND REPRESENTATIVE FRUGE
A CONCURRENT RESOLUTION

To urge and request the Senate Committee on Environmental Quality and the House Committee on Environment to meet and to function as a joint committee to study and determine the possible effects of drawing water from the Chicot Aquifer by a proposed Cleco/Calpine Corporation electricity regeneration plant in Acadia Parish on agricultural and local interests.

The resolution was read by title. Senator Hoyt moved to adopt the Senate Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President
Barham
Bean
Boissiere
Cain
Chaisson
Cravins
Dardenne
Ellington
Fields, W
Fontenot
Total—33

Gautreaux
Heitmeier
Hines
Hollis
Hoyt
Irons
Johnson
Jones, B
Jones, C
Lambert
Lentini

Malone
McPherson
Michot
Mount
Robichaux
Romero
Schedler
Smith
Theunissen
Thomas
Ullo

NAYS

Dean
Total—1

ABSENT

Bajoie
Campbell
Total—5

Fields, C
Marionneaux

Tarver

The Chair declared the Senate had adopted the Senate Concurrent Resolution, and ordered it sent to the House.

Rules Suspended

Senator Hollis asked for and obtained a suspension of the rules for the purpose of recalling House Concurrent Resolution No. 2 from the Committee on Judiciary A.

HOUSE CONCURRENT RESOLUTION NO. 2—
BY REPRESENTATIVE LANCASTER

A CONCURRENT RESOLUTION

To urge and request the Louisiana State Law Institute to perform a study to consider the changes necessary in the Uniform Commercial Code and other Louisiana laws to implement the adoption of the Uniform Computer Information Transactions Act (UCITA).

The resolution was read by title. Senator Hollis moved to adopt the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fields, W	Malone
Barham	Fontenot	Marionneaux
Bean	Gautreaux	Michot
Boissiere	Heitmeier	Mount
Cain	Hines	Robichaux
Campbell	Hollis	Romero
Chaisson	Hoyt	Schedler
Cravins	Irons	Smith
Dardenne	Johnson	Theunissen
Dean	Jones, C	Thomas
Ellington	Lambert	Ullo
Fields, C	Lentini	
Total—35		

NAYS

Total—0

ABSENT

Bajoie	McPherson
Jones, B	Tarver
Total—4	

The Chair declared the Senate had adopted the House Concurrent Resolution, and ordered it returned to the House.

Privilege Report of the Committee on Senate and Governmental Affairs

ENROLLMENTS

Senator Ullo, Chairman on behalf of the Committee on Senate and Governmental Affairs, submitted the following report:

May 29, 2000

To the President and Members of the Senate:

I am directed by your Committee on Senate and Governmental Affairs to submit the following report:

The following Senate Concurrent Resolution has been properly enrolled:

SENATE CONCURRENT RESOLUTION NO. 35—

BY SENATORS ROBICHAUX, BAJOIE, BARHAM, BEAN, BOISSIERE, CAIN, CAMPBELL, CHAISSON, CRAVINS, DARDENNE, DEAN, ELLINGTON, C. FIELDS, W. FIELDS, FONTENOT, GAUTREAU, HAINKEL, HEITMEIER, HINES, HOLLIS, HOYT, IRONS, JOHNSON, B. JONES, C. JONES, LAMBERT, LENTINI, MALONE, MARIONNEAUX, MCPHERSON, MICHOT, MOUNT, ROMERO, SCHEDLER, SMITH, TARVER, THEUNISSEN, THOMAS AND ULLO

A CONCURRENT RESOLUTION

To commend Lafourche Parish Assessor Leroy A. Martin for forty-seven years of dedicated public service on the occasion of his retirement.

Respectfully submitted,
CHRIS ULLO
Chairman

The foregoing Senate Concurrent Resolution was signed by the President of the Senate.

Leaves of Absence

The following leaves of absence were asked for and granted:

Bajoie 1 Day

Adjournment

Senator Lambert moved that the Senate adjourn until Tuesday, May 30, 2000 at 6:00 o'clock P.M.

The President of the Senate declared the Senate adjourned until 6:00 o'clock P.M. on Tuesday, May 30, 2000.

MICHAEL S. BAER, III
Secretary of the Senate

GAYE F. HAMILTON
Journal Clerk