

**OFFICIAL JOURNAL
OF THE
SENATE
OF THE
STATE OF LOUISIANA**

SEVENTEENTH DAY'S PROCEEDINGS

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

Senate Chamber
State Capitol
Baton Rouge, Louisiana

Tuesday, June 9, 1998

The Senate was called to order at 4:00 o'clock P.M., by Hon. Randy Ewing, President of the Senate.

ROLL CALL

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

PRESENT

Mr. President	Dyess	Lambert
Bagneris	Ellington	Landry
Bajoie	Fields C	Lentini
Barham	Fields W	Malone
Bean	Greene	Robichaux
Branch	Hainkel	Romero
Cain	Heitmeier	Schedler
Campbell	Hines	Short
Casanova	Hollis	Siracusa
Cox	Irons	Smith
Cravins	Johnson	Tarver
Dardenne	Jones	Theunissen
Dean	Jordan	Ullo
Total—39		

ABSENT

Total—0

The President of the Senate announced there were 39 Senators present and a quorum.

Prayer

The prayer was offered by Senator Dyess, 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 Dyess, the reading of the Journal was dispensed with and the Journal of yesterday was adopted.

Morning Hour

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**

June 9, 1998

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. 121—
BY REPRESENTATIVES BRUNEAU, DOWNER, LANCASTER, AND HUNTER

A CONCURRENT RESOLUTION

To amend and readopt Joint Rules No. 4(A), (B), (C)(1) and (5), (D), (F), and (G) of the Joint Rules of the Senate and House of Representatives and to repeal Joint Rules No. 4(H) and (I) of the Joint Rules of the Senate and House of Representatives, relative to fiscal notes; to provide relative to fiscal notes prepared by the Legislative Fiscal Office; to provide relative to fiscal notes prepared by the legislative auditor's office; and to provide for related matters.

Respectfully submitted,
ALFRED W. SPEER

Clerk of the House of Representatives

House Concurrent Resolutions

Senator Bagneris 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. 121—
BY REPRESENTATIVES BRUNEAU, DOWNER, LANCASTER, AND HUNTER

A CONCURRENT RESOLUTION

To amend and readopt Joint Rules No. 4(A), (B), (C)(1) and (5), (D), (F), and (G) of the Joint Rules of the Senate and House of Representatives and to repeal Joint Rules No. 4(H) and (I) of the Joint Rules of the Senate and House of Representatives, relative to fiscal notes; to provide relative to fiscal notes prepared by the Legislative Fiscal Office; to provide relative to fiscal notes prepared by the legislative auditor's office; and to provide for related matters.

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

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:

June 9, 1998

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. 21—
BY REPRESENTATIVE FAUCHEUX
A JOINT RESOLUTION

Proposing to add Article VII, Section 21(J) of the Constitution of Louisiana, relative to property taxation; to authorize the State Board of Commerce and Industry to contract with developers of retirement communities and certain nursing facility operators for

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the exemption of ad valorem taxes; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 186—
BY REPRESENTATIVES SCALISE AND FAUCHEUX
AN ACT

To amend and reenact R.S. 47:1123 and to enact R.S. 47:1125.1, relative to the Louisiana Motion Picture Incentive Act; to provide for a tax credit for employing Louisiana residents; to provide for definitions; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 302—
BY REPRESENTATIVE SCALISE
AN ACT

To amend and reenact Section 2 of Act No. 23 of the 1996 Regular Session, relative to income tax credits; to provide a tax credit for employers who provide alcohol and substance abuse treatment programs for their employees; to extend the authorization for the credit; and to provide for related matters.

Reported favorably.

Respectfully submitted,
ROBERT J. BARHAM
Chairman

REPORT OF COMMITTEE ON

**TRANSPORTATION, HIGHWAYS, AND
PUBLIC WORKS**

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

June 8, 1998

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:

HOUSE CONCURRENT RESOLUTION NO. 36—
BY REPRESENTATIVE HUDSON
A CONCURRENT RESOLUTION

To urge and encourage the furtherance of a partnership between the Louisiana Department of Transportation and Development, Louisiana Transportation Research Center, Louisiana State University, the Louisiana Transportation Research Center Foundation, Inc., and private sector transportation entities to plan, develop, and build a transportation training and education facility.

Reported favorably.

HOUSE CONCURRENT RESOLUTION NO. 59—
BY REPRESENTATIVE WILKERSON
A CONCURRENT RESOLUTION

To urge and request the office of state police, Department of Public Safety and Corrections, to study the travel problems incurred by motorists when directed to exit an Interstate Highway or major thoroughfare due to an accident or other emergency.

Reported favorably.

HOUSE CONCURRENT RESOLUTION NO. 103—

BY REPRESENTATIVE GAUTREAU
A CONCURRENT RESOLUTION

To recognize the need for a hard surface road from the George Dupuis bridge in St. Martin Parish to the Charenton Beach Road (Parish Road 121) in St. Mary Parish and to support the consideration of appropriating funds for the construction of such road when the Legislature of Louisiana considers the Fiscal Year 1999-2000 budget.

Reported favorably.

Respectfully submitted,
RON LANDRY
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. 21—
BY REPRESENTATIVE FAUCHEUX
A JOINT RESOLUTION

Proposing to add Article VII, Section 21(J) of the Constitution of Louisiana, relative to property taxation; to authorize the State Board of Commerce and Industry to contract with developers of retirement communities and certain nursing facility operators for the exemption of ad valorem taxes; to provide for submission of the proposed amendment to the electors; 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. 186—
BY REPRESENTATIVES SCALISE AND FAUCHEUX
AN ACT

To amend and reenact R.S. 47:1123 and to enact R.S. 47:1125.1, relative to the Louisiana Motion Picture Incentive Act; to provide for a tax credit for employing Louisiana residents; to provide for definitions; 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. 302—
BY REPRESENTATIVE SCALISE
AN ACT

To amend and reenact Section 2 of Act No. 23 of the 1996 Regular Session, relative to income tax credits; to provide a tax credit for employers who provide alcohol and substance abuse treatment programs for their employees; to extend the authorization for the credit; 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 Hollis asked for a suspension of the rules for the purpose of invoking 10 minute cloture.

Without objection, so ordered.

**Privilege Report of the
Legislative Bureau**

June 9, 1998

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. 21—
BY REPRESENTATIVE FAUCHEUX
A JOINT RESOLUTION

Proposing to add Article VII, Section 21(J) of the Constitution of Louisiana, relative to property taxation; to authorize the State Board of Commerce and Industry to contract with developers of retirement communities and certain nursing facility operators for the exemption of ad valorem taxes; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 186—
BY REPRESENTATIVES SCALISE AND FAUCHEUX
AN ACT

To amend and reenact R.S. 47:1123 and to enact R.S. 47:1125.1, relative to the Louisiana Motion Picture Incentive Act; to provide for a tax credit for employing Louisiana residents; to provide for definitions; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 302—
BY REPRESENTATIVE SCALISE
AN ACT

To amend and reenact Section 2 of Act No. 23 of the 1996 Regular Session, relative to income tax credits; to provide a tax credit for employers who provide alcohol and substance abuse treatment programs for their employees; to extend the authorization for the credit; and to provide for related matters.

Reported without amendments.

Respectfully submitted,
DENNIS BAGNERIS
Chairman

Adoption of Legislative Bureau Report

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

Special Order of the Day

The following House Bill on Third Reading and Final Passage, which was made Special Order of the Day No. 1, was taken up and acted upon as follows:

HOUSE BILL NO. 143—
BY REPRESENTATIVE MONTGOMERY AND SENATORS CRAVINS, BEAN,
AND TARVER
AN ACT

To amend and reenact R.S. 27:391 and to enact R.S. 27:393, relative to the taxation of slot machine gaming at certain live horse racing tracks as authorized by Act 721 of the 1997 Regular Session of the Legislature; to provide with respect to the authority of certain local governing authorities to levy a tax on taxable net slot machine proceeds; to levy a tax on taxable net slot machine proceeds; and to provide for related matters.

Floor Amendments Sent Up

Senator Cravins sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Cravins to Reengrossed House Bill No. 143 by Representative Montgomery

AMENDMENT NO. 1.

On page 3, between lines 24 and 25, insert the following:

"Section 2. In the event that any other Act or Acts of the 1998 Regular Session of the Legislature are enacted which specifically provide funding in the amount of twenty-eight million dollars or more for the Louisiana Agricultural Finance Authority to be expended for meeting the needs of the Boll Weevil Eradication Program and other agricultural, agronomic, horticultural, silvicultural, aquacultural, industrial, or economic development programs and provided that the governor does not veto such funding, then the provisions of Section 1 of this Act shall be null, void, and of no effect."

AMENDMENT NO. 2

On page 3, line 25, change "Section 2." to "Section 3."

Senator Cravins moved adoption of the amendments.

Senator Hainkel objected.

ROLL CALL

The roll was called with the following result:

YEAS

Bagneris	Heitmeier	Malone
Bean	Hines	Robichaux
Campbell	Hollis	Romero
Cox	Irons	Schedler
Cravins	Johnson	Siracusa
Ellington	Jones	Tarver
Fields C	Jordan	Theunissen
Fields W	Landry	Ullo
Total—24		

NAYS

Mr. President	Dardenne	Lambert
Barham	Dean	Lentini
Branch	Dyess	Short
Cain	Greene	Smith
Casanova	Hainkel	
Total—14		

ABSENT

Bajoie
Total—1

The Chair declared the amendments were adopted.

Floor Amendments Sent Up

Senator Cravins sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Cravins to Reengrossed House Bill No. 143 by Representative Montgomery

AMENDMENT NO. 1.

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On page 3, line 17, change "ten" to "thirteen and one-half"

On motion of Senator Cravins, the amendments were adopted.

Motion

Senator Greene moved the previous question on the entire subject matter.

Senator Jordan objected.

ROLL CALL

The roll was called with the following result:

YEAS

Barham Dean Schedler
Cain Dyess Short
Casanova Greene Tarver
Dardenne Hainkel
Total—11

NAYS

Bean Hines Lentini
Branch Hollis Malone
Campbell Irons Robichaux
Cox Johnson Romero
Cravins Jones Siracusa
Fields C Jordan Smith
Fields W Lambert Theunissen
Heitmeier Landry Ullo
Total—24

ABSENT

Mr. President Bajioe
Bagneris Ellington
Total—4

The Chair declared the Senate refused to call the previous question on the entire subject matter.

Floor Amendments Sent Up

Senator Malone sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senators Cravins and Malone to Reengrossed House Bill No. 143 by Representative Montgomery

AMENDMENT NO. 1

On page 1, line 2, after "391" delete "and" and after "393," insert "and to repeal R.S. 27:392"

AMENDMENT NO. 2

On page 1, line 3, after "tracks" delete "as" and delete line 4 and insert ";

AMENDMENT NO. 3

On page 1, line 6, after ";" delete the remainder of the line and on line 7 delete "a tax on taxable net slot machine proceeds"

AMENDMENT NO. 4

On page 3, delete lines 14 through 24 and insert the following:

"§393. Local governing authority; authority to levy tax; requirement for conduct of slot machine gaming activity
A. No slot machine gaming may be conducted in any licensed eligible facility until and unless the parish governing

authority in which there is a licensed eligible facility levies a total tax equal to eighteen and one-half percent of the taxable net slot machine proceeds and provides for their distribution as follows:

(1) Five percent collected from each licensed eligible facility to the following special funds:

(a) The Bossier Educational Excellence Fund in Bossier Parish from the proceeds derived from the licensed eligible facility in Bossier Parish.

(b) The St. Landry Parish Excellence Fund in St. Landry Parish which is hereby created in the state treasury. Monies in the St. Landry Parish Excellence Fund, for purposes of this Subparagraph referred to as the "fund", shall be withdrawn only pursuant to appropriation by the legislature and shall be used solely and exclusively by the St. Landry Parish School Board as provided in this Subparagraph. Monies in the fund shall be invested by the state treasurer in the same manner as monies in the state general fund. Interest earnings on investment of monies in the fund shall be credited to the fund. Unexpended and unencumbered monies in the fund at the end of each fiscal year shall remain in the fund. The principal in the fund may not be appropriated. Interest earnings may be appropriated, but only for enhancements to the education program in St. Landry Parish.

(2) A total of twelve million dollars from the combined taxable net slot machine proceeds shall be dedicated to expenditures related to a cooperative endeavor between the parishes in which facilities are licensed and the state of Louisiana to eradicate boll weevils and to provide for other agricultural, agronomic, horticultural, silvicultural or aquacultural industrial or economic development programs as recommended by the commissioner of agriculture.

(3) One million dollars from the combined taxable net slot machine proceeds shall be dedicated to expenditures related to a cooperative endeavor between the parishes in which facilities are licensed and the state of Louisiana to for the rehabilitation for the blind and visually impaired.

B. Notwithstanding the provisions of Paragraphs 1 through 3 of Subsection (A) the parish governing authorities shall reimburse the office of state police all costs incurred in the administration of this Chapter as the primary and first expenditure of any monies collected.

Section 2. R.S. 27:392 is hereby repealed.

Section 3. The provisions of Section 2 of Act 721 of the 1997 Regular Session of the Louisiana Legislature is hereby amended and reenacted to read as follows:

Section 2. 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."

AMENDMENT NO. 5

On page 3, line 25, change "Section 2" to "Section 4"

Motion

Senator Hainkel moved the previous question on the entire subject matter.

Senator Landry objected.

ROLL CALL

The roll was called with the following result:

YEAS

Bagneris Dyess Lentini
Barham Ellington Robichaux

Branch	Greene	Schedler
Cain	Hainkel	Short
Casanova	Heitmeier	Smith
Dardenne	Jones	Tarver
Dean	Lambert	
Total—20		

NAYS

Bajoie	Fields W	Landry
Bean	Hines	Malone
Campbell	Hollis	Romero
Cox	Irons	Siracusa
Cravins	Johnson	Theunissen
Fields C	Jordan	Ullo
Total—18		

ABSENT

Mr. President
Total—1

The Chair declared the previous question was called on the entire subject matter.

Senator Malone moved adoption of the amendments.

Senator Dardenne objected.

ROLL CALL

The roll was called with the following result:

YEAS

Bajoie	Fields W	Jones
Bean	Heitmeier	Landry
Campbell	Hines	Malone
Cox	Hollis	Romero
Cravins	Irons	Siracusa
Fields C	Johnson	
Total—17		

NAYS

Mr. President	Dyess	Robichaux
Barham	Ellington	Schedler
Branch	Greene	Short
Cain	Hainkel	Smith
Casanova	Jordan	Tarver
Dardenne	Lambert	Theunissen
Dean	Lentini	Ullo
Total—21		

ABSENT

Bagneris
Total—1

The Chair declared the amendments were rejected.

Motion

Senator Cravins moved to return the amended bill to the Calendar.

Senator Hainkel objected.

ROLL CALL

The roll was called with the following result:

YEAS

Bagneris	Fields C	Jones
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Bajoie	Fields W	Landry
Bean	Heitmeier	Malone
Campbell	Hines	Siracusa
Cox	Hollis	Theunissen
Cravins	Irons	Ullo
Ellington	Johnson	
Total—20		

NAYS

Mr. President	Dean	Lentini
Barham	Dyess	Robichaux
Branch	Greene	Schedler
Cain	Hainkel	Short
Casanova	Jordan	Smith
Dardenne	Lambert	Tarver
Total—18		

ABSENT

Romero
Total—1

The Chair declared the amended bill was returned to the Calendar.

Personal Privilege

Senator Romero asked for and obtained the floor of the Senate on a point of personal privilege, and stated he appeared as absent on the motion by Senator Cravins. He had intended to vote yea on the motion. He asked that the Official Journal so state.

**Senate Bills and Joint Resolutions
Returned from the House
of Representatives with Amendments**

The following Senate Bills and Joint Resolutions returned from the House of Representatives with amendments were taken up and acted upon as follows:

SENATE BILL NO. 29—
BY SENATOR BAGNERIS

A JOINT RESOLUTION

Proposing to amend Article VII, Section 14(B) of the Constitution of Louisiana, relative to providing certain tax deductions to owners of blighted properties; to authorize a waiver of tax liens and tax liabilities on such properties in certain circumstances; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

The bill was read by title. Returned from the House of Representatives with the following amendments:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Vitter to Engrossed Senate Bill No. 29 by Senator Bagneris

AMENDMENT NO. 1

On page 3, at the end of line 4, delete the "." and insert "such deduction being cancelled, null and void, and to no effect in the event ownership of the property in the future reverts back to the owner or any member of his immediate family."

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Murray to Engrossed Senate Bill No. 29 by Senator Bagneris

AMENDMENT NO. 1

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Delete House Committee Amendment No. 1 proposed by the Committee on Ways and Means and adopted by the House of Representatives on June 4, 1998.

AMENDMENT NO. 2

On page 1, line 4, after "properties" and before the semicolon ";" insert "in certain properties"

AMENDMENT NO. 3

On page 2, line 25, after "approved by" and before "the parish" insert "an administrative hearing officer appointed by"

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Civil Law and Procedure to Engrossed Senate Bill No. 29 by Senator Bagneris

AMENDMENT NO. 1

On page 3, line 13, after "authorize" and before "tax liabilities" delete "the waiver of tax liens and" and insert the following:

"(1) the subordination and waiver of taxes and charges forming the basis of tax liens on blighted property in favor of a purchaser who is not a member of the immediate family of the owner nor an entity in which the owner has a substantial economic interest, but only in connection with a property renovation plan approved by the parish or municipal government where the property is located, and (2) the deduction of past due"

AMENDMENT NO. 2

On page 3, line 15, after "value," delete the remainder of the line and insert "to facilitate the blighted property"

AMENDMENT NO. 3

On page 3, line 17, after "located" and before "(Amends" change the period "." to a comma "," and add "and only after the renovation is completed."

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Ways and Means to Engrossed Senate Bill No. 29 by Senator Bagneris

AMENDMENT NO. 1

On page 2, line 25, after "approved by" and before "the parish" insert "an administrative law judge appointed by"

Senator Bagneris moved to concur in the amendments proposed by the House.

ROLL CALL

The roll was called with the following result:

YEAS

- Mr. President Dyess Lentini
Bagneris Ellington Malone
Bajoie Fields C Robichaux
Barham Fields W Romero
Bean Greene Schedler
Branch Hainkel Short
Cain Heitmeier Siracusa
Campbell Hines Smith
Casanova Hollis Tarver
Cox Irons Theunissen
Cravins Johnson Ullo
Dardenne Jones
Dean Lambert
Total—37

NAYS

Jordan Landry
Total—2 ABSENT

Total—0

The Chair declared the amendments proposed by the House were concurred in. Senator Dardenne moved to reconsider the vote by which the amendments were concurred in and laid the motion on the table.

SENATE BILL NO. 40—

BY SENATOR ROMERO

AN ACT

To amend and reenact R.S. 33:2716 and 2716.2(A) and to enact R.S. 47:301(10)(s), relative to sales and use or rental and lease taxation; to exclude from certain state and/or political subdivision sales and use and lease or rental taxation certain sales to, and use, lease, and rentals by, construction contractors and subcontractors; and to provide for related matters.

The bill was read by title. Returned from the House of Representatives with the following amendments:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Ways and Means to Reengrossed Senate Bill No. 40 by Senator Romero

AMENDMENT NO. 1

On page 2, delete lines 3 through 6 in their entirety and insert the following:

"B(1) Notwithstanding any other provision of law to the contrary, any contractor who is a general construction contractor licensed under R.S. 37:2150, et seq., who has a construction project in a parish may obtain a direct pay number to be issued by the collector of sales, use and lease taxes for such parish on behalf of all governmental agencies within that parish who levy a sales, use or lease tax (the "tax collector"). Such direct pay number shall be conclusive evidence that all sales or use taxes which would be owed on any tangible personal property purchased or otherwise acquired for use by such contractor in the project for which such direct pay number was issued, are due to the collector who issued such direct pay number.

(2) A contractor, upon receipt of the direct pay number certificate, shall submit such certificate to any dealer from whom the contractor has purchased or otherwise acquired property to be used on such construction project but only if such dealer is located outside the parish which issued such direct pay number and such dealer shall not be liable for collecting, reporting, or remitting any sales or use tax that might otherwise be owed on such transaction.

(3) If, after purchasing or otherwise acquiring such property, the contractor repairs, modifies, further fabricates, or stores such property outside of the parish which issued the direct pay number, no sales or use tax shall be owed on such activities.

(4) Any tax owed on the tangible personal property which was purchased or otherwise acquired using the direct pay number certificate shall be due to the parish which issued such direct pay number certificate when said property is imported into such parish by the contractor.

(5) If property upon which a tax has been in accordance with the provisions of this Subsection is subsequently used in a parish which did not issue a direct pay number, then the contractor shall be entitled to a credit for the monies paid to the parish which issued the direct pay number against any taxes assessed on such property by the parish in which the property was subsequently used.

(6) A construction subcontractor may apply for its own direct pay number. But if a direct pay number has been issued to the general construction contractor, a construction subcontractor shall be entitled to the benefit and use of the direct pay certificate issued to the general construction contractor for that project and there shall be no

requirement that the construction subcontractor apply for or receive a separate direct pay number from the parish tax collector.

(7) A contractor shall apply for a direct pay number by submitting a written request to the collector of taxes for the parish within which the construction project occurs, together with any other documentation which the tax collector, by written regulation, may require. The tax collector shall, within thirty days from the receipt of a written request, issue its written decision as to whether the contractor will be issued a direct pay number.

(8) A direct pay number shall be issued only for those construction projects where the total bid submitted by the general construction contractor exceeds \$50,000.

(9) This Subsection shall only apply to the purchase or acquisition of that property which is specified under the contract for which the building permit has been issued and which becomes the property of the owner of the project at the completion of the contract.

(10) The provisions of this Subsection shall be effective from July 1, 1998 until July 1, 2000."

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Dimos to Reengrossed Senate Bill No. 40 by Senator Romero

AMENDMENT NO. 1

In House Committee Amendment No. 1 proposed by the House Committee on Ways and Means June 4, 1998, on line 8, following "parish" and before "levy" change "who" to "which"

AMENDMENT NO. 2

In House Committee Amendment No. 1 proposed by the House Committee on Ways and Means June 4, 1998, on line 36, after "been" and before "in" insert "paid"

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Landrieu to Reengrossed Senate Bill No. 40 by Senator Romero

AMENDMENT NO. 1

On page 1, line 2, after "33:2716" insert a comma "," and delete the remainder of line.

AMENDMENT NO. 2

On page 1, delete lines 3 through 5 in their entirety and insert "relative to local sales and use taxation; to authorize issuance of a direct pay number to"

AMENDMENT NO. 3

On page 1, line 9, delete "and 2716.2(A) are" and insert "is"

AMENDMENT NO. 4

On page 2, between lines 6 and 7, insert the following:

"(11) For purposes of this Subparagraph, the following terms shall have the following definitions:

(a) "Construction" or "Construction project" means, but is not limited to, the construction, alteration, repair, improvement, movement, and demolition of; the putting up or tearing down of; or the furnishing labor, together with material or equipment for; or the installation of material and equipment on; or electrical, mechanical, or plumbing work performed on, any building, highway, street, road, bridge, railroad, sewer, grading, excavation, pipeline, public utility structure, project development, housing, or housing development, improvement, or any other construction undertaking. Such terms also mean the location at which such construction occurs.

(b) "General construction contractor" means any person or entity who contracts directly with an owner to undertake the construction and/or in any manner to assume charge of the construction of a construction project.

(c) "Construction subcontractor" means any person or entity who contracts directly with the general construction contractor for the performance of a part of the principal contract with the owner or who contracts with another construction subcontractor for the performance of a part of the principal contract.

(d) "Political subdivision" means any authority levying a sales/use tax, or a tax upon lease or rentals in Louisiana, other than the state."

AMENDMENT NO. 5

On page 2, delete lines 16 through 27 in their entirety and delete page 3 and 4 in their entirety.

AMENDMENT NO. 6

On page 5, delete lines 1 through 6 in their entirety.

AMENDMENT NO. 7

In Amendment No. 1 of the amendments proposed by House Committee on Ways and Means and adopted by the House on June 4, 1998, on page 1, line 35 of the text of the amendment, between "been" and "in" insert "paid"

AMENDMENT NO. 8

In Amendment No. 1 of the amendments proposed by the House Committee on Ways and Means and adopted by the House on June 4, 1998, on page 2, line 2 of the text of the amendment, after "number." delete "But if" and insert "Only one direct pay number shall be issued per project. If"

AMENDMENT NO. 9

In Amendment No. 1 of the amendments proposed by the House Committee on Ways and Means and adopted by the House on June 4, 1998, on page 2, delete lines 3 and 4 of the text of the amendment in their entirety and insert "has been issued to one contractor, all other such contractors shall be entitled to the benefit"

AMENDMENT NO. 10

In Amendment No. 1 of the amendments proposed by the House Committee on Ways and Means and adopted by the House on June 4, 1998, on page 2, at the end of line 18 of the text of the amendment, delete the period "." and insert ", provided that such thirty day period may be extended by agreement."

AMENDMENT NO. 11

In Amendment No. 1 of the amendments proposed by the House Committee on Ways and Means and adopted by the House on June 4, 1998, on page 2, at the end of line 21 of the text of the amendment, change "\$50,000" to "fifty thousand dollars"

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Marrioneaux to Reengrossed Senate Bill No. 40 by Senator Romero

AMENDMENT NO. 1

On page 5, after line 5, insert

"(iii) Any contractor who abuses the privileges conveyed through the issuance of a direct pay number shall be reviewed by the State Licensing Board for Contractors and subject to penalties authorized under R.S. 37:2150 et seq., including without limitation the penalties authorized under R.S. 37:2160."

Senator Romero moved to concur in the amendments proposed by the House.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President

Dyess

Lambert

June 9, 1998

Bagneris	Ellington	Landry
Bajoie	Fields C	Lentini
Barham	Fields W	Malone
Bean	Greene	Robichaux
Branch	Hainkel	Romero
Cain	Heitmeier	Schedler
Campbell	Hines	Short
Casanova	Hollis	Siracusa
Cox	Irons	Smith
Cravins	Johnson	Tarver
Dardenne	Jones	Theunissen
Dean	Jordan	Ullo

Total—39

NAYS

Total—0

ABSENT

Total—0

The Chair declared the amendments proposed by the House were concurred in. Senator Romero moved to reconsider the vote by which the amendments were concurred in and laid the motion on the table.

SENATE BILL NO. 41—
BY SENATOR GREENE

AN ACT

To enact R.S. 47:306(B)(10), relative to taxation; to exempt drop shipment sales by a manufacturer to a wholesaler without a "W" number if the property is subsequently transferred to a wholesaler with a "W" number; to provide for evidence of such sale; and to provide for related matters.

The bill was read by title. Returned from the House of Representatives with the following amendments:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative McCain to Engrossed Senate Bill No. 41 by Senator Greene

AMENDMENT NO. 1

On page 1, line 3, change "'W' number" to "exemption identification number"

AMENDMENT NO. 2

On page 1, at the end of line 4, change "'W'" to "exemption identification"

Senator Greene moved to concur in the amendments proposed by the House.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Ellington	Landry
Bajoie	Fields C	Lentini
Barham	Fields W	Malone
Bean	Greene	Robichaux
Branch	Hainkel	Romero
Cain	Heitmeier	Schedler
Campbell	Hines	Short
Casanova	Hollis	Siracusa
Cox	Irons	Smith
Cravins	Johnson	Tarver
Dardenne	Jones	Theunissen
Dean	Jordan	Ullo
Dyess	Lambert	

Total—38

NAYS

Total—0

ABSENT

Bagneris
Total—1

The Chair declared the amendments proposed by the House were concurred in. Senator Greene moved to reconsider the vote by which the amendments were concurred in and laid the motion on the table.

SENATE BILL NO. 64—
BY SENATOR MALONE

AN ACT

To amend and reenact R.S. 47:305.41 and 305.43(A), relative to sales taxation of Bass Life; to provide an exemption from state and local sales and use tax for Bass Life or any of its chapters; and to provide for related matters.

The bill was read by title. Returned from the House of Representatives with the following amendments:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representatives Alario, Montgomery, Shaw, Barton, Waddell, Baylor, Glover, Bruce, Hopkins, and Glover and Senator Bean to Reengrossed Senate Bill No. 64 by Senator Malone

AMENDMENT NO. 1

On page 1, line 2, after "305.43(A)" and before the comma "," insert "and to enact R.S. 47:305.51"

AMENDMENT NO. 2

On page 1, line 2, after "to" and before "sales" insert "the"

AMENDMENT NO. 3

On page 1, line 2, after "sales" delete the remainder of the line and insert "and use tax;"

AMENDMENT NO. 4

On page 1, at the beginning of line 3, delete "of Bass Life;"

AMENDMENT NO. 5

On page 1, line 4, after "chapters" and before the semicolon ";" insert ", and for utilities used by certain steelworks and blast furnaces"

AMENDMENT NO. 6

On page 2, delete line 16 and insert the following:

"Section 2. R.S. 47:305.51 is hereby enacted to read as follows:
§305.51 Exemption; utilities used by steelworks and blast furnaces

The sales and use tax imposed by the state of Louisiana or any of its political subdivisions shall not apply to sales or purchases of utilities used by steelworks and blast furnaces, including coke ovens and rolling mills, which are classified as SIC 3312 by the Standard Industrial Classification Code. However, this exemption shall not apply to utilities used in and around the production of coke in oil refineries and the use of coke in oil refineries and other chemical processes.

Section 3. The provisions of Section 1 of this Act shall be effective on July 1, 1998. Notwithstanding the provisions of HB 126 of the 1998 Regular Session of the Legislature which suspends certain exemptions to the sales and use tax, the provisions of Section 2 of this Act shall become effective at such time as two or more entities classified as SIC 3312 by the Standard Industrial Classification Code locate in Louisiana."

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Schwegmann to Reengrossed Senate Bill No. 64 by Senator Malone

AMENDMENT NO. 1

On page 1, line 2, after "reenact" and before "R.S. 47:305.41" insert "R.S. 39:468 and"

AMENDMENT NO. 2

On page 1, at the end of line 2, delete "sales taxation" and insert "tax exemptions;"

AMENDMENT NO. 3

On page 1, at the beginning of line 3, delete "of Bass Life" and insert the following:

"to provide for exemptions relative to certain publicly-owned facilities"

AMENDMENT NO. 4

On page 1, between lines 6 and 7, insert the following:

"Section 1. R.S. 39:468 is hereby amended and reenacted to read as follows:

§468. Tax exemption, publicly-owned facility

Any event, activity, or enterprise, or the right of admission thereto, conducted in any publicly-owned facility owned and operated by or for the state, or any of its agencies, boards, or commissions, or by any political subdivision, or any sale, service, or other transaction occurring in such facility or on the publicly-owned property on which the facility is located, including without limitation the sale of admission tickets to events, activities, or enterprises, wherever sold; parking; and tours of the facility shall be exempt from all present and future taxes levied by the state including but not limited to the sales, use, amusement, or any other tax; provided however, that such exemption shall not apply unless the local taxing authority first exempts from any sales and use tax levied by that authority such events, activities, enterprises, sales, services, or other transaction occurring within all publicly-owned facilities within the jurisdiction of said local taxing authority. However, this exemption shall not extend to any sale of goods or other tangible personal property at a trade show or other event at which the sale of such goods or property is the primary purpose of the show or event."

AMENDMENT NO. 5

On page 1, line 7, change "Section 1." to "Section 2."

AMENDMENT NO. 6

On page 2, line 16, change "Section 2." to "Section 3."

Senator Malone moved to concur in the amendments proposed by the House.

Motion

Senator Hainkel moved as a substitute motion that the amendments proposed by the House be rejected.

Senator Malone objected.

Motion

Senator Cox moved the previous question on the entire subject matter.

Senator Malone objected.

ROLL CALL

The roll was called with the following result:

YEAS

Bagneris
Bajoie
Barham
Bean
Branch
Cain
Campbell
Cox
Dardenne
Dean
Total—29

Dyess
Ellington
Fields C
Fields W
Greene
Heitmeier
Hines
Hollis
Johnson
Jones

Lentini
Robichaux
Romero
Schedler
Short
Smith
Tarver
Theunissen
Ullo

NAYS

Jordan
Landry
Total—4

Malone
Syracusa

ABSENT

Mr. President
Casanova
Total—6

Cravins
Hainkel

Irons
Lambert

The Chair declared the previous question was called on the entire subject matter.

ROLL CALL

The roll was called on the substitute motion with the following result:

YEAS

Bagneris
Bajoie
Barham
Cain
Casanova
Cox
Dardenne
Dyess
Ellington
Fields C
Fields W
Total—31

Greene
Hainkel
Heitmeier
Hines
Hollis
Irons
Johnson
Jones
Jordan
Landry
Lentini

Robichaux
Romero
Schedler
Short
Syracusa
Smith
Tarver
Theunissen
Ullo

NAYS

Bean
Branch
Total—5

Campbell
Dean

Malone

ABSENT

Mr. President
Total—3

Cravins

Lambert

The Chair declared the amendments proposed by the House were rejected.

Senator Hainkel moved to reconsider the vote by which the amendments were rejected and laid the motion on the table.

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 Landry asked that House Bill No. 15 be called from the Calendar at this time for its final passage.

HOUSE BILL NO. 15—
BY REPRESENTATIVES FAUCHEUX AND DURAND
AN ACT

To enact R.S. 47:305.51, relative to state and local sales and use tax; to provide for an exemption for motor vehicles of certain retirees upon becoming domiciled in Louisiana; and to provide for related matters.

Floor Amendments Sent Up

Senator Landry sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Landry to Reengrossed House Bill No. 15 by Representative Fauchaux

AMENDMENT NO. 1
On page 1, at the end of line 17, after "Louisiana." add the following:

"The Department of Revenue shall promulgate rules and regulations defining a retired person for purposes of this Section."

On motion of Senator Landry, the amendments were adopted.

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

Called from the Calendar

Senator Landry asked that House Bill No. 19 be called from the Calendar at this time for its final passage.

HOUSE BILL NO. 19—
BY REPRESENTATIVE FAUCHEUX
AN ACT

To enact Chapter 5 of Subtitle V of Title 47 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 47:4351 through 4356, relative to property taxation; to authorize the Board of Commerce and Industry to enter into ad valorem tax exemption contracts with developers of retirement communities; to provide for contract terms and conditions; and to provide for related matters.

Floor Amendments Sent Up

Senator Bagneris sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Bagneris to Reengrossed House Bill No. 19 by Representative Fauchaux

AMENDMENT NO. 1
On page 2, line 20, change "40:2009.3" to "40:2009.2"

AMENDMENT NO. 2
On page 3, line 16, following "conditions" and before "and" insert a comma ","

AMENDMENT NO. 3
On page 6, line 16, following the period "." and before "be" delete "must"

AMENDMENT NO. 4
On page 6, line 21, following "for" and before "remainder" insert "the"

AMENDMENT NO. 5
On page 7, line 14, following "and" and before "shall" insert "the new facility"

On motion of Senator Bagneris, the amendments were adopted.

Floor Amendments Sent Up

Senator Landry sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Landry to Reengrossed House Bill No. 19 by Representative Fauchaux

AMENDMENT NO. 1
On page 7, line 3, between "(4)" and "other" delete "Any" and insert in lieu thereof the following:

"Each contract shall also include any"

On motion of Senator Landry, the amendments were adopted.

Floor Amendments Sent Up

Senator Jones sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Jones to Reengrossed House Bill No. 19 by Representative Fauchaux

AMENDMENT NO. 1
On page 3, line 8, after "more" insert "or developers presently participating in the Louisiana Housing Finance Agency Tax Credit Affordable Housing Programs"

On motion of Senator Jones, the amendments were adopted.

Floor Amendments Sent Up

Senator Short sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Short to Reengrossed House Bill No. 19 by Representative Fauchaux

AMENDMENT NO. 1
On page 1, line 2, between "enact" and "Chapter" insert the following:

"R.S. 47:2106.1 and"

AMENDMENT NO. 2
On page 1, delete line 5 in its entirety and insert the following:

"execute contracts for payment of ad valorem taxes by developers of"

AMENDMENT NO. 3
On page 1, line 6, after "conditions;" add the following:

"to provide for execution of certain contracts involving new retirement communities subject to approval by certain state and local authorities;"

AMENDMENT NO. 4
On page 1, between lines 8 and 9, insert the following:

"Section 1. R.S. 47:2106.1 is hereby enacted to read as follows:

§2106.1. Payment of ad valorem tax on new self-contained retirement communities; procedure; limitations

R.S. 47:2106.1 is all proposed new law.

A. It is recognized that as the population of the United States ages the growth and continued development of the state of Louisiana will be enhanced by attracting older people of retirement age to the state. Such a mobile group of retired people usually are at an income level at which they are able to beneficially contribute to the economy and to the tax base of the state in excess of any burden they might place on them. However, it is also recognized that other states have begun aggressively to recruit this group of retirees and that the state must enact laws to enable it to compete with those states. Therefore, it is the purpose of this Section to encourage the construction of new self-contained retirement communities in Louisiana and to provide a procedure for payment of ad valorem taxes by developers of such retirement communities when individual retirement units are sold, leased, transferred, or otherwise conveyed to an individual.

B. For purposes of this Section, the following terms shall have the following meanings:

(1) "Board of directors" means the board of directors of the district.

(2) "Retirement district" means any retirement district created by law including but not limited to the East Florida Parishes Retirement District created pursuant to Chapter 27-A of Title 33 of the Louisiana Revised Statutes of 1950, R.S. 33:9039.1 et seq.

(3) "New self-contained retirement community" means a development by a private developer the financing for which and the construction of which is begun after July 1, 1998, consisting of the following:

(a) A collection of various types of housing specifically designed for habitation by, and the use of which is restricted to, individuals of fifty years of age or older with their families.

(b) Its own basic infrastructure and enhancements of local scenery.

(c) On site or near-by access to amenities and services useful to such retirees such as recreational, educational, cultural, and health and medical care facilities.

(d) Significant expenditures on a marketing plan for such community designed to attract retirees in other states.

(4) "Financing" means the obtaining of financing by the signing of written agreements with financial institutions.

(5) "Individual" means a natural person or other entity.

(6) "Local tax authority" means only the tax authorities whose ad valorem property taxes are subject to a contract executed pursuant to this Section.

(7) "Unit" means residential or commercial buildings, structures, or property held for sale, lease, transfer, or other conveyance.

C.(1) The Board of Commerce and Industry with approval of the Joint Legislative Committee on the Budget, the governor, the board of directors of the retirement district, and the local tax authorities, may enter into contracts with developers of new self-contained retirement communities to provide for payment of all or a portion of the ad valorem property taxes due on each unit in a

new self-contained retirement community which is located within a retirement district pursuant to this Subsection.

(a) Except as provided in Paragraph (1)(b) of this Subsection, when an individual unit is sold, leased, transferred, or otherwise conveyed or used by the retirement community developer, the total ad valorem taxes assessed on the individual unit shall become due and payable to the appropriate taxing authority together with the percentage of the undivided interest in the common elements of the retirement community attributed to the individual unit plus interest on such ad valorem taxes as determined pursuant to the contract executed under this Section.

(b) When units consisting of eighty percent of the total value of the retirement community are sold, leased, transferred, or otherwise conveyed to an individual or individuals, or upon expiration of eight years from the date a contract is executed pursuant to this Section, whichever occurs first, the total ad valorem taxes assessed and outstanding on the entire retirement community shall become due and payable to the appropriate taxing authority plus interest as determined pursuant to the contract executed under this Section.

(2) Each contract executed pursuant to this Section shall stipulate the rate of interest to be paid on ad valorem taxes levied pursuant to this Section as required by the Board of Commerce and Industry, with approval of the Joint Legislative Committee on the Budget, the governor, the board of directors, and the local tax authorities.

(3) The contracts shall be upon such other terms, conditions, and limitations specified in this Section and those that the board, on recommendation of the Department of Economic Development, deems to be in the best interests of the state.

D. Upon violation of any of the terms and conditions of the contract executed under this Section, the Board of Commerce and Industry, with approval of the Joint Legislative Committee on the Budget and the governor, shall notify the retirement community developer of the violation and that he or she has ninety days to correct the violation. If the violation is not corrected within ninety days of receipt of the written notice, the total ad valorem tax levied on the assets of the retirement community development shall immediately become due and payable together with interest thereon as provided by law for delinquent ad valorem taxes instead of the interest rate stipulated in the contract executed pursuant to this Section.

E.(1) All ad valorem taxes subject to contracts executed pursuant to this Section shall be listed by the board together with a total of the taxes subject to this Section. A copy of the ad valorem taxes subject to such contracts shall be submitted to the local tax authorities and the local tax collector.

(2)(a) From the day a contract under this Section is filed in the recorder's office the taxes subject to such contract or any balance remaining after conveyance of units, with the interest thereon, shall be a lien upon the retirement community, which shall be subject to a legal mortgage after the thirty-first day of December of each year for the payment of such amount, with interest, due on it which mortgage shall prime and outrank all other mortgages, privileges, liens, encumbrances or preferences, except tax rolls of previous years.

(b) No prescription shall begin to run against any tax, interest, lien, or mortgage subject to a contract executed under this Section until such tax and interest becomes due pursuant to this Section.

(3) Whenever any tax is due by reason of a violation of the terms of the contract executed under this Section, or for any other cause, the board shall notify the local tax authorities and sheriffs.

F.(1) Applications for contracts to be executed under this Section shall be addressed to the Department of Economic Development, and a notice of the application and amount of the potential tax involved shall be transmitted to the board of directors and the local tax authorities, at the same time as the application is sent to the Department of Economic Development. The Department of Economic Development shall review applications to determine whether the requirements for the contract are reasonably likely to be satisfied, and shall determine the amount of and which ad valorem property taxes shall be subject to such contract, the interest rate, and whether or not approval should be recommended to the Board of Commerce and Industry. The Louisiana Tax Commission shall aid the Department of Economic Development in determining whether the tax information furnished by the applicant is true and correct.

(2) The Board of Commerce and Industry shall review any recommendations under this Section made by the Department of Economic Development. The board may conduct public hearings on any application filed under this Section, upon such terms and under such procedures as it deems necessary. The board shall forward its recommendations, together with all supporting documents and the recommendations of the Department of Economic Development, to the governor, to the Joint Legislative Committee on the Budget, the board of directors, and to the local tax authorities prior to action thereon by the governor, the committee, the board of directors, and the local tax authorities.

(3) In determining whether the Board of Commerce and Industry should enter into a contract under this Section, the secretary of the Department of Economic Development, the board, the Joint Legislative Committee on the Budget, the governor, board of directors, and the local tax authorities shall consider any factors they deem relevant, including, but not limited to, the following:

- (a) Whether the proposed project meets the definition of "new, self-contained retirement community".
- (b) Whether it is likely that the new self-contained retirement community will attract retirees from other states.
- (c) The benefits to the state of both the construction of the new self-contained retirement community and the retirees it is likely to attract in terms of expenditures for goods and services, contributions to the revenue base of both the state and local government, and the creation of new and additional permanent jobs.
- (d) The competitive effect of the contracts on the applicant's competitors both within this state and within the political subdivision where the project will be located.

G.(1) Whenever the governor, the Joint Legislative Committee on the Budget, board of directors, and the local tax authorities, upon recommendation of the Board of Commerce and Industry, finds that a developer satisfies the requirements of this Section, they shall advise the Board of Commerce and Industry of their approval and authorize the board to enter into a contract pursuant to this Section.

(2) Disapproval by a local tax authority shall not prohibit the board from granting a contract under this Section for other taxes levied by other local tax authorities on the retirement community. However, only all or any portion of the ad valorem property tax, if any, and the interest rate on such taxes, which are approved in

writing by a local tax authority shall be subject to a contract entered into under this Section.

H. The Department of Economic Development and the Board of Commerce and Industry may make and promulgate such rules and regulations consistent with the provisions of this Section as are necessary to carry out the provisions of this Section."

AMENDMENT NO. 5

On page 1, line 9, change "Section 1." to "Section 2."

AMENDMENT NO. 6

On page 8, line 1, before "shall" delete "Section 2. This Act" and insert in lieu thereof the following:

"Section 3. The provisions of Section 2 of this Act"

On motion of Senator Short, the amendments were adopted.

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

Rules Suspended

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

Messages from the House

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

Message from the House

PASSED SENATE BILLS AND JOINT RESOLUTIONS

June 9, 1998

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 the following Senate Bills and Joint Resolutions:

SENATE BILL NO. 32—
BY SENATOR MALONE

A JOINT RESOLUTION

Proposing to amend Article VII, Section 21(H) of the Constitution of Louisiana, relative to ad valorem property tax exemptions; to authorize the State Board of Commerce and Industry to enter into tax exemption contracts, subject to the approval of the governor and the local governing authority, with a property owner who proposes the expansion, restoration, improvement, or development of an existing structure or structures in a downtown district, primarily to develop structures for residential use, for an initial term of five years after completion of the work and up to two five-year renewals for a total of fifteen years; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

Reported with amendments.

SENATE BILL NO. 112—
BY SENATOR SCHEDLER

AN ACT

To amend and reenact R.S. 51:2771(K), relative to the Louisiana Capital Investment Tax Credit; to eliminate the termination date for the credit; to provide an effective date; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 36—
BY SENATOR COX

A JOINT RESOLUTION

Proposing to amend Article VII, Section 21(F) of the Constitution of Louisiana, relative to ad valorem property tax; to limit the amount of exemptions granted by certain tax exemption contracts of the Board of Commerce and Industry; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

Reported with amendments.

SENATE BILL NO. 48—
BY SENATOR CAIN

AN ACT

To enact R.S. 47:301(7)(h), (10)(s), (18)(g), and (22), relative to sales and use tax; to provide for an exclusion from the sales tax of the state and its political subdivisions for certain non-profit hospitals; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 115—
BY SENATOR LANDRY

AN ACT

To amend and reenact R.S. 47:301(10)(o), relative to sales and use tax; to exclude from such tax the sale or purchase of equipment used in firefighting by fire departments; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 76—
BY SENATOR BARHAM

AN ACT

To enact R.S. 47:6012, relative to employer tax credits; to establish an employer tax credit for income taxes and corporation franchise taxes for the donation of materials, equipment, advisors, or instructors to certain entities; to provide for the amount of the tax credit; to establish the taxable period for the tax credit; to provide for the promulgation of rules and regulations; to provide for an effective date for donations; to provide a termination date for the tax credit; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 109—
BY SENATOR DYESS

AN ACT

To amend and reenact R.S. 47:305.37, relative to sales tax of political subdivisions; to authorize the exemption of certain items used for farm purposes; and to provide for related matters.

Reported without amendments.

SENATE BILL NO. 54—
BY SENATOR BARHAM

AN ACT

To amend and reenact R.S. 47:287.95(C) and to enact R.S. 47:601.1, relative to corporate income tax and franchise tax of certain transportation companies; to provide a minimal nexus standard for certain trucking companies before their income is apportioned to Louisiana for income tax purposes and before corporation franchise tax is imposed; to provide for an effective date; and to provide for related matters.

Reported without amendments.

SENATE BILL NO. 78—
BY SENATOR ROBICHAUX

AN ACT

To amend and reenact R.S. 47:1561.1, relative to personal liability for taxes; to provide for the personal liability of certain members of limited liability companies or limited partnerships; and to provide for related matters.

Reported without amendments.

SENATE BILL NO. 82—
BY SENATOR CAMPBELL

AN ACT

To amend and reenact R.S. 47:3202(C) and 4304(C), relative to tax exemptions; to provide a right of first refusal to Louisiana businesses as a condition for business and manufacturing establishments; to receive certain tax exemptions; and to provide for related matters.

Reported without amendments.

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

Message from the House

**CONCURRING IN
SENATE CONCURRENT RESOLUTIONS**

June 9, 1998

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. 35—
BY SENATORS HOLLIS, HINES, SCHEDLER AND REPRESENTATIVE R. ALEXANDER

A CONCURRENT RESOLUTION

To urge and request Department of Health and Hospitals to clarify rules and regulations for licensing satellite facilities of hospitals and to authorize the issuance of retroactive licenses under certain circumstances.

Reported with amendments.

SENATE CONCURRENT RESOLUTION NO. 50—
BY SENATOR ULLO

A CONCURRENT RESOLUTION

To create and provide for the FINS Juvenile Justice Task Force to make recommendations for devising a formula for the equitable distribution of state funds for the administration of the Families in Need of Services program throughout Louisiana's forty-one judicial district courts.

Reported with amendments.

SENATE CONCURRENT RESOLUTION NO. 34—
BY SENATORS JOHNSON, BARHAM, CAIN, LENTINI, SMITH, THEUNISSEN AND SCHEDLER

A CONCURRENT RESOLUTION

To create and provide with respect to a special committee to study the entire tax system in order to make recommendations in the areas of tax exemptions, exclusions, deductions, credits, and refunds and to create an advisory committee and provide for an expert to assist the joint committee.

Reported with amendments.

SENATE CONCURRENT RESOLUTION NO. 18—

BY SENATOR BARHAM

A CONCURRENT RESOLUTION

To urge and request the secretary of the Department of Revenue to take any action necessary for his department to suspend or revoke any and all permits of any dealer of alcoholic beverages on an Indian reservation who fails to pay any sales taxes due to the state.

Reported with amendments.

SENATE CONCURRENT RESOLUTION NO. 4—

BY SENATORS HAINKEL AND SHORT

A CONCURRENT RESOLUTION

To request the Department of Wildlife and Fisheries to study that portion of the Tchefuncte River from the Highway 22 Bridge to its entrance into Lake Pontchartrain for possible inclusion in the Louisiana natural and scenic rivers system.

Reported with amendments.

SENATE CONCURRENT RESOLUTION NO. 8—

BY SENATOR DARDENNE

A CONCURRENT RESOLUTION

To urge and request the Senate Committee on Senate and Governmental Affairs and the House Committee on House and Governmental Affairs to function as a joint committee to study the feasibility of mandating a reporting system which requires certain candidates for a statewide office to disclose a contributor's occupation and employer.

Reported with amendments.

SENATE CONCURRENT RESOLUTION NO. 52—

BY SENATOR SCHEDLER AND REPRESENTATIVE SCHNEIDER

A CONCURRENT RESOLUTION

To urge and request the secretary of the Department of Wildlife and Fisheries to evaluate and study scenic Bayou Liberty in St. Tammany Parish from the center of the waterway to the low water mark.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 37—

BY SENATOR IRONS

A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to reject efforts to preempt state authority to regulate health insurance arrangements offered by certain associations and business groups, commonly known as multiple employer welfare arrangements (MEWAs) or association health plans.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 29—

BY SENATORS BAGNERIS AND HOLLIS AND REPRESENTATIVES BOWLER, DUPRE AND FAUCHEUX

A CONCURRENT RESOLUTION

To direct the appropriate gaming divisions, office of state police, Department of Public Safety and Corrections and the Louisiana Gaming Control Board to work with the appropriate industry representatives and visitor, convention, or tourist bureaus to develop, adopt, and implement necessary and appropriate rules to provide an approval and permitting process for the display and operation for demonstration purposes of electronic gaming machines, including video draw poker devices, at trade shows and conventions.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 31—

BY SENATOR ELLINGTON AND REPRESENTATIVE WIGGINS

A CONCURRENT RESOLUTION

To direct the Department of Wildlife and Fisheries to report to the legislature on the beaver and nutria problem in the state and to further report on the actions taken by the department as directed by House Concurrent Resolution No. 79 of the 1995 Regular Session.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 42—

BY SENATOR HINES AND REPRESENTATIVE R. ALEXANDER

A CONCURRENT RESOLUTION

To urge and request the Children's Cabinet to seek ways to reduce adverse maternal-health behaviors during pregnancy, dysfunctional infant care giving, and stressful environmental conditions that interfere with parental and family functioning, and to urge and request the Children's Cabinet Advisory Board to research successful primary prevention strategies that may reduce the rate of children living in poverty and in single-parent families, infant mortality, child mortality, low birth weight births, high school dropouts, and teens out of school and unemployed.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 44—

BY SENATOR ROMERO

A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development, the Louisiana Transportation Research Center, Louisiana State University, the Louisiana Transportation Research Center Foundation, Inc. and private sector transportation entities to develop a public-private partnership for the planning, development, and construction of a transportation training and educational facility.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 3—

BY SENATOR ELLINGTON AND REPRESENTATIVE WIGGINS

A CONCURRENT RESOLUTION

To urge and request the State Board of Elementary and Secondary Education to study the development and implementation of career options beginning in the ninth grade with a course of study for students planning immediate post secondary education and a course of study for students planning immediate entry into the work force, with both options receiving the same diploma and meeting the same requirements for all state-sponsored scholarship and other student financial assistance programs.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 60—

BY SENATORS SMITH, BARHAM, CAIN, DYESS, HINES, HOLLIS, LENTINI, MALONE, ROMERO, SCHEDLER, SIRACUSA AND TARVER

A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to develop a national energy policy to address the needs of federal, state, and local executive and legislative branch agencies for data and information necessary for them to cope with and plan for the declining production of oil and gas and the increasing pressures of foreign competition.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 61—

BY SENATOR ROBICHAUX AND REPRESENTATIVES ROUSSELLE AND THERIOT

A CONCURRENT RESOLUTION

To request the Department of Transportation and Development, with assistance from the Department of Public Safety and Corrections to study the factors contributing to the dangerous circumstances of

the intersection of Louisiana Highway 654 and Louisiana Highway 308, and to develop solutions to address the problem.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 62—
BY SENATOR JONES

A CONCURRENT RESOLUTION

To urge and request the Louisiana State University Medical Center to confer with community and civic organizations to improve prostate and cervical cancer screening rates among African Americans.

Reported without amendments.

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

Message from the House

DISAGREEMENT TO HOUSE BILL

June 9, 1998

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has refused to concur in the proposed Senate Amendment(s) to House Concurrent Resolution No. 13 by Representative Farve, and ask the President to appoint on the part of the Senate a committee to confer with a like committee from the House on the disagreement; and to inform your honorable body that the Speaker of the House of Representatives has appointed the following members as conferees on the part of the House:

Representatives Farve, McMains, and Bowler.

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

Message from the House

DISAGREEMENT TO HOUSE BILL

June 9, 1998

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has refused to concur in the proposed Senate Amendment(s) to House Bill No. 319 by Representative Copelin, and ask the President to appoint on the part of the Senate a committee to confer with a like committee from the House on the disagreement; and to inform your honorable body that the Speaker of the House of Representatives has appointed the following members as conferees on the part of the House:

Representatives Copelin, Alario, and Pierre.

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

Message from the House

DISAGREEMENT TO HOUSE BILL

June 9, 1998

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has refused to concur in the proposed Senate Amendment(s) to House Bill No. 62 by Representative Alario, and ask the President to appoint on the part of the Senate a committee to confer with a like committee from the House on the disagreement; and to inform your honorable body that the Speaker of the House of Representatives has appointed the following members as conferees on the part of the House:

Representatives Alario, Daniel, and Dewitt.

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

Message from the House

DISAGREEMENT TO HOUSE BILL

June 9, 1998

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has refused to concur in the proposed Senate Amendment(s) to House Bill No. 33 by Representative Montgomery, and ask the President to appoint on the part of the Senate a committee to confer with a like committee from the House on the disagreement; and to inform your honorable body that the Speaker of the House of Representatives has appointed the following members as conferees on the part of the House:

Representatives Montgomery, Alario, and Hopkins.

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

**Appointment of Conference Committee
on House Bill No. 33**

The President of the Senate appointed on the Conference Committee on House Bill No. 33 the following members of the Senate: Senators Bean, Cain, and Barham.

**Appointment of Conference Committee
on House Bill No. 62**

The President of the Senate appointed on the Conference Committee on House Bill No. 62 the following members of the Senate: Senators Romero, Schedler, and Malone.

**Appointment of Conference Committee
on House Bill No. 319**

The President of the Senate appointed on the Conference Committee on House Bill No. 319 the following members of the Senate: Senators Hollis, Bagneris, and Barham.

**Appointment of Conference Committee
on House Concurrent Resolution No. 13**

The President of the Senate appointed on the Conference Committee on House Concurrent Resolution the following members of the Senate: Senators Ullo, Lentini, and Bajoie.

**Appointment of Conference Committee
on Senate Bill No. 64**

June 9, 1998

The President of the Senate appointed the following members to confer with a like committee from the House for the purpose of considering the disagreement on Senate Bill No. 64: Senators Malone, Barham, and Hainkel.

Introduction of Resolutions, Senate and Concurrent

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

SENATE RESOLUTION NO. 45— BY SENATOR HAINKEL

A RESOLUTION

To recognize and commend Nathalie diBenedetto for her many years of leadership and dedicated service in historic preservation activities.

On motion of Senator Hainkel, the resolution was read by title and adopted.

SENATE RESOLUTION NO. 46— BY SENATOR BAJOIE

A RESOLUTION

To commend Mr. Ernie K-Doe, a native and lifelong resident of the city of New Orleans, for receiving the Rhythm and Blues Foundation's 1998 Pioneer Award.

On motion of Senator Bajoie, the resolution was read by title and adopted.

SENATE RESOLUTION NO. 47— BY SENATOR BAJOIE

A RESOLUTION

To commend Mr. Allen Toussaint, a legend in contemporary music and a native and long-time resident of the City of New Orleans, upon his induction into the Rock and Roll Hall of Fame in the Non-Performer category.

On motion of Senator Bajoie, the resolution was read by title and adopted.

SENATE CONCURRENT RESOLUTION NO. 63— BY SENATOR C. FIELDS

A CONCURRENT RESOLUTION

To direct the secretary of the Department of Public Safety and Corrections to remove identification of race from certain public safety services forms prepared, or caused to be prepared, by the department.

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

SENATE CONCURRENT RESOLUTION NO. 64— BY SENATOR C. FIELDS

A CONCURRENT RESOLUTION

To recognize and commend the Louisiana students selected to participate in the Forty-Ninth Intel International Science and Engineering Fair and for outstanding achievement in science education.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Dyess Malone

Bajoie Ellington Robichaux
Barham Fields C Romero
Bean Fields W Schedler
Branch Greene Short
Cain Heitmeier Siracusa
Campbell Hines Smith
Casanova Johnson Tarver
Cox Jones Theunissen
Cravins Jordan Uilo
Dardenne Landry
Dean Lentini
Total—34

NAYS

Total—0

ABSENT

Bagneris Hollis Lambert
Hainkel Irons
Total—5

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

SENATE CONCURRENT RESOLUTION NO. 65— BY SENATOR SCHEDLER

A CONCURRENT RESOLUTION

To urge and request the Senate Committee on Revenue and Fiscal Affairs and the House Committee on Ways and Means to meet and function as a joint committee to study the allocation of state money to fund non-state and local projects.

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

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

June 9, 1998

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. 77— BY REPRESENTATIVES BARTON, BAUDOIN, FARVE, KENNEY, POWELL, AND SHAW

A CONCURRENT RESOLUTION

To urge and request the State Board of Elementary and Secondary Education to study the feasibility of the state having sole responsibility for paying teacher salaries using a statewide minimum salary schedule that would ensure that the average teacher pay in Louisiana would be at the Southern Regional Education Board average and to report its findings to the legislature at the earliest possible time.

HOUSE CONCURRENT RESOLUTION NO. 78— BY REPRESENTATIVE WRIGHT

A CONCURRENT RESOLUTION

To nominate the Little River in Grant and LaSalle Parishes for declassification from the Louisiana natural and scenic rivers system.

HOUSE CONCURRENT RESOLUTION NO. 72—
BY REPRESENTATIVE GAUTREAU
A CONCURRENT RESOLUTION

To urge and request the Department of Natural Resources and permit applicants publishing notices in official parish journals to also publish such notices in newspapers within affected localities when public notice in an official parish journal may be insufficient.

HOUSE CONCURRENT RESOLUTION NO. 92—
BY REPRESENTATIVE FARVE
A CONCURRENT RESOLUTION

To request that the House and Senate Committees on Labor and Industrial Relations meet and function as a joint committee to study the feasibility of creating a recidivism reduction division within the Department of Labor in order to facilitate the training and job search process for former inmates, and to study and to make recommendations relative to the coordination of efforts to reduce the recidivism rate in Louisiana and to encourage employment of former inmates.

HOUSE CONCURRENT RESOLUTION NO. 95—
BY REPRESENTATIVES LONG, BARTON, BAUDOIN, CURTIS, FARVE, KENNEY, POWELL, PRATT, SALTER, AND WRIGHT
A CONCURRENT RESOLUTION

To urge and request the state Department of Education to study the development and implementation of a prekindergarten program in Louisiana similar to the Georgia Prekindergarten Program and to report its findings and recommendations on such development and implementation to the House and Senate Committees on Education at least thirty days prior to the beginning of the 1999 Regular Session of the Legislature.

HOUSE CONCURRENT RESOLUTION NO. 96—
BY REPRESENTATIVES BARTON, BAUDOIN, FARVE, AND POWELL
A CONCURRENT RESOLUTION

To urge and request the State Board of Elementary and Secondary Education to compile definitive information and report in writing to the House Committee on Education and to the Senate Committee on Education prior to the convening of the 1999 Regular Session on the amount of increased revenues from all sources available to each governing authority of a public elementary or secondary school in the state for the 1998-1999 Fiscal Year compared with the previous fiscal year and the estimated percentage of such increased revenues allocated by each such governing authority to be spent during the 1998-1999 school year for classroom teacher salary increases and other classroom instructional purposes.

HOUSE CONCURRENT RESOLUTION NO. 98—
BY REPRESENTATIVE LEBLANC
A CONCURRENT RESOLUTION

To urge and request the House Committee on Commerce and the Senate Committee on Commerce and Consumer Protection to meet and to function as a joint committee to study the statutory, regulatory, and policy advantages and impediments to the movement of university technology to the marketplace in Louisiana.

HOUSE CONCURRENT RESOLUTION NO. 99—
BY REPRESENTATIVE FAUCHEUX
A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to obtain and rely on the Federal Aviation Administration's method of certification of compliance with applicable statutes, regulations, and policies to the extent consistent with program goals and the need to protect state investment in order to use resources more efficiently in the department in the administration of state match dollars for federal grants for airports.

HOUSE CONCURRENT RESOLUTION NO. 102—
BY REPRESENTATIVES McDONALD, HILL, LONG, SALTER AND WIGGINS
A CONCURRENT RESOLUTION

To urge and request each governing authority of a public secondary school to use any increase in state or local funds for the 1998-1999 school year to enhance classroom activities including allocating a portion of such funds to secondary vocational teachers to defray the costs of providing classroom instructional materials and supplies.

HOUSE CONCURRENT RESOLUTION NO. 109—
BY REPRESENTATIVE MORRELL
A CONCURRENT RESOLUTION

To authorize the House Committee on Commerce and the Senate Committee on Commerce and Consumer Protection to meet and to function as a joint committee to study the rules and regulations promulgated by the Louisiana State Racing Commission and to report the findings of the joint committee to the legislature prior to the convening of the 1999 Regular Session.

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

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON ENVIRONMENTAL QUALITY

Senator Lambert, Chairman on behalf of the Committee on Environmental Quality, submitted the following report:

June 9, 1998

To the President and Members of the Senate:

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

HOUSE CONCURRENT RESOLUTION NO. 86—
BY REPRESENTATIVE MORRISH
A CONCURRENT RESOLUTION

To urge and request the Department of Environmental Quality to rigorously enforce the December 22, 1998, deadline for upgrades to underground storage tank systems as required by the Environmental Protection Agency and the Environmental Regulatory Code of the state of Louisiana.

Reported with amendments.

Designated as a Duplicate of Senate Concurrent Resolution No. 49 by Senator Siracusa

HOUSE CONCURRENT RESOLUTION NO. 94—
BY REPRESENTATIVE DAMICO
A CONCURRENT RESOLUTION

To memorialize the United States Environmental Protection Agency (EPA) to help the states comply with Title VI of the Civil Rights Act and to adopt sensible and reasonable policies for investigating and resolving Title VI administrative complaints challenging permits and to memorialize the members of the Louisiana congressional delegation to take full notice of the governor's and the legislature's strong support of the Environmental Council of the States (ECOS) resolution condemning the application of the United States Environmental Protection Agency's (EPA) standards for "Interim Guidance for Investigating Title VI Administrative Complaints Challenging Permits" and take appropriate steps in congress to declare that these "Interim Guidance" standards violate

the congressional intent of both the Civil Rights Act and the various federal environmental laws, and should be formally withdrawn by EPA.

Reported with amendments.

Respectfully submitted,
LOUIS LAMBERT
Chairman

Message from the House

SIGNED HOUSE CONCURRENT RESOLUTIONS

June 9, 1998

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the Speaker of the House of Representatives has signed the following House Concurrent Resolutions:

HOUSE CONCURRENT RESOLUTION NO. 6—
BY REPRESENTATIVES DOWNER, DUPRE, LEBLANC, LONG, AND FRITH
A CONCURRENT RESOLUTION

To urge and request the cooperation and support of the Department of Culture, Recreation and Tourism, the Department of Transportation and Development, the Department of Public Safety and Corrections, office of state police, and the Louisiana National Guard in the coordination, development, and implementation of "Cycle Main Street", an event sponsored by Louisiana Main Street Managers in honor of the year-long, Louisiana-sponsored celebration FRANCOFETE 1999.

HOUSE CONCURRENT RESOLUTION NO. 47—
BY REPRESENTATIVE JACK SMITH AND SENATOR ULLO
A CONCURRENT RESOLUTION

To urge and request the Louisiana State Board of Medical Examiners, in conjunction with the Louisiana chapters of the National Federation of the Blind and the American Council of the Blind, and the Department of Social Services, division of rehabilitation services, to prepare information describing resources available to persons who become blind or severely visually impaired and to make such information available to licensed physicians.

HOUSE CONCURRENT RESOLUTION NO. 48—
BY REPRESENTATIVES THOMPSON, R. ALEXANDER, WALSWORTH, AND WINDHORST
A CONCURRENT RESOLUTION

To urge and request the Medical Vendor Program in the Department of Health and Hospitals to limit prescriptions written for Sildenafil Citrate, commonly referred to as Viagra.

HOUSE CONCURRENT RESOLUTION NO. 64—
BY REPRESENTATIVES JENKINS, BOWLER, DANIEL, DIMOS, DONELON, FARVE, HOPKINS, JETSON, LANCASTER, MCCALLUM, AND WELCH
A CONCURRENT RESOLUTION

To direct the governing authorities of public high schools to allow students who have completed the required minimum units of credit for graduation and all other graduation requirements as mandated by the State Board of Elementary and Secondary Education but failed to pass the high school graduation exit exam to participate in all senior graduation activities and ceremonies except actual receipt of a diploma during the ceremonies occurring in the Spring of 1998 and to direct the State Board of Elementary and Secondary Education to develop and impose a uniform procedure for high school graduation ceremonies to provide recognition to certain students who do not qualify for the receipt of a high school diploma.

HOUSE CONCURRENT RESOLUTION NO. 68—
BY REPRESENTATIVE LONG
A CONCURRENT RESOLUTION

To urge and request the Board of Regents to review and study the use of postsecondary educational institution physical plant facilities by public elementary and secondary schools and nonpublic elementary and secondary schools approved by the State Board of Elementary and Secondary Education, to recommend a uniform policy, including provisions for reasonable fees, which will encourage the use of such facilities by public and nonpublic schools subject to the administration of each management board, and to submit a written report of its findings to the House and Senate Committees on Education prior to the beginning of the 1999 Regular Session of the Legislature.

HOUSE CONCURRENT RESOLUTION NO. 71—
BY REPRESENTATIVE HOLDEN
A CONCURRENT RESOLUTION

To urge and request the Legislature of Louisiana, as it considers the FY 1998-99 budget, to consider enhancing the resources available to mass transit providers by substantially increasing the funding to the Mass Transit Account of the Parish Transportation Fund.

HOUSE CONCURRENT RESOLUTION NO. 112—
BY REPRESENTATIVES WILKERSON, HOLDEN, AND WESTON
A CONCURRENT RESOLUTION

To remember Marilyn Joy Clemons of Baton Rouge, Louisiana, and to reflect on her lifetime of dedication to the legal profession and to her community.

HOUSE CONCURRENT RESOLUTION NO. 113—
BY REPRESENTATIVE MURRAY
A CONCURRENT RESOLUTION

To urge and request the Louisiana Commission on Alcohol and Drug Abuse to hold public hearings on substance abuse throughout the state jointly with certain members of the legislature.

HOUSE CONCURRENT RESOLUTION NO. 114—
BY REPRESENTATIVE WINSTON AND SENATORS SCHEDLER AND SHORT
A CONCURRENT RESOLUTION

To commend St. Scholastica Academy of Covington upon being named a 1997-1998 Blue Ribbon school by the United States Department of Education.

HOUSE CONCURRENT RESOLUTION NO. 115—
BY REPRESENTATIVE LONG
A CONCURRENT RESOLUTION

To commend and congratulate Overton Owens for over sixty years as a performer, blues musician, folk artist, and Louisiana music legend.

HOUSE CONCURRENT RESOLUTION NO. 116—
BY REPRESENTATIVE FARVE
A CONCURRENT RESOLUTION

To commend Sister Mary Adrian Johnson for sixty years of dedication and consecration to God, to church, and to the service of others.

HOUSE CONCURRENT RESOLUTION NO. 117—
BY REPRESENTATIVE FARVE
A CONCURRENT RESOLUTION

To commend Sister Mary Cornelia Hall for fifty years of dedication and consecration to God, to church, and to the service of others.

HOUSE CONCURRENT RESOLUTION NO. 104—
BY REPRESENTATIVE McDONALD
A CONCURRENT RESOLUTION

To provide for legislative approval of the formula developed by the State Board of Elementary and Secondary Education and adopted by the board on June 1, 1998, to determine the cost of a minimum foundation program of education in all public elementary and secondary schools as well as to equitably allocate the funds to parish and city school systems.

HOUSE CONCURRENT RESOLUTION NO. 118—

BY REPRESENTATIVE PINAC

A CONCURRENT RESOLUTION

To commend and congratulate the Crowley Firemen's Association and the Crowley Fire Department upon their 100th anniversary and to recognize the members for their outstanding service to the community.

HOUSE CONCURRENT RESOLUTION NO. 119—

BY REPRESENTATIVES TRAVIS, SCHNEIDER, BARTON, FARVE, FLAVIN, FRITH, MICHOT, MORRELL, MURRAY, PINAC, POWELL, WESTON, AND WINSTON

A CONCURRENT RESOLUTION

To commend Ms. Nadia L. Goodman, director of policy, planning, and technology programs for the Department of Economic Development, for her dedicated service and contributions to the state upon the occasion of her retirement from Louisiana state government service.

HOUSE CONCURRENT RESOLUTION NO. 120—

BY REPRESENTATIVES KENNARD, BAUDOIN, BRUNEAU, CRANE, DAMICO, DEVILLE, DIEZ, DIMOS, DURAND, FONTENOT, FRITH, FRUGE, GLOVER, HEATON, HILL, HOLDEN, HOPKINS, HUNTER, ILES, JENKINS, JETSON, LANCASTER, LEBLANC, LONG, MCDONALD, MCMAINS, MICHOT, MURRAY, PERKINS, PINAC, POWELL, QUEZAIRE, SALTER, SCALISE, SCHNEIDER, SHAW, JACK SMITH, JOHN SMITH, THOMPSON, THORNHILL, TOOMY, TRICHE, VITTER, WALSWORTH, WARNER, WESTON, WIGGINS, WINDHORST, AND WRIGHT AND SENATORS BAGNERIS, BAJOIE, BARHAM, BEAN, BRANCH, CAIN, CAMPBELL, CASANOVA, COX, CRAVINS, DARDENNE, DEAN, DYESS, ELLINGTON, EWING, C. FIELDS, W. FIELDS, GREENE, HAINKEL, HEITMEIER, HINES, HOLLIS, IRONS, JOHNSON, JONES, JORDAN, LAMBERT, LANDRY, LENTINI, MALONE, ROBICHAUX, ROMERO, SCHEDLER, SHORT, SIRACUSA, SMITH, TARVER, THEUNISSEN, AND ULLO

A CONCURRENT RESOLUTION

To recognize and commend Eddie Furniss, LSU's record-setting first baseman, for his outstanding career as a member of Louisiana State University's baseball "Team of the 90's" and for the manner in which he represents LSU and the state of Louisiana.

HOUSE CONCURRENT RESOLUTION NO. 123—

BY REPRESENTATIVE WILKERSON

A CONCURRENT RESOLUTION

To memorialize the United States Congress and the United States Postal Service to examine other options besides relocating the downtown post office in Arcadia, Louisiana.

HOUSE CONCURRENT RESOLUTION NO. 124—

BY REPRESENTATIVE BRUCE

A CONCURRENT RESOLUTION

To memorialize the United States Congress to ratify the Southern Dairy Compact adopted by Louisiana's Department of Agriculture and Forestry and other dairy-producing states.

HOUSE CONCURRENT RESOLUTION NO. 125—

BY REPRESENTATIVE GLOVER

A CONCURRENT RESOLUTION

To commend and congratulate Ms. Deborah Mims upon her promotion to the rank of captain in the Shreveport Fire Department, the first female to have ever achieved that rank in the Shreveport Fire Department.

HOUSE CONCURRENT RESOLUTION NO. 126—

BY REPRESENTATIVE GLOVER

A CONCURRENT RESOLUTION

To commend Winnie Vance-Antoine upon her retirement from an exemplary career in the field of education and to show an appreciation for her dedication and devotion to the children of Caddo Parish.

and asked that the President of the Senate affix his signature to the same.

Respectfully submitted,

ALFRED W. SPEER

Clerk of the House of Representatives

The House Concurrent Resolutions contained herein were signed by the President of the Senate.

Message from the House

SIGNED HOUSE BILLS AND JOINT RESOLUTIONS

June 9, 1998

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the Speaker of the House of Representatives has signed the following House Bills and Joint Resolutions:

HOUSE BILL NO. 3—

BY REPRESENTATIVE ALARIO

AN ACT

To enact the Omnibus Bond Authorization Act of 1998, relative to the implementation of a five-year capital improvement program; to provide for the repeal of certain prior bond authorizations; to provide for new bond authorizations; to provide for authorization and sale of such bonds by the State Bond Commission; and to provide for related matters.

HOUSE BILL NO. 56—

BY REPRESENTATIVE ALARIO

AN ACT

To amend and reenact R.S. 47:287.11(A), relative to corporation income tax; to provide that any entity taxed as a corporation for federal income tax purposes will also be taxed as a corporation for state income tax purposes; to provide for the applicability of such provision; and to provide for related matters.

HOUSE BILL NO. 65—

BY REPRESENTATIVE LEBLANC

AN ACT

To provide for the establishment and reestablishment of agency ancillary funds, to be specifically known as internal service funds, auxiliary funds, or enterprise funds for certain state institutions, officials, and agencies; to provide for appropriation of funds; and to regulate the administration of said funds.

HOUSE BILL NO. 97—

BY REPRESENTATIVE ALARIO AND SENATOR SCHEDLER

AN ACT

To enact R.S. 47:301(16)(d), relative to the sales and use tax; to define tangible personal property to exclude certain work products which are created in the normal course of business by any person licensed or regulated by the provisions of Title 37 of the Louisiana Revised Statutes of 1950; to provide for certain exceptions; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 129—

BY REPRESENTATIVE LANDRIEU

AN ACT

To enact R.S. 47:6012, relative to corporate taxation; to provide for a tax credit for corporations to be taken against the corporation income and franchise taxes for the donation of certain property to a public school; and to provide for related matters.

HOUSE BILL NO. 286—

BY REPRESENTATIVES DIEZ AND ILES AND SENATORS LANDRY, SHORT, ROMERO, SMITH, AND THEUNISSEN

AN ACT

To amend and reenact R.S. 47:820.2(B) and (D) and 820.4, relative to the Transportation Infrastructure Model for Economic Development program; to increase expenditure amounts of certain

projects; to provide for an extension of the four cents per gallon tax on gasoline, motor fuels, and special fuels; to provide for the creation of a priority listing of projects; to provide for the submission of progress reports; to provide for reports by the Revenue Estimating Conference and the Transportation Estimating Conference; to provide relative to the issuance of bonds; and to provide for related matters.

HOUSE BILL NO. 18—
BY REPRESENTATIVES DOWNER, BRUNEAU, LANCASTER, HUNTER, HUDSON, AND SALTER AND SENATORS EWING, BAGNERIS, BARHAM, AND DARDENNE

AN ACT

To appropriate the sum of Forty-one Million One Hundred Forty-three Thousand Six Hundred Twenty-five and No/100 (\$41,143,625.00) Dollars, or so much thereof as may be necessary, out of the state general fund and the sum of Three Hundred Fifty Thousand and No/100 (\$350,000.00) Dollars out of the state general fund to provide for the Legislative Auditor Ancillary Enterprise Fund, and the sum of Six Million Seven Hundred Forty-seven Thousand Eighty-five and No/100 (\$6,747,085.00) Dollars out of self-generated funds, to defray the expenses of the Louisiana Legislature, including the expenses of the House of Representatives and the Senate, of legislative service agencies, and of the Louisiana State Law Institute; and otherwise to provide with respect to the appropriations and allocations herein made.

HOUSE BILL NO. 114—
BY REPRESENTATIVE DANIEL

AN ACT

To enact R.S. 47:301(7)(h), relative to state and local sales and use taxes; to provide for the exclusion of certain leases or rentals of motor vehicles to automobile dealerships; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 125—
BY REPRESENTATIVE WESTON

AN ACT

To amend and reenact Section 3 of Act No. 535 of the 1988 Regular Session of the Legislature, as amended by Section 2 of Act No. 285 of the 1992 Regular Session of the Legislature, and Section 3 of Act No. 1291 of the 1997 Regular Session of the Legislature, relative to the Louisiana Tax Free Shopping Program; to extend the termination date of the program to July 1, 2001; and to provide for related matters.

HOUSE BILL NO. 298—
BY REPRESENTATIVE DANIEL

AN ACT

To amend and reenact R.S. 47:633.5(B), relative to the severance tax on oil and gas; to provide that the severance tax rate established for wells utilizing produced water for the purpose of enhanced oil and gas recovery is not limited to wells utilizing water from the same reservoir and field; and to provide for related matters.

HOUSE BILL NO. 77—
BY REPRESENTATIVE HAMMETT

A JOINT RESOLUTION

Proposing to add Article VII, Section 21(J) of the Constitution of Louisiana, to authorize the town of Vidalia to exempt certain property from certain municipal ad valorem taxes; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

and asked that the President of the Senate affix his signature to the same.

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

The House Bills and Joint Resolutions contained herein were signed by the President of the Senate.

Privilege Report of the Committee on Senate and Governmental Affairs

ENROLLMENTS

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

June 9, 1998

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 Resolutions have been properly enrolled:

SENATE RESOLUTION NO. 33—
BY SENATOR W. FIELDS

A RESOLUTION

To urge and request the Senate Committee on Commerce and Consumer Protection to study the hotel and motel room rates in Louisiana and the impact on special events and visitors in New Orleans.

SENATE RESOLUTION NO. 34—
BY SENATOR LENTINI

A RESOLUTION

To offer the condolences of the Senate upon the death of United States District Court Judge, Patrick E. Carr.

SENATE RESOLUTION NO. 35—
BY SENATOR IRONS

A RESOLUTION

To direct the division of administration to provide for the appropriation of five million dollars from the general fund through the general appropriations bill for Fiscal Year 1999/2000 to match available federal funds for public transit programs.

SENATE RESOLUTION NO. 36—
BY SENATOR IRONS

A RESOLUTION

To create the Task Force on Teen Pregnancy to study certain issues and problems related to teen pregnancy in Louisiana in an effort to prevent and reduce the incidence of future teen pregnancies.

SENATE RESOLUTION NO. 37—
BY SENATOR SHORT

A RESOLUTION

To memorialize the Congress of the United States to pass and submit to the state legislatures an amendment to the United States Constitution to allow the freedom of religion in public places.

SENATE RESOLUTION NO. 38—
BY SENATOR CASANOVA

A RESOLUTION

To recognize and commend the Crowley Firemen's Association on the occasion of its one hundredth anniversary and for its dedicated service to the citizens in the city of Crowley.

SENATE RESOLUTION NO. 40—

BY SENATOR MALONE

A RESOLUTION

To urge and request the Louisiana Department of Revenue to review and amend its policies and practices relative to Technical Advisory Memorandum 97-001 in order to achieve conformity with state law, jurisprudence, and legislative intent.

Respectfully submitted,
JAY DARDENNE
Chairman

The foregoing Senate Resolutions were signed by the President of the Senate and presented to the Secretary of State by the Secretary.

Privilege Report of the Committee on Senate and Governmental Affairs

ENROLLMENTS

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

June 9, 1998

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 Resolutions have been properly enrolled:

SENATE CONCURRENT RESOLUTION NO. 49—

BY SENATOR SIRACUSA

A CONCURRENT RESOLUTION

To urge and request the Louisiana Department of Environmental Quality to enforce compliance with federal and state regulations on underground storage tank systems.

SENATE CONCURRENT RESOLUTION NO. 58—

BY SENATOR W. FIELDS

A CONCURRENT RESOLUTION

To urge and request the Senate Committee on Commerce and Consumer Protection and the House Committee on Commerce to meet and function as a joint committee to study the hotel and motel room rates in Louisiana and the impact on special events and visitors in New Orleans.

Respectfully submitted,
JAY DARDENNE
Chairman

The foregoing Senate Concurrent Resolutions were signed by the President of the Senate.

Privilege Report of the Committee on Senate and Governmental Affairs

ENROLLMENTS

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

June 9, 1998

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 Bills have been properly enrolled:

SENATE BILL NO. 53 (Duplicate of House Bill No. 98)—

BY SENATOR BARHAM AND REPRESENTATIVE ALARIO

AN ACT

To enact R.S. 47:643.1, relative to the taxation of timber; to provide that the severance tax shall be the only tax on standing timber or the right to cut and remove or use timber; to provide for an effective date; and to provide for related matters.

SENATE BILL NO. 59—

BY SENATOR BARHAM

AN ACT

To repeal Part II of Chapter 6 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, composed of R.S. 47:651, Part III of Chapter 6 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, composed of R.S. 47:671 through 681.1, and Part IV of Chapter 6 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, composed of R.S. 47:691 through 697, relative to taxes related to natural resources; to repeal certain taxes; and to provide for related matters.

Respectfully submitted,
JAY DARDENNE
Chairman

The foregoing Senate Bills were signed by the President of the Senate.

Adjournment

Senator Bagneris moved that the Senate adjourn until Wednesday, June 10, 1998 at 9:00 o'clock A.M.

The President of the Senate declared the Senate adjourned until 9:00 o'clock A.M. on Wednesday, June 10, 1998.

MICHAEL S. BAER, III
Secretary of the Senate

GAYE F. HAMILTON
Journal Clerk