

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

EIGHTEENTH DAY'S PROCEEDINGS

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

Senate Chamber
State Capitol
Baton Rouge, Louisiana

Wednesday, June 7, 2000

The Senate was called to order at 9:30 o'clock A.M., by Hon. John Hainkel, President of the Senate.

ROLL CALL

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

PRESENT

Mr. President	Fields, W	Malone
Bajoie	Fontenot	Marionneau
Barham	Gautreaux	McPherson
Bean	Heitmeier	Michot
Boissiere	Hines	Mount
Cain	Hollis	Robichaux
Campbell	Hoyt	Romero
Chaisson	Irons	Schedler
Cravins	Johnson	Smith
Dardenne	Jones, B	Tarver
Dean	Jones, C	Theunissen
Ellington	Lambert	Thomas
Fields, C	Lentini	Ullo
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 C. Jones, 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 C. Jones, the reading of the Journal was dispensed with and the Journal of yesterday was adopted.

Morning Hour

Rules Suspended

Senator Barham asked for a suspension of the rules for the purpose of invoking 5 minute cloture.

Without objection, so ordered.

Introduction of Senate Resolutions

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

SENATE RESOLUTION NO. 44—
BY SENATOR C JONES

A RESOLUTION

To commend Earnie Miles on his outstanding twenty years of service and dedication as KNOE-TV's gospel host.

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

SENATE RESOLUTION NO. 45
BY SENATOR HINES

A RESOLUTION

To request state agencies to assist in determining the extent of contamination of underground drinking water supplies caused by the train derailment in Eunice, Louisiana.

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

Senator Dean objected.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Heitmeier	McPherson
Barham	Hines	Michot
Bean	Hollis	Robichaux
Boissiere	Hoyt	Romero
Campbell	Irons	Schedler
Chaisson	Johnson	Smith
Dardenne	Jones, B	Tarver
Ellington	Jones, C	Theunissen
Fields, C	Lambert	Thomas
Fields, W	Lentini	Ullo
Fontenot	Malone	
Gautreaux	Marionneau	
Total—34		

NAYS

Dean
Total—1

ABSENT

Bajoie	Cravins
Cain	Mount
Total—4	

The Chair declared the Senate had adopted the Senate Resolution.

**Senate Concurrent Resolutions
Returned from the House of Representatives
with Amendments**

Senator Mount asked for and obtained a suspension of the rules to take up at this time the following Senate Concurrent Resolutions just returned from the House of Representatives with amendments.

Senator Ellington in the Chair

SENATE CONCURRENT RESOLUTION NO. 5—
BY SENATORS MOUNT, B. JONES AND SCHEDLER
A CONCURRENT RESOLUTION

To create the Louisiana Commission on Child Abuse Multidisciplinary Teams to study the multidisciplinary team approach to the handling of cases of child abuse and neglect as well as cases involving suspected child maltreatment related fatalities and to develop

June 7, 2000

recommendations for improving the investigation, prosecution, and assessments of these cases.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Murray to Engrossed Senate Resolution No. 5 by Senator Mount

AMENDMENT NO. 1

On page 4, between lines 12 and 13, insert the following:

"(27) The chairman of the Louisiana Chapter of American Academy of Matrimonial Lawyers or his designee.

(28) The chairman of the New Orleans Chapter of Louis A. Martinette Society or his designee."

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Mr. President, Bajolie, Barham, Bean, Boissiere, Cain, Campbell, Chaisson, Cravins, Dardenne, Ellington, Fields, C, Fields, W, Total—37; Fontenot, Gautreaux, Heitmeier, Hines, Hollis, Hoyt, Irons, Johnson, Jones, B, Jones, C, Lambert, Lentini, Malone; Marionneaux, McPherson, Michot, Mount, Robichaux, Romero, Smith, Tarver, Theunissen, Thomas, Ullo

NAYS

Dean Total—1

ABSENT

Schedler Total—1

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

SENATE CONCURRENT RESOLUTION NO. 22— BY SENATOR SCHEDLER

A CONCURRENT RESOLUTION

To urge and request the governor, in the event that a special session is called to address issues important to state government, that he include in the proclamation stating the objects of such session bills which will provide a means to deal with budget deficits by reducing or re-allocating appropriations in a fair and expeditious manner, including a bill to authorize the reduction of any appropriation or allocation required by the Constitution of Louisiana.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Alario to Engrossed Senate Concurrent Resolution No. 22 by Senator Schedler

AMENDMENT NO. 1

On page 2, at the end of line 9, change the period "." to a semicolon ";" and insert "and"

AMENDMENT NO. 2

On page 2, between lines 9 and 10, insert the following:

"WHEREAS, education should remain a top funding priority for the state."

AMENDMENT NO. 3

On page 2, between lines 16 and 17, insert the following:

"BE IT FURTHER RESOLVED, that the legislature and the governor make education a top funding priority for the state."

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Daniel to Engrossed Senate Concurrent Resolution No. 22 by Senator Schedler

AMENDMENT NO. 1

On page 1, line 8, delete the period "." and insert "and to urge and request the members of the Revenue Estimating Conference and the members of the Joint Legislative Committee on the Budget recommend that the state treasurer contract to establish a firm price for anticipated mineral production and to urge and request the Legislature of Louisiana to provide an operating budget appropriation sufficient to cover administrative costs and monies necessary to execute such contracts in the 2000-2001 Fiscal Year's budget."

AMENDMENT NO. 2

On page 2, between lines 9 and 10, insert the following:

"WHEREAS, mineral revenues derived from severance taxes and royalties have been very volatile over the last two decades due to geopolitical and global market or demand conditions that are outside the control of the United States and the state of Louisiana; and

WHEREAS, just within the last two fiscal years such fluctuations have been common, for example during the 1998-1999 Fiscal Year, the state appropriated monies based on oil selling at fifteen dollars per barrel, but because of precipitous market drops, the revenue estimates had to be revised downward to twelve dollars per barrel by midyear; and

WHEREAS, one way to reduce the risk associated with a volatile revenue source is to enter into commodity or other swap agreements, forward payment conversion agreements, futures contracts, contracts to exchange cash flows or a series of payments or contracts, and other similar contracts, hereinafter referred to as mineral revenue contracts, which if prudently acquired can prevent the shock of state appropriations being supported by mineral revenues which may sharply fall during the course of a fiscal year; and

WHEREAS, over the course of a fiscal year, if the state can execute reasonable mineral revenue contracts, monies available for appropriation could more accurately reflect average annual receipts."

AMENDMENT NO. 3

On page 2, between lines 16 and 17, insert the following:

"BE IT FURTHER RESOLVED that the Legislature of Louisiana urges and requests the members of the Revenue Estimating Conference and the members of the Joint Legislative Committee on the Budget recommend that the state treasurer contract to establish a firm price for anticipated mineral production through the use of mineral revenue contracts and to urge and request the Legislature of Louisiana to provide an operating budget appropriation sufficient to cover administrative costs and monies necessary to execute such contracts in the 2000-2001 Fiscal Year's budget."

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Dean
Total—1

ABSENT

Robichaux
Total—2

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

Rules Suspended

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

Reports of Committees

The following reports of committees were received and read:

CONFERENCE COMMITTEE REPORT

Senate Concurrent Resolution No. SCR 32 by Senator Johnson

June 6, 2000

To the Honorable President and Members of the Senate and to the Honorable Speaker and Members of the House of Representatives:

We, the conferees appointed to confer over the disagreement between the two houses concerning Senate Concurrent Resolution No. 32 by Senator Johnson recommend the following concerning the original concurrent resolution:

1. That House Floor Amendment No. 1 proposed by Representative Travis and adopted by the House of Representatives on June 4, 2000, be rejected.
2. That the following amendments to the original bill be adopted:

AMENDMENT NO. 1

On page 2, line 1, after "City Council" insert the following:

", Jefferson Parish Council, St. James Parish Council, St. John the Baptist Parish Council, St. Charles Parish Council, St. Bernard Parish Council, St. Tammany Parish Police Jury, Plaquemine Parish Council, Tangipahoa Parish Council, the chair and vice-chair of the Senate

Committee on Local and Municipal Affairs, the chair and vice-chair of the House Committee on Municipal, Parochial and Cultural Affairs,"

AMENDMENT NO. 2

On page 2, between lines 2 and 3, insert the following:

"BE IT FURTHER RESOLVED that the Louisiana Public Service Commission shall make a written report to the Senate Committee on Local and Municipal and Affairs and the House Committee on Municipal, Parochial, and Cultural Affairs prior to the 2001 Regular Session, together with any specific proposals for legislation."

AMENDMENT NO. 3

On page 2, at the end of line 4, change the period "." to a comma "," and add the following: "the chair of the Senate Committee on Local and Municipal Affairs and the chair of the House Committee on Municipal, Parochial and Cultural Affairs."

Respectfully submitted,

Senators:
Jon D. Johnson
Diana Bajoie
C. D. Jones

Representatives:
John A. Alario, Jr.
Edwin R. Murray
Cedric Richmond

Rules Suspended

Senator Johnson asked for and obtained a suspension of the rules for the purpose of considering the Conference Committee Report. On motion of Senator Johnson, a vote was taken on the adoption of the report.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fields, W	Marionneaux
Bajoie	Fontenot	McPherson
Barham	Gautreaux	Michot
Bean	Heitmeier	Mount
Boissiere	Hines	Romero
Cain	Hollis	Schedler
Campbell	Hoyt	Smith
Chaisson	Irons	Tarver
Cravins	Johnson	Theunissen
Dardenne	Jones, C	Ullo
Ellington	Lentini	
Fields, C	Malone	
Total—34		

NAYS

Dean
Total—1

ABSENT

Jones, B
Lambert
Total—4

Robichaux
Thomas

The Chair declared the Conference Committee Report was adopted. Senator Johnson moved to reconsider the vote by which the report was adopted and laid the motion on the table.

Mr. President in the Chair

Motion

Senator Ullo moved that the Senate go into Executive Session.

June 7, 2000

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total—0

ABSENT

Jones, B	Schedler	Thomas
Total—3		

The chair declared the Senate go into Executive Session.

After Executive Session

ROLL CALL

The Senate was called to order by the President of the Senate with the following Senators present:

PRESENT

Mr. President	Fields, W	Malone
Bajoie	Fontenot	Marionneaux
Barham	Gautreaux	McPherson
Bean	Heitmeier	Michot
Boissiere	Hines	Mount
Cain	Hollis	Romero
Campbell	Hoyt	Schedler
Chaisson	Irons	Smith
Cravins	Johnson	Tarver
Dardenne	Jones, B	Theunissen
Dean	Jones, C	Thomas
Ellington	Lambert	Ullo
Fields, C	Lentini	
Total—38		

ABSENT

Robichaux
Total—1

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

Senate Business Resumed

Reports of Committees, Resumed

The following reports of committees were received and read:

Report of Committee on
Senate and Governmental Affairs

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

Senate Chamber
State Capitol
State of Louisiana
Baton Rouge, LA

June 6, 2000

To the President and Members of the Senate:

Gentlemen:

I am directed by your Committee on Senate and Governmental Affairs to submit the following report: The committee recommends that the following notaries be confirmed:

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June 7, 2000

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June 7, 2000

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Respectfully submitted,
CHRIS ULLO
Chairman

MOTION

Senator Ullo moved to confirm the persons on the above list who were reported by the Committee on Senate and Governmental Affairs without action and vouched for in open session.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fields, W	Malone
Bajoie	Fontenot	Marionneau
Barham	Gautreaux	McPherson
Bean	Heitmeier	Michot
Boissiere	Hines	Mount
Cain	Hollis	Romero
Campbell	Hoyt	Schedler
Chaisson	Irons	Smith
Cravins	Johnson	Tarver
Dardenne	Jones, B	Theunissen
Dean	Jones, C	Thomas
Ellington	Lambert	Ullo
Fields, C	Lentini	
Total—38		

NAYS

Total—0

ABSENT

Robichaux

June 7, 2000

Total—1

The Chair declared the people named above were confirmed.

Report of Committee on
SENATE AND GOVERNMENTAL AFFAIRS

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

Senate Chamber
State Capitol
State of Louisiana
Baton Rouge, LA

June 06, 2000

To the President and Members of the Senate:

Gentlemen:

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

The committee recommends that the following appointees be confirmed:

Administration, Division of

Deputy Commissioner
Hutchinson, Don J.
5917 Bennington Avenue
Baton Rouge, LA 70808

Deputy Commissioner,
Office of Communications
Lowery, Amy C.
2210 Christian St #30
Baton Rouge, LA 70808

Aging, Louisiana Executive Board on

LaFuria, Sharon
17 River Lane
Lake Charles, LA 70605

Agricultural Commodities Commission, Louisiana

Carter, Sr., Floyd E.
458-A McCown Road
Welsh, LA 70591

Hoppe, James E.
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Batchelor, LA 70715

Johnston, Jerry L.
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Crowley, LA 70526-3053

Morales, Walter A.
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Rodrigue, Leslie L.
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Edgard, LA 70049

Vincent, Joel J.
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Amite River Basin Drainage and Water Conservation District, Board of Commissioners of the

Bell, Pat
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Callender, Lawrence E.
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June 7, 2000

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Sherman, Jim G.
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Reinauer, David
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Lake Charles, LA 70601

Sterbcow, Arthur
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June 7, 2000

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Homer, LA 71040 Winnfield, LA 71483

Butler, James B. Byars, Herbert
406 E. Todd 1307 Evergreen Drive
Minden, LA 71055 Minden, LA 71055

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June 7, 2000

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Opelousas, LA 70571 Opelousas, LA 70570

Firmin, Cornelius Fontenot, J. Ryan
2047 Highway 360 131 Jules Lane
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Eunice, LA 70535 Grand Coteau, LA 70541

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Morris, Johnnie A. Waker, Rene
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Structural Pest Control Commission

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Sweet Potato Advertising and Development Commission, La

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Respectfully submitted,
CHRIS ULLO
Chairman

MOTION

Senator Ullo moved to confirm the persons on the above list who were reported by the Committee on Senate and Governmental Affairs without action and vouched for in open session.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President
Bajoie
Barham
Bean
Boissiere
Cain
Campbell
Chaisson
Cravins
Dardenne
Dean
Ellington
Fields, C
Total—38

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

Malone
Marionneaux
McPherson
Michot
Mount
Romero
Schedler
Smith
Tarver
Theunissen
Thomas
Ullo

NAYS

Total—0

ABSENT

Robichaux
Total—1

The Chair declared the people named above were confirmed.

Messages from the House

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

Message from the House

DISAGREEMENT TO HOUSE BILL

June 7, 2000

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. 140 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, Hammett, and LeBlanc.

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

Appointment of Conference Committee on House Bill No. 140

The President of the Senate appointed on the Conference Committee on House Bill No. 140 the following members of the Senate: Senators Barham, Hainkel, and Heitmeier.

Motion

Senator C. Fields moved to suspend the rules to advance to the order of House Bills on Third Reading and Final Passage, to take up the following House Bills out of their regular order.

Without objection, so ordered.

House Bills and Joint Resolutions on Third Reading and Final Passage

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

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

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

Floor Amendments Sent Up

Senator C. Fields sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator CFields to Reengrossed House Bill No. 240 by Representative Futrell

AMENDMENT NO. 1

On page 8, line 17, after "Drive" insert the following: ", and shall extend from Florida Boulevard to Main Street, to include the north side of Main Street from North 10th Street to North 19th Street"

On motion of Senator C. Fields, the amendments were adopted.

Floor Amendments Sent Up

Senator C. Fields sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator C. Fields to Reengrossed House Bill No. 240 by Representative Futrell

AMENDMENT NO. 1

On page 1, line 5, after "Industry" delete the comma "," and delete the remainder of the line and delete line 6 and insert "to grant certain tax rebates and credits to businesses"

AMENDMENT NO. 2

On page 1, line 7, after "parish;" delete the remainder of the line and delete line 8 and at the beginning of line 9 delete "specified conditions;" and insert "to provide for application for rebates and credits and for eligibility criteria;"

AMENDMENT NO. 3

On page 2, at the beginning of line 7, change "A.(1)(a)" to "A."

AMENDMENT NO. 4

On page 2, line 8, after "Subsection" change "B" to "E"

AMENDMENT NO. 5

On page 2, line 10, after ""commerce board"," delete the remainder of the line and delete the remainder of the page and delete pages 3 through 7 and on page 8 delete lines 1 through 4 and insert the following:

"after consultation with the secretaries of the Department of Economic Development and Department of Revenue, and with the approval of the governor, may enter into contracts not to exceed five years to provide:

(1) For the rebate of sales and use taxes imposed by the state, and imposed by the city-parish governing authority of Baton Rouge and East Baton Rouge Parish if approved by the governing authority, on the purchases of the material used in the construction of a building, or any addition or improvement thereon, for housing any legitimate business enterprise, and machinery and equipment used in that enterprise. Final application for the payment of any rebate of sales and use taxes granted pursuant to this Subsection must be filed no later than six months after receipt of the project completion report as provided by rule by the Department of Economic Development. The amount to be rebated shall in no case be greater than the total of the actual amount of the sales and use taxes paid.

(2)(a) Except as provided in Subparagraph (b) of this Paragraph, for a two thousand five hundred dollar tax credit per employee during the taxable year for which credit is claimed. This tax credit may be applied to any state income tax liability or any state corporate franchise tax liability, but not liabilities for penalty or interest, due or outstanding at the time the credit is generated. However, credits may only be applied to a due or outstanding tax liability attributable to tax years prior to the year in which the credit is generated if the tax liability is the result of an assessment, administrative or judicial proceeding by the Department of Revenue after an audit; provided that no further interest or penalty shall be accrued on such tax liability after the credit is generated. If the entire credit cannot be used in the year claimed, the remainder may be applied against the income tax or corporate franchise tax for the succeeding ten taxable years or until the entire credit is used, whichever occurs first. These credits shall also apply to those tax liabilities, but not liabilities for

penalty or interest, identified in tax years where existing contracts generate the credit.

(b) In lieu of the tax credit provided in Subparagraph (a) of this Paragraph, for aviation or aerospace industries as defined in 3720 or 3760 SIC Code Title, for a five thousand dollar tax credit for each new job created. This tax credit may be applied to any state income tax liability or any state franchise tax liability within a ten year period from the date that the contract becomes effective or until the entire credit is used, whichever occurs first.

(3) The tax credit provided in Paragraph (2) of this Subsection, when claimed by a business enterprise shall only be applicable to a position that did not previously exist in the business enterprise and that is filled by a Louisiana resident performing duties in connection with the operation of the business enterprise either as a regular, full-time employee or as a part-time employee employed for at least twenty hours per week for at least six months during the taxable year.

B. The commerce board may enter into the contracts provided in Subsection A of this Section provided that:

(1) The business and its contractors give preference and priority to Louisiana manufacturers and, in the absence of Louisiana manufacturers, to Louisiana suppliers, contractors, and labor, except where not reasonably possible to do so without added expense, substantial inconvenience, or sacrifice in operational efficiency.

(2)(a) The request for such a rebate of sales and use tax is accompanied by an endorsement resolution approved by the city-parish governing authority. The endorsement resolution is to be submitted by the governing authority within ninety days of receipt of notification that the department has received an advance notification to file an application for benefits under this Section. The department shall notify the governing authority of receipt of the application by certified mail.

(b) If the city-parish governing authority has not submitted an endorsement resolution, written reasons for denial, or a written request for delay of consideration of the application, the commerce board may take unilateral action, for the rebate of sales and use taxes imposed by the state only, in approving or denying the request.

(c) If there are no local sales and use taxes that can be rebated, as in the event that all such taxes are dedicated, no endorsement resolution shall be required of the city-parish governing authority before the commerce board considers its application for benefits under this Section.

(3) The business enterprise is or shall be physically located within the zone.

(4)(a) The business enterprise certifies that at least thirty-five percent of its employees:

(i) Are residents of the zone or are residents of an enterprise zone in the same parish as the location of the business.

(ii) Are residents of an enterprise zone in a contiguous parish if the business has five hundred or more employees.

(iii) Were receiving some form of public assistance prior to employment.

(iv) Were considered unemployable by traditional standards, or lacking in basic skills.

(v) Any combination of the above. Such certification shall be updated annually if the business is to continue receiving the benefits of this Section.

(5)(a) The business makes its request for rebate of sales and use tax or the tax credit prior to one of the following:

(i) Beginning construction of its building, or any addition or improvement thereon.

(ii) Installation of the machinery or equipment to be used in the zone.

(b) At any time subsequent to the deadlines established in Items (i) and (ii) of Subparagraph (a), if the commerce board determines that the business was unable, due to good cause, to file the request within the time frame provided, the commerce board may consider a late request, but the business shall have the burden to establish good cause.

(6) The business creates a minimum of the lesser of five net new permanent jobs to be in place within the first two years of the contract period, or the number of net new jobs equal to a minimum of ten percent of the existing employees, minimum of one, within the first year of the contract period.

C. No business enterprise that has received any other locating or expansion incentives or assistance from the state for operations within the district, whether in the form of grants, capital funds, appropriation, other tax credits, exemptions, or exclusions or otherwise, may receive any rebate or credit pursuant to this Section."

AMENDMENT NO. 6

On page 8, at the beginning of line 5, change "(4)" to "D."

AMENDMENT NO. 7

On page 8, at the end of line 8, change the period "." to a comma "," and insert "and references to the secretary of the department shall refer to the commissioner of administration."

AMENDMENT NO. 8

On page 8, at the beginning of line 9, change "B." to "E"

AMENDMENT NO. 9

On page 8, delete lines 18 through 26 and on page 9, delete lines 1 through 5

On motion of Senator C. Fields, the amendments were adopted.

Floor Amendments Sent Up

Senator Irons sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Irons to Reengrossed House Bill No. 240 by Representative Futrell

AMENDMENT NO. 1

On page 2, line 7, after "A.(1)(a)" insert "(i)

AMENDMENT NO. 2

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

"(ii) For businesses who filed an application with the department on and after June 1, 2000, not less than one hundred percent of the premium for a health care policy for full-time employees, and fifty percent of the premium for a health care policy for dependents of such employees shall be paid by the employer. Eighty percent of the jobs to be created by the applicant shall be full-time-equivalent employment. A full-time employee's wages shall be no less than twice the minimum hourly wage as required by law. For purposes of this Section, "full-time employment" means employment in a job to work not less than thirty-five hours per week.

AMENDMENT NO. 3

On page 8, between lines 4 and 5, insert the following:

"(f) For the purposes of this Section, business entities or interests, or an affiliate or subsidiary of such entities or interests, who possess a twenty-five percent interest in a gaming activity or operation, as defined by R.S. 18:505.2(L)(3), are prohibited from applying for such rebates of or exemptions from the taxes imposed by this state and by political subdivisions as provided for in this Section."

Senator Irons moved adoption of the amendments.

Senator Dean objected.

ROLL CALL

The roll was called with the following result:

YEAS

Bajoie

Ellington

McPherson

June 7, 2000

Barham	Fields, W	Mount
Bean	Hines	Romero
Boissiere	Irons	Schedler
Cain	Jones, B	Smith
Campbell	Jones, C	Tarver
Chaisson	Lentini	Theunissen
Cravins	Marionneaux	Thomas
Total—24		

NAYS

Dardenne	Gautreaux	Malone
Dean	Hollis	Michot
Fontenot	Hoyt	
Total—8		

ABSENT

Mr. President	Johnson	Ullo
Fields, C	Lambert	
Heitmeier	Robichaux	
Total—7		

The Chair declared the amendments were adopted.

Senator Johnson in the Chair

Floor Amendments Sent Up

Senator C. Jones sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator C Jones to Reengrossed House Bill No. 240 by Representative Futrell

AMENDMENT NO. 1

On page 9, after line 5, insert the following:

"D. Prior to the granting of a contract of rebate or exemption pursuant to this Chapter, the Joint Legislative Committee on the Budget shall approve such contract."

Senator C. Jones moved adoption of the amendments.

Senator Dean objected.

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Dean	Malone
Total—2	

ABSENT

Dardenne	Michot
Total—2	

The Chair declared the amendments were adopted.

Mr. President in the Chair

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

ROLL CALL

The roll was called with the following result:

YEAS

Boissiere	Fontenot	Malone
Cain	Gautreaux	Marionneaux
Campbell	Heitmeier	McPherson
Cravins	Hines	Mount
Dardenne	Hoyt	Romero
Dean	Irons	Schedler
Fields, C	Johnson	Tarver
Fields, W	Jones, C	Thomas
Total—24		

NAYS

Mr. President	Hollis	Smith
Barham	Jones, B	Theunissen
Bean	Lentini	Ullo
Chaisson	Michot	
Ellington	Robichaux	
Total—13		

ABSENT

Bajoie	Lambert
Total—2	

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

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

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

Floor Amendments Sent Up

Senator Barham sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Barham to Reengrossed House Bill No. 238 by Representative M. Jackson

AMENDMENT NO. 1

On page 6, at the bottom of the page, insert:

"B. Notwithstanding any other provision of this Part, no rebate or exemption against any state tax shall be allowed in contracts provided for in this Part."

Senator Barham moved adoption of the amendments.

Senator C. Fields objected.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Gautreaux	McPherson
Barham	Heitmeier	Mount
Bean	Hines	Robichaux
Cain	Hollis	Schedler
Chaisson	Hoyt	Smith
Cravins	Jones, B	Tarver
Dardenne	Lentini	Theunissen
Ellington	Malone	Ullo
Total—24		

NAYS

Bajoie	Fields, C	Jones, C
Boissiere	Fields, W	Michot
Campbell	Fontenot	Thomas
Dean	Irons	
Total—11		

ABSENT

Johnson	Marionneau
Lambert	Romero
Total—4	

The Chair declared the amendments were adopted.

Floor Amendments Sent Up

Senator C. Jones sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator C Jones to Reengrossed House Bill No. 238 by Representative M. Jackson

AMENDMENT NO. 1

On page 8, after line 20, insert the following:

"D. Prior to the granting of a contract of rebate or exemption pursuant to this Chapter, the Joint Legislative Committee on the Budget shall approve such contact."

Senator C. Jones moved adoption of the amendments.

Senator Dean objected.

ROLL CALL

The roll was called with the following result:

YEAS

Bajoie	Fields, W	Lentini
Barham	Fontenot	Malone
Bean	Gautreaux	Marionneau
Boissiere	Heitmeier	Robichaux
Cain	Hines	Romero
Campbell	Hollis	Schedler
Chaisson	Hoyt	Smith
Cravins	Irons	Tarver
Dardenne	Johnson	Theunissen
Ellington	Jones, B	Thomas
Fields, C	Jones, C	Ullo
Total—33		

NAYS

Dean	Michot
Total—2	

ABSENT

Mr. President	McPherson
Lambert	Mount
Total—4	

The Chair declared the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Bajoie	Fontenot	Malone
Barham	Gautreaux	Marionneau
Bean	Heitmeier	Michot
Boissiere	Hines	Mount
Cain	Hollis	Romero
Campbell	Hoyt	Schedler
Chaisson	Irons	Smith
Cravins	Johnson	Tarver
Dardenne	Jones, B	Theunissen
Dean	Jones, C	Thomas
Fields, C	Lambert	
Fields, W	Lentini	
Total—34		

NAYS

Robichaux	Ullo
Total—2	

ABSENT

Mr. President	Ellington	McPherson
Total—3		

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

Personal Privilege

Senator Ullo asked for and obtained the floor of the Senate on a point of personal privilege, and stated he had voted in error on House Bill No. 238. He voted nay on the bill and had intended to vote yea. He asked that the Official Journal so state.

HOUSE BILL NO. 330— (Substitute for House Bill No. 201 by Representative DeWitt)

BY REPRESENTATIVES DEWITT AND SCALISE AND SENATORS HOLLIS AND BOISSIERE

AN ACT

To amend and reenact R.S. 22:1068(E)(1)(a) and (2)(d) and R.S. 51:1922, 1923(2), (3), (6)(a)(i), and (7), 1924(B) and (D)(2) and (5), 1925, 1926(A)(introductory paragraph) and (2) and (3)(a), 1927.1(B), 1931, 1933, and 1935(A) and to enact R.S. 51:1923(10), (11), (12), (13), and (14), 1927.2, and 1928(C)(4), relative to the Louisiana capital companies tax credit program; to provide for definitions; to provide for income tax credit or premium tax reduction; to provide requirements for continuance of certification; to provide for annual audits; to provide for annual reports to the legislature; to provide for program termination; to provide for investment in approved funds; to provide for payment of costs of the program; and to provide for related matters.

June 7, 2000

Floor Amendments Sent Up

Senator Lambert sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Lambert to Reengrossed House Bill No. 330 by Representative DeWitt

AMENDMENT NO. 1

In Senate Committee Amendment No. 1 proposed by the Senate Committee on Revenue and Fiscal Affairs adopted by the Senate on June 5, 2000, on line 2, change "(6)(c) and (d)" to "(6)(a)(v) and (c)"

AMENDMENT NO. 2

In Senate Committee Amendment No. 2 proposed by the Senate Committee on Revenue and Fiscal Affairs adopted by the Senate on June 5, 2000, on line 5, following "(15)," add a close quotation mark "" and before "(A)" add an open quotation mark ""

AMENDMENT NO. 3

In Senate Committee Amendment No. 3 proposed by the Senate Committee on Revenue and Fiscal Affairs adopted by the Senate on June 5, 2000, on line 8 change "(6)(c) and (d)" to "(6)(a)(v) and (c)"

AMENDMENT NO. 4

In Senate Committee Amendment No. 5 proposed by the Senate Committee on Revenue and Fiscal Affairs adopted by the Senate on June 5, 2000, change "department" to "Department"

AMENDMENT NO. 5

In Senate Committee Amendment No. 6 proposed by the Senate Committee on Revenue and Fiscal Affairs adopted by the Senate on June 5, 2000, between lines 17 and 18 insert "(v) Has, together with its affiliates, been unable to obtain conventional financing. Such determination shall be made in accordance with rules promulgated by the secretary or his successor.

* * *

and delete lines 26-28 in their entirety.

AMENDMENT NO. 6

In Senate Committee Amendment No. 8, proposed by the Senate Committee on Revenue and Fiscal Affairs adopted by the Senate on June 5, 2000, on line 13, change "year" to "years"

AMENDMENT NO. 7

In Senate Committee Amendment No. 13, proposed by the Senate Committee on Revenue and Fiscal Affairs adopted by the Senate on June 5, 2000, on line 37, before "Economic" insert an open quotation mark ""

On motion of Senator Lambert, the amendments were adopted.

Floor Amendments Sent Up

Senator C. Fields sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator C. Fields to Reengrossed House Bill No. 330 by Representative DeWitt et al

AMENDMENT NO. 1

On page 17, line 4, delete "priority and/or"

AMENDMENT NO. 2

On page 17, line 6, after "businesses" delete the remainder of the line, delete lines 7 through 9, and insert a period "."

AMENDMENT NO. 3

On page 17, delete line 10 and at the beginning of line 11, delete "ending December 31, 2000" and insert "Beginning on January 1, 2000"

AMENDMENT NO. 4

On page 17, line 17, after "investors." delete the remainder of the line, delete lines 18 through 26, and on page 18, delete lines 1 through 12.

Senator C. Fields moved adoption of the amendments.

Senator Hollis objected.

ROLL CALL

The roll was called with the following result:

YEAS

Bajoie Fields, W Tarver
Fields, C Jones, C
Total—5

NAYS

Mr. President Fontenot McPherson
Bean Gautreaux Michot
Boissiere Heitmeier Mount
Cain Hines Romero
Campbell Hollis Smith
Chaisson Hoyt Theunissen
Cravins Irons Thomas
Dardenne Lentini Ullo
Dean Malone
Ellington Marionneaux
Total—28

ABSENT

Barham Jones, B Robichaux
Johnson Lambert Schedler
Total—6

The Chair declared the amendments were rejected.

Senator Schedler in the Chair

Motion

Senator Hines moved to table the bill.

Senator Hollis objected.

ROLL CALL

The roll was called with the following result:

YEAS

Barham Fields, W Marionneaux
Campbell Hines McPherson
Cravins Jones, B Robichaux
Ellington Lentini Schedler
Fields, C Malone Tarver
Total—15

NAYS

Bajoie Gautreaux Michot
Bean Heitmeier Mount
Boissiere Hollis Romero
Cain Hoyt Smith
Chaisson Irons Theunissen
Dardenne Johnson Thomas

Dean Jones, C
Fontenot Lambert
Total—22

ABSENT

Mr. President Ullo
Total—2

The Chair declared the Senate refused to table the bill.

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

Rules Suspended

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

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

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

Called from the Calendar

Senator B. Jones asked that House Bill No. 22 be called from the Calendar at this time for its final passage.

**HOUSE BILL NO. 22—
BY REPRESENTATIVE MONTGOMERY
AN ACT**

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

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

ROLL CALL

The roll was called with the following result:

YEAS

Bajoie	Heitmeier	McPherson
Bean	Hines	Michot
Boissiere	Hollis	Mount
Cain	Hoyt	Robichaux
Chaisson	Irons	Romero
Cravins	Johnson	Schedler
Dardenne	Jones, B	Smith
Dean	Jones, C	Tarver
Ellington	Lambert	Theunissen
Fontenot	Lentini	Thomas
Gautreaux	Malone	Ullo

NAYS

Total—0

ABSENT

Mr. President	Campbell	Fields, W
Barham	Fields, C	Marionneaux

Total—6

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

Mr. President in the Chair

Rules Suspended

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

Reports of Committees

The following reports of committees were received and read:

**CONFERENCE COMMITTEE REPORT
Senate Bill No. 8 by Senator Schedler**

June 5, 2000

To the Honorable President and Members of the Senate and to the Honorable Speaker and Members of the House of Representatives:

We, the conferees appointed to confer over the disagreement between the two houses concerning Senate Bill No. 8 by Senator Schedler recommend the following concerning the Engrossed bill:

1. That House Floor Amendments No. 1 through 5 proposed by Representative Alario and adopted by the House of Representatives on May 31, 2000 be rejected.

Respectfully submitted,

Senators:	Representatives:
Tom Schedler	John A. Alario, Jr.
Robert J. Barham	Bryant O. Hammett, Jr.
Arthur J. "Art" Lentini	Edwin R. Murray

Rules Suspended

Senator Schedler asked for and obtained a suspension of the rules for the purpose of considering the Conference Committee Report. On motion of Senator Schedler, a vote was taken on the adoption of the report.

ROLL CALL

The roll was called with the following result:

YEAS

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

Total—38

NAYS

Total—0

ABSENT

June 7, 2000

McPherson
Total—1

The Chair declared the Conference Committee Report was adopted. Senator Schedler moved to reconsider the vote by which the report was adopted and laid the motion on the table.

Recess

On motion of Senator Lambert, the Senate took a recess until 1:00 o'clock P.M.

After Recess

The Senate was called to order at 1:00 o'clock P.M. by the President of the Senate.

ROLL CALL

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

PRESENT

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

ABSENT

Total—0

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

Senate Business Resumed

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 7, 2000

To the Honorable President and Members of the Senate:

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

SENATE BILL NO. 85—
BY SENATOR MICHOT

AN ACT

To amend and reenact the introductory paragraph of R.S. 51:2452(A), and 2453(1)(b)(i) and (2), and the introductory paragraph of (8), 2454, 2455(E)(3), and 2461(A) and (B), relative to tax credits; to provide relative to requirements for incentive tax credits under the Louisiana Quality Jobs Program; to remove the time limitation on receiving applications for incentive tax credits; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 81—

BY SENATORS THOMAS, BARHAM, SMITH AND THEUNISSEN
AN ACT

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

Reported with amendments.

SENATE BILL NO. 86—
BY SENATOR CAMPBELL

AN ACT

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

Reported with amendments.

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

Message from the House

ADOPTION OF CONFERENCE COMMITTEE REPORT

June 7, 2000

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has adopted the Report of the Conference Committee on the disagreement to House Bill No. 117.

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

Message from the House

ADOPTION OF CONFERENCE COMMITTEE REPORT

June 7, 2000

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has adopted the Report of the Conference Committee on the disagreement to House Bill No. 299.

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

Message from the House

**ADOPTION OF
CONFERENCE COMMITTEE REPORT**

June 7, 2000

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has adopted the Report of the Conference Committee on the disagreement to Senate Bill No. 8.

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

Message from the House

**ADOPTION OF
CONFERENCE COMMITTEE REPORT**

June 7, 2000

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has adopted the Report of the Conference Committee on the disagreement to Senate Concurrent Resolution No. 32.

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

Rules Suspended

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

**Introduction of Resolutions,
Senate and Concurrent**

Senator Lambert 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:

Senator Robichaux in the Chair

SENATE RESOLUTION NO. 46—
BY SENATORS HAINKEL, BAJOIE, BARHAM, BOISSIERE, DARDENNE, DEAN, ELLINGTON, GAUTREAU, HINES, HOLLIS, HOYT, IRONS, JOHNSON, B. JONES, LAMBERT, LENTINI, MICHOT, MOUNT, ROBICHAUX, SCHEDLER, SMITH, THEUNISSEN, THOMAS AND ULLO
A RESOLUTION

To urge and request the State Board of Elementary and Secondary Education take the necessary and appropriate steps to assure that every public school in the state provide an opportunity for every student to visit the D-Day Museum as an educational, co-curricular activity.

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

SENATE CONCURRENT RESOLUTION NO. 64—
BY SENATOR B. JONES

A CONCURRENT RESOLUTION
To urge and request the Interim Emergency Board to consider emergency funding or other assistance to assist in the repair and reconstruction of Jonesboro-Hodge High School.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Dean
Total—1

ABSENT

Fields, C
Total—1

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

Regular Order of the Day

**House Concurrent Resolutions
on Second Reading**

The following House Concurrent Resolutions were read and acted upon as follows:

HOUSE CONCURRENT RESOLUTION NO. 85—
BY REPRESENTATIVE GLOVER

A CONCURRENT RESOLUTION
To create and provide with respect to a task force to study and make recommendations regarding the safe relinquishment of newborns.

Floor Amendments Sent Up

Senator Mount sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senators Mount and Schedler to Original House Concurrent Resolution No. 85 by Representative Glover

AMENDMENT NO. 1

June 7, 2000

On page 2, line 8, after "Representatives," insert the following: "the executive director of the Louisiana Maternal and Child Health Coalition, a representative from the Louisiana Hospital Association, a representative from the Louisiana Chapter of the National Association of Social Workers,"

On motion of Senator Mount, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Name, Yeas, Nays. Lists names like Mr. President, Bajoie, Barham, etc.

NAYS

Total—0

ABSENT

Table with 3 columns: Name, Absent, Total. Lists names like Cravins, Ellington, etc.

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

Motion

Senator Michot moved to suspend the rules to advance to the order of House Bills on Third Reading and Final Passage, to take up the following House Bills out of their regular order.

Without objection, so ordered.

House Bills and Joint Resolutions on Third Reading and Final Passage

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

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

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

Senator Ellington in the Chair

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Name, Yeas, Nays. Lists names like Bajoie, Barham, Bean, etc.

NAYS

Total—0

ABSENT

Table with 3 columns: Name, Absent, Total. Lists names like Mr. President, Fields, C, Johnson.

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

HOUSE BILL NO. 252— BY REPRESENTATIVE JOHNS AN ACT

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

Mr. President in the Chair

Floor Amendments Sent Up

Senator Heitmeier sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senators Heitmeier, Hainkel & Dardenne to Engrossed House Bill No. 252 by Representative Johns

AMENDMENT NO. 1

On page 1, line 2, between "47:315.3(A)" and the comma "," insert the following: "and to enact Part I-A of Chapter 11 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 47:1021 through 1024"

AMENDMENT NO. 2

On page 1, line 2, changes "sales" to "taxation;"

AMENDMENT NO. 3

On page 1, line 3, delete "and use tax;"

AMENDMENT NO. 4

On page 1, line 4, between "Medicare;" and "and to" insert the following: "to provide for a communications excise tax;"

AMENDMENT NO. 5

On page 2, between lines 3 and 4, insert the following:

"Section 2. Part I-A of Chapter 11 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, comprised of R.S. 47:1021 through 1024, is hereby enacted to read as follows:

PART 1-A. COMMUNICATIONS EXCISE TAX

§1021. Definitions

As used in this Part, the following terms shall be defined as follows unless the context clearly indicates a different meaning:

(1) "Communications services" means local telephone service, toll telephone service, and teletypewriter exchange service.

(2)(a) "Local telephone service" means the access to a local telephone system, and the privilege of telephonic quality communication with substantially all persons having telephone or radio telephone stations constituting a part of such local telephone system.

(b) The term "local telephone service" also includes any facility or service provided in connection with a service described in Paragraph (2)(a).

(c) The term "local telephone service" does not include any service which is a "toll telephone service" or a "private communication service".

(3) "Prepaid telephone card" means any card or any other similar arrangement which permits its holder to obtain communications services and pay for such services in advance.

(4)(a) "Private communication service" means the communication service furnished to a subscriber which entitles the subscriber to exclusive or priority use of any communication channel or groups of channels, or to the use of an intercommunication system for the subscriber's stations regardless of whether such channel, groups of channels, or intercommunication system may be connected through switching with a service described in Paragraphs (2), (5), or (6) of this Section.

(b) The term "private communications service" shall also include switching capacity, extension lines and stations, or other associated services which are provided in connection with, and are necessary or unique to the use of, channels or systems described in this Paragraph.

(c) "Private communications service" shall also include the channel mileage which connects a telephone station located outside a local telephone system area with a central office in such local telephone system.

(d) "Private communications service" does not include any communication service unless a separate charge is made for such service.

(5) "Teletypewriter exchange service" means the access from a teletypewriter or other data station to the teletypewriter exchange system of which such station is a part, and the privilege of intercommunication by such station with substantially all persons having teletypewriter or other data stations constituting a part of the same teletypewriter exchange system, to which the subscriber is entitled upon payment of a charge or charges, whether such charge or charges are determined as a flat periodic amount, on the basis of distance and elapsed transmission time, or in some other manner. The term "teletypewriter exchange service" does not include any service which is local telephone service.

(6)(a) "Toll telephone service" means a telephonic quality communication for which there is a toll charge which varies in amount with the distance and elapsed transmission time of each individual communication and the charge is paid within the United States.

(b) The term "toll telephone service" also includes a service which entitles the subscriber, upon payment of a periodic charge, determined as a flat amount or upon the basis of total elapsed transmission time, to the privilege of an unlimited number of telephonic communications to or from all or a substantial portion of the persons having telephone or radio telephone stations in a specified area which is outside the local telephone system area in which the station provided with this service is located.

§1022. Imposition of tax

A. On and after July 1, 2000, a communications excise tax is hereby levied on all amounts paid by any person, partnership,

corporation, or other entity for communications services at a rate of one percent.

B.(1) In addition to the tax imposed pursuant to Subsection A of this Section, an additional communications excise tax is hereby levied on all amounts paid by any person, partnership, corporation, or other entity for communications services. The rate of this additional tax shall be determined by the secretary of the Department of Revenue in accordance with the provisions of this Subsection.

(2) Except as provided in Paragraph (3) of this Subsection, the communications excise tax shall be paid by the person, partnership, corporation, or other entity receiving such communications services and shall be levied at a rate of not less than nor more than three percent of the total amount paid for communications services.

(3) The tax imposed pursuant to this Subsection, when combined with the tax rate imposed pursuant to Subchapter B of Chapter 33 of Subtitle D of Title 26 of the United State Code, 26 U.S.C. §§4251, et seq., shall not be less than nor more than three percent of the total amount paid for communications services.

§1023. Prepaid telephone card

A. In the case of communications services acquired by means of a prepaid telephone card, the face amount of such card shall be treated as the amount paid for communications services and that amount shall be treated as paid when the card is transferred by any telecommunications carrier to any person who is not such a carrier.

B. If a prepaid telephone card entitles the user other than to a specified dollar amount of use, the face amount shall be determined by regulations promulgated by the secretary of the Department of Revenue.

§1024. Exemptions; filing

A. The provisions of this Part shall not apply to the following entities or services:

(1) Certain coin-operated service. Service paid for by inserting coins in coin-operated telephones available to the public shall not be subject to the tax imposed under R.S. 47:1022 with respect to local telephone service, or with respect to toll telephone service if the charge for such toll telephone service is less than twenty-five cents; however, if the coin-operated telephone service is furnished for a guaranteed amount, the amounts paid under such guarantee plus any fixed monthly or other periodic charge shall be subject to the tax.

(2) News services. No tax shall be imposed under R.S. 47:1022, except with respect to local telephone service, on any payment received from any person for services used in the collection of news for the public press, or a news ticker service furnishing a general news service similar to that of the public press, or radio broadcasting, or in the dissemination of news through the public press, or a news ticker service furnishing a general news service similar to that of the public press, or by means of radio broadcasting, if the charge for such service is billed in writing to such person.

(3) International, etc., organizations. No tax shall be imposed under R.S. 47:1022 on any payment received for services furnished to an international organization, or to the American National Red Cross.

(4) Servicemen in combat zone. No tax shall be imposed under R.S. 47:1022 on any payment received for any toll telephone service which originates within a combat zone, as defined in 26 U.S.C.A. §112, from a member of the armed forces of the United States performing service in such combat zone, as determined under such Section, provided a certificate, setting forth such facts as the secretary of the United States Department of the Defense may by regulations prescribe, is furnished to the person receiving such payment.

(5) Items otherwise taxed. Only one payment of tax under R.S. 47:1022 shall be required with respect to the tax on any service, notwithstanding the lines or stations of one or more persons are used in furnishing such service.

(6) Common carriers and communications companies. No tax shall be imposed under R.S. 47:1022 on the amount paid for any toll telephone service described in R.S. 47:1021(6)(b) to the extent that the amount so paid is for use by a common carrier, telephone or telegraph company, or radio broadcasting station or network in the conduct of its business as such.

(7) Installation charges. No tax shall be imposed under R.S. 47:1022 on so much of any amount paid for the installation of any instrument, wire, pole, switchboard, apparatus, or equipment as is properly attributable to such installation.

(8) Nonprofit hospitals. No tax shall be imposed under R.S. 47:1022 on any amount paid by a nonprofit hospital for services furnished to such organization. For purposes of this Subsection, the term "nonprofit hospital" means a hospital referred to in 26 U.S.C. §170(b)(1)(A)(iii) which is exempt from income tax under 26 U.S.C. §501(a).

(9) State and local governmental exemption. No tax shall be imposed under R.S. 47:1022 upon any payment received for services or facilities furnished to the state, a state agency, or local political subdivision.

(10) Exemption for nonprofit educational organizations. No tax shall be imposed under R.S. 47:1022 on any amount paid by a nonprofit educational organization for services or facilities furnished to such organization. For purposes of this Subsection, the term "nonprofit educational organization" means an educational organization described in 26 U.S.C. §170(b)(1)(A)(ii) which is exempt from income tax under 26 U.S.C.A. §501(a). The term also includes a school operated as an activity of an organization described in 26 U.S.C.A. §501(c)(3) which is exempt from income tax under 26 U.S.C.A. §501(a), if such school normally maintains a regular faculty and curriculum and normally has a regularly enrolled body of pupils or students in attendance at the place where its educational activities are regularly carried on.

(11) Call centers. (a) As used in this Paragraph, "call center" means one or more locations that utilize telecommunication services in one or more of the following activities: customer services, soliciting sales, reactivating dormant accounts, conducting surveys or research, fund raising, collection of receivables, receiving reservations, receiving orders, or taking orders.

(b) Except as provided in this Subparagraph (c) of this Paragraph, the exemption provided in this Paragraph shall not apply to sales reflected on bills submitted prior to July 1, 2003.

(c) On or after July 1, 2003, the tax imposed under this Part shall not exceed twenty-five thousand dollars per calendar year with respect to such sales reflected on bills submitted on or after July 1, 2003.

B. (1) Every person, partnership, corporation, or other entity claiming an exemption pursuant to this Section shall provide a statement to the provider of communications services certifying that such person, partnership, corporation, or entity is entitled to the exemption.

(2) Every exemption shall remain in effect until a provider of communications services has actual knowledge that the information provided in the statement is false or the provider is notified by the secretary of the Department of Revenue that the person, partnership, corporation, or entity is no longer entitled to an exemption under this Section.

(3) If information provided by a person, partnership, corporation or other entity seeking an exemption under this Section is no longer accurate, then such person, partnership, corporation, or entity shall inform the provider of communications services within thirty days of such change of information."

AMENDMENT NO. 6

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

AMENDMENT NO. 7

On page 2, line 6, change "Section 3." to "Section 4."

On motion of Senator Heitmeier, the amendments were adopted.

Floor Amendments Sent Up

Senator Johnson sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Johnson to Engrossed House Bill No. 252 by Representative Johns

AMENDMENT NO. 1

In Senate Floor Amendment No. 1 proposed by Senator Heitmeier and adopted by the Senate on June 5, 2000, on page 1, delete lines 2 through 6, and insert:

"On page 1, line 2, after "47:315.3(A)" insert: "and 321(C), to enact Part I-A of Chapter 11 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, and R.S.47:321(F) to be comprised of R.S. 47:1021 through 1024, and to repeal R.S. 47:301(14)(i)(v)"

AMENDMENT NO. 2

Delete Senate Floor Amendment No. 2 proposed by Senator Heitmeier and adopted by the Senate on June 5, 2000

AMENDMENT NO. 3

In Senate Floor Amendment No. 3 proposed by Senator Heitmeier and adopted by the Senate on June 5, 2000, on page 1, delete line 10, and insert: "On page 1, line 3, after "and use tax" insert "and other taxation"

AMENDMENT NO. 4

In Senate Floor Amendment No.4 proposed by Senator Heitmeier and adopted by the Senate on June 5, 2000, on page 1, line 13, after "tax;" insert "to provide for the payment to local governments of the additional tax on telecommunication services;"

AMENDMENT NO. 5

On page 2, before line 4, insert the following:

"Section 3. R.S.47:321(C) is hereby amended and reenacted and R.S. 47:321(F) is hereby enacted to read as follow: §321. Imposition of tax

* * *

C. In addition to the tax levied on sales of services by R.S. 47:302(C) and 331 (C) and collected under the provisions of Chapter 2 of Subtitle II of this Title, beginning July 1, 2000, there is hereby levied a tax upon all sales of services, as defined by said Chapter 2 of Subtitle II of this Title, in this state, at the rate of one percent of the amounts paid or charged for such services; however, the tax levied by this Section shall not apply to the furnishing of telecommunications services for compensation as provided in R.S. 47:301(14)(i).

* * *

F. In addition to the tax levied on sales of services by local governments under R.S. 47:302(C) and 33 (C) and collected under the provisions of Chapter 2 of Subtitle II of this Title, parishes and municipalities may levy an additional tax upon all sales of services, as defined by said Chapter 2 of Subtitle II of this Title, in this state at the rate of two and one-half percent of the amounts paid or charged for such services. Such additional tax shall be collected by the Department of Revenue, and advised by the sales and use tax commission appointed as provided according to the provisions of R.S. 47:302(K)(6). The proceeds of the tax shall be distributed to each political subdivision which levies a sales and use tax in accordance with the provisions of R.S. 47:302(K)(7).

Section 4. R.S. 47:301(14)(i)(v) is repealed on July 1, 2000."

AMENDMENT NO. 6

On page 2, line 4, change "Section 2" to "Section 5"

AMENDMENT NO. 7

On page 2, line 6, change "Section 3" to "Section 6"

Senator Johnson moved adoption of the amendments.

Senator Schedler objected.

ROLL CALL

The roll was called with the following result:

YEAS

Bajoie	Ellington	Irons
Boissiere	Fields, C	Johnson
Chaisson	Fields, W	Jones, C
Cravins	Hines	Marionneaux
Total—12		

NAYS

Mr. President	Heitmeier	Romero
Barham	Hollis	Schedler
Bean	Hoyt	Smith
Cain	Jones, B	Tarver
Campbell	Lentini	Theunissen
Dardenne	Malone	Thomas
Dean	Michot	Ullo
Fontenot	Mount	
Gautreaux	Robichaux	
Total—25		

ABSENT

Lambert	McPherson
Total—2	

The Chair declared the amendments were rejected.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fields, C	Marionneaux
Bajoie	Fields, W	McPherson
Barham	Fontenot	Mount
Bean	Heitmeier	Robichaux
Boissiere	Hines	Romero
Cain	Hollis	Schedler
Campbell	Hoyt	Smith
Cravins	Irons	Tarver
Dardenne	Johnson	Theunissen
Dean	Jones, C	Thomas
Ellington	Malone	Ullo
Total—33		

NAYS

Chaisson	Lambert	Michot
Gautreaux	Lentini	
Total—5		

ABSENT

Jones, B
Total—1

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

HOUSE BILL NO. 198—

BY REPRESENTATIVE HAMMETT
AN ACT

To amend and reenact R.S. 47:287.732(A) and to enact R.S. 47:287.732(C) and 287.732.1, relative to the state income tax liability of S corporations and qualified Subchapter S subsidiary corporations; to provide for an effective date; and to provide for related matters.

Floor Amendments Sent Up

Senator Robichaux sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Robichaux to Engrossed House Bill No. 198 by Representative Hammett.

AMENDMENT NO. 1

On page 1, line 2, between "R.S. 47:" and "287.732(A)" insert "287.11(B) and (C), 287.71(B)(7), 287.73(B)(5), 287.77, 287.91, 287.92, 287.93, 287.94, 287.95, 287.480(3)(a), 287.701(C), (D), (E), (F)(introductory paragraph) and (1), (G) (introductory paragraph) and (1) and (H)" and following "287.732(A)" insert ", and 287.733(A) and change "and" to a semi-colon ";"

AMENDMENT NO. 2

On page 1, line 2, between "R.S. 47: and "287.732(C)" insert "287.71(B)(8), 287.73(B)(6) and (7), 287.86(J),"

AMENDMENT NO. 3

On page 1, line 3, between "287.732.1" and ", relative" insert "and Subpart B-1 of Part II-A of Chapter 1 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 47:287.100 through 287.106; and to repeal R.S. 47:287.750"

AMENDMENT NO. 4

On page 1, line 3, between "tax" and "liability" insert "; to provide for combined reporting for corporate income; to provide for allocation and apportionment of corporation income; to provide for"

AMENDMENT NO. 5

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

"Section 2. "R.S. 47:287.11(B) and (C), 287.71(B)(7), 287.73(B)(5), 287.77, 287.91, 287.92, 287.93, 287.94, 287.95, 287.480(3)(a), 287.701(C), (D), (E), (F)(introductory paragraph) and (1), (G) (introductory paragraph) and (1) and (H), and 287.733(A) are hereby amended and reenacted and R.S. 47:287.71(B)(8), 287.73(B)(6) and (7), 287.86(J), and Subpart B-1 of Part II-A of Chapter 1 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, comprised of R.S. 47:287.100 through 287.106, are hereby enacted, all to read as follows:

§287.11. Tax imposed

* * *

B. Corporations shall be taxed on their ~~Louisiana taxable~~ income from sources within Louisiana to the full extent permitted under the Constitution of the United States, such income calculated in the manner and according to the procedures provided for in this Part, except as otherwise exempted.

C. Taxable years affected.

(1) The provisions of this Part as amended by that Act which originated as House Bill No. 258 of the 2000 Regular Session of the Legislature, and as the Part shall be amended thereafter, shall apply to taxable years beginning after December 31, ~~1986~~ 2000, including taxable years deemed to have commenced on January 1, ~~1987~~ 2001, by the provisions of R.S. 47:287.443.

(2) Taxable years beginning prior to January 1, ~~1987~~ 2001, shall not be affected by the provisions of this Part as amended by such Act, but shall remain subject to the applicable provisions of R.S. 47:21 et seq provisions of law applicable prior to that date.

* * *

§287.71. Modifications to federal gross income

* * *

B. There shall be subtracted from gross income determined under federal law, unless already excluded therefrom, the following items:

* * *

(7) Income derived from sources without the United States as determined by Part I of Subchapter N of the Internal Revenue Code by

a corporation organized under the laws of a foreign country and allowed to file as a member of a consolidated federal income tax return under the provisions of Sections 1501 through 1505 of the Internal Revenue Code.

(8) Exclusions from Subpart F of this Part, where applicable.

§287.73. Modifications to deductions from gross income allowed by federal law

* * *

B. Deletions. The following deductions allowed by federal law are declared inoperative and shall not form a part of allowable deductions in the computation of net income:

* * *

(5) Deductions derived from sources without the United States as determined by Part I of Subchapter N of the Internal Revenue Code by a corporation organized under the laws of a foreign country and allowed to file as a member of a consolidated federal income tax return under the provisions of Sections 1501 through 1505 of the Internal Revenue Code.

(6) Deductions derived from sources without the United States as determined by Part I of Subchapter N of the Internal Revenue Code paid on income on which no Louisiana income tax has been paid and, on which, for any reason, no Louisiana income tax will be paid.

(7) Deletions required by the provisions of Subpart F of this Part, where applicable.

* * *

§287.77. Computation of Louisiana net income or loss

Except as provided in Subpart B-1 of this Part, Louisiana net income or loss of a corporation is determined by applying the allocation and apportionment provisions of this Part to the corporation's gross income, allowable deductions, and net income for a taxable year as determined and computed pursuant to this Part.

* * *

§287.86. Net operating loss deduction

* * *

J. Net operating loss carryovers and carrybacks for corporations required to file on the basis of combined reporting. The secretary is authorized to adopt and promulgate any rules and regulations necessary to limit the carryover and carryback of net operating losses when corporations do not file combined returns pursuant to Subpart B-1 of this Part in both a loss year and a year to which a net operating loss is carried, and to limit net operating loss carryovers and carrybacks when members are added to or removed from combined returns filed pursuant to such Subpart. Any rules or regulations promulgated under this Section shall, to the extent practicable, conform to the provisions of Internal Revenue Code Section 1502 and applicable regulations relative to the separate return limitation year.

§287.91. Determination of Louisiana net income or loss

A. ~~The~~ Except as provided for in Subpart B-1 of this Part, the Louisiana net income of a corporation is the sum produced by combining the net allocable nonbusiness income or loss as provided in R.S. 47:287.93 and the net apportionable business income or loss as provided in R.S. 47:287.94 when the result is more than zero.

B. ~~The~~ Except as provided for in Subpart B-1 of this Part, the Louisiana net loss of a corporation is the sum produced by combining the net allocable nonbusiness income or loss as provided in R.S. 47:287.93 and the net apportionable business income or loss as provided in R.S. 47:287.94 when the result is less than zero.

§287.92. Segregation of items of gross income

A. All items of gross income, not otherwise exempt, shall be segregated into two general classes designated as allocable nonbusiness income and apportionable business income.

B. Allocable income. The class of gross income to be designated as "allocable income" shall include only the following:

(1) Rents and royalties from immovable or corporeal movable property.

(2) ~~Royalties or similar revenue from the use of patents, trademarks, copyrights, secret processes, and other similar intangible rights.~~

(3) ~~Income from estates, trusts, and partnerships.~~

(4) ~~Income from construction, repair, or other similar services.~~

B. Definitions. The following terms shall have the meaning provided for in this Subsection unless the context requires otherwise:

(1) "Business income" means income arising from transactions and activities in the regular course of the taxpayer's trade or business and includes income from tangible and intangible property if the acquisition, management, and disposition of the property constitute integral parts of the taxpayer's regular trade or business operations.

(2) "Commercial domicile" means the principal place from which the trade or business of the taxpayer is directed or managed.

(3) "Compensation" means wages, salaries, commissions, and any other form of remuneration paid to employees for personal services.

(4) "Multistate Tax Commission" means the governing and administering agency of the Multistate Tax Compact.

(5) "Nonbusiness income" means all income other than business income.

(6) "Regular course of business" means, for all tax periods beginning after December 31, 2001, all transactions and activities of the taxpayer which are dependent upon or contribute to the operations of the taxpayer's economic enterprise as a whole.

(7) "Sales" means all gross receipts of the taxpayer not allocated under R.S. 47:287.93.

(8) "State" means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, and any foreign country or political subdivision thereof.

C. Apportionable income. The class of income to be designated as "apportionable income" shall include all items of gross income which are not properly includable in allocable income as defined in this Section:

C.(1) Any taxpayer having income from business activity that is taxable both within and without this state, shall allocate and apportion his net income as provided in R.S. 47:287.93, 287.94, and 287.95.

(2) For purposes of allocation and apportionment of income under this Section and R.S. 47:287.93, 287.94, and 287.95, a taxpayer is taxable in another state if (a) in that state he is subject to a net income tax, a franchise tax measured by net income, a franchise tax for the privilege of doing business, or a corporate stock tax, or (b) that state has jurisdiction to subject the taxpayer to a net income tax regardless of whether, in fact, the state does or does not.

D. The secretary shall have the authority to adopt and promulgate such rules and regulations which are necessary to conform with regulations set forth by the Multistate Tax Commission that coordinate with this Section. In addition, the secretary shall have the authority to adopt and promulgate rules and regulations as deemed necessary to further the provisions of this Section.

§287.93. Computation of net allocable income from Louisiana sources
Allocation of nonbusiness income

A. Allocation of items of gross allocable income. Items of gross allocable income or loss shall be allocated directly to the states within which such items of income are earned or derived, as follows:

(1) Rents and royalties from immovable or corporeal movable property shall be allocated to the state where such property is located at the time the income is derived.

(2) Royalties or similar revenue from the use of patents, trademarks, copyrights, secret processes, and other similar intangible rights shall be allocated to the state or states in which such rights are used. A mineral lease, royalty interest, oil payment, or other mineral interest shall be allocated to the state in which the property subject to such mineral interest is situated.

(3) Income from construction, repair, or other similar services shall be allocated to the state in which the work is done.

(4) For purposes of this Part only, estates, trusts, and partnerships having a corporation as a member or beneficiary shall compute, allocate, and apportion their income or loss within and without this state in

accordance with the processes and formulas prescribed by this Part, and the share of any corporation member or beneficiary in the net income or loss from sources in this state so computed shall be allocated to this state in the return of such corporation.

A. Rents and royalties from real or tangible personal property, capital gains, interest, dividends, or patent or copyright royalties shall be allocated as follows, but only to the extent that they constitute non-business income:

(1) Rents and royalties from real property located in this state are allocable to this state.

(2)(a) Rents and royalties from tangible personal property are allocable to this state if, and to the extent that, the property is utilized in this state, or in their entirety if the taxpayer's commercial domicile is in this state and the taxpayer is not organized under the laws of, or taxable in the state in which, the property is utilized.

(b) The extent of utilization of tangible personal property in a state is determined by multiplying the rents and royalties by a fraction, the numerator of which is the number of days of physical location of the property in the state during the rental or royalty period in the taxable year and the denominator of which is the number of days of physical location of the property everywhere during all rental or royalty periods in the taxable year. If the physical location of the property during the rental or royalty period is unknown or unascertainable by the taxpayer, tangible personal property is utilized in the state in which the property was located at the time the rental or royalty payer obtained possession.

(3) Capital gains and losses from sales of real property located in this state are allocable to this state.

(4) Capital gains and losses from sales of tangible personal property are allocable to this state if (a) the property had a situs in this state at the time of the sale, or (b) the taxpayer's commercial domicile is in this state and the taxpayer is not taxable in the state in which the property had a situs at the time of the sale.

(5) Capital gains and losses from sales of intangible personal property are allocable to this state if the taxpayer's commercial domicile is in this state.

(6) Interest and dividends are allocable to this state if the taxpayer's commercial domicile is in this state.

(7) Patent and copyright royalties are allocable to this state if and to the extent that the patent or copyright is used in this state by the payer of the royalties, or if, and to the extent that, the patent or copyright is used by the payer in a state in which the taxpayer is not taxable and the taxpayer's commercial domicile is in this state.

(a) A patent is used in a state to the extent that it is employed in production, fabrication, manufacturing, or other processing in the state or to the extent that a patented product is produced in the state. If the basis of receipts from patent royalties does not permit allocation to states or if the accounting procedures do not reflect states of use, the patent is used in the state in which the taxpayer's commercial domicile is located.

(b) A copyright is used in a state to the extent that printing or other publication originates in the state. If the basis of receipts from copyright royalties does not permit allocation to states or if the accounting procedures do not reflect states of use, the copyright is used in the state in which the taxpayer's commercial domicile is located.

B. Net allocable nonbusiness income. Net allocable nonbusiness income or loss is computed by subtracting the following from Louisiana gross allocable nonbusiness income:

(1) All expenses, losses, and other deductions defined in R.S. 47:287.63 as allowable deductions in this Part which are directly attributable to Louisiana gross allocable nonbusiness income.

(2) A ratable portion of such allowable deductions which are not directly attributable to any item or class of gross income.

(3) Any deduction or portion of a deduction taken against nonbusiness income may not also be taken against business income.

C. The secretary shall have the authority to adopt and promulgate such rules and regulations which are necessary to conform with all regulations set forth by the Multistate Tax Commission that coordinate with this Section. In addition, the secretary shall have the authority to adopt and promulgate rules and regulations as deemed necessary to further the provisions of this Section.

§287.94. Computation of net apportionable business income from Louisiana sources

A. Total net apportionable business income. Total net apportionable business income or loss is computed by subtracting the following from gross apportionable business income:

(1) All expenses, losses, and other deductions defined in R.S. 47:287.63 as allowable deductions which are directly attributable to gross apportionable business income.

(2) A ratable portion of such allowable deductions which are not directly attributable to any item or class of gross income.

(3) Any deduction taken against business income may not also be taken against nonbusiness income.

B. Apportionment to Louisiana. Net apportionable business income or loss is computed by multiplying the total net apportionable business income or loss by the Louisiana apportionment percent determined in accordance with the provisions of R.S. 47:287.95.

C. Separate accounting of apportionable income. In lieu of the apportionment as provided in this Section, a taxpayer may apply to the secretary for permission to compute the net apportionable income derived from sources in this state by means of the separate accounting method. The secretary shall grant such permission if the taxpayer shows that the apportionment method produces a manifestly unfair result, and that the unit of the taxpayer's business operating in this state could be successfully operated independently of the units in other states, and makes all of its sales in this state or derives all of its gross revenues from sources in this state, and any merchandise or products sold by the unit in this state are either:

(1) Produced by the taxpayer in Louisiana;

(2) Purchased by the taxpayer from nonaffiliated sources within or without this state;

(3) Purchased from an affiliated source at not more than the price at which similar merchandise or products in similar quantities could be purchased from nonaffiliated sources; or

(4) Transferred from another department of the taxpayer's business at not more than the actual cost to the taxpayer, or where it is otherwise shown to the satisfaction of the secretary that the apportionment method produces a manifestly unfair result and that the separate accounting method produces a fair and equitable determination of the amount of net income taxable in this state.

D. If such permission is granted by the secretary, the taxpayer shall compute the net apportionable income derived from sources in this state by means of a separate accounting method which shall comply with the regulations to be prescribed by the secretary. When a taxpayer has secured permission to employ the separate accounting method, a change to the method of apportionment shall not be made for any subsequent year without securing the permission of the secretary.

E. When the secretary finds that the use of the apportionment method by a taxpayer produces a manifestly unfair result and that the separate accounting method would more equitably determine the amount of net income derived from sources in Louisiana, the secretary may require that the separate accounting method be used in such case.

F. Whenever there is a dispute between the taxpayer and the secretary as to whether the separate accounting method or the apportionment method should be used, the burden shall be upon the party urging the use of the separate accounting method to show that the apportionment method produces a manifestly unfair result.

G. In any case where the secretary requires that a taxpayer change to the separate method of accounting, the secretary may, absent the negligence of the taxpayer and upon a showing of reasonable cause by the taxpayer, remit or waive payment of the whole or any part of any accrued interest which would be due from such taxpayer with respect to any additional taxes due as a result of the required change to the separate method of accounting. The secretary shall not waive any interest accruing thirty days after the first issuance to the taxpayer of a proposed assessment in connection with the change to the separate method of accounting.

H. When net apportionable income is computed by means of the separate accounting method, or at any time when the Louisiana apportionment percent is zero, interest income, other than interest income apportioned under the provisions of R.S. 47:287.95(E), gains or losses from sales or exchanges of property not made in the regular

course of business, and dividend income shall be apportioned to Louisiana on the ratio of gross Louisiana revenue, other than such gains, interest income, and dividend income, to total gross revenue; other than such gains, interest income, and dividend income. When all of the gross income of the corporation is from such gains, interest income, or dividend income, such income shall be attributed to the business situs of the property producing such income, or in the absence of the property acquiring a business situs, to the commercial domicile of the corporation.

~~I.(1) Dividends upon stock having a situs in Louisiana, received by a corporation from another corporation which is controlled by the former through direct ownership of fifty percent or more of the voting stock of the latter, shall be segregated from other apportionable income, together with the direct and indirect expenses of producing such income, and such net income shall be attributed to the states or foreign countries in which is earned the income from which the dividends are paid, such attribution to be made in proportion to the respective amounts of such income earned in each state or foreign country.~~

~~(2) Interest on securities and credits having a situs in Louisiana, received by a corporation from another corporation which is controlled by the former through direct ownership of fifty percent or more of the voting stock of the latter, shall be segregated from other apportionable income, together with the direct and indirect expenses of producing such income, and such net income shall be attributed to the states or foreign countries in which the real and tangible personal property of the controlled corporation is located, on the basis of the ratio of the value of such property located in Louisiana to the total value of such property within and without the state.~~

~~(3) If a stock, security, or credit has not been so used in connection with the taxpayer's business as to acquire a business situs, the situs of such stock, security, or credit shall be deemed to be at the commercial domicile of the taxpayer.~~

~~C.(1) If the allocation and apportionment provisions of this Part do not fairly represent the extent of the taxpayer's business activity in this state, the taxpayer may petition for, or the secretary may require, with respect to all or any part of the taxpayer's business activity, if reasonable, any of the following:~~

- ~~(a) Separate accounting.~~
- ~~(b) The exclusion of any one or more of the factors.~~
- ~~(c) The inclusion of one or more additional factors which will fairly represent the taxpayer's business activity in this state.~~
- ~~(d) The employment of any other method to effectuate an equitable allocation and apportionment of the taxpayer's income.~~

~~(2) The party, either the secretary or taxpayer, seeking to utilize an alternative apportionment method has the burden of showing by clear and convincing evidence that the statutory formula does not fairly represent the extent of the taxpayer's business activity in this state. The burden will be met only if the statutory formula is demonstrated to operate unreasonably and arbitrarily in attributing to Louisiana a percentage of income that is out of proportion to the business transacted in this state. Finally, the party seeking to use an alternative apportionment formula must prove that such method fairly and accurately apportions income to Louisiana based upon business activity in this state.~~

~~D. In any case where the secretary requires that a taxpayer change to the separate method of accounting, the secretary may, absent the negligence of the taxpayer and upon a showing of reasonable cause by the taxpayer, remit or waive payment of the whole or any part of any accrued interest which would be due from such taxpayer with respect to any additional taxes due as a result of the required change to the separate method of accounting. The secretary shall not waive any interest accruing thirty days after the first issuance to the taxpayer of a proposed assessment in connection with the change to the separate method of accounting.~~

~~E. The secretary shall have the authority to adopt and promulgate such rules and regulations which are necessary to conform with regulations set forth by the Multistate Tax Commission which coordinate with this Section and R.S. 47:287.95. In addition, the secretary shall have the authority to adopt and promulgate rules and regulations as deemed necessary to further the provisions of those Sections.~~

§287.95. Determination of Louisiana apportionment percent

A. Air transportation. The Louisiana apportionment percent net business income of any taxpayer whose net apportionable business income is derived primarily from the business of transportation by aircraft shall be the arithmetical average of two ratios apportioned to this state by multiplying the income by a fraction, the numerator of which is the sum of the following two factors, and the denominator of which is two, as follows:

(1) The ratio of the average value of immovable and corporeal movable property, other than aircraft, owned or rented by the taxpayer and located used in Louisiana during the tax period to the average value of all immovable and corporeal movable property, other than aircraft, owned or rented by the taxpayer and used in the production of apportionable business income during the tax period.

(2) The ratio of the amount of gross apportionable business income derived from Louisiana sources to the total gross apportionable business income of the taxpayer.

For the purposes of the this Subsection, gross apportionable business income from Louisiana sources shall include all gross receipts derived from passenger journeys and cargo shipments originating in Louisiana and any other items of gross apportionable business income or receipts derived entirely from sources in this state.

B. Pipeline transportation. The Louisiana apportionment percent net business income of any taxpayer whose net apportionable business income is derived primarily from the business of transportation by pipeline shall be computed by means of the ratios factors provided in R.S. 47:287.95(F) Paragraph (F)(3) of this Section.

C. Other transportation. (1)(a) The Louisiana apportionment percent net business income of any taxpayer whose net apportionable business income is derived primarily from the business of transportation, other than by aircraft or pipeline, shall be the arithmetical average of two ratios apportioned to this state by multiplying the income by a fraction, the numerator of which is the sum of the following two factors, and the denominator of which is two, as follows:

(i) The ratio of the average value of immovable and corporeal movable property owned or rented by the taxpayer and located used in Louisiana during the tax period to the average value of all immovable and corporeal movable property owned or rented by the taxpayer and used in the production of apportionable business income during the tax period.

(ii) The ratio of the amount of gross apportionable business income derived from Louisiana sources to the total gross apportionable business income of the taxpayer.

(b) For the purposes of this Subsection, the gross apportionable business income from Louisiana sources shall include all such income that is derived entirely from sources within the state and a portion of revenue from transportation partly without and partly within this state, to be prorated subject to rules and regulations of the secretary, who shall give due consideration to the proportion of service performed in Louisiana.

(c) For the purposes of this Subsection, the value of immovable and corporeal movable property owned by the taxpayer and used in Louisiana shall include the value of all such property regularly situated in this state, plus a pro rata share of the value of all rolling stock and other mobile equipment owned by the taxpayer and used in the production of apportionable business income, whether within or without this state, said proration to be made subject to rules and regulations of the secretary, who shall give due consideration to the mileage operated and traffic density within and without this state.

(2)(a) Notwithstanding any other provisions of this Part to the contrary, this Subsection shall not require the apportionment of income to this state of any trucking company whose Louisiana net business income is derived solely from the business of transportation by truck if during the course of the income tax year:

(i) It does not own or rent any real or personal property in this state, except mobile property.

(ii) It makes no pickups or deliveries within this state.

(iii) It makes no more than twelve trips into this state.

(b) As used in this Paragraph, the term "trucking company" means a motor carrier as defined by the provisions of R.S. 32:1(37) or R.S.

45:162(10), or an express carrier which primarily transports the tangible personal property of others by motor vehicle for compensation.

D. Service enterprises. The Louisiana apportionment percent net business income of any taxpayer whose net apportionable business income is derived primarily from a service business in which the use of property is not a substantial income-producing factor shall be the arithmetical average of two ratios apportioned to this state by multiplying the income by a fraction, the numerator of which is the sum of the following two factors, and the denominator of which is two, as follows:

(1) The ratio of the amount paid by the taxpayer for salaries, wages, and other compensation for personal services rendered in Louisiana to the total amount paid by the taxpayer for salaries, wages, and other compensation for personal services in connection with the production of the net apportionable business income.

(2) The ratio of the gross apportionable business income of the taxpayer from Louisiana sources to the total gross apportionable business income of the taxpayer.

For the purposes of this Subsection, the gross apportionable business income from Louisiana sources shall include the revenue from services performed in this state, and any other gross business income derived entirely from sources within this state.

E. Loan business. The Louisiana apportionment percent net business income of any taxpayer whose net apportionable business income is derived primarily from the business of making loans shall be the arithmetical average of two ratios apportioned to this state by multiplying the income by a fraction, the numerator of which is the sum of the following two factors, and the denominator of which is two, as follows:

(1) The ratio of the amount paid by the taxpayer for salaries, wages, and other compensation for personal services rendered in Louisiana to the total salaries and wages compensation paid by the taxpayer in connection with the production of the net apportionable business income.

(2) The ratio of the amount of loans made by the taxpayer in this state to the total amount of loans made by the taxpayer.

F.(1) Manufacturing, merchandising, and Other business. Except as provided in this Subsection, the Louisiana apportionment percent net business income of any taxpayer whose net apportionable business income is derived primarily from the business of transportation by pipeline or from any business not included in Subsections A through E of this Section and Paragraph (F)(3) of this Section shall be the arithmetical average of three ratios, as follows: apportioned to this state by multiplying the income by a fraction, the numerator of which is the property factor plus the payroll factor plus the sales factor, all as set forth in this Paragraph, and the denominator of which is three. If the denominator of any factor is equal to zero, that factor shall be eliminated from both the numerator and the denominator. This fraction may be adjusted by the secretary when necessary in the manner and according to procedures provided for in this Part.

(a) The ratio of the value of the immovable and corporeal movable property owned by the taxpayer and located in Louisiana to the value of all immovable and corporeal movable property owned by the taxpayer and used in the production of the net apportionable income.

(a)(i) The property factor is a fraction, the numerator of which is the average value of the taxpayer's real and tangible personal property owned or rented and used in this state during the tax period and the denominator of which is the average value of all the taxpayer's real and tangible personal property owned or rented and used during the tax period.

(ii) Property owned by the taxpayer is valued at its original cost. Property rented by the taxpayer is valued at eight times the net annual rental rate. Net annual rental rate is the annual rental rate paid by the taxpayer less any annual rental rate received by the taxpayer from subrentals.

(iii) The average value of property shall be determined by averaging the values at the beginning and ending of the tax period but the secretary may require the averaging of monthly values during the tax period if reasonably required to reflect properly the average value of the taxpayer's property.

(b) The ratio of the amount paid by the taxpayer for salaries, wages, and other compensation for personal services rendered in this state to the total amount paid by the taxpayer for salaries, wages, and other compensation for personal services in connection with the production of net apportionable income.

(b)(i) The payroll factor is a fraction, the numerator of which is the total amount paid in this state during the tax period by the taxpayer for compensation, and the denominator of which is the total compensation paid everywhere during the tax period.

(ii) Compensation is paid in this state if: (i) the individual's service is performed entirely within the state; or (ii) the individual's service is performed both within and without the state, but the service performed without the state is incidental to the individual's service within the state; or (iii) some of the service is performed in the state and (aa) the base of operations or, if there is no base of operations, the place from which the service is directed or controlled is in the state, or (bb) the base of operations or the place from which the service is directed or controlled is not in any state in which some part of the service is performed, but the individual's residence is in this state.

(c) The ratio of net sales made in the regular course of business and other gross apportionable income attributable to this state to the total net sales made in the regular course of business and other gross apportionable income of the taxpayer.

(c)(i) The sales factor is a fraction, the numerator of which is the total sales of the taxpayer in this state during the tax period, and the denominator of which is the total sales of the taxpayer everywhere during the tax period.

(ii) Sales of tangible personal property are in this state if: (i) the property is delivered or shipped to a purchaser, other than the United States government, within this state regardless of the f. o. b. point or other conditions of the sale; or (ii) the property is shipped from an office, store, warehouse, factory, or other place of storage in this state and (aa) the purchaser is the United States government or (bb) the taxpayer is not taxable in the state of the purchaser.

(iii) Sales, other than sales of tangible personal property, are in this state if: (i) the income-producing activity is performed in this state; or (ii) the income-producing activity is performed both in and outside this state and a greater proportion of the income-producing activity is performed in this state than in any other state, based on costs of performance.

(2)(a) Manufacturing and merchandising. For the purpose of this Subsection, the Louisiana apportionment percent of any taxpayer whose net apportionable business income which is derived primarily from the business of manufacturing or merchandising shall be computed by means of apportioned to this state by multiplying the income by a fraction, the numerator of which are the ratios same factors provided in Subparagraphs (1)(a) through (c) of this Subsection, except that the ratio of net sales sales factor as provided in Subparagraph (c) shall be double-weighted or counted twice, and the Louisiana apportionment percent shall be the arithmetical average of the four ratios and the denominator of which is four. If the denominator of any factor is equal to zero, that factor shall be eliminated from both the numerator and the denominator.

(b)(i) The term "business of manufacturing or merchandising" shall only include a taxpayer whose net apportionable income is derived primarily from the manufacture, production, or sale of tangible personal property.

(ii) The term "business of manufacturing or merchandising" shall not include:

(a) (aa) A taxpayer subject to the tax imposed pursuant to Chapter 8 of Subtitle II of this Title. 47 of the Louisiana Revised Statutes of 1950:

(b) (bb) Any taxpayer whose income is primarily derived from the production or sale of unrefined oil and gas.

(3) For the purpose of this Subsection, sales attributable to this state shall be all sales where the goods, merchandise, or property is received in this state by the purchaser. In the case of delivery of goods by common carrier or by other means of transportation, including transportation by the purchaser, the place at which the goods are ultimately received after all transportation has been completed shall be considered as the place at which the goods are received by the

purchaser. However, direct delivery into this state by the taxpayer to a person or firm designated by a purchaser from within or without the state shall constitute delivery to the purchaser in this state.

(4) For the purpose of this Subsection, salaries, wages, and other compensation for personal services paid by a taxpayer whose principal office is located in Louisiana to officers and employees responsible for the direction and supervision of operations of the taxpayer partly within and partly without Louisiana and salaries, wages, and other compensation for personal services paid to general office employees whose duties pertain to the operations of the taxpayer partly within and partly without Louisiana shall be allocated in part to this state on the basis of the ratio of the amount of direct operating salaries, wages, and other compensation for services rendered in Louisiana to the total of such direct operating salaries, wages, and other compensation paid in connection with the production of net apportionable income:

(5)(3) For the purpose of this Subsection, gross apportionable business income attributable to this state derived from the transportation of crude, petroleum, natural gas, petroleum products, or other commodities for others through pipelines shall include all gross revenue derived from operations entirely within this state plus a portion of any revenue from operations partly within and partly without this state, based upon the ratio of the number of units of transportation service performed in Louisiana in connection with such revenue to the total of such units. A unit of transportation service shall be the transporting of any designated quantity of crude petroleum, natural gas, petroleum products, or other commodities for any designated distance. All other classes of gross apportionable business income shall be prorated within or without this state on the basis of such ratio or ratios, prescribed by the secretary, as may be reasonably applicable to the type of business involved.

G. Value. (1) For the purposes of this Section, the value at which immovable and corporeal movable property should be included in the apportionment factor is the average of the beginning and close-of-year values on a comparable basis within and without the state. If the average at the beginning and end of the year does not fairly represent the average of the property owned during the year, the average may be obtained by dividing the sum of the monthly balances by twelve.

(2) For the purposes of this Section, the value of property is deemed to be cost to the taxpayer less a reasonable reserve for depreciation, depletion, and obsolescence. Such reserves, reflected on the books of the taxpayer, shall be used in determining value, subject to the right of the secretary to adjust the reserves when in his opinion such action is necessary to reflect the fair value of the property.

(3) The value at which immovable and corporeal movable property used but not owned by the taxpayer shall be included in the apportionment factor is the average of the beginning and close-of-year values on a comparable basis within and without the state. In the case of assets rented or leased in an arms-length transaction, this shall be deemed to be the amount determined by multiplying the payments to the owner of the property for use of the property during the year, times eight.

H. Location. For purposes of this Section, corporeal movable property located in Louisiana in United States customs-bonded warehouses or foreign trade zones established under the Foreign Trade Zones Act shall be considered as located outside of Louisiana.

I. Gross apportionable income. For purposes of this Section, gross apportionable income shall not include income from profits or losses from sales or exchanges of property, including such items as stocks, bonds, notes, land, machinery, and mineral rights not made in the regular course of business nor shall it include income from interest income, other than interest income apportioned under the provisions of R.S. 47:287.95(E), or dividends from corporate stock. Partnerships and joint ventures. For the purposes of this Section, a taxpayer that is a partner of a partnership shall treat a proportionate share of the partnership as if it were part of the taxpayer in determining and computing the apportionment percentage applicable to the taxpayer under this Section. Proportionate share shall mean the percentage used to distribute to the partner its distributive share of partnership ordinary income or loss for federal law purposes.

J.(+) Corporations utilizing common paymaster. For purposes of this Section, a parent corporation or any other member of the same

affiliated group of corporations serving as common paymaster for payroll purposes shall eliminate all payrolls from the numerator and denominator of its salary, wages, and other compensation factor computation that represent the amounts paid on behalf of affiliated corporations for which it has charged such affiliate the cost and that does not meet the definition of salary, wages, and other compensation insofar as the common paymaster is concerned. A subsidiary or other member of an affiliated group that is a member of or participant in a common paymaster plan for payroll purposes shall include in its numerator and denominator of the salary, wages, and other compensation factor computation amounts paid to a common paymaster as reimbursement in whatever form and by whatever label for salary, wages, and other compensation as defined.

(2) For purposes of this Section, "salary, wages, and other compensation" means remuneration paid or caused to be paid to employees for personal services. Payments made to an independent contractor or any other person not properly classifiable as an employee are excluded.

(3) For purposes of this Section, "employee" means any officer of a corporation, or any individual who has the status of an employee in an employer-employee relationship. Generally, a person will be considered to be an employee if he is included by the taxpayer as an employee for purposes of the payroll taxes imposed by the Federal Insurance Contributions Act.

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SUBPART B-1. COMBINED REPORTING REQUIREMENT FOR UNITARY BUSINESS

§287.100. Combined reporting requirement for unitary business

The Louisiana taxable income of any corporation which is a member of a unitary group transacting business both within and without the state shall be computed in accordance with the provisions of R.S. 47:287.101 through 287.106.

§287.101. Definitions

The following definitions apply for purposes of this Part.

A. "Affiliated group" means an affiliated group of corporations as defined in Section 1504 of the Internal Revenue Code.

B.(1) "Single trade or business" means a business enterprise in which there exists directly or indirectly between the members or parts of the enterprise a sharing or exchange of value as demonstrated by any or all of the following:

- (a) Centralized management or a common executive force.
- (b) Centralized administrative services or functions resulting in economies of scale.

(c) Flow of goods, capital resources, or services demonstrating functional integration.

(2)(a) "Single trade or business" may include but is not limited to a business enterprise the activities of which:

- (i) Are in the same general line of business, such as manufacturing, wholesaling, or retailing.
- (ii) Constitute steps in a vertically integrated process, such as the steps involved in the production of natural resources, which might include exploration, production, mining, refining, transportation, and marketing.

(b) Corporations that are included in the same federal consolidated return that are doing business in the United States and are subject to federal income taxation are presumed to be engaged in a single trade or business. This presumption may be overcome by the secretary or the taxpayer upon the showing of clear and convincing evidence to the contrary.

C. "Unitary group" means a corporation or group of corporations engaged in business activities that constitute a single trade or business.

§287.102. Corporation tax return requirements

A. If the corporation is a member of an affiliated group of corporations making a consolidated federal return, it shall file a return and determine its Louisiana taxable income as provided for in this Subpart.

B. If so directed by the secretary, by rule or by instructions on the state tax return form, every corporation required to make a return under this Section shall also file with the return a true copy of the corporation's federal income tax return for the same taxable year. For purposes of this Section, the corporation's federal income tax return includes a consolidated federal income tax return for an affiliated group of which the corporation is a member. The secretary may, by rule or by instructions, permit a corporation to submit specified excerpts from its federal income tax return in lieu of submitting a copy of the entire federal return. The federal return or any part thereof required to be filed with the state return is incorporated in and shall be a part of the state return.

C. If any corporation that is a member of an affiliated group is permitted or required to determine its Louisiana taxable income on a separate basis under R.S. 47:287.94(C), or if any corporation is permitted or required by statute or rule to use different apportionment factors than a corporation or corporations with which it is affiliated and which is a member of its unitary group, the corporation shall not be included in a combined state return under this Subpart.

D. Offsets, credits, or prior year Louisiana losses of one member cannot be applied against the tax liability of another member.

§287.103. Tax return of corporation in affiliated group making consolidated federal return

A. If a corporation required to make a return under this Part is a member of an affiliated group of corporations making a consolidated federal return under Sections 1501 to 1505 of the Internal Revenue Code, the corporation's Louisiana taxable income shall be determined beginning with federal consolidated taxable income of the affiliated group as provided in this Section.

B.(1) If the affiliated group, of which the corporation subject to taxation under this Part is a member, consists of more than one unitary group, before the modifications, additions, subtractions, adjustments, deductions, inclusions, exclusions, or allowances, if any, provided for in this Part are made, and before allocation and apportionment as provided in this Part, modified federal consolidated taxable income shall be computed.

(2) Modified federal consolidated taxable income shall be determined by eliminating from the federal consolidated taxable income of the affiliated group the separate taxable income, as determined under Section 1502 of the Internal Revenue Code and the Treasury Regulations adopted pursuant thereto, and any deductions or additions or items of income, expense, gain, or loss for which consolidated treatment is prescribed thereto, attributable to the member or members of any unitary group of which the corporation is not a member.

C. After modified federal consolidated taxable income is determined under Subsection B of this Section, the modifications, additions, subtractions, adjustments, deductions, inclusions, exclusions, or allowances allowed in this Part applied in arriving at Louisiana net income or loss before allocation and apportionment shall be made to the federal consolidated taxable income or modified federal consolidated taxable income of the remaining members of the affiliated group, where applicable, as if all such members were subject to taxation under this Part.

D. Allocation and apportionment.

(1) Corporations required to make a return under this Section shall apply the allocation and apportionment provisions of this Part as if all members were subject to taxation under this Part.

(2) For purposes of this Subsection, only one apportionment formula of R.S. 47:287.95 shall be applicable to all members of a unitary group within an affiliated group required to make a return under this Section. The applicable formula shall be determined based on the majority of the receipts of the unitary group. The secretary may issue rules or regulations addressing distortive or inequitable application of only one apportionment formula to the unitary group and how the apportionment formula components of individual members of the unitary group are to be combined into a single apportionment formula.

§287.104. Transition rules

Adjustments to avoid double taxation or deduction. (1) If any provision of the Internal Revenue Code or of this Subpart, relating to the

use of consolidated federal returns, requires that any amount be added to or deducted from federal consolidated taxable income or from Louisiana taxable income subject to taxation under this Part, that previously had been added to or deducted from income upon or with respect to which tax liability was measured under the Louisiana law in effect prior to the taxpayer's taxable year as to which this Subpart is first effective, an appropriate adjustment shall be made to the income for the year or years prior to the effectiveness of this Subpart, so as to prevent the double taxation or double deduction of any such amount that previously had entered into the computation of income upon or with respect to which tax liability was measured.

(2) For purposes of this Section, procedures similar to those provided for in R.S. 47:287.751 shall be applied to reconcile transitional differences between this Subpart and the law prior to its effectiveness.

§287.105. Conflicts with federal law

Notwithstanding the provisions of R.S. 47:287.701, any rule or regulation promulgated pursuant to Sections 1501 through 1505 of the Internal Revenue Code that makes reference to provisions of the Internal Revenue Code with respect to which modifications to federal taxable income are prescribed under this Part shall not be applied to the extent the regulation conflicts with the provisions of this Part.

§287.106. Secretary's authority to make adjustments

If it appears to the secretary that a corporation making a return under this Part is required to make any adjustment to federal consolidated taxable income pursuant to this Subpart, that is unduly burdensome or that produces an inequitable or unreasonable result, the secretary, upon application by the corporation, may relieve the corporation of the requirement and may permit or require any other adjustment to be made to fairly reflect income and produce an equitable result. The secretary may adopt rules or regulations prescribing the method by which a corporation may apply for relief under this Paragraph.

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§287.733. Corporations filing consolidated federal returns

A. Except as otherwise provided in Subsection B of this Section or Subpart B-1 of this Part, when a corporation is included with affiliates in a consolidated federal income tax return in accordance with federal law, the terms and provisions of this Part shall apply as if the corporation had been required to file an income tax return with the Internal Revenue Service on a separate corporation basis for the current and all prior taxable years, in accordance with federal law. Nothing in this Section shall be construed to allow a deduction for federal income tax on a separate corporation basis.

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§287.480. Special adjustments by the secretary

Notwithstanding any other provisions of this Part to the contrary, the secretary is authorized to require the use of inventories and to allocate income and deductions among taxpayers and require such returns as follows:

* * *

(3) Consolidated returns.

(a) Consolidated or combined returns are not allowed under this Part except as required by the secretary pursuant to this Paragraph Section.

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§287.701. Definitions, use of terms and purpose

* * *

C. "Allocable Nonbusiness income or loss" or "gross allocable nonbusiness income or loss" means the general class of gross income designated as allocable nonbusiness income by R.S. 47:287.92(B)(5) and 287.93.

D. "Apportionable Business income or loss" or "gross apportionable business income or loss" means the general class of gross income designated as apportionable business income by R.S. 47:287.92(B)(1) and 287.94.

E. "Louisiana gross allocable nonbusiness income or loss" means those items of, or that portion of, allocable nonbusiness income or loss allocated to Louisiana pursuant to the provisions of R.S. 47:287.93.

F. "Net allocable nonbusiness income or loss" means net allocable nonbusiness income or loss earned within or derived from sources within Louisiana and is the mathematical remainder when subtracting from Louisiana gross allocable nonbusiness income or loss:

(1) Allowable deductions within the meaning of R.S. 47:287.63 which are directly attributable to Louisiana gross allocable nonbusiness income or loss, and

* * *

G. "Total net apportionable business income or loss" means the remainder when subtracting from gross apportionable business income or loss:

(1) Allowable deductions within the meaning of R.S. 47:287.63 which are directly attributable to gross apportionable business income or loss, and

* * *

H. "Net apportionable business income or loss" means net apportionable business income or loss earned within or derived from sources within Louisiana as computed pursuant to R.S. 47:287.92, 287.93, 287.94, and 298.95.

* * *

Section 3. R.S. 47:287.750 is hereby repealed in its entirety."

AMENDMENT NO. 6

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

AMENDMENT NO. 7

On page 3, after line 26, add the following:

"Section 5. The provisions of Sections 2 and 3 of this Act shall become effective December 31, 2000."

On motion of Senator Robichaux, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fields, W	McPherson
Bajoie	Gautreaux	Mount
Barham	Heitmeier	Robichaux
Boissiere	Hines	Romero
Cain	Hollis	Smith
Campbell	Irons	Tarver
Cravins	Johnson	Theunissen
Dardenne	Jones, B	Thomas
Dean	Jones, C	Ulló
Ellington	Lambert	
Fields, C	Marionneaux	
Total—31		

NAYS

Bean	Hoyt	Michot
Chaisson	Lentini	
Fontenot	Malone	
Total—7		

ABSENT

Schedler
Total—1

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

HOUSE BILL NO. 180—

BY REPRESENTATIVES BOWLER, DOWNER, KATZ, AND JOHN SMITH
AN ACT

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

Floor Amendments Sent Up

Senator McPherson sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator McPherson to Reengrossed House Bill No. 180 by Representative Bowler

AMENDMENT NO. 1

On page 1, line 2, after "To" insert "amend and reenact R.S. 47:44.1 and to"

AMENDMENT NO. 2

On page 1, line 4, after "state;" insert to provide for an exemption for certain disability income;"

AMENDMENT NO. 3

On page 1, line 7, after "R.S. 47:" insert "44.1 is hereby amended and reenacted and R.S. 47:"

AMENDMENT NO. 4

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

"§44.1. Annual retirement or disability income; exemption from taxation

A. Six thousand dollars of annual retirement income which is received by an individual sixty-five years of age or older shall be exempt from state income taxation. "Annual retirement income" is defined as pension and annuity income which is included in "tax table income" as defined in R.S. 47:293. This Section shall not affect the status of any income which is exempt from state income taxation by law.

B. Six thousand dollars of annual disability income received by an individual shall be exempt from state income taxation. For purposes of this Subsection, "disability income" means payment for permanent total disability as provided for in R.S. 23:1221(2). However, any individual claiming an exemption for the blind, for having sustained the loss of one or more limbs, for mental retardation, or for deafness as provided for in R.S. 47:79(A)(2) shall not be eligible for this exemption.

* * *

Senator McPherson moved adoption of the amendments.

Senator Lentini objected.

ROLL CALL

The roll was called with the following result:

YEAS

Bajoie	Fields, C	Jones, B
Barham	Fields, W	Jones, C
Cain	Gautreaux	McPherson
Campbell	Heitmeier	Mount
Cravins	Hines	Robichaux
Dardenne	Irons	Theunissen
Ellington	Johnson	
Total—20		

NAYS

Mr. President	Hollis	Romero
Bean	Hoyt	Schedler

Boissiere	Lambert	Smith
Chaiisson	Lentini	Tarver
Dean	Malone	Ullo
Fontenot	Michot	
Total—17		

ABSENT

Marionneaux	Thomas
Total—2	

The Chair declared the amendments were adopted.

Floor Amendments Sent Up

Senator B. Jones sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator B. Jones to Reengrossed House Bill No. 180 by Representative Bowler

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 47:" insert "201.1 and"

AMENDMENT NO. 2

On page 1, line 4, after "state;" insert: "to require composite returns and composite payments by certain non-corporate entities;"

AMENDMENT NO. 3

On page 1, line 7, after "R.S. 47:" insert "201.1 and" and change "is" to "are"

AMENDMENT NO. 4

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

"§201.1. Composite returns for nonresident partners or members
R.S. 47:201.1 is all proposed new law.

A.(1) Beginning January 1, 2001, each entity treated as a partnership for state income tax purposes which engages in activities in this state shall file composite returns and make composite payment of tax on behalf of any or all of its nonresident partners or members who do not agree to file an individual return as provided for in Subsection (C) of this Section.

(2) For purposes of this Section:

(a) The term "partnership" shall include general partnerships, partnerships in commendam, registered limited liability partnerships, and limited liability companies taxed as partnerships for state income tax purposes.

(b) The term "composite return" shall mean a return filed by an entity treated as a partnership on behalf of all of its nonresident partners or members which reports and remits the Louisiana income tax of the nonresident partner or member.

(c) The term "composite payment" shall mean a payment filed with a composite return which remits the Louisiana income tax of a partnership's nonresident partner or member.

B. With respect to each of its nonresident partners or members, a partnership shall for each taxable period do either of the following:

(1) Timely file with the Department of Revenue an agreement as provided in Subsection (C) of this Section.

(2) Make payment to this state as provided in Subsection (D) of this Section.

C.(1) The agreement referred to in Paragraph (B)(1) of this Section is a written, binding agreement by a nonresident partner or member of a partnership which shall be filed by the partnership with the department in which the nonresident partner or member agrees to all of the following:

(a) File an individual return in accordance with the provisions of Louisiana income tax law.

(b) Make timely payment of the taxes imposed on the partner or member by this state with respect to the partner's or member's share of the income of the partnership.

(2)(a) A partnership that timely files the agreement to file as provided in Paragraph (C)(1) with respect to a nonresident partner or member for a taxable period shall be considered to have timely filed such agreement for each subsequent taxable period of the partnership. The agreement will be considered timely filed for a taxable period and for all subsequent taxable periods if it is filed on or before the date the annual return of the partnership for such taxable period is required to be filed.

(b) A partnership that does not timely file such agreement for a taxable period shall be liable for the composite tax due for the period, plus interest and any appropriate delinquency penalty, which are required by this Section to be paid in the taxable period as provided for in Subsection (D).

(c) The partnership shall not be precluded from timely filing such agreement for subsequent taxable periods.

D.(1) The payment referred to the Paragraph (B)(2) of this Section shall be in an amount equal to the maximum tax rate provided for individuals, multiplied by the nonresident partner's or member's share of the partnership income attributable to this state, as reflected on the partnership's return for the taxable period.

(2) A partnership shall be entitled to recover its payment pursuant to this Section, including any interest or penalty due, from the nonresident partner or member on whose behalf the payment was made. Any such payment for a taxable period must be made on or before the time the annual return of the partnership for such taxable period is required to be filed.

(3) Any amount paid by the partnership to the state pursuant to this Section shall be considered to be a payment by the nonresident partner or member on account of the income tax imposed on the nonresident partner or member for the taxable period. To the extent that the payment made on behalf of the nonresident partner or member exceeds the income tax liability of the nonresident partner or member, that nonresident partner or member shall be entitled to a refund, or may elect to utilize such excess as a credit against amounts that may be paid by the partnership on his behalf with respect to subsequent taxable periods."

AMENDMENT NO. 5

On page 1, line 14, after "(e)" change "In" to "For tax years beginning after December 31, 2002 and ending before January 1, 2005, in"

AMENDMENT NO. 6

On page 2, line 4, after "effective" delete the remainder of the line and delete lines 5 and 6, and insert "January 1, 2001."

Senator B. Jones moved adoption of the amendments.

Senator Lentini objected.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Ellington	Lambert
Bajoie	Fields, C	Marionneaux
Barham	Gautreaux	McPherson
Bean	Hines	Mount
Cain	Hollis	Robichaux
Campbell	Hoyt	Romero
Chaiisson	Irons	Smith
Cravins	Johnson	Tarver
Dardenne	Jones, B	Ullo
Total—27		

NAYS

Boissiere	Heitmeier	Michot
Dean	Lentini	Schedler
Fontenot	Malone	Thomas
Total—9		

ABSENT

June 7, 2000

Fields, W Jones, C Theunissen
Total—3
The Chair declared the amendments were adopted.
The bill was read by title. Senator Lentini moved final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Bajoie Gautreaux Marionneaux
Barham Heitmeier McPherson
Bean Hines Mount
Boissiere Hollis Robichaux
Cain Hoyt Romero
Campbell Irons Schedler
Cravins Johnson Smith
Dardenne Jones, B Tarver
Dean Jones, C Theunissen
Ellington Lambert Thomas
Fields, C Lentini Ullo
Total—33

NAYS

Chaisson Malone
Fontenot Michot
Total—4

ABSENT

Mr. President Fields, W
Total—2

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

Rules Suspended

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

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

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

Called from the Calendar

Senator Hollis asked that House Bill No. 330 be called from the Calendar at this time.

HOUSE BILL NO. 330 (Substitute for House Bill No. 201 by Representative DeWitt)—
BY REPRESENTATIVES DEWITT AND SCALISE AND SENATORS HOLLIS AND BOISSIERE

AN ACT

To amend and reenact R.S. 22:1068(E)(1)(a) and (2)(d) and R.S. 51:1922, 1923(2), (3), (6)(a)(i), and (7), 1924(B) and (D)(2) and (5), 1925, 1926(A)(introductory paragraph) and (2) and (3)(a), 1927.1(B), 1931, 1933, and 1935(A) and to enact R.S. 51:1923(10), (11), (12), (13), and (14), 1927.2, and 1928(C)(4), relative to the Louisiana capital companies tax credit program; to provide for definitions; to provide for income tax credit or

premium tax reduction; to provide requirements for continuance of certification; to provide for annual audits; to provide for annual reports to the legislature; to provide for program termination; to provide for investment in approved funds; to provide for payment of costs of the program; and to provide for related matters.

Floor Amendments Sent Up

Senator Hollis sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Hollis to Reengrossed House Bill No. 330 by Representative DeWitt

AMENDMENT NO. 1

On page 1, line 3 after "1924" insert "(A),"

AMENDMENT NO. 2

On page 2, line 20 following "after" insert "January 1, 2000, but before" and after "31," insert "2000" and delete "2002"

AMENDMENT NO. 3

On page 2, line 21 after "allowed." insert "For investments made after December 31, 2002, no tax reduction shall be allowed."

AMENDMENT NO. 4

On page 6, line 2 delete the asterisks and insert the following:

"A. A person, either natural or artificial, who invests in a certified capital of a certified Louisiana capital company may claim either a premium tax reduction pursuant to R.S. 22:1068(E) or a credit against the person's Louisiana income tax in the person's taxable year in which the investment is made, as certified by the department, pursuant to rules promulgated by the secretary, to the Department of Insurance or the Department of Revenue. There shall be no credits allowed for investments made between January 1, 2000 and December 31, 2000."

AMENDMENT NO. 5

On page 8, at the beginning of line 20, delete "thirty million" and insert "twenty-seven million seven hundred twenty-seven thousand two hundred seventy two"

AMENDMENT NO. 6

On page 8, line 21 delete "thirty" and insert "twenty-seven million seven hundred and twenty-seven thousand two hundred and seventy-two dollars."

AMENDMENT NO. 7

On page 8, line 22 at the beginning of the line delete "million dollars."

AMENDMENT NO. 8

On page 9, line 6 after "exceed" delete "thirty million" and insert "twenty-seven million seven hundred and twenty-seven thousand two hundred and seventy-two"

AMENDMENT NO. 9

On page 9, line 17 delete "fifty" and insert "forty-five"

AMENDMENT NO. 10

On page 10, line 5, change "fifty" to "forty-five"

AMENDMENT NO. 11

On page 10, line 10 after "exceed" delete "fifty" and insert "forty-five"

AMENDMENT NO. 12

On page 10, line 13, change "fifty" to "forty-five"

On motion of Senator Hollis, the amendments were adopted.

Senator Ellington in the Chair

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

ROLL CALL

The roll was called with the following result:

YEAS

Bajoie	Heitmeier	Malone
Bean	Hollis	Michot
Boissiere	Hoyt	Romero
Cain	Irons	Schedler
Chaisson	Johnson	Smith
Cravins	Jones, B	Tarver
Ellington	Jones, C	Theunissen
Fontenot	Lambert	Thomas
Gautreaux	Lentini	Ullo
Total—27		

NAYS

Campbell	Fields, W	Mount
Dardenne	Hines	Robichaux
Dean	Marionneaux	
Fields, C	McPherson	
Total—10		

ABSENT

Mr. President	Barham
Total—2	

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

Motion

Senator Romero moved to suspend the rules to advance to the order of House Bills on Third Reading and Final Passage, to take up House Bill No. 304 out of its regular order.

Without objection, so ordered.

House Bills and Joint Resolutions on Third Reading and Final Passage

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

HOUSE BILL NO. 304—
BY REPRESENTATIVE DURAND

AN ACT

To enact R.S. 47:300.6(B)(2)(c), relative to the income tax on estates and trusts; to provide for an additional exemption from taxable income; to provide for an effective date; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total—0

ABSENT

Mr. President	Cain	Cravins
Total—3		

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

Messages from the House

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

Message from the House

DISAGREEMENT TO HOUSE BILL

June 7, 2000

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. 240 by Representative Futrell, 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 Futrell, Broome, and Hammett.

Respectfully submitted,
ALFRED W. SPEER

Clerk of the House of Representatives

Rules Suspended

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

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

Senator Romero asked for and obtained a suspension of the rules to take up at this time the following Senate Bills and Joint Resolutions just returned from the House of Representatives with amendments.

June 7, 2000

SENATE BILL NO. 81—
BY SENATORS THOMAS, BARHAM, SMITH AND THEUNISSEN
AN ACT

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

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 Engrossed Senate Bill No. 81 by Senator Thomas

AMENDMENT NO. 1
On page 2, at the end of line 12, change "2000," to "2001,"

AMENDMENT NO. 2
On page 2, at the beginning of line 24, change "2000," to "2001,"

AMENDMENT NO. 3
On page 4, at the beginning of line 10, change "2000," to "2001,"

AMENDMENT NO. 4
On page 5, line 8, between "January 1," and "the", change "2000," to "2001,"

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total—35

ABSENT

Jones, B Thomas
McPherson Ullo
Total—4

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

Personal Privilege

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

SENATE BILL NO. 85—
BY SENATOR MICHOT
AN ACT

To amend and reenact the introductory paragraph of R.S. 51:2452(A), and 2453(1)(b)(i) and (2), and the introductory paragraph of (8), 2454, 2455(E)(3), and 2461(A) and (B), relative to tax credits; to provide relative to requirements for incentive tax credits under the Louisiana Quality Jobs Program; to remove the time limitation on receiving applications for incentive tax credits; and to provide for related matters.

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 Engrossed Senate Bill No. 85 by Senator Michot

AMENDMENT NO. 1
On page 3, at the end of line 4, delete "one hundred" and delete lines 5 through 10 in their entirety and insert the following:

"seventy-five percent of the premium for full-time employees shall be paid by the employer. Group coverage for dependents of full-time employees shall be offered but the employer shall not be required to pay any premium for such coverage. Not less than fifty percent of the premium for part-time employees who choose to participate shall be paid by the employer."

AMENDMENT NO. 2
On page 3, line 22, after "at" and before "wage" delete "a gross annual" and insert "an hourly"

AMENDMENT NO. 3
On page 3, delete line 23 in its entirety, and at the beginning of line 24, delete "two thousand eighty hours," and insert "than one and one-half the minimum hourly wage required by law"

AMENDMENT NO. 4
On page 4, delete lines 3 through 5 in their entirety and insert "51:2455."

AMENDMENT NO. 5
On page 6, between lines 13 and 14, insert the following:

"Section 2. The provisions of R.S. 49:308.4 shall be inapplicable, inoperable, and of no effect for the period beginning on July 1, 2000 and ending on June 30, 2001."

AMENDMENT NO. 6
On page 6, line 14, change "Section 2." to "Section 3."

AMENDMENT NO. 7
On page 6, line 19, change "Section 3." to "Section 4."

LEGISLATIVE BUREAU AMENDMENTS

Amendments proposed by Legislative Bureau to Engrossed Senate Bill No. 85 by Senator Michot

AMENDMENT NO. 1

On page 1, line 7, after "credits;" and before "and" insert the following: "to provide for the applicability of R.S. 49:308.4;"

AMENDMENT NO. 2

On page 2, line 3, following "business" and before the period "." delete "profitably"

AMENDMENT NO. 3

On page 3, line 9, following "for" delete "his"

AMENDMENT NO. 4

On page 3, line 10, following "dependents" and before the period "." insert "of part-time employees"

AMENDMENT NO. 5

On page 5, line 5, following "may" change "only be renewed" to "be only renewed"

AMENDMENT NO. 6

On page 5, delete line 9

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Alario to Engrossed Senate Bill No. 85 by Senator Michot

AMENDMENT NO. 1

In Amendment No. 1 of the set of 7 amendments proposed by the House Committee on Ways and Means and adopted by the House on June 6, 2000, on line 6, after "full-time" and before "employees" insert "and part-time"

AMENDMENT NO. 2

Delete Amendment Nos. 2, 3, and 4 of the set of 7 amendments proposed by the House Committee on Ways and Means and adopted by the House on June 6, 2000

AMENDMENT NO. 3

On page 1, line 3, after "2453(1)(b)(i)", delete "and (2)"

AMENDMENT NO. 4

On page 1, delete line 4 in its entirety and insert "and 2461(A) and (B), and to enact R.S. 51:2455(E)(4), relative to tax credits; to provide"

AMENDMENT NO. 5

On page 1, line 10, after "2453(1)(b)(i)", delete "and (2)"

AMENDMENT NO. 6

On page 1, line 11, after "reenacted" and before "to read" insert "and R.S. 51:2455(E)(4) is hereby enacted"

AMENDMENT NO. 7

On page 3, delete lines 12 through 26 in their entirety

AMENDMENT NO. 8

On page 4, delete lines 1 through 5 in their entirety

AMENDMENT NO. 9

On page 1, line 10, after "2454," delete the remainder of the line and on page 5, delete lines 15 through 21 in their entirety

AMENDMENT NO. 10

On page 5, between lines 20 and 21, insert:

"(4) Pay an average of at least one and one-half times the minimum hourly wage required by law for all new direct jobs."

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representatives Glover, L. Jackson, and Montgomery to Engrossed Senate Bill No. 85 by Senator Michot

AMENDMENT NO. 1

On page 1, line 4, between "(B)" and the comma "," insert "and to enact R.S. 51:1787(A)(2)(c)"

AMENDMENT NO. 2

On page 1, line 7, between "credits;" and "and" insert "to provide for eligibility of certain industries for a tax credit for new jobs created;"

AMENDMENT NO. 3

On page 1, between line 8 and 9, insert the following:

"Section 1. R.S. 51:1787(A)(2)(c) is hereby enacted to read as follows:

§1787. Incentives

A. The board, after consultation with the secretaries of the Department of Economic Development and Department of Revenue, and with the approval of the governor, may enter into contracts not to exceed five years to provide:

* * *

(2)

* * *

(c) In lieu of the tax credit provided in Subparagraph (a) of this Paragraph, for the motor vehicle parts manufacturing industry as defined in the 3363 NAICS Code Title, for a five thousand dollar tax credit for each new job created. This tax credit may be applied to any state income tax liability or any state franchise tax liability within a ten-year period from the date that the contract becomes effective or until the entire credit is used, whichever occurs first. As used in this Subparagraph, the term "NAICS" means the North American Industrial Classification System.

* * *

AMENDMENT NO. 4

On page 1, at the beginning of line 9, change "Section 1." to "Section 2."

AMENDMENT NO. 5

On page 6, at the beginning of line 14, change "Section 2." to "Section 3."

AMENDMENT NO. 6

On page 6, delete 19, and insert the following:

"Section 4. The provisions of Section 1 of this Act shall become effective on July 1, 2000 and shall become null and void on June 30, 2002; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on July 1, 2000, or on the day following such approval by the legislature, whichever is later. The provisions of all other Sections of this Act shall become effective upon signature of the

Motion

Senator Michot moved that the Senate concur in the amendments proposed of the House.

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

Senator Michot objected.

ROLL CALL

June 7, 2000

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

YEAS

Mr. President	Fields, C	Jones, B
Bajoie	Fields, W	Jones, C
Barham	Fontenot	Lentini
Boissiere	Gautreaux	Marionneau
Cain	Heitmeier	McPherson
Campbell	Hines	Robichaux
Dardenne	Hollis	Schedler
Dean	Irons	Tarver
Ellington	Johnson	Ullo
Total—27		

NAYS

Bean	Lambert	Romero
Chaisson	Malone	Smith
Cravins	Michot	Theunissen
Hoyt	Mount	Thomas
Total—12		

ABSENT

Total—0

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

Recess

On motion of Senator Lambert, the Senate took a recess until 3:30 o'clock P.M.

After Recess

The Senate was called to order at 3:30 o'clock P.M. by the President of the Senate.

ROLL CALL

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

PRESENT

Mr. President	Fields, W	Malone
Bajoie	Fontenot	Marionneau
Barham	Gautreaux	McPherson
Bean	Heitmeier	Michot
Boissiere	Hines	Mount
Cain	Hollis	Robichaux
Campbell	Hoyt	Romero
Chaisson	Irons	Schedler
Cravins	Johnson	Smith
Dardenne	Jones, B	Tarver
Dean	Jones, C	Theunissen
Ellington	Lambert	Thomas
Fields, C	Lentini	Ullo
Total—39		

ABSENT

Total—0

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

Senate Business Resumed

Appointment of Conference Committee on Senate Bill No. 85

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. 85: Senators Michot, Barham, and B. Jones.

Appointment of Conference Committee on House Bill No. 240

The President of the Senate appointed on the Conference Committee on House Bill No. 240 the following members of the Senate: Senators Barham, C. Fields, and B. Jones.

Rules Suspended

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

Reports of Committees

The following reports of committees were received and read:

CONFERENCE COMMITTEE REPORT House Bill No. 299 By Representative Hammett

June 7, 2000

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

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 299 by Representative Hammett, recommend the following concerning the engrossed bill:

1. That all Senate Committee Amendments proposed by the Senate Committee on Revenue and Fiscal Affairs and adopted by the Senate on May 30, 2000, be rejected.
2. That all Senate Floor Amendments proposed by Senator Barham and adopted by the Senate on June 2, 2000, be rejected.
3. That the following amendments to the engrossed bill be adopted:

AMENDMENT NO. 1

On page 1, line 2, between "R.S. 47:293(2)" and the comma "," insert "and 297(D)(3)"

AMENDMENT NO. 2

On page 1, line 3, between "deductions" and the semicolon ";" insert "for a certain period of time; to make the credit for certain educational expenses incurred for each dependent child inapplicable, inoperable, and of no effect for a certain period;"

AMENDMENT NO. 3

On page 1, line 6, between "47:293(2)" and "hereby", delete "is" and insert "and 297(D)(3) are"

AMENDMENT NO. 4

On page 2, line 1, change "December 31, 2000" to "December 31, 1999"

AMENDMENT NO. 5

On page 2, line 2, change "January 1, 2003" to "January 1, 2002"

AMENDMENT NO. 6

On page 2, between lines 7 and 8, insert the following:

§297. Reduction to tax due
* * *

D. In addition to any other credits against the tax payable on net income which the law allows to an individual taxpayer, the taxpayer shall be entitled to the tax credit against the tax payable on net income provided for as follows:

(3) Notwithstanding any other provision of law to the contrary, including but not limited to any contrary provisions of this Section, for the period July 1, 1990 through June 30, 1996 tax years beginning on or after January 1, 2000 and prior to January 1, 2002, the tax credit provided pursuant to the provisions of this Subsection shall be inapplicable, inoperable, and of no effect.

AMENDMENT NO. 7

On page 2, at the beginning of line 8, change "Section 3." to "Section 2."

AMENDMENT NO. 8

On page 2, at the end of line 9, change "2000." to "1999."

Respectfully submitted,
Representatives:
Bryant O. Hammett, Jr.
Charles W. DeWitt, Jr.
Willie Hunter Jr.

Senator:
Robert Barham

Rules Suspended

Senator Barham asked for and obtained a suspension of the rules for the purpose of considering the Conference Committee Report.

Motion

Senator C. Jones moved the previous question on the entire subject matter.

Senator Lentini objected.

ROLL CALL

The roll was called with the following result:

YEAS

Table listing names of members voting YEAS: Bajoie, Barham, Bean, Boissiere, Campbell, Chaisson, Cravins, Fontenot, Heitmeier, Hollis, Hoyt, Irons, Johnson, Jones, B, Jones, C, Mount, Romero, Schedler, Smith, Tarver, Theunissen, Thomas, Michot.

NAYS

Table listing names of members voting NAYS: Dean, Ellington, Fields, C, Fields, W, Gautreaux, Hines, Lambert, Lentini, Malone, Marionneaux, McPherson, Robichaux, Ullo.

ABSENT

Mr. President Cain Dardenne

Total—3

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

On motion of Senator Barham, a vote was taken on the adoption of the report.

ROLL CALL

The roll was called with the following result:

YEAS

Table listing names of members voting YEAS: Mr. President, Ellington, Jones, C, Bajoie, Fields, C, McPherson, Barham, Fields, W, Mount, Bean, Heitmeier, Robichaux, Boissiere, Hines, Smith, Cain, Hoyt, Tarver, Chaisson, Irons, Theunissen, Cravins, Johnson, Thomas, Dardenne, Jones, B.

Total—26

NAYS

Table listing names of members voting NAYS: Campbell, Lambert, Romero, Dean, Lentini, Schedler, Fontenot, Malone, Ullo, Gautreaux, Marionneaux, Hollis, Michot.

Total—13

ABSENT

Total—0

The Chair declared the Conference Committee Report was adopted. Senator Barham moved to reconsider the vote by which the report was adopted and laid the motion on the table.

Rules Suspended

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

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. 86— BY SENATOR CAMPBELL

AN ACT

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

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. 86 by Senator Campbell

AMENDMENT NO. 1

On page 3, at the end of line 2, insert the following:

June 7, 2000

"Subject to approval by the House Committee on Ways and Means and the Senate Committee on Revenue and Fiscal Affairs, the State Board of Embalmers and Funeral Directors shall devise a formula for the calculation of the tax."

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Montgomery to Reengrossed Senate Bill No. 86 by Senator Campbell

AMENDMENT NO. 1

In Amendment No. 1 proposed by the House Committee on Ways and Means and adopted by the House on June 6, 2000, on page 1, line 4, after "State" delete "Board" and insert in lieu thereof "Department of Revenue and Taxation"

AMENDMENT NO. 2

In Amendment No. 1 proposed by the House Committee on Ways and Means and adopted by the House on June 6, 2000, on page 1, line 5, delete "of Embalmers and Funeral Directors"

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Mr. President, Bajoie, Barham, Bean, Boissiere, Cain, Campbell, Chaisson, Cravins, Dardenne, Dean, Ellington, Fields, C, Total—39; Fields, W, Fontenot, Gautreaux, Heitmeier, Hines, Hollis, Hoyt, Irons, Johnson, Jones, B, Jones, C, Lambert, Lentini; Malone, Marionneaux, McPherson, Michot, Mount, Robichaux, Romero, Schedler, Smith, Tarver, Theunissen, Thomas, Ullo

NAYS

Total—0

ABSENT

Total—0

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

CONFERENCE COMMITTEE REPORT House Bill No. 140 By Representative Alario

June 7, 2000

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

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 140 by Representative Alario, recommend the following concerning the reengrossed bill:

- 1. Reject Senate Committee Amendments proposed by the Senate Committee on Revenue and Fiscal Affairs and adopted by the Senate on June 3, 2000.
2. Reject Senate Floor Amendments proposed by Senator Bill Jones and adopted by the Senate on June 6, 2000.
3. That the following amendments to the reengrossed bill be adopted:

AMENDMENT NO. 1

On page 1, line 4, after "47:301(16)(f)," and before "relative" insert "and 321(F)"

AMENDMENT NO. 2

On page 1, line 8, after "to" delete "livestock" and insert "certain livestock;"

AMENDMENT NO. 3

On page 1, line 9, delete "which are to be consumed as food;" and insert "to provide for the effectiveness of certain exemptions to the state sales and use tax;"

AMENDMENT NO. 4

On page 1, at the end of line 14, insert the following:

"This Act shall not apply to transactions occurring between July 1, 2000 and June 30, 2001. It shall apply to transactions occurring between July 1, 2001 and June 30, 2003."

AMENDMENT NO. 5

On page 2, line 9, after "livestock" delete the remainder of the line and delete line 10, and insert the following:

"used for agricultural purposes. All such pharmaceuticals shall be registered with the Louisiana Department of Agriculture and Forestry."

AMENDMENT NO. 6

On page 2, delete lines 12 through 15, and insert the following:

"Section 3. R.S. 47:321(F) is hereby enacted to read as follows:
§321. Imposition of tax
* * *

F. Notwithstanding any other provision of law to the contrary, including but not limited to any contrary provisions of this Chapter, for the period of July 1, 2000 through June 30, 2002, the exemptions to the tax levied pursuant to the provisions of this Section, except for those exemptions provided by R.S. 39:467 and 468, R.S. 47:305(A)(1), (B), (D)(1)(f), (j), (k), (l), (m), (s), and (t), and (G), 305.1, 305.2, 305.3, 305.8, 305.10, 305.14, 305.15, 305.20, 305.25(A)(1) and (2), 305.37, 305.38, 305.46, and 305.50, and R.S. 51:1787, shall be inapplicable, inoperable, and of no effect.

Section 4. It is the intention of the legislature that the tax exemptions made inapplicable, inoperable, and of no effect for the period July 1, 2000 through June 30, 2002, by virtue of R.S. 47:321(F) shall resume, commence, and become effective on July 1, 2002.

Section 5. The provisions of Section 2 of this Act shall not be subject to the suspension of exemptions provided for in Act No. 18 of the 2000 First Extraordinary Session of the Legislature.

Section 6. The provisions of Section 3 of this Act shall become effective if and only if House Bill No. 98 of the 2000 Regular Session is finally passed by both houses of the legislature.

Section 7. The provisions of this Act shall become effective on July 1, 2000."

Respectfully submitted,

Representatives:
John A. Alario, Jr.
Bryant O. Hammett, Jr.
Jerry Luke LeBlanc

Senators:
Francis Heitmeier

Rules Suspended

Senator Heitmeier asked for and obtained a suspension of the rules for the purpose of considering the Conference Committee Report.

Rules Suspended

Senator Hines asked for a suspension of the rules for the purpose of granting the speaker an additional 5 minutes.

Senator Dean objected.

ROLL CALL

The roll was called with the following result:

YEAS

Bajoie	Heitmeier	Michot
Barham	Hines	Mount
Bean	Hollis	Robichaux
Boissiere	Hoyt	Romero
Cain	Irons	Schedler
Campbell	Johnson	Smith
Chaisson	Jones, B	Tarver
Ellington	Jones, C	Theunissen
Fields, C	Lambert	Thomas
Fields, W	Lentini	Ullo
Fontenot	Malone	
Gautreaux	McPherson	
Total—34		

NAYS

Dean
Total—1

ABSENT

Mr. President	Dardenne
Cravins	Marionneaux
Total—4	

The Chair declared the rules were suspended and the speaker was granted an additional 5 minutes.

Motion

Senator C. Jones moved the previous question on the entire subject matter.

Without objection, so ordered.

On motion of Senator Heitmeier, a vote was taken on the adoption of the report.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Gautreaux	Michot
Barham	Heitmeier	Mount
Bean	Hines	Romero
Boissiere	Hollis	Schedler
Cain	Johnson	Smith
Cravins	Jones, B	Tarver
Dardenne	Jones, C	Theunissen
Ellington	Lambert	Thomas
Fontenot	Lentini	Ullo
Total—27		

NAYS

Bajoie	Fields, C	Malone
Campbell	Fields, W	Marionneaux
Chaisson	Hoyt	McPherson
Dean	Irons	Robichaux
Total—12		

ABSENT

Total—0

The Chair declared the Conference Committee Report was adopted. Senator Heitmeier moved to reconsider the vote by which the report was adopted and laid the motion on the table.

Motion

Senator Barham moved to suspend the rules to advance to the order of House Bills on Third Reading and Final Passage, to take up House Bill No. 29 out of its regular order.

Without objection, so ordered.

House Bills and Joint Resolutions on Third Reading and Final Passage

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

Senator Ellington in the Chair

HOUSE BILL NO. 295—

BY REPRESENTATIVES STELLY, FAUCHEUX, JOHNS, BAYLOR, K. CARTER, DARTEZ, DEVILLIER, DIEZ, DUPRE, DURAND, FRITH, HEATON, HUDSON, HUNTER, LAFLEUR, MORRISH, MURRAY, NEVERS, PIERRE, RICHMOND, RIDDLE, JACK SMITH, AND THOMPSON
AN ACT

To amend and reenact R.S. 47:290, 292, 293, and 295 and to repeal R.S. 47:32, 112, 296, 296.1, 297, 297.1, 297.2, 298, 299, 302(O), and 331(M), relative to taxation; to levy a tax on an individual's federal adjusted gross income; to repeal inconsistent current individual income tax provisions; to repeal certain suspensions of exemptions from the state sales and use tax; to provide for an effective date; and to provide for related matters.

Floor Amendments Sent Up

Senator Barham sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Barham to Reengrossed House Bill No. 295 by Representative Stelly

AMENDMENT NO. 1

In Senate Committee Amendment No. 1, proposed by the Senate Committee on Revenue and Fiscal Affairs and adopted by the Senate on June 2, 2000, on page 1, line delete lines 9 through 11, and insert:

June 7, 2000

"2000-2001, plus a factor which represents inflation and which represents the growth of the individual income tax base prior to December 31, 2000 not attributable to the changes in the individual income tax law provided in that Act which originated as House Bill No. 295 of the 2000 Regular Session of the Louisiana Legislature, plus four hundred forty million dollars, all as determined by the Revenue Estimating Conference."

AMENDMENT NO. 2

On page 1, line 2, after "47:" insert "112 (A) and (G)(4),"

AMENDMENT NO. 3

On page 1, line 3, after "112" insert "(B), (C), (D), (E), and (F)"

AMENDMENT NO. 4

On page 1, line 10, after "47:" insert "112(A) and (G)(4),"

AMENDMENT NO. 5

On page 1, between lines 11 and 12, insert:

"§ 112. Income tax withheld at source

A. Requirement of withholding. Every employer making payment of wages on or after July 1, 1984, shall deduct and withhold from such wages (except as provided in Subsection K of this Section) a tax in amounts to be provided by the secretary, equal to rates specified in Subsection B of this Section which is applied to wages which exceed the sum of the withholding exemptions claimed, as shown in Subsection B(1) of this Section:

G. Exemption certificates.

(4) A withholding certificate furnished to the employer in cases in which no previous certificate is in effect shall take effect as of the beginning of the first payroll period ending, or the first payment of wages made without regard to a payroll period, on or after the date on which such certificate is furnished. A withholding certificate furnished to the employer in cases in which a previous certificate is in effect shall take effect for the first payment of wages made on or after the first status determination date which occurs at least 30 days from the date on which such certificate is furnished, except that at the election of the employer such certificate may be made effective with respect to any payment of wages made on or after the date on which such certificate is furnished; but a certificate furnished pursuant to Subsection G(3) Paragraph (B)(3) shall not take effect, and may not be made effective, for any payment of wages made in the calendar year in which the certificate is furnished. For purposes of this paragraph the term "status determination date" means January 1 and July 1 of each year.

* * *

AMENDMENT NO. 6

On page 2, line 9, delete lines 10 through 16, and insert:

"to the extent that they are inconsistent or in conflict herewith. The provisions of Part I and Part II of this Chapter shall remain in effect to the extent that they are not inconsistent or in conflict with this Part."

AMENDMENT NO. 7

On page 3, line 9, after "44.1." delete the remainder of the line, and delete lines 10 and 11

AMENDMENT NO. 8

On page 6, line 7, after "income" insert "in excess of the personal exemptions and deductions allowed in R.S. 47:294"

AMENDMENT NO. 9

On page 6, line 9, after "income" insert "in excess of the personal exemptions and deductions allowed in R.S. 47:294 remaining after the application of R.S. 295(A)(1)"

AMENDMENT NO. 10

On page 6, line 11, after "income" insert "in excess of the personal exemptions and deductions allowed in R.S. 47:294 remaining after the application of R.S. 295(A)(1) and (A)(2)"

AMENDMENT NO. 11

On page 6, line 18, after "income" insert "in excess of the personal exemptions and deductions allowed in R.S. 47:294"

AMENDMENT NO. 12

On page 6, line 20, after "income" insert "in excess of the personal exemptions and deductions allowed in R.S. 47:294 remaining after the application of R.S. 295(B)(1)"

AMENDMENT NO. 13

On page 6, line 22, after "income" insert "in excess of the personal exemptions and deductions allowed in R.S. 47:294 remaining after the application of R.S. 295(B)(1) and (B)(2)"

AMENDMENT NO. 14

On page 6, between lines 24 and 25 insert the following:

"C. Notwithstanding any provision of law to the contrary, no federal income tax paid by an individual shall be allowed as a deduction against his Louisiana income taxes."

AMENDMENT NO. 15

On page 6, line 25, change "C." to "D."

AMENDMENT NO. 16

On page 7, line 4, change "D." to "E.(1)"

AMENDMENT NO. 17

On page 7 between lines 10 and 11, insert:

"(2) The secretary shall establish tax tables that calculate the tax owed by taxpayers based upon where their taxable income falls within a range that shall not exceed two-hundred and fifty dollars. The secretary shall provide in the tax tables that the combined personal exemption, standard deduction, and other exemption deductions in R.S. 47:294 shall be deducted from the two percent tax bracket. If such combined exemptions and deductions exceed the two percent bracket, the excess shall be deducted from the three percent bracket. If such combined exemptions and deductions exceed the two and three percent brackets, the excess shall be deducted from the four percent bracket."

AMENDMENT NO. 18

On page 7, line 11 change "E." to "F."

AMENDMENT NO. 19

On page 7, line 21 change "F." to "G."

AMENDMENT NO. 20

On page 8, line 8 change "G." to "H."

AMENDMENT NO. 21

On page 9, between lines 21 and 22, insert:

"(d) To increase expenditures on instruction and research needs of public education."

AMENDMENT NO. 22

On page 9, line 22, after "112," insert "(B), (C), (D), (E), and (F),"

AMENDMENT NO. 23

On page 10, line 4, after "but" insert "Sections 1, 2, and 3 shall become effective"

On motion of Senator Barham, the amendments were adopted.

Motion

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

Senator Hines objected.

ROLL CALL

The roll was called with the following result:

YEAS

Bean Johnson Tarver
Chaisson Jones, B Theunissen
Ellington Jones, C Thomas
Heitmeier Michot
Hoyt Mount
Total—13

NAYS

Boissiere Gautreaux Marionneaux
Campbell Hines McPherson
Cravins Hollis Robichaux
Dean Irons Romero
Fields, C Lambert Schedler
Fields, W Lentini Smith
Fontenot Malone Ullo
Total—21

ABSENT

Mr. President Barham Dardenne
Bajoie Cain
Total—5

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

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. 295 by Representative Stelly

AMENDMENT NO. 1

On page 9, line 4, change "revert to the state general fund" to "remain in the Education Enhancement Fund"

AMENDMENT NO. 2

On page 9, line 6, after the first "general fund" delete the remainder of the line and insert a period

AMENDMENT NO. 3

On page 9, line 7, after "legislature," insert "eighty percent (80%) of"

AMENDMENT NO. 4

On page 9, delete line 13, and insert in lieu thereof "necessary to annually achieve not later than the beginning of each school year a statewide average salary for all such classroom teachers equal to an amount calculated by averaging the average teacher salaries of each member state of the Southern Regional Education Board for the previous school year as certified by the state Department of Education.

Each year such amount shall be equally divided and paid in equal amounts to each such classroom teacher in the state."

AMENDMENT NO. 5

On page 9, line 14, change "universities" to "postsecondary institutions"

AMENDMENT NO. 6

On page 9, line 15, after "in amounts" delete the remainder of the line and delete line 16 and insert in lieu thereof "necessary to annually achieve not later than the beginning of each fiscal year a statewide average salary for all such postsecondary institution faculty members equal to an amount calculated by averaging the average postsecondary institution faculty member salaries of each member state of the Southern Regional Education Board for the previous school year as certified by the Board of Regents. Each year such amount shall be equally divided and paid in equal amounts to each such postsecondary institution faculty member in the state."

AMENDMENT NO. 7

On page 9, line 17, after "increase" insert "by four percent annually"

AMENDMENT NO. 8

On page 9, between lines 21 and 22, insert the following:

(d) In the event than in any year insufficient money is available in the Fund to fully fund all the expenditures mandated in Subparagraphs (a) through (c) of this Paragraph, the amount provided to each classroom teacher and each postsecondary institution faculty member and the percentage of increase for each employee provided an increase in Subparagraph (d) shall each be reduced by the same percentage in order to permit each such teacher, faculty member, and employee to receive an increase in that year without exceeding the money available."

Senator Cravins moved adoption of the amendments.

Senator Hoyt objected.

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Dean Malone Michot
Total—3

ABSENT

Mr. President
Total—1

The Chair declared the amendments were adopted.

June 7, 2000

Motion

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

Senator Heitmeier objected.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Gautreaux	Mount
Bajoie	Heitmeier	Romero
Barham	Hines	Schedler
Bean	Hoyt	Smith
Boissiere	Irons	Tarver
Cain	Johnson	Theunissen
Campbell	Jones, B	Thomas
Chaisson	Jones, C	Ullo
Dardenne	Lentini	
Ellington	Michot	
Total—28		

NAYS

Cravins	Fontenot	Marionneaux
Dean	Hollis	McPherson
Fields, C	Lambert	
Fields, W	Malone	
Total—10		

ABSENT

Robichaux
Total—1

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

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

ROLL CALL

The roll was called with the following result:

YEAS

Bajoie	Fields, C	Lambert
Barham	Fields, W	Michot
Bean	Gautreaux	Mount
Boissiere	Heitmeier	Schedler
Cain	Hoyt	Smith
Chaisson	Irons	Tarver
Cravins	Johnson	Theunissen
Dardenne	Jones, B	Thomas
Ellington	Jones, C	
Total—26		

NAYS

Campbell	Hollis	McPherson
Dean	Lentini	Robichaux
Fontenot	Malone	Romero
Hines	Marionneaux	Ullo
Total—12		

ABSENT

Mr. President
Total—1

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

HOUSE BILL NO. 73—

BY REPRESENTATIVE DANIEL

A JOINT RESOLUTION

Proposing to amend Article VII, Section 4(A) of the Constitution of Louisiana, relative to the income tax, to remove the deduction for federal taxes paid and provide for the limitation of the rates and brackets for the individual income tax; to provide for the submission of the proposed amendment to the electors; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Bajoie	Fields, C	Lambert
Barham	Fields, W	Michot
Bean	Gautreaux	Mount
Boissiere	Heitmeier	Smith
Cain	Hoyt	Tarver
Chaisson	Irons	Theunissen
Cravins	Johnson	Thomas
Dardenne	Jones, B	
Ellington	Jones, C	
Total—25		

NAYS

Campbell	Hollis	McPherson
Dean	Lentini	Robichaux
Fontenot	Malone	Romero
Hines	Marionneaux	Ullo
Total—12		

ABSENT

Mr. President
Total—2

The Chair declared the bill failed to pass. Senator Barham moved to reconsider the vote by which the bill failed to pass.

Senator Dean objected.

ROLL CALL

The roll was called with the following result:

YEAS

Bajoie	Fields, C	Lambert
Barham	Fields, W	Michot
Bean	Gautreaux	Mount
Boissiere	Heitmeier	Smith
Cain	Hoyt	Tarver
Chaisson	Irons	Theunissen
Cravins	Johnson	Thomas
Dardenne	Jones, B	
Ellington	Jones, C	
Total—25		

NAYS

Campbell	Hollis	McPherson
Dean	Lentini	Robichaux
Fontenot	Malone	Romero

Hines Marionneaux Ullo
Total—12

ABSENT

Mr. President Schedler
Total—2

The Chair declared the motion to reconsider the bill was passed.

HOUSE BILL NO. 98—

BY REPRESENTATIVES THOMPSON, ALARIO, DANIEL, DURAND, FARRAR, FAUCHEUX, HEATON, HILL, HUNTER, LANDRIEU, MONTGOMERY, ODINET, TOWNSEND, WARNER, WILLARD, R. ALEXANDER, ANSARDI, BAUDOIN, BAYLOR, BOWLER, BROOME, BRUCE, K. CARTER, CAZAYOUX, CLARKSON, CRANE, CURTIS, DAMICO, DARTEZ, DEVILLIER, DIEZ, DOERGE, DOWNER, DUPRE, ERDEY, FLAVIN, FRITH, FUTRELL, GLOVER, GREEN, GUILLORY, HAMMETT, HOLDEN, HOPKINS, HUDSON, ILES, L. JACKSON, M. JACKSON, JOHNS, KATZ, KENNARD, KENNEY, LAFLEUR, LANCASTER, LEBLANC, MARTINY, MCCALLUM, McDONALD, McMAINS, MURRAY, NEVERS, PIERRE, PINAC, PITRE, POWELL, PRATT, QUEZAIRE, RICHMOND, RIDDLE, ROMERO, SALTER, SCALISE, SCHWEGMANN, SHAW, GARY SMITH, JACK SMITH, JANE SMITH, JOHN SMITH, SNEED, STELLY, STRAIN, TRAVIS, TRICHE, WADDELL, WALSWORTH, WELCH, WILKERSON, WINSTON, AND WOOTON

A JOINT RESOLUTION

Proposing to add Article VII, Section 2.2 of the Constitution of Louisiana, relative to a limitation on the sales and use tax; to provide that food for home consumption, natural gas, electricity, and water shall be exempt from state sales and use taxes; to provide for submission of the amendment to the electors; and to provide for related matters.

Floor Amendments Sent Up

Senator Barham sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Barham to Reengrossed House Bill No. 98 by Representative Thompson

AMENDMENT NO. 1

On page 2 at the end of line 12, change "January 1, 2001," to "July 1, 2002,"

Senator Barham moved adoption of the amendments.

Senator Dean objected.

ROLL CALL

The roll was called with the following result:

YEAS

Bajoie	Gautreaux	McPherson
Barham	Heitmeier	Michot
Bean	Hines	Mount
Boissiere	Hollis	Romero
Cain	Hoyt	Schedler
Campbell	Irons	Smith
Chaisson	Johnson	Tarver
Cravins	Jones, B	Theunissen
Dardenne	Jones, C	Thomas
Fields, C	Lambert	Ullo
Fields, W	Lentini	
Total—32		

NAYS

Dean	Fontenot	Malone
Total—3		

ABSENT

Mr. President Marionneaux
Ellington Robichaux
Total—4

The Chair declared the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Bajoie	Fields, W	McPherson
Barham	Gautreaux	Mount
Bean	Heitmeier	Robichaux
Boissiere	Hines	Romero
Cain	Hoyt	Schedler
Chaisson	Irons	Smith
Cravins	Johnson	Tarver
Dardenne	Jones, B	Theunissen
Ellington	Jones, C	Thomas
Fields, C	Lambert	
Total—29		

NAYS

Campbell	Hollis	Michot
Dean	Lentini	
Fontenot	Malone	
Total—7		

ABSENT

Mr. President Marionneaux
Total—3
Ullo

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

Rules Suspended

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

Petitions, Memorials and Communications

The following petitions, memorials and communications were received and read:

LOUISIANA HOUSE OF REPRESENTATIVES
Committee on Commerce
Baton Rouge

June 7, 2000

The Honorable Charles DeWitt
Speaker
House of Representatives
State of Louisiana

Dear Mr. Speaker:

I hereby tender my resignation from the Louisiana House of Representatives, as the elected state representative from District 62, effective at 5:30 p.m., Wednesday, June 7, 2000.

Sincerely yours,

John D. Travis

Reports of Committees

The following reports of committees were received and read:

Report of Committee on SENATE AND GOVERNMENTAL AFFAIRS

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

Senate Chamber
State Capitol
State of Louisiana
Baton Rouge, LA

June 07, 2000

To the President and Members of the Senate:

Gentlemen:

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

The committee:

recommends that the following appointees be confirmed:

Culture, Recreation and Tourism, Department of
Deputy Secretary
Smith, Mark S.
4800 Bancroft Drive
New Orleans, LA 70122

Economic Development, Department of
Commissioner of Financial Institutions
Travis, John D.
1311 Sycamore Street
Jackson, LA 70748

Respectfully submitted,
Chris Ullo, Chairman

Senator Heitmeier moved to confirm the persons on the above list who were reported by the Committee on Senate & Governmental Affairs and recommended for confirmation.

ROLL CALL

The roll was called with the following result:

YEAS

- List of names: Bajoie, Barham, Bean, Boissiere, Cain, Campbell, Chaisson, Cravins, Dardenne, Dean, Ellington, Fields, C, Fields, W, Fontenot, Gautreaux, Heitmeier, Hines, Hollis, Hoyt, Irons, Johnson, Jones, B, Jones, C, Lambert, Lentini, Malone, McPherson, Michot, Mount, Robichaux, Romero, Schedler, Smith, Tarver, Theunissen, Thomas, Ullo

NAYS

Total—0
ABSENT

Mr. President
Total—2
Marionneaux

The Chair declared the people on the above list were confirmed.

Messages from the House

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

Message from the House

CONCURRING IN SENATE CONCURRENT RESOLUTIONS

June 7, 2000

To the Honorable President and Members of the Senate:

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

SENATE CONCURRENT RESOLUTION NO. 64— BY SENATOR B. JONES AND REPRESENTATIVE MCCALLUM A CONCURRENT RESOLUTION

To urge and request the Interim Emergency Board to consider emergency funding or other assistance to assist in the repair and reconstruction of Jonesboro-Hodge High School.

Reported without amendments.

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

Message from the House

HOUSE CONFEREES APPOINTED

June 7, 2000

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 appointed the following members, on the part of the House of Representatives, to confer, with a like committee from the Senate, on the disagreement to Senate Bill No. 85 by Senator Michot:

Representatives Alario, Hammett, and Glover.

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

Message from the House

DISAGREEMENT TO HOUSE BILL

June 7, 2000

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. 1 by Representative LeBlanc, 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 LeBlanc, Murray, and DeWitt.

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

Message from the House

**ADOPTION OF
CONFERENCE COMMITTEE REPORT**

June 7, 2000

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has adopted the Report of the Conference Committee on the disagreement to House Bill No. 221.

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

Message from the House

**ADOPTION OF
CONFERENCE COMMITTEE REPORT**

June 7, 2000

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has adopted the Report of the Conference Committee on the disagreement to House Bill No. 140.

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

**Appointment of Conference Committee
on House Bill No. 1**

The President of the Senate appointed on the Conference Committee on House Bill No. 1 the following members of the Senate: Senators Dardenne, Tarver, and Hainkel.

Message from the House

**ADOPTION OF
CONFERENCE COMMITTEE REPORT**

June 7, 2000

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has adopted the Report of the Conference Committee on the disagreement to Senate Bill No. 85.

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

Motion

Senator Hainkel moved to suspend the rules to advance to the order of House Bills on Third Reading and Final Passage, to take up House Bill No. 37 out of its regular order.

Without objection, so ordered.

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

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

HOUSE BILL NO. 37—

BY REPRESENTATIVES DEWITT, BRUNEAU, LANCASTER, AND HUNTER
AND SENATORS HAINKEL, LAMBERT, BARHAM, AND ULLO
AN ACT

To appropriate the sum of Forty-eight Million Five Hundred Ninety-five Thousand Five Hundred Thirty-nine and No/100 (\$48,595,539.00) 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 Seven Million Four Hundred Thousand and No/100 (\$7,400,000.00) 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.

Floor Amendments Sent Up

Senator Dean sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Dean to Engrossed House Bill No. 37 by Representative Dewitt

AMENDMENT NO. 1

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

"Section 7. Notwithstanding any provisions of law to the contrary, the total appropriations of the legislature for the 2000-2001 fiscal year as provided for in Sections 1 through 6 of this bill shall be reduced to an amount that is ten percent less than the total appropriations for the current 1999-2000 fiscal year."

AMENDMENT NO. 2

On page 10, line 10, change "Section 7" to "Section 8"

Motion

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

Senator Dean objected.

June 7, 2000

ROLL CALL

The roll was called with the following result:

YEAS

Bajoie	Hines	Mount
Barham	Hollis	Robichaux
Bean	Hoyt	Romero
Boissiere	Irons	Schedler
Cain	Johnson	Smith
Cravins	Jones, B	Tarver
Dardenne	Jones, C	Theunissen
Ellington	Lentini	Thomas
Gautreaux	McPherson	Ullo
Heitmeier	Michot	
Total—29		

NAYS

Campbell	Fields, C	Lambert
Chaisson	Fields, W	Malone
Dean	Fontenot	Marionneaux
Total—9		

ABSENT

Mr. President
Total—1

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

Senator Dean moved adoption of the amendments.

Senator Hainkel objected.

ROLL CALL

The roll was called with the following result:

YEAS

Bean	Dean	Marionneaux
Cain	Fontenot	McPherson
Campbell	Malone	
Total—8		

NAYS

Mr. President	Heitmeier	Mount
Bajoie	Hines	Robichaux
Barham	Hollis	Romero
Boissiere	Hoyt	Schedler
Chaisson	Irons	Smith
Cravins	Johnson	Tarver
Ellington	Jones, B	Theunissen
Fields, C	Jones, C	Thomas
Fields, W	Lambert	Ullo
Gautreaux	Lentini	
Total—29		

ABSENT

Dardenne
Total—2

The Chair declared the amendments were rejected.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fields, C	Lambert
Bajoie	Fields, W	Lentini
Barham	Gautreaux	Robichaux
Bean	Heitmeier	Romero
Boissiere	Hines	Schedler
Cain	Hollis	Smith
Campbell	Hoyt	Tarver
Chaisson	Irons	Theunissen
Cravins	Johnson	Ullo
Dardenne	Jones, B	
Ellington	Jones, C	
Total—31		

NAYS

Dean	Marionneaux	Mount
Fontenot	McPherson	Thomas
Malone	Michot	
Total—8		

ABSENT

Total—0

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

Rules Suspended

Senator Barham asked for and suspension of the rules for the purpose of reconsidering House Bill No. 73, which failed to pass earlier today.

Senator Campbell objected.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fontenot	McPherson
Bajoie	Gautreaux	Michot
Barham	Heitmeier	Mount
Bean	Hollis	Robichaux
Boissiere	Hoyt	Romero
Cain	Irons	Schedler
Chaisson	Johnson	Smith
Cravins	Jones, B	Tarver
Dardenne	Jones, C	Theunissen
Ellington	Lambert	Thomas
Fields, C	Lentini	
Fields, W	Marionneaux	
Total—34		

NAYS

Campbell	Hines	Ullo
Dean	Malone	
Total—5		

ABSENT

Total—0

The Chair declared the rules were suspended.

HOUSE BILL NO. 73—

BY REPRESENTATIVE DANIEL

A JOINT RESOLUTION

Proposing to amend Article VII, Section 4(A) of the Constitution of Louisiana, relative to the income tax, to remove the deduction for federal taxes paid and provide for the limitation of the rates and brackets for the individual income tax; to provide for the submission of the proposed amendment to the electors; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Bajoie	Fields, C	Michot
Barham	Fields, W	Mount
Bean	Gautreaux	Romero
Boissiere	Heitmeier	Schedler
Cain	Irons	Smith
Chaisson	Johnson	Tarver
Cravins	Jones, B	Theunissen
Dardenne	Jones, C	Thomas
Ellington	Lambert	
Total—26		

NAYS

Campbell	Hollis	Marionneaux
Dean	Hoyt	McPherson
Fontenot	Lentini	Robichaux
Hines	Malone	Ullo
Total—12		

ABSENT

Mr. President
Total—1

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

Rules Suspended

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

Reports of Committees

The following reports of committees were received and read:

**CONFERENCE COMMITTEE REPORT
House Bill No. 221 By Representative Johns, et al.**

June 7, 2000

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

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 221 by Representative Johns, et al., recommend the following concerning the reengrossed bill:

1. That Senate Committee Amendments proposed by the Senate Committee on Revenue and Fiscal Affairs and adopted by the Senate on May 30, 2000, be rejected.
2. That the Senate Floor amendments proposed by Senator Ullo and adopted by the Senate on May 31, 2000 be rejected.
3. That the Senate Floor amendments proposed by Senator Marionneaux and adopted by the Senate on May 31, 2000 be rejected.
4. That the following amendments to the reengrossed bill be adopted:

AMENDMENT NO. 1

On page 1, line 2, after to, delete the remainder of the line and delete line 3 in its entirety, and at the beginning of line 4, delete "circumstances" and insert: "enact Chapter 4 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 47:2801 through 2803, relative to tax on the privilege of conducting riverboat gaming; to impose a tax on the privilege of riverboats conducting gaming operations under certain circumstances; to provide for the levy, collection, and administration of such tax; to provide for credits and exemptions; to provide for such gaming operations;"

AMENDMENT NO. 2

On page 1, line 6, after "Section 1." delete the remainder of the line, delete lines 7 through 17 in their entirety, delete page 2 in its entirety, and on page 3, delete lines 1 through 21 in their entirety, and insert:

"Chapter 4 of Subtitle IV of Title 47 of the Louisiana Revised Statutes of 1950, comprised of R.S. 47:2801 through 2803, is hereby enacted to read as follows:

"CHAPTER 4. RIVERBOAT GAMING PRIVILEGE TAX

§2801. Definitions

When used in this Chapter, the following terms shall have these meanings:

- (1) "Dockside gaming operations" means gaming operations conducted while a riverboat is docked or berthed without being required to cruise or embark on excursion.
- (2) "Gaming operations" shall mean such operations as defined in R.S. 27:44(11).
- (3) "License" means a license as defined in R.S. 27:44(14).
- (4) "Net gaming proceeds" means such proceeds as defined in R.S. 27:44(15).
- (5) "Riverboat" means a vessel as defined in R.S. 27:44(23).

§2802. Riverboat Dockside Gaming Privilege Tax: Imposition

A. There is hereby levied and imposed a tax on the privilege of conducting gaming operations on a riverboat. Except as otherwise provided in this Chapter, the tax shall be levied and collected at a rate of three percent of net gaming proceeds.

(2) For the period July 1, 2000 through June 30, 2001 the tax shall be levied and imposed as follows:

(a) For any month in which a licensee receives net gaming proceeds of eight million dollars or more, the tax shall be levied and collected at three percent of net gaming proceeds for that month.

(b) For any month in which a licensee receives net gaming proceeds of less than eight million dollars, the tax shall be levied and collected at two percent of net gaming proceeds for that month.

B.(1) Notwithstanding any provision of law, rule, or regulation to the contrary and in furtherance of the taxing power vested in the legislature, it is recognized that the state would recognize and receive additional revenues under this tax if riverboats are authorized to conduct dockside gaming operations. In furtherance of desire to increase the avails to the state pursuant to the levy and collection of this tax, and notwithstanding any other provision of law to the contrary, at the statewide election to be held on October 7, 2000, a proposition shall appear on the ballot in every parish in which riverboat gaming activities were being conducted on January 1, 2000, except for those parishes in which dockside gaming was authorized by law prior to January 1, 2000

pursuant to R.S. 27:65(B)(1)(b)(i), to determine whether gaming activities may be conducted in that parish on licensed riverboats without the riverboats being required to engage in cruises or excursions. The election shall be conducted throughout that parish.

(2)(a) Except in the parish of Orleans, the ballot for the election shall provide as follows:

"DOCKSIDE GAMING ELECTION

Within (Name of Parish):

"Shall licensed riverboats be allowed to conduct gaming operations without being required to engage in cruises or excursions? YES () NO ()"

B. In the parish of Orleans, the ballot for the election shall provide as follows:

"DOCKSIDE GAMING ELECTION

Within the parish of Orleans:

"Shall a licensed riverboat be allowed to conduct gaming operations without being required to engage in cruises or excursions? YES () NO ()"

(3) Notwithstanding any provision of law to the contrary and specifically notwithstanding any contrary provision of R.S. 27:65 and except as provided in Subsection (C) of this Section. If a majority of the electors voting in an election held pursuant to the provisions of this Section vote in favor of dockside gaming, then a riverboat which is domiciled in that parish may conduct gaming while the riverboat is docked in that parish.

(4) Except as otherwise specifically provided in this Section, the election shall be held in compliance with and subject to the applicable provisions of the Election Code.

(5) The cost of the election required by this Section shall be borne by the state.

(6) If the electors of a parish do not approve the proposition on the conducting of dockside gaming, any riverboat which was conducting gaming activities in that parish prior to that proposition election shall be allowed to continue conducting gaming activities under the terms and conditions of the law, the administrative rules, and the license which applied to that riverboat prior to that proposition election.

C.(1) Dockside gaming operations conducted as provided in this Chapter shall not cause, permit or authorize any exclusivity violation or breach or any other violation or breach by the state under any casino operating contract, or amendment thereof, entered into pursuant to authority set forth in R.S. 27:201, et seq.

(2) Notwithstanding any provision in this Chapter to the contrary, dockside gaming operations of a riverboat located in the parish of the official gaming establishment as defined in R.S. 27:203 and 205(26) shall be conducted, if and only if:

(a) Such dockside gaming activities shall be limited to not more than one licensed riverboat at any time which shall be located on Lake Pontchartrain in the parish of the official gaming establishment.

(b) Such riverboat conducts gaming activities in an area not exceeding thirty thousand square feet in the aggregate;

(c) The owner or operator does not participate directly or indirectly in the ownership, construction, operation or subsidization of any hotel of a size exceeding three hundred ninety-nine guest rooms within a distance of one mile from the berthing area of the licensed riverboat; and

(d) The licensed riverboat does not maintain or offer for patron or public use on the vessel or at its terminal, berthing area, or any hotel referred to above, more than eight thousand square feet of restaurant facilities in the aggregate (exclusive of food preparation and handling area).

D.(1) The tax levied and imposed pursuant to this Chapter shall not be applicable to nor collected on gaming operations in a parish after October 7, 2000 if such parish did not approve the proposition to allow licensed riverboats to conduct gaming operations without being required to engage in cruises or excursions.

(2) Any licensee in a parish that did not approve the proposition to allow licensed riverboats to conduct gaming operations without being required to engage in cruises or excursions shall be entitled to a credit in the amount of taxes paid pursuant to the tax levied and imposed by this Chapter. The credit shall be taken against the franchise fee changed

pursuant to R.S. 27:91(C). Any unused credit can be carried forward for no more than twelve months.

E. The tax shall be collected by the Department of Revenue pursuant to a contract with the Department of Public Safety and Corrections, office of state police. To the extent not in conflict with the provision of this Chapter, the tax shall be administered pursuant to the provisions of the Louisiana Riverboat Economic Development and Gaming Control Act.

§2803. Economic Development Incentives

A. In order to promote and stimulate tourism and economic development in areas of the state which have licensed riverboats, fifty percent of the tax levied and imposed by this Chapter shall not be applicable to and shall not be collected from any riverboat under license authorized by the Louisiana Riverboat Economic Development and Gaming Control Act which:

(1) Is conducting gaming operations on the Red River, also known as the J. Bennett Johnston Waterway, as of the effective date of this Act and achieves a certified total nongaming capital investment per license of no less than one hundred seventy million dollars; or

(2) Is not conducting gaming operations on the Red River, also known as the J. Bennett Johnston Waterway, as of the effective date of this Act and achieves a certified total nongaming capital investment per license of no less than one hundred fifty million dollars.

B. Notwithstanding any provision of this Chapter to the contrary, if there are two licensed riverboats operating together under common ownership, direct or indirect, at a specific location within a parish as of the effective date of this Act, and if such riverboats achieve a combined certified total nongaming capital investment of no less than one hundred fifty million dollars, then the tax levied and imposed by this Chapter shall only be due and payable on fifty percent of the combined net gaming proceeds of the two riverboats.

C. For purposes of this Section, total nongaming capital investment shall mean and include the costs of land, hotels, pavilions, parking facilities, entertainment facilities, retail space, office space, furniture, and nongaming equipment. Costs shall include acquisition, design, development, engineering, construction, cost of capital, and improvements. Total nongaming capital investment shall not mean nor include the costs of the riverboat, gaming equipment, ramps, or moorings. In order to obtain the exemption provided in this Section, the licensed gaming operator must obtain a certificate from the Louisiana Department of Economic Development certifying that the total nongaming capital investment for each licensed riverboat meets the requirements of this Section. The Department of Economic Development must include capital investments reported to the Louisiana Gaming Control Board by the licensee. Except as provided in Subsection B of this Section, no capital investment shall be applied or credited to more than one licensed riverboat.

Section 2. The provisions of this Act are nonseverable."

AMENDMENT NO. 3

On page 3, line 22, change "Section 2." to "Section 3."

Respectfully submitted,

Representatives:
Bryant O. Hammett, Jr.
Ronnie Johns
Billy Montgomery

Senators:
Francis C. Heitmeier

Rules Suspended

Senator Heitmeier asked for and obtained a suspension of the rules for the purpose of considering the Conference Committee Report.

Motion

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

Senator Marionneaux objected.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fields, C	Michot
Bajoie	Fontenot	Mount
Bean	Gautreaux	Robichaux
Boissiere	Heitmeier	Romero
Cain	Hines	Schedler
Campbell	Hollis	Smith
Cravins	Hoyt	Tarver
Dardenne	Johnson	Theunissen
Dean	Jones, C	Thomas
Ellington	Lentini	
Total—29		

NAYS

Barham	Jones, B	Marionneaux
Chaisson	Lambert	McPherson
Irons	Malone	Ullo
Total—9		

ABSENT

Fields, W
Total—1

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

On motion of Senator Heitmeier, a vote was taken on the adoption of the report.

ROLL CALL

The roll was called with the following result:

YEAS

Bajoie	Fields, C	McPherson
Bean	Fields, W	Mount
Boissiere	Gautreaux	Robichaux
Campbell	Heitmeier	Theunissen
Cravins	Hines	Thomas
Dean	Hoyt	
Ellington	Lentini	
Total—19		

NAYS

Mr. President	Hollis	Michot
Barham	Irons	Romero
Cain	Jones, B	Schedler
Chaisson	Lambert	Smith
Dardenne	Malone	Ullo
Fontenot	Marionneaux	
Total—17		

ABSENT

Johnson
Total—3

The Chair declared the Senate refused to adopt the Conference Committee Report.

CONFERENCE COMMITTEE REPORT
Senate Bill No. 85 by MICHOT

June 7, 2000

To the Honorable President and Members of the Senate and to the Honorable Speaker and Members of the House of Representatives:

We, the conferees appointed to confer over the disagreement between the two houses concerning Senate Bill 85 by MICHOT recommend the following concerning the Engrossed bill:

1. That all House Committee Amendments proposed by the House Committee on Ways and Means and adopted by the House of Representatives on June 6, 2000 be adopted.
2. That all Legislative Bureau Amendments proposed by the Legislative Bureau and adopted by the House of Representatives on June 6, 2000 be adopted.
3. That all House Floor Amendments proposed by Representative Alario and adopted by the House of Representatives on June 7, 2000 be adopted.
4. That all House Floor Amendments proposed by Representative Glover and adopted by the House of Representatives on June 7, 2000 be adopted.

Respectfully submitted,

Senators:
Michael J. Michot

Representatives:
John A. Alario, Jr
Bryant O. Hammett, Jr.
Cedric B. Glover

Mr. President in the Chair

Rules Suspended

Senator Michot asked for and obtained a suspension of the rules for the purpose of considering the Conference Committee Report.

Motion

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

Without objection, so ordered.

On motion of Senator Michot, a vote was taken on the adoption of the report.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Heitmeier	Michot
Bajoie	Hines	Mount
Bean	Hollis	Romero
Boissiere	Hoyt	Schedler
Dardenne	Irons	Smith
Dean	Johnson	Tarver
Ellington	Jones, C	Theunissen
Fields, C	Lambert	Thomas
Fontenot	Malone	
Gautreaux	Marionneaux	
Total—28		

NAYS

Barham	Chaisson	Lentini
Cain	Jones, B	Robichaux
Total—6		

ABSENT

Campbell Fields, W Ullo
Cravins McPherson
Total—5

The Chair declared the Conference Committee Report was adopted. Senator Michot moved to reconsider the vote by which the report was adopted and laid the motion on the table.

Message from the House

SIGNED HOUSE CONCURRENT RESOLUTIONS

June 7, 2000

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. 84—
BY REPRESENTATIVES DURAND, HEBERT, AND TOOMY
A CONCURRENT RESOLUTION

To create and provide with respect to a commission to study and develop recommendations for development of sugarcane and sugar-related products and industries.

HOUSE CONCURRENT RESOLUTION NO. 90—
BY REPRESENTATIVES E. ALEXANDER, BAUDOIN, LEBLANC, PIERRE, PINAC, ALARIO, R. ALEXANDER, ANSARDI, BAYLOR, BOWLER, BROOME, BRUCE, BRUNEAU, K. CARTER, R. CARTER, CAZAYOUX, CLARKSON, CRANE, CROWE, CURTIS, DAMICO, DANIEL, DARTEZ, DEVILLIER, DEWITT, DIEZ, DOERGE, DONELON, DOWNER, DUPRE, DURAND, ERDEY, FARRAR, FAUCHEUX, FLAVIN, FRITH, FRUGE, FUTRELL, GLOVER, GREEN, GUILLORY, HAMMETT, HEATON, HEBERT, HILL, HOLDEN, HOPKINS, HUDSON, HUNTER, ILES, L. JACKSON, M. JACKSON, JOHNS, KATZ, KENNARD, KENNEY, LAFLEUR, LANCASTER, LANDRIEU, LUCAS, MARTINY, MCCALLUM, McDONALD, McMAINS, MONTGOMERY, MORRELL, MORRISH, MURRAY, NEVERS, ODINET, PERKINS, PITRE, POWELL, PRATT, QUEZAIRE, RICHMOND, RIDDLE, ROMERO, SALTER, SCALISE, SCHNEIDER, SCHWEGMANN, SHAW, GARY SMITH, JACK SMITH, JANE SMITH, JOHN SMITH, SNEED, STELLY, STRAIN, THOMPSON, TOOMY, TOWNSEND, TRAVIS, TRICHE, WADDELL, WALSWORTH, WARNER, WELCH, WILKERSON, WILLARD, WINDHORST, WINSTON, WOOTON, AND WRIGHT AND SENATORS CRAVINS, MICHOT, BAJOE, BARHAM, BEAN, BOISSIERE, CAIN, CAMPBELL, CHAISSON, DARDENNE, DEAN, ELLINGTON, C. FIELDS, W. FIELDS, FONTENOT, GAUTREAU, HAINKEL, HEITMEIER, HINES, HOLLIS, HOYT, IRONS, JOHNSON, B. JONES, C. JONES, LAMBERT, LENTINI, MALONE, MARIONNEAUX, MCPHERSON, MOUNT, ROBICHAUX, ROMERO, SCHEDLER, SMITH, TARVER, THEUNISSEN, THOMAS, AND ULLO

A CONCURRENT RESOLUTION

To commend the baseball team of the University of Louisiana at Lafayette for reaching the College World Series.

HOUSE CONCURRENT RESOLUTION NO. 91—
BY REPRESENTATIVE DONELON
A CONCURRENT RESOLUTION

To authorize and request the House Committee on Insurance and the Senate Committee on Insurance to meet and to function as a joint committee to study the reorganization of the insurance laws in Title 22 of the Louisiana Revised Statutes of 1950, and to report the findings of the joint committee to the legislature prior to the convening of the 2001 Regular Session.

HOUSE CONCURRENT RESOLUTION NO. 70—
BY REPRESENTATIVES CLARKSON, FLAVIN, JOHNS, MURRAY, AND PRATT AND SENATOR SCHEDLER
A CONCURRENT RESOLUTION

To create a task force to further review the child support guidelines and the findings and recommendations reported by the Department of Social Services and the Louisiana District Attorneys Association.

HOUSE CONCURRENT RESOLUTION NO. 73—
BY REPRESENTATIVE M. JACKSON
A CONCURRENT RESOLUTION

To urge and request the State Board of Elementary and Secondary Education to study and make recommendations for including in the minimum foundation program formula a funding component specifically designed to provide educational services in Louisiana public schools at the prekindergarten level for at-risk students who are at least four years of age; to provide for a written report on study findings and recommendations to the House Committee on Education, the House Committee on Appropriations, the Senate Committee on Education, the Senate Committee on Finance, and the School Finance Commission created by the governor pursuant to Executive Order No. MJF 99-41; to provide that the report shall include one or more simulations showing how the recommended formula funding to serve at-risk four-year-olds would be equitably distributed to local school systems; and to provide that the report shall be made in a timely fashion permitting review and comment by interested parties prior to formal consideration and adoption by the State Board of Elementary and Secondary Education of the minimum foundation program formula for the 2001-2002 school year.

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

To commend and congratulate the Evangel Christian Academy football team, its coaches, managers, and trainers for an exceptional season and for winning their fourth consecutive Louisiana State Championship.

HOUSE CONCURRENT RESOLUTION NO. 87—
BY REPRESENTATIVES ERDEY, KENNARD, McMAINS, PERKINS, POWELL, AND TRAVIS AND SENATORS FONTENOT AND LAMBERT
A CONCURRENT RESOLUTION

To commend Lucius Patterson for a remarkable career of service upon his retirement as Clerk of Court of Livingston Parish.

HOUSE CONCURRENT RESOLUTION NO. 88—
BY REPRESENTATIVE JOHN SMITH
A CONCURRENT RESOLUTION

To commend Randi Michelle Schamerhorn of Simpson for her exemplary character, to recognize and record her myriad accomplishments, and to express the sincere gratitude of the legislature for all she has done for her community and state.

HOUSE CONCURRENT RESOLUTION NO. 89—
BY REPRESENTATIVE WELCH
A CONCURRENT RESOLUTION

To express the tribute of the Legislature of Louisiana to Dr. Carolyn Hargrave upon her retirement as Deputy Commissioner for Academic Affairs of the Louisiana Board of Regents and to commend her for her truly distinguished career and her significant contributions to higher education in Louisiana.

HOUSE CONCURRENT RESOLUTION NO. 39—
BY REPRESENTATIVES SCHNEIDER, BRUNEAU, FUTRELL, LANCASTER, PITRE, SCALISE, SNEED, WADDELL, KATZ, AND TRICHE AND SENATORS BARHAM, CRAVINS, DARDENNE, GAUTREAU, HOLLIS, B. JONES, C. JONES, MALONE, MICHOT, SCHEDLER, SMITH, THEUNISSEN, AND ULLO
A CONCURRENT RESOLUTION

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

HOUSE CONCURRENT RESOLUTION NO. 81—
BY REPRESENTATIVES HUDSON, BROOME, K. CARTER, CAZAYOUX, CLARKSON, CURTIS, DARTEZ, ERDEY, GUILLORY, HUNTER, JOHNS, LAFLEUR, LUCAS, MORRELL, MORRISH, MURRAY, PIERRE, PITRE, QUEZAIRE, RICHMOND, TRAVIS, TRICHE, WILKERSON, AND WILLARD AND SENATORS CRAVINS AND C. FIELDS

A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to take such actions as are necessary to establish and affirm that every citizen of this nation has the right to high quality health care.

HOUSE CONCURRENT RESOLUTION NO. 82—
BY REPRESENTATIVE R. ALEXANDER

A CONCURRENT RESOLUTION

To urge and request the Louisiana State Board of Medical Examiners to cooperate with companies providing off-site preventive screening tests using ultrasound technology in order to establish reasonable guidelines for their use in a timely manner.

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 7, 2000

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. 117—
BY REPRESENTATIVES DEWITT, HAMMETT, AND LEBLANC AND SENATORS HAINKEL, BARHAM, AND DARDENNE
AN ACT

To amend and reenact R.S. 47:841(introductory paragraph) and (E), to enact R.S. 47:841(B)(3) and 842(15), and to repeal R.S. 47:841(F), relative to the tobacco tax; to increase the tax on cigarettes; to increase the tax on smokeless tobacco; to provide for the effectiveness of the tax; 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 Ullo, Chairman on behalf of the Committee on Senate and Governmental Affairs, submitted the following report:

June 7, 2000

To the President and Members of the Senate:

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

The following Senate Resolutions have been properly enrolled:

SENATE RESOLUTION NO. 44—
BY SENATOR C. JONES

A RESOLUTION

To commend Earnie Miles on his outstanding twenty years of service and dedication as KNOE-TV's gospel host.

SENATE RESOLUTION NO. 45—
BY SENATOR HINES

A RESOLUTION

To request state agencies to assist in determining the extent of contamination of underground drinking water supplies caused by the train derailment in Eunice, Louisiana.

SENATE RESOLUTION NO. 46—

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

A RESOLUTION

To urge and request the State Board of Elementary and Secondary Education to take the necessary and appropriate steps to assure that every public school in the state provide an opportunity for every student to visit the D-Day Museum as an educational, co-curricular activity.

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

June 7, 2000

To the President and Members of the Senate:

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

The following Senate Concurrent Resolutions have been properly enrolled:

SENATE CONCURRENT RESOLUTION NO. 33—
BY SENATOR SCHEDLER AND REPRESENTATIVE DANIEL
A CONCURRENT RESOLUTION

To continue and provide with respect to the task force created by the Joint Legislative Committee on the Budget to study the practices of the departments and agencies of the executive branch of state government concerning contracts with nonprofit organizations.

June 7, 2000

SENATE CONCURRENT RESOLUTION NO. 53—
BY SENATORS SCHEDLER, THOMAS, C. FIELDS, DARDENNE, AND
LAMBERT AND REPRESENTATIVES BROOME, HOLDEN, M. JACKSON,
NEVERS, POWELL AND WELCH

A CONCURRENT RESOLUTION

To approve the reduction of health care services provided at the current
physical facilities of Washington-St. Tammany Regional Medical
Center and Earl K. Long Medical Center in a manner that causes
annual expenditures of each facility to be reduced by ten percent
or more provided that such reductions do not cause the combined
annual expenditures for each medical center to be reduced by ten
percent or more.

SENATE CONCURRENT RESOLUTION NO. 56—

BY SENATOR ROMERO

A CONCURRENT RESOLUTION

To urge and request the National Transportation Safety Board to
provide the Louisiana Legislature with a report detailing the causes
of the derailment in Eunice, Louisiana of thirty cars of the Union
Pacific Railroad Company one hundred and thirteen car train
carrying chemicals on May 27, 2000, and any other derailments
that potentially jeopardized life or property in Louisiana that have
been recently reviewed by the board, and to include in such report
any recommendations regarding prevention of future similar
accidents.

SENATE CONCURRENT RESOLUTION NO. 57—

BY SENATOR W. FIELDS

A CONCURRENT RESOLUTION

To express the sincere and heartfelt condolences of the legislature upon
the death of Angela Y. Christian, MD.

SENATE CONCURRENT RESOLUTION NO. 58—

BY SENATOR THEUNISSEN AND REPRESENTATIVE TRICHE

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 3, 2000, 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.

SENATE CONCURRENT RESOLUTION NO. 60—

BY SENATOR MARIONNEAUX

A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to mandate that the
Health Care Financing Administration implement a single
statewide reimbursement rate for Medicare managed care plans
throughout the state of Louisiana.

SENATE CONCURRENT RESOLUTION NO. 61—

BY SENATOR LAMBERT

A CONCURRENT RESOLUTION

To invite the Honorable M. J. "Mike" Foster, Governor of Louisiana to
address a joint session of the legislature.

SENATE CONCURRENT RESOLUTION NO. 62—

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

A CONCURRENT RESOLUTION

To commend Peggy Vernice, the staff and community volunteers of the
Woman's Hospital Gift Shop.

SENATE CONCURRENT RESOLUTION NO. 63—

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

A CONCURRENT RESOLUTION

To recognize and commend each member of the women's track and
field team at Louisiana State University for an outstanding season
and for capturing the 2000 National Collegiate Athletic
Association Outdoor Track and Field Championship.

SENATE CONCURRENT RESOLUTION NO. 5—

BY SENATORS MOUNT, B. JONES AND SCHEDLER AND
REPRESENTATIVE WILKERSON

A CONCURRENT RESOLUTION

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

SENATE CONCURRENT RESOLUTION NO. 22—

BY SENATOR SCHEDLER AND REPRESENTATIVE FLAVIN

A CONCURRENT RESOLUTION

To urge and request the governor, in the event that a special session is
called to address issues important to state government, that he
include in the proclamation stating the objects of such session bills
which will provide a means to deal with budget deficits by
reducing or re-allocating appropriations in a fair and expeditious
manner, including a bill to authorize the reduction of any
appropriation or allocation required by the Constitution of
Louisiana and to urge and request the members of the Revenue
Estimating Conference and the members of the Joint Legislative
Committee on the Budget recommend that the state treasurer
contract to establish a firm price for anticipated mineral production
and to urge and request the Legislature of Louisiana to provide an
operating budget appropriation sufficient to cover administrative
costs and monies necessary to execute such contracts in the 2000-
2001 Fiscal Year's budget.

SENATE CONCURRENT RESOLUTION NO. 32—

BY SENATOR JOHNSON

A CONCURRENT RESOLUTION

To urge and request the Louisiana Public Service Commission to study
the disparity among utility rates in the city of New Orleans and
surrounding areas.

SENATE CONCURRENT RESOLUTION NO. 64—

BY SENATOR B. JONES AND REPRESENTATIVE MCCALLUM

A CONCURRENT RESOLUTION

To urge and request the Interim Emergency Board to consider
emergency funding or other assistance to assist in the repair and
reconstruction of Jonesboro-Hodge High School.

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

June 7, 2000

To the President and Members of the Senate:

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

The following Senate Bills have been properly enrolled:

SENATE BILL NO. 8—
BY SENATOR SCHEDLER AND REPRESENTATIVE THOMPSON
AN ACT

To amend and reenact Section 2 of Act 22 of the 1998 Regular Session to provide for retroactive effect of the exclusion from state and local sales and use taxes on food items donated to food banks; and to provide for related matters.

SENATE BILL NO. 81—
BY SENATORS THOMAS, BARHAM, SMITH AND THEUNISSEN, AND REPRESENTATIVES ALARIO, ANSARDI, BAUDOIN, BAYLOR, BROOME, BRUCE, R. CARTER, CLARKSON, CRANE, CROWE, CURTIS, DANIEL, DIEZ, DOERGE, DURAND, ERDEY, FARRAR, FAUCHEUX, FLAVIN, FRITH, FUTRELL, GLOVER, HEATON, HILL, HOLDEN, HUNTER, M. JACKSON, KENNEY, LANDRIEU, LUCAS, MCMAINS, MONTGOMERY, MURRAY, NEVERS, ODINET, PERKINS, PIERRE, POWELL, RICHMOND, ROMERO, SALTER, SCHWEGMANN, GARY SMITH, JANE SMITH, STRAIN, THOMPSON, TOWNSEND, TRICHE, WADDELL, WALSWORTH, WARNER, WELCH, WILKERSON, WILLARD AND WRIGHT
AN ACT

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

SENATE BILL NO. 85—
BY SENATOR MICHOT
AN ACT

To amend and reenact the introductory paragraph of R.S. 51:2452(A), and 2453(1)(b)(i) and (2), and the introductory paragraph of (8), 2454, 2455(E)(3), and 2461(A) and (B), relative to tax credits; to provide relative to requirements for incentive tax credits under the Louisiana Quality Jobs Program; to remove the time limitation on receiving applications for incentive tax credits; and to provide for related matters.

SENATE BILL NO. 86—
BY SENATOR CAMPBELL
AN ACT

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

Respectfully submitted,
CHRIS ULLO
Chairman

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

Message to the Secretary of State

**SIGNED
SENATE CONCURRENT RESOLUTIONS**

June 7, 2000

To the Honorable Secretary of State:

The President of the Senate and the Speaker of the House of Representatives have signed the following Senate Concurrent Resolutions:

SENATE CONCURRENT RESOLUTION NO. 5—
BY SENATORS MOUNT, B. JONES AND SCHEDLER AND REPRESENTATIVE WILKERSON
A CONCURRENT RESOLUTION

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

SENATE CONCURRENT RESOLUTION NO. 22—
BY SENATOR SCHEDLER AND REPRESENTATIVE FLAVIN
A CONCURRENT RESOLUTION

To urge and request the governor, in the event that a special session is called to address issues important to state government, that he include in the proclamation stating the objects of such session bills which will provide a means to deal with budget deficits by reducing or re-allocating appropriations in a fair and expeditious manner, including a bill to authorize the reduction of any appropriation or allocation required by the Constitution of Louisiana and to urge and request the members of the Revenue Estimating Conference and the members of the Joint Legislative Committee on the Budget recommend that the state treasurer contract to establish a firm price for anticipated mineral production and to urge and request the Legislature of Louisiana to provide an operating budget appropriation sufficient to cover administrative costs and monies necessary to execute such contracts in the 2000-2001 Fiscal Year's budget.

SENATE CONCURRENT RESOLUTION NO. 32—
BY SENATOR JOHNSON
A CONCURRENT RESOLUTION

To urge and request the Louisiana Public Service Commission to study the disparity among utility rates in the city of New Orleans and surrounding areas.

SENATE CONCURRENT RESOLUTION NO. 64—
BY SENATOR B. JONES AND REPRESENTATIVE MCCALLUM
A CONCURRENT RESOLUTION

To urge and request the Interim Emergency Board to consider emergency funding or other assistance to assist in the repair and reconstruction of Jonesboro-Hodge High School.

Respectfully submitted,
MICHAEL S. BAER, III
Secretary of the Senate

Message to the Governor

SIGNED SENATE BILLS

June 7, 2000

To the Honorable Governor of the State of Louisiana:

The President of the Senate and the Speaker of the House of Representatives have signed the following Senate Bills:

SENATE BILL NO. 8—
BY SENATOR SCHEDLER AND REPRESENTATIVE THOMPSON
AN ACT

To amend and reenact Section 2 of Act 22 of the 1998 Regular Session to provide for retroactive effect of the exclusion from state and local sales and use taxes on food items donated to food banks; and to provide for related matters.

June 7, 2000

SENATE BILL NO. 81—

BY SENATORS THOMAS, BARHAM, SMITH AND THEUNISSEN, AND REPRESENTATIVES ALARIO, ANSARDI, BAUDOIN, BAYLOR, BROOME, BRUCE, R. CARTER, CLARKSON, CRANE, CROWE, CURTIS, DANIEL, DIEZ, DOERGE, DURAND, ERDEY, FARRAR, FAUCHEUX, FLAVIN, FRITH, FUTRELL, GLOVER, HEATON, HILL, HOLDEN, HUNTER, M. JACKSON, KENNEY, LANDRIEU, LUCAS, MCMAINS, MONTGOMERY, MURRAY, NEVERS, ODINET, PERKINS, PIERRE, POWELL, RICHMOND, ROMERO, SALTER, SCHWEGMANN, GARY SMITH, JANE SMITH, STRAIN, THOMPSON, TOWNSEND, TRICHE, WADDELL, WALSWORTH, WARNER, WELCH, WILKERSON, WILLARD AND WRIGHT

AN ACT

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

SENATE BILL NO. 85—

BY SENATOR MICHOT

AN ACT

To amend and reenact the introductory paragraph of R.S. 51:2452(A), and 2453(1)(b)(i) and (2), and the introductory paragraph of (8), 2454, 2455(E)(3), and 2461(A) and (B), relative to tax credits; to provide relative to requirements for incentive tax credits under the Louisiana Quality Jobs Program; to remove the time limitation on receiving applications for incentive tax credits; and to provide for related matters.

SENATE BILL NO. 86—

BY SENATOR CAMPBELL

AN ACT

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

and they are hereby presented for executive approval.

Respectfully submitted,
MICHAEL S. BAER, III
Secretary of the Senate

Adjournment

Senator Lambert moved that the Senate adjourn sine die.

The President of the Senate declared the Senate adjourned sine die.

MICHAEL S. BAER, III
Secretary of the Senate

GAYE F. HAMILTON
Journal Clerk