

OFFICIAL JOURNAL
OF THE
SENATE
OF THE
STATE OF LOUISIANA

FOURTH DAY'S PROCEEDINGS

**Thirty-First Extraordinary Session of the Legislature
Under the Adoption of the
Constitution of 1974**

Senate Chamber
State Capitol
Baton Rouge, Louisiana

Monday, April 1, 2002

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

ROLL CALL

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

PRESENT

Mr. President	Gautreaux	Malone
Bajoie	Heitmeier	Michot
Barham	Hines	Mount
Boissiere	Holden	Romero
Cain	Hollis	Schedler
Chaisson	Hoyt	Smith
Cravins	Irons	Tarver
Dardenne	Johnson	Theunissen
Dean	Jones, B	Thomas
Dupre	Jones, C	Ullio
Ellington	Lambert	
Fontenot	Lentini	
Total—34		

ABSENT

Bean	Fields	McPherson
Campbell	Marionneaux	
Total—5		

The President of the Senate announced there were 34 Senators present and a quorum.

Prayer

The prayer was offered by Dr. Burn Page, 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 Lambert, the reading of the Journal was dispensed with and the Journal of yesterday was adopted.

Morning Hour

Messages from the House

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

Message from the House

**CONCURRING IN
SENATE CONCURRENT RESOLUTIONS**

April 1, 2002

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. 18—
BY SENATOR MOUNT**

A CONCURRENT RESOLUTION

To proclaim March 30, 2002 as Doctors Day in the state of Louisiana in order to honor and recognize all physicians who dedicate themselves and their careers to the care of their patients and the advancement of medicine and to thank them for their contributions to improving the quality of life for all of Louisiana's citizens.

Reported without amendments.

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

**Introduction of Senate Bills
and Joint Resolutions**

Senator Lambert asked for and obtained a suspension of the rules for the purpose of introducing and reading the following Senate Bills and Joint Resolutions a first and second time and referring them to committee.

**SENATE BILL NO. 101—
BY SENATOR SMITH AND REPRESENTATIVE TOWNSEND
AN ACT**

To authorize the Natchitoches Parish School Board to sell, transfer, assign, exchange, or otherwise negotiate the disposal of a certain parcel of land to the state of Louisiana or to the city of Natchitoches; and to provide for related matters.

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

**SENATE BILL NO. 102—
BY SENATOR MALONE
AN ACT**

To amend and reenact R.S. 38:2501 and to enact R.S. 38:2607, relative to the Cypress-Black Bayou Recreation and Water Conservation District; to authorize the district commission to prohibit the use of nets and traps for fishing purposes in Cypress Bayou Reservoir and Black Bayou Reservoir; to require the commission to maintain public access to both reservoirs; and to provide for related matters.

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

**SENATE BILL NO. 103—
BY SENATOR DARDENNE AND REPRESENTATIVES LEBLANC, DEWITT
AND HAMMETT
AN ACT**

To amend and reenact R.S. 39:137(A) through (C) and (F) and to repeal R.S. 39:137(E); relative to the Deficit Elimination/Capital Outlay Escrow Replenishment Fund; to provide for deposit into and use of monies in the fund; and to provide for related matters.

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

April 1, 2002

SENATE BILL NO. 104—
BY SENATOR SCHEDLER

AN ACT

To enact R.S. 51:940.1, relative to economic development activities; to authorize the creation of domestic retirement zones; to authorize the Department of Economic Development, through the State Board of Commerce and Industry, to exempt certain retirement facilities from payment of certain taxes; to provide for creation of domestic retirement zones by parish governing authorities; to authorize parish governing authorities to exempt retirement facilities located in such zones and retiree residents residing in such facilities from local sales and use taxes; to provide procedures for payment of local sales and use tax refunds; and to provide for related matters.

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

**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:

SENATE RESOLUTION NO. 17—

BY SENATORS SMITH, BARHAM, CAIN, ELLINGTON, HINES, MCPHERSON, AND ROMERO

A RESOLUTION

To urge and request the secretary of the U.S. Department of Veterans Affairs to keep the Veterans Affairs Medical Center in Pineville open, and to reinstate those programs and services which have been reduced or eliminated during the past several years.

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

SENATE CONCURRENT RESOLUTION NO. 19—

BY SENATORS SMITH, BARHAM, CAIN, ELLINGTON, HINES, MCPHERSON AND ROMERO

A CONCURRENT RESOLUTION

To urge and request the secretary of the U.S. Department of Veterans Affairs to keep the Veterans Affairs Medical Center in Pineville open, and to reinstate those programs and services which have been reduced or eliminated at the hospital during the past several years.

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

SENATE CONCURRENT RESOLUTION NO. 20—

BY SENATOR HOLDEN

A CONCURRENT RESOLUTION

To memorialize the Louisiana congressional delegation and the United States Congress to support the Act to Leave No Child Behind.

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

Messages from the House

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

Message from the House

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

April 1, 2002

To the Honorable President and Members of the Senate:

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

HOUSE BILL NO. 2—

BY REPRESENTATIVE BRUNEAU

AN ACT

To amend and reenact R.S. 13:5108.4(A)(9), relative to payment of legal expenses of state officials and employees; to provide for membership of the Attorney Fee Review Board; and to provide for related matters.

HOUSE BILL NO. 16—

BY REPRESENTATIVE TOWNSEND

AN ACT

To amend and reenact Code of Civil Procedure Article 4843(H), relative to the City Court of Natchitoches; to increase the jurisdictional amount in dispute for civil jurisdiction; and to provide for related matters.

HOUSE BILL NO. 27—

BY REPRESENTATIVES JOHNS, BOWLER, AND CLARKSON

AN ACT

To amend and reenact R.S. 9:315.9(A) and 315.20, relative to child support; to provide for the calculation of child support obligations in shared custodial arrangements, to provide a worksheet for the calculation of shared custody; and to provide for related matters.

HOUSE BILL NO. 51—

BY REPRESENTATIVE HAMMETT

AN ACT

To enact R.S. 47:302.53, 322.45, and 332.51, relative to the disposition of certain sales tax collections in Concordia Parish; to establish the Concordia Parish Economic Development Fund in the state treasury; to provide for deposit of monies into the fund; to provide for the use of such monies; and to provide for related matters.

HOUSE BILL NO. 38—

BY REPRESENTATIVE ANSARDI

AN ACT

To amend and reenact Children's Code Article 1243(A)(introductory paragraph), relative to intrafamily adoptions; to specify that stepparents and stepgrandparents are eligible petitioners in intrafamily adoptions; and to provide for related matters.

HOUSE BILL NO. 44—

BY REPRESENTATIVE TRICHE

AN ACT

To enact R.S. 47:322.45 and 332.51, relative to the disposition of certain sales tax collections on hotel occupancy in Lafourche Parish; to establish the Lafourche Parish Association for Retarded Citizens (ARC) Training and Development Fund in the state treasury; to provide for deposit of monies into the fund; to provide for the use of the monies in the fund; and to provide for related matters.

HOUSE BILL NO. 67—

BY REPRESENTATIVES MURRAY, ALARIO, LANDRIEU, K. CARTER, HEATON, DEWITT, HAMMETT, AND CLARKSON

AN ACT

To amend Act No. 22 of the 2001 Regular Session of the Legislature, relative to the comprehensive capital construction budget, by adding thereto new Sections; to add projects for the Louisiana Stadium and Exposition District for upgrades of the New Orleans Arena and for an indoor football practice facility for the New Orleans Saints; and to provide for related matters.

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

House Bills and Joint Resolutions

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

HOUSE BILL NO. 2—
BY REPRESENTATIVE BRUNEAU
AN ACT

To amend and reenact R.S. 13:5108.4(A)(9), relative to payment of legal expenses of state officials and employees; to provide for membership of the Attorney Fee Review Board; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Judiciary A.

HOUSE BILL NO. 16—
BY REPRESENTATIVE TOWNSEND
AN ACT

To amend and reenact Code of Civil Procedure Article 4843(H), relative to the City Court of Natchitoches; to increase the jurisdictional amount in dispute for civil jurisdiction; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Judiciary A.

HOUSE BILL NO. 27—
BY REPRESENTATIVES JOHNS, BOWLER, AND CLARKSON
AN ACT

To amend and reenact R.S. 9:315.9(A) and 315.20, relative to child support; to provide for the calculation of child support obligations in shared custodial arrangements, to provide a worksheet for the calculation of shared custody; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Judiciary A.

HOUSE BILL NO. 38—
BY REPRESENTATIVE ANSARDI
AN ACT

To amend and reenact Children's Code Article 1243(A)(introductory paragraph), relative to intrafamily adoptions; to specify that stepparents and stepgrandparents are eligible petitioners in intrafamily adoptions; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Judiciary A.

HOUSE BILL NO. 44—
BY REPRESENTATIVE TRICHE
AN ACT

To enact R.S. 47:322.45 and 332.51, relative to the disposition of certain sales tax collections on hotel occupancy in Lafourche Parish; to establish the Lafourche Parish Association for Retarded Citizens (ARC) Training and Development Fund in the state treasury; to provide for deposit of monies into the fund; to provide for the use of the monies in the fund; and to provide for related matters.

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

HOUSE BILL NO. 51—
BY REPRESENTATIVE HAMMETT
AN ACT

To enact R.S. 47:302.53, 322.45, and 332.51, relative to the disposition of certain sales tax collections in Concordia Parish; to establish the Concordia Parish Economic Development Fund in the state treasury; to provide for deposit of monies into the fund; to provide for the use of such monies; and to provide for related matters.

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

HOUSE BILL NO. 67—
BY REPRESENTATIVES MURRAY, ALARIO, LANDRIEU, K. CARTER, HEATON, DEWITT, HAMMETT, AND CLARKSON
AN ACT

To amend Act No. 22 of the 2001 Regular Session of the Legislature, relative to the comprehensive capital construction budget, by adding thereto new Sections; to add projects for the Louisiana Stadium and Exposition District for upgrades of the New Orleans Arena and for an indoor football practice facility for the New Orleans Saints; and to provide for related matters.

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

Messages from the House

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

Message from the House

ASKING CONCURRENCE IN HOUSE CONCURRENT RESOLUTIONS

April 1, 2002

To the Honorable President and Members of the Senate:

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

HOUSE CONCURRENT RESOLUTION NO. 14—
BY REPRESENTATIVE GALLOT
A CONCURRENT RESOLUTION

To authorize and request the House Committee on Insurance and the Senate Committee on Insurance to study the practice of excluding named persons from coverage of automobile liability policies.

HOUSE CONCURRENT RESOLUTION NO. 26—
BY REPRESENTATIVE DOERGE
A CONCURRENT RESOLUTION

To express the sincere and heartfelt condolences of the Legislature of Louisiana to the family of Judge James E. Bolin upon his death.

HOUSE CONCURRENT RESOLUTION NO. 28—
BY REPRESENTATIVE SCALISE
A CONCURRENT RESOLUTION

To recognize May 2, 2002, as Space Day in Louisiana.

HOUSE CONCURRENT RESOLUTION NO. 29—
BY REPRESENTATIVE PERKINS
A CONCURRENT RESOLUTION

To encourage researchers engaged in stem cell research to use human adult tissues or placental tissues obtained after informed consent has been given and to discourage such researchers from using human embryonic or human fetal tissues.

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

House Concurrent Resolutions

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

HOUSE CONCURRENT RESOLUTION NO. 14—
BY REPRESENTATIVE GALLOT
A CONCURRENT RESOLUTION

To authorize and request the House Committee on Insurance and the Senate Committee on Insurance to study the practice of excluding named persons from coverage of automobile liability policies.

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

HOUSE CONCURRENT RESOLUTION NO. 26—
BY REPRESENTATIVE DOERGE
A CONCURRENT RESOLUTION

To express the sincere and heartfelt condolences of the Legislature of Louisiana to the family of Judge James E. Bolin upon his death.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Fontenot Lambert
Bajoie Gautreaux Lentini
Barham Heitmeier Malone
Boissiere Hines Michot
Cain Holden Mount
Chaisson Hollis Romero
Cravins Hoyt Schedler
Dardenne Irons Smith
Dean Johnson Theunissen
Dupre Jones, B Thomas
Ellington Jones, C Ullo
Total—33

NAYS

Total—0

ABSENT

Bean Fields McPherson
Campbell Marionneaux Tarver
Total—6

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

HOUSE CONCURRENT RESOLUTION NO. 28—
BY REPRESENTATIVE SCALISE
A CONCURRENT RESOLUTION

To recognize May 2, 2002, as Space Day in Louisiana.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Fontenot Lambert
Bajoie Gautreaux Lentini
Barham Heitmeier Malone
Boissiere Hines Michot
Cain Holden Mount
Chaisson Hollis Romero
Cravins Hoyt Schedler
Dardenne Irons Smith
Dean Johnson Theunissen
Dupre Jones, B Thomas
Ellington Jones, C Ullo
Total—33

NAYS

Total—0

ABSENT

Bean Fields McPherson
Campbell Marionneaux Tarver
Total—6

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

HOUSE CONCURRENT RESOLUTION NO. 29—
BY REPRESENTATIVE PERKINS
A CONCURRENT RESOLUTION

To encourage researchers engaged in stem cell research to use human adult tissues or placental tissues obtained after informed consent has been given and to discourage such researchers from using human embryonic or human fetal tissues.

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

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON

RETIREMENT

Senator Boissiere, Chairman on behalf of the Committee on Retirement, submitted the following report:

April 1, 2002

To the President and Members of the Senate:

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

SENATE BILL NO. 1—
BY SENATOR BOISSIERE

AN ACT

To enact R.S. 11:553(17) and 559(3), relative to the Louisiana State Employees' Retirement System; to provide with respect to membership of certain employees of the traffic courts for the parish of Orleans; to authorize credit in the judicial retirement plan of the Louisiana State Employees' Retirement System for service as a judicial administrator for the traffic courts for the parish of Orleans and each deputy of the administrator; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 29—
BY SENATOR HAINKEL

AN ACT

To enact R.S. 11:1386, relative to the judges' noncontributory plan; to provide with respect to cost-of-living adjustments for judges and widows of such judges who did not opt to become members of the Louisiana State Employees' Retirement System; to provide the procedures for determining the amount of such adjustments; to provide an effective date; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 100—
BY SENATOR B. JONES

AN ACT

To amend and reenact R.S. 11:62(3) and 103(C)(2)(b)(i) and (c), relative to the Firefighters' Retirement System; to provide for an equal cost-sharing relationship between the employee, employer, and the state with regard to employee and employer contributions; to require certain state appropriations of general funds and to create a cause of action for any failure of such appropriation; to provide for an effective date; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
LAMBERT BOISSIERE, JR.
Chairman

REPORT OF COMMITTEE ON

FINANCE

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

April 1, 2002

To the President and Members of the Senate:

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

SENATE BILL NO. 73—
BY SENATORS HAINKEL, LAMBERT, BAJIOE, SCHEDLER AND HINES
AN ACT

To enact Chapter 7-A of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:1921 through 1927, relative to the Tulane/L.S.U. Cancer Research Center; to provide for its creation, organization, powers, and functions and for its governance board; to provide for reports and annual audits; to provide for application of certain provisions of state law; and to provide for related matters.

Reported favorably.

Respectfully submitted,
JAY DARDENNE
Chairman

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

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

SENATE BILL NO. 1—
BY SENATOR BOISSIERE

AN ACT

To enact R.S. 11:553(17) and 559(3), relative to the Louisiana State Employees' Retirement System; to provide with respect to membership of certain employees of the traffic courts for the parish of Orleans; to authorize credit in the judicial retirement plan of the Louisiana State Employees' Retirement System for service as a judicial administrator for the traffic courts for the parish of Orleans and each deputy of the administrator; and to provide for related matters.

Reported favorably by the Committee on Retirement. On motion of Senator Boissiere, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 29—
BY SENATOR HAINKEL

AN ACT

To enact R.S. 11:1386, relative to the judges' noncontributory plan; to provide with respect to cost-of-living adjustments for judges and widows of such judges who did not opt to become members of the Louisiana State Employees' Retirement System; to provide the procedures for determining the amount of such adjustments; to provide an effective date; and to provide for related matters.

Reported with amendments by the Committee on Retirement.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Retirement to Original Senate Bill No. 29 by Senator Hainkel

AMENDMENT NO. 1

On page 1, lines 5 and 6, delete "to provide the procedures for determining the amount of such adjustments;"

AMENDMENT NO. 2

On page 1, line 12, delete "A."

AMENDMENT NO. 3

On page 1, line 14, delete "annually" and on line 15, after "first" delete the remainder of the line, delete line 16, on page 2, delete lines 1 through 8, and insert ", 2002."

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

SENATE BILL NO. 73—
BY SENATORS HAINKEL, LAMBERT, BAJIOE, SCHEDLER AND HINES
AN ACT

To enact Chapter 7-A of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:1921 through 1927, relative to the Tulane/L.S.U. Cancer Research Center; to provide for its creation, organization, powers, and functions and for its governance board; to provide for reports and annual audits; to provide for application of certain provisions of state law; and to provide for related matters.

Reported favorably by the Committee on Finance. On motion of Senator Dardenne, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 100—
BY SENATOR B. JONES

AN ACT

To amend and reenact R.S. 11:62(3) and 103(C)(2)(b)(i) and (c), relative to the Firefighters' Retirement System; to provide for an equal cost-sharing relationship between the employee, employer, and the state with regard to employee and employer contributions; to require certain state appropriations of general funds and to create

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a cause of action for any failure of such appropriation; to provide for an effective date; and to provide for related matters.

Reported with amendments by the Committee on Retirement.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Retirement to Original Senate Bill No. 100 by Senator B. Jones

AMENDMENT NO. 1

On page 1, line 5, after "contributions;" delete "to require certain", delete line 6 and on line 7, delete "any failure of such appropriation;" and insert "to authorize possible supplemental funding;"

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

Senate Bills and Joint Resolutions on Third Reading and Final Passage

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

SENATE BILL NO. 21— BY SENATORS SCHEDLER AND ULLO AN ACT

To amend and reenact R.S. 15:587(A)(1)(b) and (c), and (B) and R.S. 40:1300.52(B)(2), and to enact R.S. 15:598, relative to the Louisiana Bureau of Criminal Identification and Information; to provide with respect to criminal history checks; to provide for fees for civil applicant processing; to create the Criminal Identification and Information Fund in the state treasury; to provide for the purpose, appropriation, and investment of monies in the fund; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Fontenot Lambert
Bajoie Gautreaux Lentini
Barham Heitmeier Malone
Boissiere Hines Michot
Cain Holden Mount
Chaisson Hollis Romero
Cravins Hoyt Schedler
Dardenne Irons Smith
Dean Johnson Theunissen
Dupre Jones, B Thomas
Ellington Jones, C Ullo
Total—33

NAYS

Total—0

ABSENT

Bean Fields McPherson
Campbell Marionneaux Tarver
Total—6

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

SENATE BILL NO. 22— BY SENATORS SCHEDLER, HAINKEL AND THOMAS AN ACT

To enact R.S. 13:961(F)(1)(n), relative to courts and judicial procedure; to provide with respect to court reporters; to provide for the compensation of court reporters in the Twenty-Second Judicial District Court; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Gautreaux Lentini
Bajoie Heitmeier Malone
Barham Hines Michot
Boissiere Holden Mount
Cain Hollis Romero
Chaisson Hoyt Schedler
Cravins Irons Smith
Dardenne Johnson Theunissen
Dupre Jones, B Ullo
Ellington Jones, C
Fontenot Lambert
Total—31

NAYS

Dean
Total—1

ABSENT

Bean Marionneaux Thomas
Campbell McPherson
Fields Tarver
Total—7

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

SENATE BILL NO. 23— BY SENATOR CRAVINS AN ACT

To enact Code of Criminal Procedure Art. 214.1, relative to arrest; to authorize private security officers licensed by the Louisiana State Board of Private Security Examiners to detain a person suspected of criminal activity; and to provide for related matters.

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

SENATE BILL NO. 33— BY SENATOR B. JONES AN ACT

To amend and reenact R.S. 17:24.10(A), (B), (C)(1)(a) and (c), (6), (7), and (8), (D)(1)(a) and (b), and (2), (E)(2), (F), (G), (H)(3), (4), and (5), (I)(1), (3), (5)(b)(i), (ii), (v), and (6), and (J), to enact R.S. 17:24.10(D)(6) and to repeal R.S. 17:24.10(I)(1)(d), relative to early childhood development and enrichment activity classes; to provide relative to the reference to such classes; to provide relative to waivers for certain aspects of such classes; to provide relative to space and facilities for such classes; to provide relative to notice regarding certain aspects of such classes; to provide relative to

partial participation in such classes; to provide relative to the funding for such classes and the expenditure of funds made available; to provide relative to funding preferences; to provide relative to annual renewal of participants; and to provide for related matters.

Floor Amendments Sent Up

Senator Lambert sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Lambert on behalf of the Legislative Bureau to Engrossed Senate Bill No. 33 by Senator B. Jones

AMENDMENT NO. 1

On page 1, line 4 and page 2, line 1, following "(I)(1)" and before the comma "," insert "(a) and (b)"

On motion of Senator Lambert, 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 Engrossed Senate Bill No. 33 by Senator B. Jones

AMENDMENT NO. 1

On page 13, line 5, delete "first time"

On motion of Senator B. Jones, 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 Engrossed Senate Bill No. 33 by Senator B. Jones

AMENDMENT NO. 1

On page 9, line 22, after "Section." insert "Funding for the enrichment activities provided during the before and after school session time shall be provided only for the number of eligible students actually participating in those activities."

On motion of Senator B. Jones, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table listing names of senators who voted 'YEAS': Mr. President, Bajoie, Barham, Boissiere, Cain, Chaisson, Cravins, Dardenne, Dupre, Ellington, Heitmeier, Hines, Holden, Hollis, Hoyt, Irons, Johnson, Jones, B, Jones, C, Lambert, Michot, Mount, Romero, Schedler, Smith, Tarver, Theunissen, Thomas, Ullo

Gautreaux Total—31

Dean Total—2

Bean Campbell Total—6

Lentini NAYS

Malone ABSENT

Fields Fontenot Marionneaux McPherson

The Chair declared the amended 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.

SENATE BILL NO. 37— BY SENATOR HAINKEL

AN ACT

To enact R.S. 13:721 and 722 and to repeal R.S. 13:719 and 720, relative to the Twenty-Second Judicial District Court; to provide for the office of commissioner for the Twenty-Second Judicial District Court in criminal matters; to provide for the selection and removal of the commissioner from office; to provide for the qualifications of office, salary, related benefits, expenses of office, and office space; to provide for the sources of funding for the commissioner and his office and employees; to provide for the duties and powers of the commissioner; to provide for conduct of proceedings by the commissioner upon consent of the parties; to provide for delays to traverse the findings and to provide for hearings thereon; to provide for the authority of a judge to accept, reject, or modify the findings; to repeal provisions providing for the existing office of commissioner; to provide for effective dates; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table listing names of senators who voted 'YEAS': Mr. President, Bajoie, Barham, Boissiere, Cain, Chaisson, Cravins, Dardenne, Dean, Dupre, Ellington, Fontenot, Total—34, Gautreaux, Heitmeier, Hines, Holden, Hollis, Hoyt, Irons, Johnson, Jones, B, Jones, C, Lambert, Lentini, Malone, Michot, Mount, Romero, Schedler, Smith, Tarver, Theunissen, Thomas, Ullo

NAYS

Total—0

ABSENT

Table listing names of senators who were absent: Bean, Campbell, Total—5, Fields, Marionneaux, McPherson

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

April 1, 2002

SENATE BILL NO. 44—
BY SENATOR HEITMEIER

AN ACT

To enact R.S. 35:408, relative to notaries public; to authorize the appointment of Crescent City Connection police officers as ex officio notaries public for certain official functions; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fontenot	Lentini
Bajoie	Gautreaux	Malone
Barham	Heitmeier	Michot
Boissiere	Hines	Mount
Cain	Holden	Romero
Chaisson	Hoyt	Schedler
Cravins	Irons	Smith
Dardenne	Johnson	Tarver
Dean	Jones, B	Theunissen
Dupre	Jones, C	Thomas
Ellington	Lambert	Ullo
Total—33		

NAYS

Total—0

ABSENT

Bean	Fields	Marionneaux
Campbell	Hollis	McPherson
Total—6		

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

SENATE BILL NO. 46—
BY SENATOR FONTENOT

AN ACT

To amend and reenact R.S. 9:2799(A)(1), relative to limitation of liability for damages from donated food; to provide with respect to the donation of food by a food service establishment or restaurant without incurring liability for damages; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Gautreaux	Lentini
Barham	Heitmeier	Malone
Boissiere	Hines	Michot
Cain	Holden	Mount
Chaisson	Hollis	Romero
Cravins	Hoyt	Schedler
Dardenne	Irons	Smith
Dean	Johnson	Tarver
Dupre	Jones, B	Theunissen
Ellington	Jones, C	Thomas
Fontenot	Lambert	Ullo

Total—33

NAYS

Total—0

ABSENT

Bajoie	Campbell	Marionneaux
Bean	Fields	McPherson
Total—6		

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

SENATE BILL NO. 58—
BY SENATOR SMITH

AN ACT

To amend and reenact Code of Civil Procedure Article 4843(H), relative to the City Court of Natchitoches; to increase the jurisdictional amount in dispute for civil jurisdiction; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Gautreaux	Lentini
Barham	Heitmeier	Malone
Boissiere	Hines	Michot
Cain	Holden	Mount
Chaisson	Hollis	Romero
Cravins	Hoyt	Schedler
Dardenne	Irons	Smith
Dean	Johnson	Tarver
Dupre	Jones, B	Theunissen
Ellington	Jones, C	Thomas
Fontenot	Lambert	Ullo
Total—33		

NAYS

Total—0

ABSENT

Bajoie	Campbell	Marionneaux
Bean	Fields	McPherson
Total—6		

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

SENATE BILL NO. 60—
BY SENATORS BAJOIE, BOISSIERE AND JOHNSON

AN ACT

To enact R.S. 13:1312(D), relative to the Judicial Expense Fund of the Civil District Court for the Parish of Orleans and the First and Second City Courts of the city of New Orleans; to authorize the judges en banc to utilize the fund for the planning, designing, and construction of a new courthouse; and to provide for related matters.

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

Senator Lambert in the Chair

SENATE BILL NO. 61—
BY SENATORS BAJOIE AND JOHNSON
AN ACT

To enact R.S. 13:2496.3, relative to the Municipal Court of New Orleans; to create the office of first appearance hearing officer; to authorize the judges of the court to appoint the hearing officer; to provide for qualifications for office; to provide for salary of office; to provide for duties of office; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Bajoie	Heitmeier	Malone
Barham	Hines	Michot
Boissiere	Holden	Mount
Cain	Hollis	Romero
Chaisson	Hoyt	Schedler
Cravins	Irons	Smith
Dardenne	Johnson	Tarver
Dupre	Jones, B	Theunissen
Ellington	Jones, C	Thomas
Fontenot	Lambert	Ulló
Gautreaux	Lentini	
Total—32		

NAYS

Dean
Total—1

ABSENT

Mr. President	Campbell	Marionneaux
Bean	Fields	McPherson
Total—6		

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

SENATE BILL NO. 80—
BY SENATORS C. JONES AND CRAVINS
AN ACT

To amend and reenact R.S. 40:966(B)(2) and 967(F)(3)(c) and to enact R.S. 40:966(B)(3), relative to the Uniform Controlled Dangerous Substances Law; to provide with respect to sentencing for certain violations of the Uniform Controlled Dangerous Substances Law; to revise the sentence for distribution or possession with intent to distribute marijuana; to provide with respect to the crime of and applicable sentence for possession of gamma hydroxybutyric acid (GHB); to provide for the effectiveness of such changes; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Barham	Gautreaux	Michot
Boissiere	Heitmeier	Mount
Cain	Hines	Romero
Chaisson	Holden	Schedler
Cravins	Hoyt	Smith

Dardenne	Irons	Tarver
Dean	Johnson	Theunissen
Dupre	Jones, B	Thomas
Ellington	Jones, C	
Fontenot	Malone	
Total—28		

NAYS

Lentini
Total—1

ABSENT

Mr. President	Fields	McPherson
Bajoie	Hollis	Ulló
Bean	Lambert	
Campbell	Marionneaux	
Total—10		

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

Personal Privilege

Senator Cain asked for and obtained the floor of the Senate on a point of personal privilege, and stated he had voted in error on Senate Bill No. 80. He voted yea on the bill and had intended to vote nay. He asked that the Official Journal so state.

Personal Privilege

Senator Malone asked for and obtained the floor of the Senate on a point of personal privilege, and stated he had voted in error on Senate Bill No. 80. He voted yea on the bill and had intended to vote nay. He asked that the Official Journal so state.

SENATE BILL NO. 82—
BY SENATORS ELLINGTON AND SMITH
AN ACT

To enact R.S. 3:4617(C), relative to the direct sale by farmers of farm products to consumers; to provide for vendor fraud involving the sale of food products; and to provide for related matters.

Floor Amendments Sent Up

Senator Ellington sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Ellington to Engrossed Senate Bill No. 82 by Senator Ellington

AMENDMENT NO. 1
On page 1, line 12, delete "For purposes"

AMENDMENT NO. 2
On page 1, line 13, delete "of this Subsection," and change ""catfish"" to ""Catfish""

AMENDMENT NO. 3
On page 1, line 14, after "Anarhichadidae" and before "." insert "and grown in the United States of America"

On motion of Senator Ellington, the amendments were adopted.

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

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ROLL CALL

The roll was called with the following result:

YEAS

Bajoie	Hines	Michot
Barham	Holden	Mount
Boissiere	Hollis	Romero
Cain	Hoyt	Schedler
Chaisson	Irons	Smith
Cravins	Johnson	Tarver
Dardenne	Jones, B	Theunissen
Dupre	Jones, C	Thomas
Ellington	Lambert	Ullo
Gautreaux	Lentini	
Heitmeier	Malone	
Total—31		

NAYS

Dean
Total—1

ABSENT

Mr. President	Fields	McPherson
Bean	Fontenot	
Campbell	Marionneaux	
Total—7		

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

SENATE BILL NO. 83—
BY SENATORS ELLINGTON AND SMITH
AN ACT

To enact Part III of Chapter 30 of Title 3 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 3:4671 through 4676 and to amend R.S. 56:578.11, relative to the sale of certain farm products for consumption; to provide for the labeling and advertisement of certain catfish products produced by farmers; to require that certain records be maintained by such farmers as to sales; to provide penalties for violations; to provide for enforcement; and to provide relative thereto.

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

SENATE BILL NO. 84—
BY SENATOR IRONS
AN ACT

To enact R.S. 13:1312(D), relative to the Judicial Expense Fund of the Civil District Court for the parish of Orleans and the First and Second City Courts of the city of New Orleans; to authorize the judges en banc to utilize the fund for the planning, designing, and construction of a new courthouse; and to provide for related matters.

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

SENATE BILL NO. 89—
BY SENATORS CAIN, DUPRE, HOLDEN, IRONS, LENTINI, SCHEDLER AND ULLO
AN ACT

To amend and reenact R.S. 32:409.1(A)(2)(d)(x), 412(A)(4) and (7), (B)(7), and (D)(1), and R.S. 40:1321(A) and (D) and to enact Division 5 of Subpart A of Part VI of Chapter 1 of Title 14 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 14:100.2 through 100.2.3, relative to terrorism; to provide relative to driving offenses; to create the crime of operating a motor vehicle without lawful student presence in the United States; to provide for

definitions; to provide for restrictions on the time within which nonresident aliens may obtain a driver's license; to prohibit a nonresident alien from providing false information to obtain a driver's license; to provide for revocation of a driver's license; to provide for penalties; to provide that the issuance of special identification cards by the Department of Public Safety and Corrections to nonresident aliens conform to the requirements for issuing driver's licenses to nonresident aliens; and to provide for related matters.

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

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

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

Called from the Calendar

Senator Theunissen asked that Senate Bill No. 16 be called from the Calendar at this time for its final passage.

SENATE BILL NO. 16—
BY SENATOR THEUNISSEN
AN ACT

To amend and reenact R.S. 34:2102, relative to the compensation of members of the board of commissioners of the West Calcasieu Port, Harbor, and Terminal District; to provide for a maximum per diem of such members; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Barham	Hines	Michot
Boissiere	Holden	Mount
Cain	Hollis	Romero
Chaisson	Hoyt	Schedler
Cravins	Irons	Smith
Dardenne	Johnson	Tarver
Dupre	Jones, B	Theunissen
Ellington	Jones, C	Thomas
Fontenot	Lambert	Ullo
Gautreaux	Lentini	
Heitmeier	Malone	
Total—31		

NAYS

Dean
Total—1

ABSENT

Mr. President	Campbell	McPherson
Bajoie	Fields	
Bean	Marionneaux	
Total—7		

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

Rules Suspended

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

Introduction of Senate Bills and Joint Resolutions

Senator Lambert asked for and obtained a suspension of the rules for the purpose of introducing and reading the following Senate Bills and Joint Resolutions a first and second time and referring them to committee.

SENATE BILL NO. 105—
BY SENATORS BOISSIERE AND BAJOIE
AN ACT

To enact R.S. 33:9038, relative to cooperative economic development; to create the World Trade Center Taxing District as a special taxing and tax increment financing district in the parish of Orleans; to provide for the boundaries of the district; to provide for the governance of the district; to provide for the authority, powers, duties, and function of the governing body to levy and collect a tax upon hotel occupancy within the district and to engage in tax increment financing; and to provide for related matters.

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

SENATE BILL NO. 106—
BY SENATOR DARDENNE
AN ACT

To amend and reenact Paragraph (P)(1) and (2) of Article 14, Section 47 of the 1921 Constitution of Louisiana, as amended, continued as a statute pursuant to Article XIV, Section 16 of the 1974 Constitution of Louisiana, relative to the Louisiana Stadium and Exposition District; to provide for the allocation of funds derived by the district; and to provide for related matters.

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

SENATE BILL NO. 107—
BY SENATOR SCHEDLER
AN ACT

To enact R.S. 9:2795.2, relative to civil liability; to provide for the limitation of liability for the Audubon Commission, the city of New Orleans, and any other entity which operates any facilities of the Audubon Commission; to provide for the limitation of liability for any loss or damage that results from the use of Hurst Walk in Audubon Park; to provide for exceptions; to provide for required warning signs; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Judiciary A.

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:

SENATE CONCURRENT RESOLUTION NO. 21—
BY SENATOR MOUNT
A CONCURRENT RESOLUTION

To commend and congratulate Ralph Eggleston for his Academy Award win for Best Animated Short Film.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Gautreaux	Lentini
Barham	Heitmeier	Malone
Boissiere	Hines	Michot
Cain	Holden	Mount
Chaisson	Hollis	Romero
Cravins	Hoyt	Schedler
Dardenne	Irons	Smith
Dean	Johnson	Tarver
Dupre	Jones, B	Theunissen
Ellington	Jones, C	Thomas
Fontenot	Lambert	
Total—32		

NAYS

Total—0

ABSENT

Bajoie	Fields	Ullo
Bean	Marionneau	
Campbell	McPherson	
Total—7		

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

Messages from the House

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

Message from the House

ASKING CONCURRENCE IN HOUSE BILLS AND JOINT RESOLUTIONS

April 1, 2002

To the Honorable President and Members of the Senate:

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

HOUSE BILL NO. 45—
BY REPRESENTATIVES ALARIO, MURRAY, LANDRIEU, K. CARTER, AND HEATON

AN ACT

To amend and reenact Sections 20 and 23 of Act No. 305 of the 1978 Regular Session of the Legislature, as amended by Act No. 657 of the 1979 Regular Session of the Legislature, Act No. 99 of the 1980 Regular Session of the Legislature, Act No. 9 of the 1980 Second Extraordinary Session of the Legislature, Act No. 287 of the 1982 Regular Session of the Legislature, Act No. 572 of the 1984 Regular Session of the Legislature, Act No. 390 of the 1987 Regular Session of the Legislature, Act No. 43 of the 1992 Regular Session of the Legislature, Act No. 1013 of the 1993 Regular Session of the Legislature, Act Nos. 13 and 42 of the 1994 Regular Session of the Legislature, and Act Nos. 1174 and 1176 of the 1997 Regular Session of the Legislature, relative to the Ernest N. Morial-New Orleans Exhibition Hall Authority, to grant additional powers to the authority, including authorization for the levy and collection of an additional tax on hotel occupancy and a food and beverage tax; to provide for the issuance of bonds and other obligations of the authority to finance expansion projects; to

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provide for additional bonding capacity of the authority; and to provide for related matters.

HOUSE BILL NO. 103—
BY REPRESENTATIVES LEBLANC, MURRAY, AND WELCH
AN ACT

To appropriate funds from certain sources to be allocated to designated agencies and designated purposes in specific amounts for the purpose of making supplemental appropriations for the funding of said agencies and purposes during the 2001-2002 Fiscal Year; and to provide for related matters.

HOUSE BILL NO. 104—
BY REPRESENTATIVES HAMMETT, DEWITT, PINAC, ALARIO, BAYLOR, GLOVER, HILL, L. JACKSON, AND MONTGOMERY
AN ACT

To enact R.S. 47:301(10)(a)(v), relative to sales and use taxes; to provide for exclusions from the tax for certain capital expenditures by biotechnology companies; to provide an effective date; and to provide for related matters.

HOUSE BILL NO. 105—
BY REPRESENTATIVES HAMMETT, DEWITT, PINAC, ALARIO, K. CARTER, DANIEL, DURAND, FARRAR, HILL, L. JACKSON, MONTGOMERY, ODINET, AND TOWNSEND
AN ACT

To enact Part VI of Chapter 39 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:2351 through 2354, relative to providing for the Technology Commercialization Credit Program; to provide legislative findings and purposes; to provide definitions; to provide for the establishment of the Technology Commercialization Credit Program; to provide for the technology commercialization credit; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 106—
BY REPRESENTATIVES HAMMETT, DEWITT, PINAC, ALARIO, HILL, MONTGOMERY, AND ODINET
AN ACT

To enact R.S. 47:6015, relative to tax exemptions; to authorize the Department of Economic Development to award certain tax credits to qualified taxpayers for increasing research activities; to provide for certain rules and procedures for awarding credits; to provide for the maximum amount of the tax credits awarded; and to provide for related matters.

HOUSE BILL NO. 118—
BY REPRESENTATIVES GLOVER, HAMMETT, DEWITT, PINAC, ALARIO, BAYLOR, HILL, L. JACKSON, MONTGOMERY, AND ODINET
AN ACT

To amend and reenact R.S. 51:1784(C) and Section 4 of Act No. 46 of the 2000 Regular Session of the Legislature, relative to economic development activities of the state; to provide for the source of data used in applying criteria for qualifying for the enterprise zone program; to provide for certain tax credits available to employers for new jobs created in the state; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 132—
BY REPRESENTATIVES LEBLANC, DEWITT, AND HAMMETT
AN ACT

To amend and reenact R.S. 39:137(A) through (C) and (F) and to repeal R.S. 39:137(E); relative to the Deficit Elimination/Capital Outlay Escrow Replenishment Fund; to provide for use of monies in the fund; and to provide for related matters.

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

House Bills and Joint Resolutions

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

just received from the House which were taken up, read a first and second time by their titles and acted upon as follows:

HOUSE BILL NO. 45—
BY REPRESENTATIVES ALARIO, MURRAY, LANDRIEU, K. CARTER, AND HEATON
AN ACT

To amend and reenact Sections 20 and 23 of Act No. 305 of the 1978 Regular Session of the Legislature, as amended by Act No. 657 of the 1979 Regular Session of the Legislature, Act No. 99 of the 1980 Regular Session of the Legislature, Act No. 9 of the 1980 Second Extraordinary Session of the Legislature, Act No. 287 of the 1982 Regular Session of the Legislature, Act No. 572 of the 1984 Regular Session of the Legislature, Act No. 390 of the 1987 Regular Session of the Legislature, Act No. 43 of the 1992 Regular Session of the Legislature, Act No. 1013 of the 1993 Regular Session of the Legislature, Act Nos. 13 and 42 of the 1994 Regular Session of the Legislature, and Act Nos. 1174 and 1176 of the 1997 Regular Session of the Legislature, relative to the Ernest N. Morial-New Orleans Exhibition Hall Authority, to grant additional powers to the authority, including authorization for the levy and collection of an additional tax on hotel occupancy and a food and beverage tax; to provide for the issuance of bonds and other obligations of the authority to finance expansion projects; to provide for additional bonding capacity of the authority; and to provide for related matters.

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

HOUSE BILL NO. 103—
BY REPRESENTATIVES LEBLANC, MURRAY, AND WELCH
AN ACT

To appropriate funds from certain sources to be allocated to designated agencies and designated purposes in specific amounts for the purpose of making supplemental appropriations for the funding of said agencies and purposes during the 2001-2002 Fiscal Year; and to provide for related matters.

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

HOUSE BILL NO. 104—
BY REPRESENTATIVES HAMMETT, DEWITT, PINAC, ALARIO, BAYLOR, GLOVER, HILL, L. JACKSON, AND MONTGOMERY
AN ACT

To enact R.S. 47:301(10)(a)(v), relative to sales and use taxes; to provide for exclusions from the tax for certain capital expenditures by biotechnology companies; to provide an effective date; and to provide for related matters.

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

HOUSE BILL NO. 105—
BY REPRESENTATIVES HAMMETT, DEWITT, PINAC, ALARIO, K. CARTER, DANIEL, DURAND, FARRAR, HILL, L. JACKSON, MONTGOMERY, ODINET, AND TOWNSEND
AN ACT

To enact Part VI of Chapter 39 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:2351 through 2354, relative to providing for the Technology Commercialization Credit Program; to provide legislative findings and purposes; to provide definitions; to provide for the establishment of the Technology Commercialization Credit Program; to provide for the technology commercialization credit; to provide for an effective date; and to provide for related matters.

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

HOUSE BILL NO. 106—
BY REPRESENTATIVES HAMMETT, DEWITT, PINAC, ALARIO, HILL,
MONTGOMERY, AND ODINET

AN ACT

To enact R.S. 47:6015, relative to tax exemptions; to authorize the
Department of Economic Development to award certain tax credits
to qualified taxpayers for increasing research activities; to provide
for certain rules and procedures for awarding credits; to provide for
the maximum amount of the tax credits awarded; and to provide
for related matters.

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

HOUSE BILL NO. 118—
BY REPRESENTATIVES GLOVER, HAMMETT, DEWITT, PINAC, ALARIO,
BAYLOR, HILL, L. JACKSON, MONTGOMERY, AND ODINET

AN ACT

To amend and reenact R.S. 51:1784(C) and Section 4 of Act No. 46 of
the 2000 Regular Session of the Legislature, relative to economic
development activities of the state; to provide for the source of data
used in applying criteria for qualifying for the enterprise zone
program; to provide for certain tax credits available to employers
for new jobs created in the state; to provide for an effective date;
and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and
referred to the Committee on Commerce and Consumer Protection.

HOUSE BILL NO. 132—
BY REPRESENTATIVES LEBLANC, DEWITT, AND HAMMETT

AN ACT

To amend and reenact R.S. 39:137(A) through (C) and (F) and to repeal
R.S. 39:137(E); relative to the Deficit Elimination/Capital Outlay
Escrow Replenishment Fund; to provide for use of monies in the
fund; and to provide for related matters.

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

Mr. President in the Chair

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON

REVENUE AND FISCAL AFFAIRS

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

April 1, 2002

To the President and Members of the Senate:

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

SENATE BILL NO. 11—
BY SENATOR HINES

AN ACT

To amend and reenact R.S. 47:302.36(B), relative to the Allen Parish
Capital Improvements Fund; to provide for the disposition of
monies in the fund; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 39—
BY SENATOR BAJOEI

AN ACT

To amend Sections 2 and 8 of Act 22 of the 2001 Regular Session of
the Legislature, relative to the capital outlay budget; to provide for
certain exemptions relative to contractual obligations established
prior to the execution of the cooperative endeavor agreement; and
to provide for related matters.

Reported favorably.

SENATE BILL NO. 55—

BY SENATOR CHAISSON AND REPRESENTATIVE GARY SMITH, AND
SENATORS FONTENOT, LAMBERT, AND LENTINI, AND
REPRESENTATIVES ALARIO, ANSARDI, DAMICO, DANIEL, FAUCHEUX,
MARTINY, LANCASTER, POWELL, SCALISE, SNEED, STRAIN, TOOMY,
WALSWORTH, AND WINSTON

AN ACT

To amend and reenact R.S. 47:6005(D), relative to the qualified
recycling equipment credit, to provide that certain industries may
receive one hundred percent of the credit and any credit carry-
forward for a specified period; to provide that any excess credit
amount over and above the amount of tax due shall be refunded to
the taxpayer in the same manner as overpayments of tax; to
provide for an effective date; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 98—

BY SENATORS HOLLIS AND DARDENNE

AN ACT

To enact R.S. 47:301(16)(h), (22), and (23) and 305.52, relative to state
and local sales and use taxes; to define tangible personal property
for state sales and use tax purposes to exclude certain custom
computer software; to provide that the exclusion shall be phased in
over a four-year period; to allow governing authorities of political
subdivisions to exempt sales of certain computer software; to
provide for an effective date; and to provide for related matters.

Reported favorably.

Respectfully submitted,
ROBERT J. BARHAM
Chairman

Senate Bills and Joint Resolutions
on Second Reading
Reported by Committees

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

SENATE BILL NO. 11—
BY SENATOR HINES

AN ACT

To amend and reenact R.S. 47:302.36(B), relative to the Allen Parish
Capital Improvements Fund; to provide for the disposition of
monies in the fund; and to provide for related matters.

Reported favorably by the Committee on Revenue and Fiscal
Affairs. On motion of Senator Barham, the bill was read by title,
ordered engrossed, and passed to a third reading.

SENATE BILL NO. 39—
BY SENATOR BAJOEI

AN ACT

To amend Sections 2 and 8 of Act 22 of the 2001 Regular Session of
the Legislature, relative to the capital outlay budget; to provide for
certain exemptions relative to contractual obligations established
prior to the execution of the cooperative endeavor agreement; and
to provide for related matters.

April 1, 2002

Reported favorably by the Committee on Revenue and Fiscal Affairs. On motion of Senator Barham, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 55— BY SENATOR CHAISSON AND REPRESENTATIVE GARY SMITH, AND SENATORS FONTENOT, LAMBERT, AND LENTINI, AND REPRESENTATIVES ALARIO, ANSARDI, DAMICO, DANIEL, FAUCHEUX, MARTINY, LANCASTER, POWELL, SCALISE, SNEED, STRAIN, TOOMY, WALSWORTH, AND WINSTON

AN ACT

To amend and reenact R.S. 47:6005(D), relative to the qualified recycling equipment credit, to provide that certain industries may receive one hundred percent of the credit and any credit carry-forward for a specified period; to provide that any excess credit amount over and above the amount of tax due shall be refunded to the taxpayer in the same manner as overpayments of tax; to provide for an effective date; and to provide for related matters.

Reported favorably by the Committee on Revenue and Fiscal Affairs. On motion of Senator Barham, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 98— BY SENATORS HOLLIS AND DARDENNE AN ACT

To enact R.S. 47:301(16)(h), (22), and (23) and 305.52, relative to state and local sales and use taxes; to define tangible personal property for state sales and use tax purposes to exclude certain custom computer software; to provide that the exclusion shall be phased in over a four-year period; to allow governing authorities of political subdivisions to exempt sales of certain computer software; to provide for an effective date; and to provide for related matters.

Reported favorably by the Committee on Revenue and Fiscal Affairs. On motion of Senator Barham, the bill was read by title, ordered engrossed, and passed to a third reading.

Senator Bajoie moved that House Bill No. 45 be recommitted from the Committee on Revenue and Fiscal Affairs to the Committee on Local and Municipal Affairs.

Senator Barham objected.

ROLL CALL

The roll was called with the following result:

YEAS

Bajoie Dean Jones, C
Boissiere Irons Thomas
Total—6

NAYS

Mr. President Hines Mount
Barham Hoyt Romero
Cain Jones, B Schedler
Chaisson Lambert Smith
Dardenne Lentini Theunissen
Dupre Malone
Ellington Michot
Total—19

ABSENT

Bean Gautreaux Marionneaux
Campbell Heitmeier McPherson
Cravins Holden Tarver
Fields Hollis Ullo
Fontenot Johnson
Total—14

The Chair declared the Senate refused to recommit the bill.

Recess

On motion of Senator Lambert, the Senate took a recess until 8:00 o'clock P.M.

After Recess

The Senate was called to order at 8:00 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 Gautreaux Malone
Bajoie Heitmeier Michot
Barham Hines Mount
Boissiere Holden Romero
Cain Hollis Schedler
Chaisson Hoyt Smith
Cravins Irons Tarver
Dardenne Johnson Theunissen
Dean Jones, B Thomas
Dupre Jones, C Ullo
Ellington Lambert
Fontenot Lentini
Total—34

ABSENT

Bean Fields McPherson
Campbell Marionneaux
Total—5

The President of the Senate announced there were 34 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

ASKING CONCURRENCE IN HOUSE BILLS AND JOINT RESOLUTIONS

April 1, 2002

To the Honorable President and Members of the Senate:

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

HOUSE BILL NO. 46— BY REPRESENTATIVES MURRAY, ALARIO, LANDRIEU, K. CARTER, AND HEATON

AN ACT

To amend and reenact R.S. 47:322.38, relative to the state sales and use tax on hotel occupancy levied in Orleans Parish; to provide for the use of the avails of the tax; to provide for an effective date; and to provide for related matters.

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

House Bills and Joint Resolutions

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

HOUSE BILL NO. 46—
BY REPRESENTATIVES MURRAY, ALARIO, LANDRIEU, K. CARTER, AND HEATON

AN ACT

To amend and reenact R.S. 47:322.38, relative to the state sales and use tax on hotel occupancy levied in Orleans Parish; to provide for the use of the avails of the tax; to provide for an effective date; and to provide for related matters.

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

Messages from the House

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

Message from the House

**ASKING CONCURRENCE IN
HOUSE CONCURRENT RESOLUTIONS**

April 1, 2002

To the Honorable President and Members of the Senate:

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

HOUSE CONCURRENT RESOLUTION NO. 31—
BY REPRESENTATIVE BROOME
A CONCURRENT RESOLUTION

To memorialize the United States Congress to support the Act to Leave No Child Behind.

HOUSE CONCURRENT RESOLUTION NO. 32—
BY REPRESENTATIVES THOMPSON AND WELCH
A CONCURRENT RESOLUTION

To urge and request the Children's Cabinet Advisory Board to examine the six YouthBuild programs currently existing in Louisiana, to determine which are the most successful and why, to make recommendations for the expansion of the YouthBuild program to other areas of the state, and to report its findings to the legislature prior to the convening of the 2003 Regular Session.

HOUSE CONCURRENT RESOLUTION NO. 33—
BY REPRESENTATIVE SCHNEIDER
A CONCURRENT RESOLUTION

To recognize May 6 through May 12, 2002, as Public Service Recognition Week.

HOUSE CONCURRENT RESOLUTION NO. 34—
BY REPRESENTATIVES WALSWORTH AND KATZ
A CONCURRENT RESOLUTION

To memorialize the United States Congress and the United States Department of the Interior to rename the Tensas River National Wildlife Refuge the Theodore Roosevelt National Wildlife Refuge.

HOUSE CONCURRENT RESOLUTION NO. 35—
BY REPRESENTATIVE DOWNER
A CONCURRENT RESOLUTION

To memorialize the United States Congress to empower the Department of Transportation and the United States Postal Service to work together to establish uniform standards for the construction and placement of mailboxes along highways across America.

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

To urge and request the Department of Transportation and Development to work with the United States Postal Service to develop uniform standards regarding the placement and design of curbside mailboxes along state and federal highways, and to request that the Department of Transportation and Development create a pamphlet regarding such mailboxes, and to request otherwise relative to such mailboxes.

HOUSE CONCURRENT RESOLUTION NO. 37—
BY REPRESENTATIVE L. JACKSON
A CONCURRENT RESOLUTION

To commend Dr. Leonard C. Barnes, former chancellor of Southern University at Shreveport, upon the occasion of a special evening of tribute honoring his remarkable career.

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

**House Concurrent Resolutions
on First Reading**

The following House Concurrent Resolutions were read a first time by their titles and placed on the Calendar for their second reading:

HOUSE CONCURRENT RESOLUTION NO. 31—
BY REPRESENTATIVE BROOME
A CONCURRENT RESOLUTION

To memorialize the United States Congress to support the Act to Leave No Child Behind.

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

HOUSE CONCURRENT RESOLUTION NO. 32—
BY REPRESENTATIVES THOMPSON AND WELCH
A CONCURRENT RESOLUTION

To urge and request the Children's Cabinet Advisory Board to examine the six YouthBuild programs currently existing in Louisiana, to determine which are the most successful and why, to make recommendations for the expansion of the YouthBuild program to other areas of the state, and to report its findings to the legislature prior to the convening of the 2003 Regular Session.

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

HOUSE CONCURRENT RESOLUTION NO. 33—
BY REPRESENTATIVE SCHNEIDER
A CONCURRENT RESOLUTION

To recognize May 6 through May 12, 2002, as Public Service Recognition Week.

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

HOUSE CONCURRENT RESOLUTION NO. 34—
BY REPRESENTATIVES WALSWORTH AND KATZ
A CONCURRENT RESOLUTION

To memorialize the United States Congress and the United States Department of the Interior to rename the Tensas River National Wildlife Refuge the Theodore Roosevelt National Wildlife Refuge.

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

April 1, 2002

HOUSE CONCURRENT RESOLUTION NO. 35—

BY REPRESENTATIVE DOWNER
A CONCURRENT RESOLUTION

To memorialize the United States Congress to empower the Department of Transportation and the United States Postal Service to work together to establish uniform standards for the construction and placement of mailboxes along highways across America.

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

HOUSE CONCURRENT RESOLUTION NO. 36—

BY REPRESENTATIVE DOWNER
A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to work with the United States Postal Service to develop uniform standards regarding the placement and design of curbside mailboxes along state and federal highways, and to request that the Department of Transportation and Development create a pamphlet regarding such mailboxes, and to request otherwise relative to such mailboxes.

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

HOUSE CONCURRENT RESOLUTION NO. 37—

BY REPRESENTATIVE L. JACKSON
A CONCURRENT RESOLUTION

To commend Dr. Leonard C. Barnes, former chancellor of Southern University at Shreveport, upon the occasion of a special evening of tribute honoring his remarkable career.

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

Reports of Committees

The following reports of committees were received and read:

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

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

April 1, 2002

To the President and Members of the Senate:

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

SENATE BILL NO. 85—
BY SENATORS DARDENNE, BARHAM AND HOLLIS
AN ACT

To enact R.S. 47:301(10)(a)(v) and to repeal R.S. 47:1124, relative to the state sales and use tax; to provide for a state sales tax exclusion for certain purchases by a motion picture production company; to provide for an effective date; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 86—
BY SENATORS DARDENNE, BARHAM AND HOLLIS
AN ACT

To amend and reenact R.S. 47:6007(B)(4) and (7) and (C)(1), relative to the motion picture investor tax credit; to expand the availability of the credit; to provide for definitions; to provide for an effective date; and to provide for related matters.

Reported by Substitute.

SENATE BILL NO. 87—
BY SENATORS DARDENNE, BARHAM AND HOLLIS
AN ACT

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

Reported with amendments.

SENATE BILL NO. 91—
BY SENATORS DARDENNE, BARHAM AND HOLLIS
AN ACT

To enact R.S. 47:301(22) and 319, relative to state and political subdivision sales and use taxes; to provide for exclusions from the tax for certain capital expenditures by start-up, biotechnology companies; to provide for definitions of such companies; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
ROBERT J. BARHAM
Chairman

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

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

SENATE BILL NO. 85—
BY SENATORS DARDENNE, BARHAM AND HOLLIS
AN ACT

To enact R.S. 47:301(10)(a)(v) and to repeal R.S. 47:1124, relative to the state sales and use tax; to provide for a state sales tax exclusion for certain purchases by a motion picture production company; to provide for an effective date; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Revenue and Fiscal Affairs to Original Senate Bill No. 85 by Senators Dardenne, Barham, and Hollis

AMENDMENT NO. 1

On page 1, delete line 2, and insert the following:

"To amend and reenact R.S. 47:1123(4) and (5), 1124, and 1125 and to enact R.S. 47:301(10)(v), relative to the state"

AMENDMENT NO. 2

On page 1, line 7, after "Section 1." and before "R.S. 47:301(10)(v)" insert the following:

"R.S. 47:1123(4) and (5), 1124, and 1125 are hereby amended and reenacted and"

AMENDMENT NO. 3

On page 2, line 1, after "motion picture" delete the remainder of the line and delete lines 2 through 8, and insert:

"by a motion picture production company which has been relieved from the payment of state sales and use tax under the provisions of Chapter 12 of Title 47, also known as the "Louisiana Motion Picture Incentive Act". This exclusion shall be retroactively revoked if it is determined that a motion picture production company that has been

relieved from payment of state sales and use tax under Chapter 12 failed to meet the conditions of such relief.

§1123. Definitions

The following words and phrases as used in this Chapter shall have the following meanings unless the context of use clearly indicates otherwise:

(4) "Motion picture" means a nationally distributed feature-length film, video, television series, or commercial made in Louisiana, in whole or in part for theatrical or television viewing or as a television pilot. The term "motion picture" shall not include the production of television coverage of news and athletic events.

(5) "Motion picture production company" means a company engaged in the business of producing nationally distributed motion pictures, videos, television series, or commercials intended for a theatrical release or for television viewing. Motion picture production company shall not mean or include any company owned, affiliated, or controlled, in whole or in part, by any company or person which is in default on a loan made by the state or a loan guaranteed by the state.

§1124. Relief from payment of state sales and use tax reimbursement

Any motion picture production company which expends that intends to expend in the aggregate one million two hundred fifty thousand dollars or more in connection with the filming or production of one or more motion pictures in the state of Louisiana within any consecutive twelve-month period, shall, upon making application for and meeting the requirements as provided in this Chapter, be entitled to a refund of relieved from the payment of state sales and use taxes paid on funds so expended in Louisiana in connection with the filming or production of a motion picture or pictures or commercials. The production of television coverage of news and athletic events is specifically excluded from the provisions of this Chapter. The provisions of this Chapter shall not apply to any sales and use tax levied by any local governmental subdivision.

§1125. Application for tax refund relief from the payment of state sales and use taxes

A. Any motion picture production company that intends to film all, or parts of, a motion picture or television program in Louisiana and desires to take advantage of the be relieved from the payment of state sales and use tax refund as provided for in this Chapter shall provide an estimate of total expenditures to be made in Louisiana in connection with the filming or production of such motion picture or television program. The estimate of expenditures shall be filed with the department prior to the commencement of filming in Louisiana.

B. At the time the motion picture production company provides the estimate of expenditures to the department, it shall also designate a member, or representative, of the motion picture production company to work with the Department of Economic Development and the Department of Revenue on the reporting of expenditures and other information necessary to take advantage of the tax refund relief afforded by this Chapter.

C. Applications for the tax refund relief provided by this Chapter shall be accepted only from those motion picture production companies which report anticipated expenditures in the state which in the aggregate equal or exceed one million two hundred fifty thousand dollars in connection with the filming or production of one or more motion pictures in the state within a consecutive twelve-month period. In order to be eligible for the tax refund relief provided for by this Chapter, expenditures shall be made from a checking account at any financial institution in Louisiana. Applications shall be approved by a majority vote of the Board of Commerce and Industry, after the application has been reviewed by the board and the recommendation of the secretary of the department has been considered.

D.(1) Any motion picture production company that has been approved for relief from the payment of sales and use taxes as provided for by this Chapter and which fails to expend two hundred fifty thousand dollars within a consecutive twelve month period shall be liable for the sales and use taxes that would have been paid had the

approval not been granted. The sales and use taxes shall be considered due as of the date that taxable expenditures were made.

(2) The secretary of the Department of Revenue shall promulgate rules for the implementation of this Subsection."

AMENDMENT NO. 4

On page 2, line 9, change "Section 3." to "Section 2."

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

SENATE BILL NO. 86—

BY SENATORS DARDENNE, BARHAM AND HOLLIS
AN ACT

To amend and reenact R.S. 47:6007(B)(4) and (7) and (C)(1), relative to the motion picture investor tax credit; to expand the availability of the credit; to provide for definitions; to provide for an effective date; and to provide for related matters.

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

SENATE BILL NO. (Substitute for Senate Bill 86 by Senators Dardenne, Barham and Hollis)

BY SENATORS DARDENNE, BARHAM, HOLLIS, AND IRONS
AN ACT

To amend and reenact R.S. 47:6007, relative to the motion picture investor tax credit; to provide for definitions; to provide for productions eligible for the credit and the amount of such credit; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:6007 is hereby amended and reenacted to read as follows:

§6007. Motion picture investor tax credit

A. Purpose. The primary objective of this Section is to encourage development in Louisiana of a strong capital base for motion picture film, videotape, and television program productions, in order to achieve a more independent, self-supporting industry. This objective is divided into immediate and long-term objectives as follows.

(1) Immediate objectives are to:

(a) Attract private investment for the production of motion pictures, videotape productions, and television programs which contain substantial Louisiana content as defined herein.

(b) Develop a tax infrastructure which encourages private investment. This infrastructure will provide for state participation in the form of tax credits to offset encourage investment base losses for in state-certified productions.

(c) Develop a tax infrastructure utilizing tax credits which encourage investments in multiple state-certified production projects.

(2) Long-term objectives are to:

(a) Encourage increased employment opportunities within this sector and increased competition with other states in fully developing economic development options within the film and video industry.

(b) Encourage new education curricula in order to provide a labor force trained in all aspects of film production.

B. Definitions. For the purposes of this Section:

(1) "Actual revenues received" shall mean monies constructively received by an investor for the investor's investment in a state-certified production:

(2) "Base investment" shall mean eighty-five percent of the funds actually invested and expended within the state in a state-certified production.

(3) "Financial institutions or institution" shall mean any bank or savings and loan which is insured by the FDIC or FSLIC.

(4) (2) "Headquartered in Louisiana" shall mean a corporation incorporated in Louisiana or a partnership, limited liability company, or other business entity domiciled and headquartered in Louisiana for the purpose of producing nationally distributed motion pictures,

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videos, or commercials intended for a theatrical release or for television viewing.

(5) "Investor loss" shall mean the difference between the investor's base investment and actual revenues received in the projected payback period if an investor's base investment exceeds the actual revenues received in the projected payback period.

(6) "Investor profit" shall mean the difference between actual revenues received in the projected payback period and the investor's base investment in those instances where actual revenues received in the projected payback period exceed the investor's base investment.

(3) "Motion picture" means a nationally distributed feature-length film, video, television series, or commercial made in Louisiana, in whole or in part for theatrical or television viewing or as a television pilot. The term "motion picture" shall not include the production of television coverage of news and athletic events.

(7) (4) "Motion picture production company" shall mean a company engaged in the business of producing nationally distributed motion pictures, videos, television series, or commercials intended for a theatrical release or for television viewing. Motion picture production company shall not mean or include any company owned, affiliated, or controlled, in whole or in part, by any company or person which is in default on a loan made by the state or a loan guaranteed by the state, not with any company or person who has ever declared bankruptcy under which an obligation of the company or person to pay or repay public funds or monies was discharged as a part of such bankruptcy.

(8) "Multiple certified projects" shall mean motion picture or television productions which have been certified within a ten-year period from the certification date of a previously certified production, thereby qualifying for the investment loss tax credit.

(9) "Projected payback period" shall mean the three-year period, beginning with the release date, whereby investors are expected to recover their investment. The investment not recovered on state-certified productions during the projected payback period is eligible for the investment loss tax credit.

* * *

(10)(5) "State-certified production" shall mean a production approved by the commission and lieutenant governor Louisiana Film and Video Commission and the Department of Economic Development produced by a motion picture production company domiciled and headquartered in Louisiana which contains substantial Louisiana content and has signed a distribution agreement with either a major theatrical exhibitor, television network, or cable television programmer.

(11) "Substantial Louisiana content" shall mean a production certified by the Louisiana Film Commission or its designated affiliate, hereinafter referred to as "the commission" as having a substantial Louisiana content according to guidelines provided herein for the investment loss tax credit.

C. Investment loss tax credit; specific projects. (1) There is hereby authorized a tax credit against state income tax for taxpayers domiciled in the state of Louisiana. The tax credit shall be earned by investors at the time of such investment in such state-certified productions and calculated as a percentage of the investor loss investment according to the total base investment dollars certified per project.

(a) If total base investment is greater than two million three hundred thousand dollars and less than or equal to ten one million dollars, the taxpayer shall be allowed a tax credit of fifty ten percent of the actual investor loss investment.

(b) If the total base investment is greater than ten one million dollars and less than or equal to twenty-five million dollars, the taxpayer shall be allowed a tax credit of sixty fifteen percent of the investor loss investment.

(c) If the total base investment is greater than twenty-five million dollars, the taxpayer shall be allowed a tax credit of sixty-seven percent of the investor loss.

(2) In the event that the entire credit cannot be used in the year earned, the credit may be applied against income tax liabilities for the subsequent ten years.

D. Investment loss tax credit; multiple projects. In the event that the taxpayer has participated in more than one state-certified production and at least one of those projects has generated an investor profit, seventy percent of the investment loss may be applied against any tax liability generated from other profitable state-certified productions on a dollar-per-dollar basis. Investment losses may be carried forward for a period of ten years.

E.D. Certification and administration. (1) The lieutenant governor secretary of the Department of Economic Development and commission shall determine through the promulgation of rules what projects contain substantial Louisiana content qualify according to this Section. To this end, the commission shall establish a point system such that a minimum number of total points must exist in order for the commission to certify that the production contains substantial Louisiana content. Criteria shall be based on the utilization of talent and resources available in Louisiana. As availability of talent and resources increases over time, so shall the difficulty in receiving certification of substantial Louisiana content. Prior to adoption, these rules shall be approved by the House Committee on Ways and Means; and the Senate Committee on Revenue and Fiscal Affairs; the House Committee on Municipal, Parochial and Cultural Affairs, and the Senate Committee on Commerce and Consumer Protection.

(2) Certification shall be submitted to investors and to the secretary of the Department of Revenue.

(3) The secretary of the Department of Revenue, in consultation with the lieutenant governor Department of Economic Development and the director of the Louisiana Film Commission, shall promulgate such rules and regulations as are necessary to carry out the intent and purposes of this Section in accordance with the general guidelines provided herein.

(4) Any taxpayer applying for the credit shall be required to reimburse the Department of Revenue for any audits required in relation to granting the credit.

F. Recapture of credits. (1) If, during any taxable period which ends after the end of the projected payback period for a state-certified project, additional actual revenues attributable to the state-certified project are constructively received by an investor subsequent to the end of the projected payback period the commission and the Department of Economic Development find that funds for which an investor received credits according to this Section are not invested in and expended with respect to a state-certified production within twenty-four months of the date that such credits are earned, then the investor's state income tax for such taxable period shall be increased by such amount necessary for the recapture of credit provided by this Section.

(2) The investor loss previously computed for the project shall be recomputed to include the additional actual revenue constructively received as if the additional revenue had been received during the payback period. The investor loss so determined shall be the investor loss for purposes of computing all current and future credit under this Section.

(3) The taxpayer shall recompute his income tax liability for all prior taxable periods in which credit was taken attributable to the project from which additional actual revenues have been received. The recomputed tax liabilities shall be computed based upon the investor loss as recomputed to include additional actual revenues received. Any excess of the sum of the tax liabilities after credits for years so recomputed over the tax liabilities after credits for such years as reported shall be the amount of recapture of credit provided by this Section.

Section 2. This Act shall become effective on July 1, 2002; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on July 1, 2002, or on the day following such approval by the legislature, whichever is later.

On motion of Senator Barham, the committee substitute bill was adopted and becomes Senate Bill No. 108 by Senator Dardenne, substitute for Senate Bill No. 86 by Senator Dardenne.

SENATE BILL NO. 108 (Substitute for Senate Bill 86 by Senators Dardenne, Barham and Hollis)—

BY SENATORS DARDENNE, BARHAM, HOLLIS, AND IRONS AN ACT

To amend and reenact R.S. 47:6007, relative to the motion picture investor tax credit; to provide for definitions; to provide for productions eligible for the credit and the amount of such credit; and to provide for related matters.

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

SENATE BILL NO. 87—

BY SENATORS DARDENNE, BARHAM AND HOLLIS AN ACT

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

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Revenue and Fiscal Affairs to Original Senate Bill No. 87 by Senators Dardenne, Barham, and Hollis

AMENDMENT NO. 1

On page 1, line 2, after "To" insert:

"amend and reenact R.S. 47:1123(4) and (5) and to"

AMENDMENT NO. 2

On page 1, line 3, after "residents;" insert: "to provide for definitions;"

AMENDMENT NO. 3

On page 1, line 6, after "Section 1." insert:

"R.S. 47:1123(4) and (5) are hereby amended and reenacted and"

AMENDMENT NO. 4

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

"§1123. Definitions

The following words and phrases as used in this Chapter shall have the following meanings unless the context of use clearly indicates otherwise:

* * *

(4) "Motion picture" means a nationally distributed feature-length film, video, television series, or commercial made in Louisiana, in whole or in part for theatrical or television viewing or as a television pilot. The term "motion picture" shall not include the production of television coverage of news and athletic events.

(5) "Motion picture production company" means a company engaged in the business of producing nationally distributed motion pictures, videos, television series or commercials intended for a theatrical release or for television viewing. Motion picture production company shall not mean or include any company owned, affiliated, or controlled, in whole or in part, by any company or person which is in default on a loan made by the state or a loan guaranteed by the state.

* * *

AMENDMENT NO. 5

On page 1, line 13, after "production costs" insert "in Louisiana"

AMENDMENT NO. 6

On page 1, line 14, after "dollars" add "but total less than one million dollars"

AMENDMENT NO. 7

On page 2, line 1, after "production costs" insert "in Louisiana"

AMENDMENT NO. 8

On page 2, at the end of line 2, insert: "For purposes of this Section, the term "total aggregate payroll" shall not include the salary of any employee whose salary is equal to or greater than one million dollars."

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

SENATE BILL NO. 91—

BY SENATORS DARDENNE, BARHAM AND HOLLIS AN ACT

To enact R.S. 47:301(22) and 319, relative to state and political subdivision sales and use taxes; to provide for exclusions from the tax for certain capital expenditures by start-up, biotechnology companies; to provide for definitions of such companies; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Revenue and Fiscal Affairs to Original Senate Bill No. 91 by Senators Dardenne, Barham, and Hollis

AMENDMENT NO. 1

On page 1, line 2, after "47:301" delete the remainder of the line and insert "(10)(a)(v), relative to"

AMENDMENT NO. 2

On page 1, line 4, after "expenditures by" delete "start-up,"

AMENDMENT NO. 3

On page 1, delete line 5, and insert "an effective date; and to provide for related matters."

AMENDMENT NO. 4

On page 1, line 7, after "47:301" change "(22) and 319 are" to "(10)(a)(v) is"

AMENDMENT NO. 5

On page 1, delete lines 14 through 16 and on page 2, delete lines 1 through 21, and insert the following:

"(10)(a)

* * *

R.S. 47:301(10)(a)(v) is all proposed new law.

(v)(i) For purposes of sales and use taxes of all tax authorities in the state, the term "sale at retail" shall not apply to any capital expenditure for new research equipment by a biotechnology company.

(ii) "Biotechnology company" means and includes qualified commercial biotechnology research companies identified by the North American Industry Classification System by code numbers 541710, 325412, 325414, 334516, or 339112.

(iii) The exclusion provided for in Subitem (i) shall not apply to the purchase of any consumable by a qualified biotechnology company.

* * *

Section 2. The provisions of this Act shall become effective on July 1, 2002 and shall be null and void on June 30, 2006."

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

April 1, 2002

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:

April 1, 2001

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. 6— BY SENATORS HAINKEL, BAJOE, BARHAM, BEAN, BOISSIERE, CAIN, CAMPBELL, CHAISSON, CRAVINS, DARDENNE, DEAN, DUPRE, ELLINGTON, FIELDS, FONTENOT, GAUTREAUX, HEITMEIER, HINES, HOLDEN, 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 express the sincere and heartfelt condolences of the Legislature of Louisiana on the death of former legislator, insurance executive and civic leader, Laurance Eustis.

SENATE CONCURRENT RESOLUTION NO. 7—

BY SENATOR HAINKEL

A CONCURRENT RESOLUTION

To express condolences of the Legislature of Louisiana on the death of Raymond Joseph Salassi, Jr., husband, father, son, brother, attorney, and friend.

SENATE CONCURRENT RESOLUTION NO. 8—

BY SENATOR HAINKEL

A CONCURRENT RESOLUTION

To express the sincere and heartfelt condolences of the Legislature of Louisiana upon the death of world renowned decorator, Melanie Pulitzer Feldman and to record for posterity the enduring appreciation of the members of the legislature for her lifetime of contributions to her family, her community, her state, her country and the world.

SENATE CONCURRENT RESOLUTION NO. 9—

BY SENATOR HAINKEL

A CONCURRENT RESOLUTION

To commend and congratulate Sergeant Edward Walker Herlitz on being named Fort Gordon Post Soldier of the Year.

SENATE CONCURRENT RESOLUTION NO. 10—

BY SENATOR MCPHERSON AND REPRESENTATIVES CURTIS, DEWITT AND FARRAR

A CONCURRENT RESOLUTION

To urge and request BellSouth to reconsider relocating its Alexandria call center.

SENATE CONCURRENT RESOLUTION NO. 11—

BY SENATORS HAINKEL, BAJOE, BARHAM, BEAN, BOISSIERE, CAIN, CAMPBELL, CHAISSON, CRAVINS, DARDENNE, DEAN, DUPRE, ELLINGTON, FIELDS, FONTENOT, GAUTREAUX, HEITMEIER, HINES, HOLDEN, HOLLIS, HOYT, IRONS, JOHNSON, B. JONES, C. JONES, LAMBERT, LENTINI, MALONE, MARIONNEAUX, MCPHERSON, MICHOT, MOUNT, ROMERO, SCHEDLER, SMITH, TARVER, THEUNISSEN, THOMAS AND ULLO AND REPRESENTATIVES ALARIO, E. ALEXANDER, R. ALEXANDER, ANSARDI, BALDONE, BAUDOIN, BAYLOR, BEARD, BOWLER, BROOME, BRUCE, BRUNEAU, CAPELLA, K. CARTER, R. CARTER, CAZAYOUX, CLARKSON, CRANE, CROWE, CURTIS, DAMICO, DANIEL, DARTEZ, DEVILLIER, DEWITT, DIEZ, DOERGE, DOWNER, DURAND, ERDEY, FARRAR, FAUCHEUX, FLAVIN, FRITH, FRUGE, FUTRELL, GALLOT, GLOVER, GREEN, GUILLORY, HAMMETT, HEATON, HEBERT, HILL, HONEY, HOPKINS, HUDSON, HUNTER, HUTTER, ILES, L. JACKSON, M. JACKSON, JOHNS, KATZ, KENNARD, KENNEY, LAFLEUR,

LANCASTER, LANDRIEU, LEBLANC, LUCAS, MARTINY, MCCALLUM, MCDONALD, MCVEA, MONTGOMERY, MORRELL, MORRISH, MURRAY, NEVERS, ODINET, PERKINS, PIERRE, PINAC, PITRE, POWELL, PRATT, QUEZAIRE, RICHMOND, RIDDLE, ROMERO, SALTER, SCALISE, SCHNEIDER, SCHWEGMANN, SHAW, GARY SMITH, JACK SMITH, JANE SMITH, JOHN SMITH, SNEED, STELLY, STRAIN, SWILLING, THOMPSON, TOOMY, TOWNSEND, TRICHE, TUCKER, WADDELL, WALSWORTH, WELCH, WINSTON, WOOTON AND WRIGHT

A CONCURRENT RESOLUTION

To express the sincere regrets of the members of the Louisiana Legislature to the family of Coach Charles Y. McClendon on the occasion of his death.

SENATE CONCURRENT RESOLUTION NO. 12—

BY SENATORS DUPRE AND GAUTREAUX

A CONCURRENT RESOLUTION

To request the secretary of the Army to extend the rotation cycle of the district engineer of the New Orleans district of the U.S. Army Corps of Engineers from the normal two-three year cycle to a minimum cycle of five years.

SENATE CONCURRENT RESOLUTION NO. 14—

BY SENATOR C. JONES

A CONCURRENT RESOLUTION

To commend certain Louisiana banks for their outstanding performance rating pursuant to the Community Reinvestment Act of 1977.

SENATE CONCURRENT RESOLUTION NO. 15—

BY SENATOR HOLLIS

A CONCURRENT RESOLUTION

To proclaim April 1 through 7, 2002, as "American Business Women's Week" in the Louisiana Legislature.

Respectfully submitted, CHRIS ULLO Chairman

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

Leaves of Absence

The following leaves of absence were asked for and granted:

Table with 4 columns: Name, Days, Name, Days. Rows: Bean (1 Day), Campbell (1 Day), Fields (1 Day), Marionneaux (1 Day), Mcpherson (1 Day).

Adjournment

Senator Lambert moved that the Senate adjourn until Tuesday, April 2, 2002, at 4:00 o'clock P.M.

The President of the Senate declared the Senate adjourned until 4:00 o'clock P.M. on Tuesday, April 2, 2002.

MICHAEL S. BAER, III Secretary of the Senate

GAYE F. HAMILTON Journal Clerk