

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

Thursday, April 11, 2002

The Senate was called to order at 9:00 o'clock A.M., by Hon. John Hainkel, President of the Senate.

**ROLL CALL**

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

**PRESENT**

Mr. President	Fields	Malone
Bajoie	Fontenot	Marionneau
Barham	Gautreaux	Michot
Bean	Heitmeier	Mount
Cain	Hines	Romero
Campbell	Holden	Schedler
Cravins	Hollis	Smith
Dardenne	Hoyt	Theunissen
Dean	Irons	Thomas
Dupre	Jones, B	Ullo
Ellington	Lentini	
Total—32		

**ABSENT**

Boissiere	Jones, C	Tarver
Chaisson	Lambert	
Johnson	McPherson	
Total—7		

The President of the Senate announced there were 32 Senators present and a quorum.

**Prayer**

The prayer was offered by Senator Mount, 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 Mount, 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**

**PASSED SENATE BILLS AND  
JOINT RESOLUTIONS**

April 11, 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 the following Senate Bills and Joint Resolutions:

**SENATE BILL NO. 89—**

BY SENATORS CAIN, DUPRE, HOLDEN, IRONS, LENTINI, SCHEDLER, ULLO AND MOUNT AND REPRESENTATIVE DIEZ

**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, R.S. 32:412(D)(3)(e) and 414.5, relative to terrorism; to provide relative to driving offenses; to create the crime of operating a motor vehicle without lawful 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 cancellation 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 drivers' licenses to nonresident aliens; to prohibit issuance of class "A," "B," or "C" drivers' licenses to nonresident aliens; to require personal appearance for renewal of class "D" or "E" drivers' licenses or special identification cards by nonresident aliens; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 28—**

BY SENATOR HAINKEL

**AN ACT**

To amend and reenact R.S. 49:316.1(A), relative to user charges on credit cards; to authorize the establishment of a fee by the state treasurer for payment of state charges by credit cards, debit cards or similar payment devices; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 71—**

BY SENATORS B. JONES, DARDENNE AND SCHEDLER

**AN ACT**

To enact R.S. 51:935.1, relative to economic development activities; to require the Department of Economic Development to issue biennial reports on certain economic development activities in the state; to require an independent economist to prepare the report; to provide for review and certification of the report; to

provide for certain performance audits by the legislative auditor; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 73—**

BY SENATORS HAINKEL, LAMBERT, BAJOE, SCHEDLER, HINES, FIELDS, HOLLIS AND JOHNSON

**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 Louisiana 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 with amendments.

**SENATE BILL NO. 77—**

BY SENATORS C. JONES AND CAMPBELL

**AN ACT**

To enact R.S. 6:124.1(C)(4) and (D) and Chapter 4-B of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:1030 through 1031, 1035 through 1037, and 1040, relative to the creation of a strategic plan to combat poverty; to provide for priorities in investment of public funds; to provide for the definition of a financial institution; to provide for statewide application; to provide for the inclusion of certain parishes within the plan; to provide for creation of priority economic development zones; to provide for creation of priority health care zones; to provide for creation of utility economic development and conservation; to provide for economic and tax relief within certain parishes; to provide for the renewal of communities; to provide for criterion; to provide for the office of community programs; to provide for reports to the legislature; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 78—**

BY SENATOR C. JONES

**AN ACT**

To enact Chapter 4-B of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:1030 through 1031, relative to the creation of a strategic plan to combat poverty; to provide for economic and tax relief within certain parishes; to provide for the renewal of communities; to provide for criterion; to provide for the office of community programs; to provide for reports to the legislature; and to provide for related matters.

Reported with amendments.

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

**Message from the House**

**DISAGREEMENT TO HOUSE BILL**

April 11, 2002

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has refused to concur in the proposed Senate Amendment(s) to House Bill No. 165 by Representative Farrar, and ask the President to appoint on the part of the Senate a committee to confer with a like committee from the House on the disagreement; and to inform your honorable body that the Speaker of the House of Representatives has appointed the following members as conferees on the part of the House:

Representatives Farrar, Toomy and Townsend.

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

**Message from the House**

**HOUSE CONFEREES APPOINTED**

April 11, 2002

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the Speaker of the House of Representatives has appointed the following members, on the part of the House of Representatives, to confer, with a like committee from the Senate, on the disagreement to Senate Bill No. 45 by Senator Fontenot:

Representatives McVea, Broome and Perkins.

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

**Message from the House**

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

April 11, 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. 139—**

BY REPRESENTATIVES DIEZ, QUEZAIRE, FAUCHEUX, AND THOMPSON  
AN ACT

To enact R.S. 48:386.1, relative to maintenance of railroad rights-of-way at public highway railroad grade crossings; to provide for definitions; to require railroads to cut vegetation and remove structures on railroad rights-of-way at public highway railroad grade crossings and within a certain proximity thereto; to require the Department of Transportation and Development and local governing authorities to inspect and evaluate public highway railroad grade crossings for compliance purposes; to provide that the local governing authority shall provide to railroad companies notices of noncompliance for the maintenance of public highway railroad grade crossing rights-of-way; to provide relative to the limitation of liability; to require railroads to respond to certain inquiries within sixty days; to prohibit railroads from charging certain fees; to provide for penalties; and to provide for related matters.

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

**House Bills and Joint Resolutions**

Senator Heitmeier 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. 139—**

BY REPRESENTATIVES DIEZ, QUEZAIRE, FAUCHEUX, AND THOMPSON  
AN ACT

To enact R.S. 48:386.1, relative to maintenance of railroad rights-of-way at public highway railroad grade crossings; to provide for definitions; to require railroads to cut vegetation and remove structures on railroad rights-of-way at public highway railroad grade crossings and within a certain proximity thereto; to require the Department of Transportation and Development and local governing authorities to inspect and evaluate public highway railroad grade crossings for compliance purposes; to provide that the local governing authority shall provide to railroad companies notices of noncompliance for the maintenance of public highway railroad grade crossing rights-of-way; to provide relative to the limitation of liability; to require railroads to respond to certain inquiries within sixty days; to prohibit railroads from charging certain fees; to provide for penalties; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Transportation, Highways, and Public Works.

**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 11, 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. 13—**

BY REPRESENTATIVE SALTER  
A CONCURRENT RESOLUTION

To authorize a task force established by the Louisiana Workforce Commission to study and make recommendations to certain standing legislative committees, the governor, and the boards and agencies responsible for the delivery or funding of workforce education and training or both, outlining the status of existing skills which will serve as the basis for setting goals and making recommendations for implementation of strategies, activities, and efforts to best prepare Louisiana students for success in the workplace while meeting the needs of businesses and industries across the state.

**HOUSE CONCURRENT RESOLUTION NO. 59—**

BY REPRESENTATIVES DOWNER, BALDONE, DARTEZ, TRICHE, AND PITRE AND SENATORS DUPRE AND GAUTREAUX  
A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to place mile markers and exit numbers on Louisiana Highway 90 in Terrebonne Parish.

**HOUSE CONCURRENT RESOLUTION NO. 60—**

BY REPRESENTATIVES DOWNER, BALDONE, DARTEZ, TRICHE, AND PITRE AND SENATORS DUPRE AND GAUTREAUX  
A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to install turning lanes and to further modify the intersection of Barrow Street with Louisiana Highway 182 (old Louisiana Highway 90) with signalization.

**HOUSE CONCURRENT RESOLUTION NO. 61—**

BY REPRESENTATIVES NEVERS AND STRAIN  
A CONCURRENT RESOLUTION

To recognize April 27, 2002, as William Bailey, Jr. Day.

**HOUSE CONCURRENT RESOLUTION NO. 62—**

BY REPRESENTATIVES CAZAYOUX, ANSARDI, CROWE, HILL, MONTGOMERY, JANE SMITH, JOHN SMITH, AND WINSTON AND SENATORS DARDENNE, CAIN, CAMPBELL, CHAISSON, MALONE, MARIONNEAUX, AND SCHEDLER  
A CONCURRENT RESOLUTION

To commend the recipients of the 2002 Louisiana Young Heroes awards.

**HOUSE CONCURRENT RESOLUTION NO. 63—**  
BY REPRESENTATIVES DOWNER, DARTEZ, DEVILLIER, PITRE,  
QUEZAIRE, GARY SMITH, AND TRICHE

**A CONCURRENT RESOLUTION**

To urge and request the United States Department of Veterans Affairs to establish a community-based outpatient clinic in the Houma area.

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. 13—**  
BY REPRESENTATIVE SALTER

**A CONCURRENT RESOLUTION**

To authorize a task force established by the Louisiana Workforce Commission to study and make recommendations to certain standing legislative committees, the governor, and the boards and agencies responsible for the delivery or funding of workforce education and training or both, outlining the status of existing skills which will serve as the basis for setting goals and making recommendations for implementation of strategies, activities, and efforts to best prepare Louisiana students for success in the workplace while meeting the needs of businesses and industries across the state.

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

**HOUSE CONCURRENT RESOLUTION NO. 59—**  
BY REPRESENTATIVES DOWNER, BALDONE, DARTEZ, TRICHE, AND  
PITRE AND SENATORS DUPRE AND GAUTREAUX

**A CONCURRENT RESOLUTION**

To urge and request the Department of Transportation and Development to place mile markers and exit numbers on Louisiana Highway 90 in Terrebonne Parish.

On motion of Senator Lambert, the resolution was read by title and referred to the Committee on Transportation, Highways, and Public Works.

**HOUSE CONCURRENT RESOLUTION NO. 60—**  
BY REPRESENTATIVES DOWNER, BALDONE, DARTEZ, TRICHE, AND  
PITRE AND SENATORS DUPRE AND GAUTREAUX

**A CONCURRENT RESOLUTION**

To urge and request the Department of Transportation and Development to install turning lanes and to further modify the intersection of Barrow Street with Louisiana Highway 182 (old Louisiana Highway 90) with signalization.

On motion of Senator Lambert, the resolution was read by title and referred to the Committee on Transportation, Highways, and Public Works.

**HOUSE CONCURRENT RESOLUTION NO. 61—**  
BY REPRESENTATIVES NEVERS AND STRAIN

**A CONCURRENT RESOLUTION**

To recognize April 27, 2002, as William Bailey, Jr. Day.

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

**HOUSE CONCURRENT RESOLUTION NO. 62—**  
BY REPRESENTATIVES CAZAYOUX, ANSARDI, CROWE, HILL,  
MONTGOMERY, JANE SMITH, JOHN SMITH, AND WINSTON AND  
SENATORS DARDENNE, CAIN, CAMPBELL, CHAISSON, MALONE,  
MARIONNEAUX, AND SCHEDLER

**A CONCURRENT RESOLUTION**

To commend the recipients of the 2002 Louisiana Young Heroes awards.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Fontenot	Marionneaux
Barham	Gautreaux	Michot
Bean	Heitmeier	Mount
Campbell	Hines	Romero
Cravins	Holden	Schedler
Dardenne	Hollis	Smith
Dean	Hoyt	Theunissen
Dupre	Jones, B	Thomas
Ellington	Lentini	Ullo
Fields	Malone	

Total—29

**NAYS**

Total—0

**ABSENT**

Bajoie	Irons	McPherson
Boissiere	Johnson	Tarver
Cain	Jones, C	
Chaisson	Lambert	
Total—10		

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

**HOUSE CONCURRENT RESOLUTION NO. 63—**  
BY REPRESENTATIVES DOWNER, DARTEZ, DEVILLIER, PITRE,  
QUEZAIRE, GARY SMITH, AND TRICHE

**A CONCURRENT RESOLUTION**

To urge and request the United States Department of Veterans Affairs to establish a community-based outpatient clinic in the Houma area.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fields	Malone
Bajoie	Fontenot	Marionneaux
Barham	Gautreaux	Michot
Bean	Heitmeier	Mount
Campbell	Hines	Romero
Cravins	Holden	Schedler
Dardenne	Hollis	Smith
Dean	Hoyt	Theunissen
Dupre	Jones, B	Ullo
Ellington	Lentini	
Total—29		

NAYS

Total—0

ABSENT

Boissiere	Johnson	Tarver
Cain	Jones, C	Thomas
Chaisson	Lambert	
Irons	McPherson	
Total—10		

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

Reports of Committees

The following reports of committees were received and read:

SUPPLEMENTAL

REPORT OF COMMITTEE ON

LOCAL AND MUNICIPAL AFFAIRS

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

April 10, 2002

To the President and Members of the Senate:

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

HOUSE BILL NO. 171—

BY REPRESENTATIVE MCVEA

AN ACT

To amend and reenact R.S. 33:9032, 9033, 9034, 9035, and 9036, to enact R.S. 33:9037(Q) and 9038, and to repeal R.S. 33:9033.1, 9033.2, 9034.1, 9034.2, 9034.3, and 9035.1, relative to cooperative economic development; to consolidate, revise, and add provisions relative to tax increment financing; to authorize

increases in ad valorem, sales, and hotel occupancy taxes; and to provide for related matters.

Reported with amendments.

Respectfully submitted,  
DIANA E. BAJOIE  
Chairwoman

House Bills and Joint Resolutions  
on Second Reading  
Reported by Committees

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

HOUSE BILL NO. 171—

BY REPRESENTATIVE MCVEA

AN ACT

To amend and reenact R.S. 33:9032, 9033, 9034, 9035, and 9036, to enact R.S. 33:9037(Q) and 9038, and to repeal R.S. 33:9033.1, 9033.2, 9034.1, 9034.2, 9034.3, and 9035.1, relative to cooperative economic development; to consolidate, revise, and add provisions relative to tax increment financing; to authorize increases in ad valorem, sales, and hotel occupancy taxes; and to provide for related matters.

Reported with amendments by the Committee on Local and Municipal Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Local and Municipal Affairs to Reengrossed House Bill No. 171 by Representative McVea

AMENDMENT NO. 1

On page 1, line 2, after "To" delete the remainder of the line and delete lines 3 through 7 and insert the following:

"enact Part I-A of Chapter 27 of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:9038 through 9038.6, relative to cooperative economic development; to provide for tax increment financing in certain local government subdivisions with a population below one hundred thousand according to the latest federal decennial census; to authorize increases in ad valorem, sales, and hotel occupancy taxes in such parishes; and to provide for related matters."

AMENDMENT NO. 2

On page 1, delete lines 9 through 17, and delete pages 2 through 29 in their entirety, and insert the following:

"Section 1. Part I-A of Chapter 27 of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:9038 through 9038.6, is hereby enacted to read as follows:

PART I-A. TAX INCREMENT FINANCING - LOCAL GOVERNMENT SUBDIVISIONS BELOW ONE HUNDRED THOUSAND IN POPULATION

§9038. Ad valorem tax increment financing; local government subdivisions below one hundred thousand in population.

A. A local governmental subdivision may issue revenue bonds payable from revenues generated by economic development projects with a pledge and dedication of up to the full amount of ad valorem tax increments annually to be used as a guaranty of any shortfall, or at the option of the local governmental subdivision, payable directly from an irrevocable pledge and dedication of up to the full amount of ad valorem tax increments, in an amount to be determined by the local governmental subdivision, to finance or refinance all or any part of an economic development project as described in this Section and R.S. 33:9038.3. A "local governmental subdivision", as used in this Part, shall mean a municipality or parish or, with the consent of a municipality or parish expressed by ordinance or resolution if such municipality or parish does not act by ordinance, provided that any such municipality or parish shall have a population of not more than one hundred thousand according to the latest federal decennial census, any ad valorem tax recipient entity with jurisdictional boundaries coterminous with such municipality or parish, a local industrial board authorized pursuant to Subsection N of this Section, or a local public trust authorized pursuant to Subsection N of this Section. An ad valorem tax increment, as described hereunder, shall consist of that portion of the ad valorem tax revenues for any or all taxing authorities collected each year from property located within an economic development area which exceeds the revenues that would be collected for such taxing authorities if such property were assessed at its value as of the year immediately prior to the year in which the area was designated as an economic development area. Any such revenue bonds shall be issued only after the local governmental subdivision has adopted an appropriate resolution giving notice of its intention to issue such revenue bonds, which resolution shall include a general description of the revenue bonds to be issued and the security therefor, and notice of this intention shall be published once a week for two weeks in the official journal of the local governmental subdivision, the first publication to appear at least fourteen days before the public meeting of the local governmental subdivision at which the local governmental subdivision will meet in open and public session to hear any objections to the proposed issuance of such revenue bonds. The notice of intent so published shall state the date, time, and place of the public hearing. Such revenue bonds may be issued only after the local governmental subdivision has called a special election submitting the proposition for the issuance of the bonds to the qualified electors of the economic development area and the proposition has received the favorable vote of a majority of the electors voting in the election. No revenue bonds may be issued under this Section if existing ad valorem tax supported debt of the local governmental subdivision is in default or, as the result of the issuance of such revenue bonds, will be in default. By the nature of pledge and dedication of only the incremental increases in ad valorem taxes within the economic development area to revenue bonds issued under this Section, such dedication of tax increments to pay the revenue bonds shall be deemed not to impair existing obligations. Therefore, the pledge and dedication of such incremental increase in ad valorem taxes is permitted notwithstanding that such tax revenues have been previously dedicated for a special purpose. Pledged ad

valorem tax increments may include all incremental increases in ad valorem taxes in an economic development area of all participating tax recipient bodies, provided that the notice of intention described above clearly identifies all such incremental increases in ad valorem taxes and provided that all tax recipient bodies affected enter into an intergovernmental agreement with the issuing local governmental subdivision expressing their non-objection to the inclusion of such incremental increase in ad valorem taxes. The failure or refusal of any tax recipient body to enter into an intergovernmental agreement with the issuer of the bonds issued pursuant hereto will result in each such tax recipient body being excluded from the group of participating tax recipient bodies and the incremental increase in ad valorem taxes within an economic development area attributable to such tax recipient body continuing to be paid to such body and not pledged to secure the revenue bonds issued hereunder.

B. Any local governmental subdivision, as specified in Subsection A of this Section, which proposes to issue revenue bonds pursuant to this Section shall designate by ordinance, or by resolution if the local governmental subdivision does not act by ordinance, the boundaries of the economic development area, hereinafter called the "ad valorem tax area", from which ad valorem tax increments are to be pledged and dedicated to the payment of the revenue bonds. Prior to adopting such ordinance or resolution designating the boundaries of the ad valorem tax area, a notice describing the boundaries of the proposed ad valorem tax area or containing a map showing the boundaries thereof shall be published two times in the official journal of the local governmental subdivision.

C. After the designation of the boundaries of the ad valorem tax area, the local governmental subdivision shall designate the local ad valorem taxes which are to be used in determining the ad valorem tax increments and the initial annual baseline collection rate for the ad valorem tax area, which shall be the amount of such designated ad valorem taxes collected in the ad valorem tax area in the fiscal year of the local governmental subdivision most recently completed prior to the establishment of the ad valorem tax area. The monthly baseline collection rate shall be certified by the chief financial officer, assessor, or equivalent of the local governmental subdivision. The certification shall also be published one time in the official journal of the local governmental subdivision. If the amounts of the initial annual baseline collection rate are not contested within thirty days after the said publication, then such amounts shall be conclusively presumed to be valid, and no court shall have any jurisdiction to alter or invalidate the designation of the amount of the initial annual baseline collection rate.

D. The increment of the designated ad valorem taxes which are to be pledged and dedicated to the payment of the revenue bonds shall be the amount of the designated ad valorem taxes which are collected in the ad valorem tax area each year in excess of the initial annual baseline collection rate. Such pledged ad valorem tax increment may include all or any portion of the said excess, as may be determined by the local governmental subdivision issuing the revenue bonds.

E. All ad valorem tax increment revenue bonds issued hereunder shall be payable semiannually on June first and December first of each year as to interest and annually on December first of each year as to principal and may be issued in series from time to time on a parity with any other revenue bonds issued by the local governmental subdivision and payable from the same pledged ad valorem tax increment. In addition to the pledged ad valorem tax increment, the local governmental subdivision may also pledge any avails of any

millage levied for economic development purposes or any other funds held by the local governmental subdivision and available for economic development to secure the payment of ad valorem tax increment bonds. Upon the issuance of the revenue bonds, the local governmental subdivision shall establish a sinking fund to be used to accumulate monies for the payment of principal and interest on the revenue bonds and a debt service reserve fund in such amount as may be deemed necessary by the local governmental subdivision to allow the revenue bonds to be marketed at reasonable interest rates. The sinking fund and reserve fund shall be established and maintained for as long as the revenue bonds are outstanding with a bank or trust company located in the state, pursuant to a written trust agreement between the local governmental subdivision and the bank or trust company.

F. The maturities of the revenue bonds shall be arranged in such a manner that the total amount of principal and interest falling due in any calendar year shall never exceed seventy-five percent of the amount of the pledged ad valorem tax increment estimated by the governing authority of the local governmental subdivision to be received in the first full calendar year after the economic development project has been completed.

G. Upon the issuance of revenue bonds payable from or backed by the pledged ad valorem tax increment, the local governmental subdivision shall provide notice thereof to the collector of any local ad valorem taxes included in the designated ad valorem taxes, and shall provide the collector with a schedule showing the annual debt service requirements on the revenue bonds.

H. Not later than April fifteenth of each year, the collector of any local ad valorem taxes included in the designated ad valorem taxes shall determine the amount of the revenues of the designated ad valorem taxes in the ad valorem tax area in excess of the baseline collection rate, and the portion of such excess that constitutes the pledged ad valorem tax increment, and shall transfer an amount equal to the pledged ad valorem tax increment to the sinking fund as soon as possible thereafter. In the event that the pledged ad valorem tax increment is less than the debt service on the revenue bonds for such year, then any shortfall shall be made up in subsequent years to the extent that incremental revenues are available for that purpose. After each annual principal payment, the local governmental subdivision shall use excess monies in the sinking fund, if any, as a credit against payments to be made in the next year or to prepay, purchase, or defease outstanding bonds.

I. Notwithstanding any other provisions of this Chapter, in the event a local governmental subdivision pledges ad valorem tax increments to be used as a guaranty of any shortfall existing from any other revenues pledged to secure revenue bonds issued under authority of this Section, such ad valorem tax increments shall be deposited, not into a sinking fund but into a debt service reserve fund, on the same basis and with the same frequency described in Subsection H of this Section only until amounts in the debt service reserve fund equal three years of the average principal and interest due on the bonds for the term of the bonds. After funding the debt service reserve fund to the level stated, and for so long as the debt service reserve fund remains funded at that level, the collector of local ad valorem taxes shall treat any ad valorem tax increments collected in the same manner as any other ad valorem tax collected. If the debt service reserve fund has fallen below the stated amount, the collector shall, to the extent possible, transfer ad valorem tax increments collected to the debt service reserve fund, in order to maintain such fund at the appropriate level. After payment in full of any bonds

secured by a pledge of ad valorem tax increments to be used to guaranty any shortfall existing from any other revenues pledged to secure bonds, any amounts remaining in the debt service reserve fund shall be transferred to the local governmental subdivision and be deposited in a special trust fund to be created and used to promote other economic development opportunities.

J. The powers and rights conferred by this Section shall be in addition to the powers and rights conferred by any other general or special law. This Section, and any provisions of this Chapter not inconsistent therewith, does and shall be construed to provide a complete and additional method for the issuance of revenue bonds secured by a pledge of ad valorem tax increments. No election, proceeding, notice, or approval shall be required for the issuance of any revenue bonds secured by a pledge of ad valorem tax increments except as provided herein. The provisions of this Section shall be liberally construed for the accomplishment of its purposes.

K. A local governmental subdivision may by ordinance, or by resolution if the local governmental subdivision does not act by ordinance, propose to carry out the purposes of this Chapter without the necessity of creating and organizing an economic development corporation. Any local governmental subdivision that proposes to carry out the purposes of this Chapter in such a manner shall have all of the powers, rights, duties, and obligations of such a corporation under this Chapter and may do any act or take any action which such a corporation is authorized to do under this Chapter. However, the requirements of R.S. 33:9023 through 9026 shall not be deemed to apply to any local governmental subdivision which creates an ad valorem tax area and issues revenue bonds pursuant to this Section.

L. A copy of the ordinance, or resolution if the local governmental subdivision does not act by ordinance, authorizing the issuance of bonds hereunder shall be published immediately after its adoption in one issue of the official journal of the issuer. For thirty days after the date of publication, any person in interest may contest the legality of such ordinance or resolution, any provision of the bonds, the provisions therein made for the security and payment of the bonds, and validity of all other provisions and proceedings relating to the authorization and issuance of the bonds. After the expiration of such period, no person may contest the regularity, formality, legality, or effectiveness of the ordinance or resolution, any provisions of the bonds to be issued pursuant thereto, the provisions for the security and payment of the bonds, and the validity of all other provisions and proceedings relating to their authorization and issuance, for any cause whatever. Thereafter, it shall be conclusively presumed that the bonds, the legal documents providing for the bonds, and all security for the bonds is legal and that every legal requirement for the issuance of the bonds has been complied with. No court shall have authority to inquire into any of these matters after the aforementioned publication period.

M. For the purposes of this Section, the term "economic development project" shall mean and include, without limitation, any and all projects suitable to any industry determined by the local governmental subdivision or, as appropriate, the issuers of revenue bonds, to create economic development. Economic development projects shall include, without limitation, public works and infrastructure and projects to assist the following industries within the meaning of Article VI, Section 21 of the Louisiana Constitution:

- (1) Industrial, manufacturing, and other related industries.
- (2) Housing and related industries.
- (3) Hotel, motel, conference facilities, and related industries.
- (4) Commercial, retail, and related industries.

(5) Amusement, places of entertainment, theme parks, and any other tourism-related industry.

(6) Transportation-related industries.

(7) Hospital, medical, health, nursery care, nursing care, clinical, ambulance, laboratory, and related industries.

(8) Any other industry determined by the local governmental subdivision or issuer of revenue bonds, as appropriate, whose assistance will result in economic development.

N. Notwithstanding anything to the contrary contained herein, with the consent of the local governmental subdivision or tax recipient entity described in Subsection A of this Section, evidenced by a resolution or ordinance of such local governmental subdivision or tax recipient entity, a local public trust, or an industrial development board, in each case with coterminous jurisdictional boundaries, may issue ad valorem tax increment revenue bonds on behalf of such local governmental subdivision or tax recipient entity and thereby shall act as a local governmental subdivision hereunder. Each issuance of bonds hereunder by a local public trust or industrial development board must have independent approval by the local governmental subdivision or tax recipient entity for each such issuance.

O. In addition to the power to issue revenue bonds described above, the local governmental subdivision may elect to go through the processes described above and create a special trust fund for the furtherance of economic development projects into which the incremental increases in ad valorem taxes shall be deposited and loaned, granted, donated, and/or pledged in furtherance of economic development projects.

§9038.1. Sales tax increment financing

A. A local governmental subdivision may issue revenue bonds payable from revenues generated by economic development projects with a pledge and dedication of up to the full amount of sales tax increments annually to be used as a guaranty of any shortfall, or at the option of the local governmental subdivision, payable directly from an irrevocable pledge and dedication of up to the full amount of sales tax increments, in an amount to be determined by the local governmental subdivision, to finance or refinance all or any part of an economic development project as described in this Section and R.S. 33:9038.3. For purposes of this Section, a sales tax increment shall consist of that portion of the designated sales tax, hereinafter defined, collected each year on the sale at retail, the use, the lease or rental, the consumption and storage for use or consumption of tangible personal property, and on sales of services, all as defined in R.S. 47:301 et seq., or any other appropriate provision or provisions of law as amended, and may include hotel occupancy taxes, occupancy taxes, or similar taxes levied upon the use or occupancy of hotel rooms if so designated by the local governmental subdivision, from taxpayers located within an economic development area which exceeds the designated sales tax revenues and hotel occupancy taxes, occupancy taxes, or similar taxes so designated that were collected in the year immediately prior to the year in which the area was designated as an economic development area. Any such revenue bonds shall be issued only after the local governmental subdivision has adopted an appropriate resolution giving notice of its intention to issue such revenue bonds, which resolution shall include a general description of the revenue bonds to be issued and the security therefor, and notice of this intention shall be published once a week for two weeks in the official journal of the local governmental subdivision, the first publication to appear at least fourteen days before the public meeting

of the local governmental subdivision at which the local governmental subdivision will meet in open and public session to hear any objections to the proposed issuance of such revenue bonds. The notice of intent so published shall state the date, time, and place of the public hearing. Such revenue bonds may be issued only after the local governmental subdivision has called a special election submitting the proposition for the issuance of the bonds to the qualified electors of the economic development area and the proposition has received the favorable vote of a majority of the electors voting in the election. No revenue bonds may be issued under this Section if existing sales tax supported debt of the local governmental subdivision is in default or, as the result of the issuance of such revenue bonds, will be in default. By the nature of pledge and dedication of only the incremental increases in sales taxes within the economic development area to revenue bonds issued under this Section, such dedication of tax increments to pay the revenue bonds shall be deemed not to impair existing obligations. Therefore, the pledge and dedication of such incremental increase in sales taxes is permitted notwithstanding that such tax revenues have been previously dedicated for a special purpose. Pledged sales tax increments may include all incremental increases in sales taxes, and hotel occupancy taxes, occupancy taxes or similar taxes so designated in an economic development area of all participating tax recipient bodies, provided that all tax recipient bodies affected, other than the state of Louisiana, enter into an intergovernmental agreement with the issuing local governmental subdivision expressing their non-objection to the inclusion of such incremental increase in sales taxes. The failure or refusal of any tax recipient body, other than the state of Louisiana, to enter into an intergovernmental agreement with the issuer of the bonds issued pursuant hereto will result in each such tax recipient body being excluded from the group of participating tax recipient bodies and the incremental increase in sales taxes within an economic development area attributable to such tax recipient body continuing to be paid to such body and not pledged to secure the revenue bonds issued hereunder. Dedication of state of Louisiana sales tax increments to pay the revenue bonds of a local economic development project shall not exceed the aggregate portion of the local sales tax increment dedicated for such purposes. Prior to the dedication of any state sales tax increments to pay revenue bonds for a local economic development project, the secretary of the Department of Economic Development shall provide to the Joint Legislative Committee on the Budget an analysis identifying the positive benefits of such project to the state as a whole.

B. Any local governmental subdivision, as specified in Subsection A of this Section, which proposes to issue revenue bonds pursuant to this Section shall designate by ordinance, or by resolution if the local governmental subdivision does not act by ordinance, the boundaries of the economic development area, hereinafter called the "sales tax area", from which sales tax increments are to be pledged and dedicated to the payment of the revenue bonds. Prior to adopting such ordinance or resolution designating the boundaries of the sales tax area, a notice describing the boundaries of the proposed sales tax area or containing a map showing the boundaries thereof shall be published two times in the official journal of the local governmental subdivision.

C. After the designation of the boundaries of the sales tax area, the local governmental subdivision shall designate the local sales taxes which are to be used in determining the sales tax increments and the initial annual baseline collection rate for the sales tax area, which shall be the amount of such designated sales taxes collected in the sales tax



area in the fiscal year of the local governmental subdivision most recently completed prior to the establishment of the sales tax area. In addition, a monthly baseline collection rate shall be determined by dividing the initial annual baseline collection rate by twelve. The initial annual baseline collection rate and the monthly baseline collection rate shall be certified by the chief financial officer or equivalent of the local governmental subdivision. The certification shall also be published one time in the official journal of the local governmental subdivision. If the amounts of the initial annual baseline collection rate and the monthly baseline collection rate are not contested within thirty days after the said publication, then such amounts shall be conclusively presumed to be valid, and no court shall have any jurisdiction to alter or invalidate the designation of the amount of either the initial annual baseline collection rate or the monthly baseline collection rate.

D. The increment of the designated sales taxes which are to be pledged and dedicated to the payment of the revenue bonds shall be the amount of the designated sales taxes which are collected in the sales tax area each year in excess of the initial annual baseline collection rate. Such pledged sales tax increment may include all or any portion of the said excess, as may be determined by the local governmental subdivision issuing the revenue bonds.

E. All sales tax increment revenue bonds issued hereunder shall be payable semiannually as to interest and annually as to principal and may be issued in series from time to time on a parity with any other revenue bonds issued by the local governmental subdivision and payable from the same pledged sales tax increment. In addition to the pledged sales tax increment, the local governmental subdivision may also pledge any avails of any millage levied for economic development purposes or any other funds held by the local governmental subdivision and available for economic development to secure the payment of sales tax increment bonds. Upon the issuance of the revenue bonds, the local governmental subdivision shall establish a sinking fund to be used to accumulate monies for the payment of principal and interest on the revenue bonds and a debt service reserve fund in such amount as may be deemed necessary by the local governmental subdivision to allow the revenue bonds to be marketed at reasonable interest rates. The sinking fund and reserve fund shall be established and maintained for as long as the revenue bonds are outstanding with a bank or trust company located in the state, pursuant to a written trust agreement between the local governmental subdivision and the bank or trust company.

F. The maturities of the revenue bonds shall be arranged in such a manner that the total amount of principal and interest falling due in any calendar year shall never exceed the greater of (1) eighty-five percent of the amount of the pledged sales tax increment estimated by the governing authority of the local governmental subdivision to be received in the first full calendar year after the economic development project has been completed, (2) eighty percent of the amount of the pledged sales tax increment estimated by the governing authority of the local governmental subdivision to be received in the second full calendar year after the economic development project has been completed, or (3) seventy-five percent of the amount of the pledged sales tax increment estimated by the governing authority of the local governmental subdivision to be received in the third full calendar year after the economic development project has been completed.

G. Upon the issuance of revenue bonds payable from or backed by the pledged sales tax increment, the local governmental subdivision shall provide notice thereof to the collector of any local sales taxes included in the designated sales taxes, and shall provide the collector

with a schedule showing the annual debt service requirements on the revenue bonds and a schedule showing the monthly sinking fund payment for each month during which the revenue bonds are to be outstanding. The monthly sinking fund payment for each month shall be an amount equal to one-sixth of the interest payable on the revenue bonds on the next succeeding interest payment date and one-twelfth of the principal of the revenue bonds maturing on the next succeeding principal payment date, together with any adjustments to the account for a period before the interest payment which is not equal to six months or a period before the first principal payment which is not equal to twelve months.

H. Not later than the twentieth day of each calendar month, the collector of any local sales taxes included in the designated sales taxes shall determine the amount of the revenues of the designated sales taxes in the sales tax area collected during the preceding calendar month in excess of the monthly baseline collection rate, and the portion of such excess that constitutes the pledged sales tax increment, and shall transfer a ratable amount equal to the lesser of the monthly sinking fund payment or the pledged sales tax increment to the sinking fund. In the event that the pledged sales tax increment for any month is less than the monthly sinking fund payment for such month, then any shortfall shall be made up in subsequent months to the extent that incremental revenues are available for that purpose. After each annual principal payment, the local governmental subdivision shall use excess monies in the sinking fund, if any, as a credit against monthly sinking fund deposits in the next year or to prepay or purchase or for the defeasance of outstanding bonds.

I. Notwithstanding any other provisions of this Chapter, in the event a local governmental subdivision pledges sales tax increments to be used as a guaranty of any shortfall existing from any other revenues pledged to secure revenue bonds issued under authority of this Section, such sales tax increments shall be deposited, not into a sinking fund but into a debt service reserve fund, on the same basis and with the same frequency described in Subsection H of this Section only until amounts in the debt service reserve fund equal three years of the average principal and interest due on the bonds for the term of the bonds. After funding the debt service reserve fund to the level stated, and for so long as the debt service reserve fund remains funded at that level, the collector of local sales taxes shall treat any sales tax increments collected in the same manner as any other sales tax collected. If the debt service reserve fund has fallen below the stated amount, the collector shall, to the extent possible, transfer sales tax increments collected to the debt service reserve fund, in order to maintain such fund at the appropriate level. After payment in full of any bonds secured by a pledge of sales tax increments to be used to guaranty any shortfall existing from any other revenues pledged to secure bonds, any amounts remaining in the debt service reserve fund shall be transferred to the local governmental subdivision and be deposited in a special trust fund to be created and used to promote other economic development opportunities.

J. The powers and rights conferred by this Section shall be in addition to the powers and rights conferred by any other general or special law. This Section, and any provisions of this Chapter not inconsistent therewith, does and shall be construed to provide a complete and additional method for the issuance of revenue bonds secured by a pledge of sales tax increments. No election, proceeding, notice, or approval shall be required for the issuance of any revenue bonds secured by a pledge of sales tax increments except as provided

herein. The provisions of this Section shall be liberally construed for the accomplishment of its purposes.

K. A local governmental subdivision may by ordinance, or by resolution if the local governmental subdivision does not act by ordinance, propose to carry out the purposes of this Chapter without the necessity of creating and organizing an economic development corporation. Any local governmental subdivision that proposes to carry out the purposes of this Chapter in such a manner shall have all of the powers, rights, duties, and obligations of such a corporation under this Chapter and may do any act or take any action which such a corporation is authorized to do under this Chapter. However, the requirements of R.S. 33:9023 through 9026 shall not be deemed to apply to any local governmental subdivision which creates a sales tax area and issues revenue bonds pursuant to this Section.

L. A copy of the ordinance, or resolution if the local governmental subdivision does not act by ordinance, authorizing the issuance of bonds hereunder shall be published immediately after its adoption in one issue of the official journal of the issuer. For thirty days after the date of publication, any person in interest may contest the legality of such ordinance or resolution, any provision of the bonds, the provisions therein made for the security and payment of the bonds, and validity of all other provisions and proceedings relating to the authorization and issuance of the bonds. After the expiration of such period, no person may contest the regularity, formality, legality, or effectiveness of the ordinance or resolution, any provisions of the bonds to be issued pursuant thereto, the provisions for the security and payment of the bonds, and the validity of all other provisions and proceedings relating to their authorization and issuance, for any cause whatever. Thereafter, it shall be conclusively presumed that the bonds, the legal documents providing for the bonds, and all security for the bonds is legal and that every legal requirement for the issuance of the bonds has been complied with. No court shall have authority to inquire into any of these matters after the aforementioned publication period.

M. For the purposes of this Section, the term "economic development project" shall mean and include, without limitation, any and all projects suitable to any industry determined by the local governmental subdivision or, as appropriate, the issuers of revenue bonds, to create economic development. Economic development projects shall include, without limitation, public works and infrastructure and projects to assist the following industries within the meaning of Article VI, Section 21 of the Louisiana Constitution:

- (1) Industrial, manufacturing, and other related industries.
- (2) Housing and related industries.
- (3) Hotel, motel, conference facilities, and related industries.
- (4) Commercial, retail, and related industries.
- (5) Amusement, places of entertainment, theme parks, and any other tourism-related industry.
- (6) Transportation-related industries.
- (7) Hospital, medical, health, nursery care, nursing care, clinical, ambulance, laboratory, and related industries.
- (8) Any other industry determined by the local governmental subdivision or issuer of revenue bonds, as appropriate, whose assistance will result in economic development.

N. Notwithstanding anything to the contrary contained herein, with the consent of the local governmental subdivision or tax recipient entity described in Subsection A of this Section, evidenced by a resolution or ordinance of such local governmental subdivision or tax recipient entity, a local public trust, or an industrial development board, in each case with coterminous jurisdictional boundaries, may

issue sales tax increment revenue bonds on behalf of such local governmental subdivision or tax recipient entity and thereby shall act as a local governmental subdivision hereunder. Each issuance of bonds hereunder by a local public trust or industrial development board must have independent approval by the local governmental subdivision or tax recipient entity for each such issuance.

O. In addition to the power to issue revenue bonds described above, the local governmental subdivision may elect to go through the processes described above and create a special trust fund for the furtherance of economic development projects into which the incremental increases in sales taxes shall be deposited and loaned, granted, donated, or pledged in furtherance of economic development projects.

#### §9038.2. Cooperative endeavors

A local governmental subdivision electing to carry out the purposes of this Chapter without the necessity of creating and organizing an economic development corporation, and in addition to other powers granted by this Chapter, may enter into a joint venture or cooperative endeavor for a public purpose with a federal, state, or local governmental agency or with a private or public firm, partnership, corporation, or other entity.

#### §9038.3. Items which are included in the costs of an economic development project

The costs of an economic development project incurred by the local governmental subdivision may include the sum total of all reasonable or necessary costs incurred incidental to or in furtherance of an economic development project, including but not limited to the following, providing that any such costs are reasonably related or attributable to an approved economic development plan:

(1) Costs of studies, surveys, development of plans and specifications, preparation, implementation and administration of an economic development plan, personnel and professional service costs for architectural, engineering, legal, marketing, financial, planning, police, fire, public works, or other services, provided that no charges for professional services may be based on a percentage of incremental tax revenues, and specifically including without limitation payments to developers or other nongovernmental persons as reimbursement for on- and off-site preparation costs incurred on behalf of the local governmental subdivision.

(2) Property acquisition and assembly costs within an economic development area, specifically approved by the local governmental subdivision, including but not limited to acquisition of land and other real or personal property or rights or interests therein.

(3) On- and off-site preparation costs, specifically approved by the local governmental subdivision, including but not limited to clearance of any area within or about an economic development area by demolition or removal of any existing buildings, structures, fixtures, utilities and improvements and clearing and grading and including without limitation installation, repair, construction, reconstruction, or relocation of public streets, public utilities, and other public improvements within or without an economic development area which are essential to the preparation of an economic development area for use in accordance with an economic development plan; and off-site preparation costs incurred and specifically approved by the local governmental subdivision.

(4) Costs of renovation, rehabilitation, relocation, repair, or remodeling of any existing buildings, improvements, and fixtures within an economic development area, the local governmental subdivision.

(5) Costs of construction within or about an economic development area of public improvements, specifically approved by the local governmental subdivision, including but not limited to buildings, structures, works, utilities, or fixtures.

(6) Financing costs of the local governmental subdivision, including but not limited to all necessary and incidental expenses related to the issuance of obligations, payment of any interest on any obligations issued hereunder which accrues during the estimated period of construction of any economic development project for which such obligations are issued and thereafter, and any reasonable reserves related to the issuance of such obligations.

(7) All or a portion of a local governmental subdivision capital costs resulting from an economic development project necessarily incurred or estimated to be incurred by a local governmental subdivision incidental to or in the furtherance of the objectives of an economic development project, to the extent that the local governmental subdivision by written agreement accepts and approves such costs.

#### §9038.4. Encouragement of private enterprise

Consistent with the purposes of this Chapter and the needs of the local governmental subdivision, a corporation or a local governmental subdivision acting directly shall encourage the full participation of private enterprise in the development and construction of residential, commercial, retail, industrial, institutional, recreational, and other facilities, structures, and appurtenances necessary or convenient in the connection with an economic development project, and to afford the maximum opportunity for such full participation, shall formulate such rules and regulations consistent with the purposes of this Chapter and the goal of encouraging private enterprise as the corporation or local governmental subdivision deems necessary for these purposes.

#### §9038.5. Bonds

A. As used in this Section, the term "issuer" shall mean and include a corporation or local governmental subdivision which issues bonds under this Part.

B. In addition to the power to issue revenue bonds, as provided elsewhere in this Chapter, an issuer is hereby authorized to issue from time to time notes, renewal notes, refunding bonds, interim certificates, certificates of indebtedness, debentures, or other obligations or evidences of indebtedness, which together with "revenue bonds" are hereinafter referred to as "bonds", to provide funds for and to fulfill and achieve its authorized public functions or corporate purposes as set forth in this Chapter. Except as may otherwise be provided by the issuer, all bonds issued by an issuer shall be negotiable instruments. All bonds issued by a corporation may be general obligations of the corporation, secured by the full faith and credit of the corporation and payable out of any money, assets, or revenues of the corporation or from any other sources whatsoever as may be available to the corporation.

C. Bonds shall be authorized, issued, and sold by a resolution or resolutions of the issuer. Such bonds may be of such series, bear such date or dates, mature at such time or times, bear interest at such rate or rates, be payable at such time or times, be in such denominations, be sold at such price or prices, at public or private

negotiated sale as the issuer shall deem advisable, be in such form, either in coupon form, registered as to principal only, or fully registered without coupons, carry such registration and exchangeability privileges, be payable at such place or places, be subject to such terms or redemption, and be entitled to such priorities on the income, revenue and receipts of, or available to, the issuer as may be provided by the issuer in the resolution or resolutions providing for the issuance and sale of bonds of the issuer.

D. The bonds of the issuer shall be signed by such officials of the issuer, by either manual or facsimile signatures, as shall be determined by resolution or resolutions of the issuer, and shall have impressed or imprinted thereon the seal of the issuer, or a facsimile thereof. The coupons attached to coupon bonds of the issuer shall bear the facsimile signature of such official of the agency as shall be determined by resolution or resolutions of the issuer.

E. Any bonds of the issuer may be validly issued, sold, and delivered, notwithstanding that one or more of the officials of the issuer signing such bonds, or whose facsimile signature or signatures may be on the bonds or on coupons shall have ceased to be such official of the issuer at the time such bonds shall actually have been delivered.

F. Bonds of the issuer may be sold in such manner and from time to time as may be determined by the issuer to be most beneficial, and the issuer may pay all expenses, premiums, or commissions which it may deem necessary or advantageous in connection with the issuance and sale thereof, subject to the provisions of this Part.

G. Any bonds issued pursuant to this Part may also be secured by a trust agreement by and between the issuer and one or more corporate trustees or fiscal agents, which may be any trust company or bank having the powers of a trust company within or without this state.

H. Subject to the rights of the holders of the bonds of the issuer, the issuer is hereby authorized and empowered to issue from time to time its bonds for the purpose of refunding any bonds of the issuer then outstanding, together with the payment of any redemption premiums thereon and interest accrued or to accrue to the date of redemption of such outstanding bonds. All such refunding bonds of the issuer shall be issued, sold or exchanged, and delivered, shall be secured, and shall be subject to the provisions of this Part in the same manner and to the same extent as any other bonds issued by the issuer pursuant to this Part, unless otherwise determined by resolution of the issuer. Refunding bonds issued by the issuer as herein provided may be sold or exchanged for outstanding bonds of the issuer and, if sold, the proceeds thereof may be applied, in addition to any other authorized purposes, to the purchase, redemption, or payment of such outstanding bonds. Pending the application of the proceeds of any such refunding bonds, with any other available funds, to the payment of the principal, accrued interest, and any redemption premiums, if any, on the bonds being refunded, and, if so provided or permitted in the trust indenture or the resolution of the issuer authorizing the issuance of such refunding bonds, to the payment of any interest on such refunding bonds and any expenses in connection with such refunding, such proceeds may be invested in direct obligations of, or obligations the principal and interest on which are unconditionally guaranteed by, the United States of America which shall mature or which shall be subject to the redemption by the holders thereof, at the option of such holders, not later than the respective dates when the proceeds, together with the interest accruing thereon, will be required for the purposes intended.

I. Bonds which are issued under this Part are declared to be for an essential public and governmental purpose, and together with interest thereon, income therefrom, and gain upon the sale thereof shall be exempted from all state and local taxes.

J. The state and all public officers, any parish or municipality, or other subdivision or instrumentality of the state, any bank, banker, trust company, savings bank and institution, building and loan association, savings and loan association, investment company or any person carrying on a banking or investment business, any insurance company or business, insurance associations and any person carrying on an insurance business, and any executor, administrator, curator, trustee and other fiduciary, and retirement system or pension fund may legally invest any sinking funds, monies, or other funds belonging to them or within their control in any bonds issued by the issuer pursuant to the provisions of this Part, and such bonds shall be authorized security for all public deposits. It is the purpose of this Section to authorize such persons, firms, corporations, associations, political subdivisions and officers, or other entities, public or private, to use any funds owned or controlled by them, including but not limited to sinking, insurance, investment, retirement, compensation, pension, and trust funds, and funds held on deposit, for the purchase of any such bonds of the issuer, and that any such bonds shall be authorized security for all public deposits. However, nothing contained in this Section with regard to legal investments or security for public deposits shall be construed as relieving any such person, firm, or corporation or other entity from any duty of exercising reasonable care in selecting securities.

K. An issuer is authorized to issue bond anticipation notes in accordance with Chapter 14-B of Subtitle III of Title 39 of the Louisiana Revised Statutes of 1950.

L. Any suit to determine the validity of bonds issued under this Part shall be brought only in accordance with R.S. 13:5121 et seq.

M. Any issuer is authorized to issue refunding bonds for the purpose of refunding outstanding bonds issued pursuant to the provisions of this Part in accordance with the provisions of Chapter 14-A of Subtitle III of Title 39 of the Louisiana Revised Statutes of 1950.

N. Bonds, notes, or other debt instruments which are issued under this Part shall not be subject to any statutory debt limitations or restrictions; and shall not be subject to the provisions of any other act, statute, or local law relating to the authorization, issuance, or sale of bonds or notes. Notwithstanding any provision thereof, any bonds, notes, or other debt instruments authorized to be issued under this Part shall, before the delivery thereof, be approved by the State Bond Commission.

O. All bonds, and any interest coupons appertaining thereto, issued pursuant to this Part shall be and are hereby made negotiable instruments within the meaning of and for all purposes of the negotiable instruments law of Louisiana, subject to the provisions of bonds for registration.

P. Persons, firms, or corporations retained or employed by an issuer as advisors or consultants for the purpose of rendering financial advice and assistance may purchase or participate in the purchase, or in the distribution of its bonds and notes when such bonds or notes are offered at public sale.

Q. Bonds issued pursuant to this Part may be secured by the incremental increases in ad valorem taxes, sales taxes, or hotel occupancy taxes, or any combination thereof.

§9038.6. Levy of increased ad valorem tax, sales tax, or hotel occupancy tax

To the extent not in violation of any limits of the Louisiana Constitution, a local governmental subdivision that has created and established an economic development area and that has the power to levy ad valorem taxes, sales taxes, or hotel occupancy taxes may levy within the boundaries of an economic development area an increase of up to five mills of ad valorem taxes, up to two percent of sales taxes, or up to two percent of hotel occupancy taxes above and in addition to any other ad valorem taxes, sales taxes, or hotel occupancy taxes then in existence or permitted to be in existence. Any such increase in taxes shall be levied only after the local governmental subdivision has adopted an appropriate resolution giving notice of its intention to levy such taxes, which resolution shall include a general description of the taxes to be levied, and notice of this intention shall be published once a week for two weeks in the official journal of the local governmental subdivision, the first publication to appear at least fourteen days before the public meeting of the local governmental subdivision at which the local governmental subdivision will meet in open and public session to hear any objections to the proposed levy of increased taxes. The notice of intent so published shall state the date, time, and place of the public hearing. Such tax increase may be levied only after the local governmental subdivision has called a special election submitting the proposition for the levy of such taxes to the qualified electors of the economic development area and the proposition has received the favorable vote of a majority of the electors voting in the election. The powers and rights conferred by this Section shall be in addition to the powers and rights conferred by any other general or special law. This Section, and any provisions of this Chapter not inconsistent therewith, does and shall be construed to provide a complete and additional method for the levy of increased ad valorem tax, sales tax, or hotel occupancy tax. No election, proceeding, notice, or approval shall be required for the levy of such taxes except as provided herein. The provisions of this Section shall be liberally construed for the accomplishment of its purposes.

Section 2. The Louisiana State Law Institute is hereby directed to designate R.S. 39:9020 through 9037 as Part I of Chapter 27 of Title 33 of the Louisiana Revised Statutes of 1950 as follows: "PART I. GENERAL PROVISIONS".

Section 3. This Act shall not be construed to affect in any way the provisions of the Act which originated as Senate Bill 105 of the 2002 First Extraordinary Session of the Legislature.

Section 4. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided in Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval."

On motion of Senator Bajoie, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

**House Concurrent Resolutions  
on Second Reading**

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

**HOUSE CONCURRENT RESOLUTION NO. 56—**  
BY REPRESENTATIVES THOMPSON, BRUCE, CAZAYOUX, FRITH, FRUGE, HILL, HUDSON, ILES, KENNEY, LAFLEUR, MORRISH, AND STRAIN AND SENATORS SMITH AND ELLINGTON  
**A CONCURRENT RESOLUTION**

To memorialize the Louisiana congressional delegation, the United States Congress, and the President of the United States to support the United States cattle producers by opposing any increased importation of foreign beef into the United States.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Fontenot	Marionneau
Bajoie	Gautreaux	Michot
Barham	Heitmeier	Mount
Bean	Hines	Romero
Campbell	Holden	Smith
Cravins	Hollis	Theunissen
Dardenne	Hoyt	Thomas
Dupre	Jones, B	Ullo
Ellington	Lentini	
Fields	Malone	
Total—28		

**NAYS**

Dean  
Total—1

**ABSENT**

Boissiere	Johnson	Schedler
Cain	Jones, C	Tarver
Chaisson	Lambert	
Irons	McPherson	
Total—10		

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

**HOUSE CONCURRENT RESOLUTION NO. 57—**  
BY REPRESENTATIVE PERKINS  
**A CONCURRENT RESOLUTION**

To commend the Public Administration Institute Student Association at Louisiana State University and to recognize April 13, 2002, as the fourth annual PAISA Day.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Fields	Marionneau
Bajoie	Fontenot	Michot
Barham	Gautreaux	Mount
Bean	Heitmeier	Romero
Campbell	Hines	Smith
Cravins	Holden	Theunissen
Dardenne	Hollis	Thomas
Dean	Hoyt	Ullo
Dupre	Lentini	
Ellington	Malone	
Total—28		

**NAYS**

Total—0

**ABSENT**

Boissiere	Johnson	McPherson
Cain	Jones, B	Schedler
Chaisson	Jones, C	Tarver
Irons	Lambert	
Total—11		

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

**HOUSE CONCURRENT RESOLUTION NO. 58—**  
BY REPRESENTATIVE FAUCHEUX  
**A CONCURRENT RESOLUTION**

To urge and request the Department of Transportation and Development to erect signs at two separate locations within a certain proximity indicating that a historic landmark is in that area and to create a parking area close to the historic landmark to allow vehicles to be completely off the main traveling lane of that highway.

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

**Appointment of Conference Committee  
on House Bill No. 165**

The President of the Senate appointed on the Conference Committee on House Bill No. 165 the following members of the Senate: Senators Holden, Lentini and Dupre.

**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:

To the President and Members of the Senate:

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

The following Senate Bills have been properly enrolled:

**SENATE BILL NO. 18(Duplicate of House Bill No. 109)—**

BY SENATOR DUPRE AND REPRESENTATIVE QUEZAIRE AND COAUTHORED BY SENATOR GAUTREAUX AND REPRESENTATIVE BALDONE

AN ACT

To amend and reenact Section 3(C) of Act No. 113 of the 1950 Regular Session of the Legislature, as amended by Act No. 186 of the 1970 Regular Session of the Legislature, Act No. 196 of the 1992 Regular Session of the Legislature, Act No. 953 of the 1995 Regular Session of the Legislature, and Act No. 2 of the 1998 First Extraordinary Session of the Legislature, relative to the Bayou Lafourche Freshwater District; to provide relative to per diem and mileage for board members; and to provide for related matters.

**SENATE BILL NO. 29—**

BY SENATOR HAINKEL AND REPRESENTATIVES FAUCHEUX AND MURRAY

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 an effective date; and to provide for related matters.

**SENATE BILL NO. 33—**

BY SENATORS B. JONES AND ULLO

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)(a) and (b), (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.

**SENATE BILL NO. 41(Duplicate of House Bill No. 76)—**

BY SENATOR MOUNT AND REPRESENTATIVE JANE SMITH AND COAUTHORED BY SENATORS DUPRE AND SCHEDLER

AN ACT

To amend and reenact R.S. 33:172(A)(1) and (D), relative to annexations by municipalities; to provide a procedure for annexation of vacant land when there are no resident property owners; and to provide for related matters.

**SENATE BILL NO. 48—**

BY SENATORS SCHEDLER AND THOMAS

AN ACT

To amend and reenact R.S. 33:9039.4(A)(introductory paragraph), (3), and (4), relative to the East Florida Parishes Retirement District; to provide certain criteria for approved retirement community development areas; to clarify the authority of the district and the parishes to determine eligibility for certain local sales and use tax refunds; to provide for the procedure in which tax refunds are made; and to provide for related matters.

**SENATE BILL NO. 105—**

BY SENATORS BOISSIERE AND BAJOE AND REPRESENTATIVE K. CARTER

AN ACT

To enact R.S. 33:9038, 9039 and 9040, 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 create the Capitol House Taxing District as a special taxing and tax increment financing district in the parish of East Baton Rouge; to authorize the creation of a special taxing and tax increment financing district for the benefit of a hotel in the city of Alexandria; to provide for the boundaries of the districts; to provide for the governance of the districts; to provide for the authority, powers, duties, and function of the governing body to levy and collect a tax upon hotel occupancy within the districts and to engage in tax increment financing; and to provide for related matters.

**SENATE BILL NO. 107—**

BY SENATORS SCHEDLER, BOISSIERE AND HAINKEL

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.

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

BY SENATORS DARDENNE, BARHAM, HOLLIS, IRONS AND SCHEDLER AND REPRESENTATIVES FAUCHEUX AND SCALISE

AN ACT

To amend and reenact R.S. 47:6007 and to enact R.S. 47:1125.1, relative to the motion pictures; to provide for the motion picture investor tax credit and the Louisiana Motion Picture Incentive Act; to provide for definitions; to provide for productions eligible for the credit and the amount of such credit; to provide for the use of the credit; and to provide for related matters.

Respectfully submitted,  
CHRIS ULLO  
Chairman

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

**Leaves of Absence**

The following leaves of absence were asked for and granted:

Boissiere	1 Day	Chaisson	1 Day
Johnson	1 Day	C. Jones	1 Day
McPherson	1 Day	Tarver	1 Day

**Adjournment**

Senator Ullo moved that the Senate adjourn until Monday, April 15, 2002, at 5:00 o'clock P.M.

The President of the Senate declared the Senate adjourned until 5:00 o'clock P.M. on Monday, April 15, 2002.

MICHAEL S. BAER, III  
Secretary of the Senate

GAYE F. HAMILTON  
Journal Clerk