

OFFICIAL JOURNAL
OF THE
SENATE
OF THE
STATE OF LOUISIANA

THIRTEENTH 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

Tuesday, April 16, 2002

The Senate was called to order at 3:00 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	Ellington	Lentini
Bajoie	Fields	Malone
Barham	Fontenot	McPherson
Bean	Heitmeier	Michot
Boissiere	Hines	Mount
Cain	Holden	Romero
Campbell	Hollis	Schedler
Chaisson	Hoyt	Smith
Cravins	Irons	Theunissen
Dardenne	Jones, B	Thomas
Dean	Jones, C	Ullo
Dupre	Lambert	
Total—35		

ABSENT

Gautreaux	Marionneau
Johnson	Tarver
Total—4	

The President of the Senate announced there were 35 Senators present and a quorum.

Prayer

The prayer was offered by Rev. Gary Willis, 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

**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. 28—

BY SENATOR LAMBERT

A RESOLUTION

To urge and request the Department of Wildlife and Fisheries not to take any action that would impede the flow of water in the Maurepas WMA, particularly in the area between Airline Highway and Interstate 10.

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

SENATE RESOLUTION NO. 29—

BY SENATOR LAMBERT

A RESOLUTION

To urge and request the Wildlife and Fisheries Commission to adopt rules and regulations to allow deer hunting with dogs in the Maurepas Wildlife Management Area.

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

SENATE RESOLUTION NO. 30—

BY SENATOR LAMBERT

A RESOLUTION

To urge and request the Wildlife and Fisheries Commission and the Department of Wildlife and Fisheries to allow St. John the Baptist Parish to lease existing camps on the Reserve Relief Canal and Mississippi Bayou in the Maurepas Wildlife Management Area.

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

SENATE RESOLUTION NO. 31—

BY SENATORS FONTENOT, DARDENNE, FIELDS, HOLDEN AND MARIONNEAUX

A RESOLUTION

To recognize the work of Habitat for Humanity of Greater Baton Rouge, the Louisiana vinyl industry, the Vinyl Partners for Humanity, and other corporate and community partners working together to build seven houses in Baton Rouge and Plaquemine, to proclaim the week of April 20-26, 2002 "Habitat for Humanity - Rolling River Blitz Build Week" in Louisiana, and to request that Louisiana communities consider supporting Habitat for Humanity projects across the state.

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

SENATE RESOLUTION NO. 32—

BY SENATOR HOYT

A RESOLUTION

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana upon the death of Coach Charles Lancon, University of Louisiana at Lafayette head track and field coach.

April 16, 2002

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

SENATE CONCURRENT RESOLUTION NO. 37—
BY SENATORS C. JONES AND MARIONNEAUX
A CONCURRENT RESOLUTION

To request the Department of Insurance and the Department of Health and Hospitals to study the state's compliance with the administration simplification component of the Health Insurance Portability and Accountability Act of 1996.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Senator Name, Yeas, Nays. Lists senators like Bajoie, Barham, Bean, etc., and their respective counts.

NAYS

ABSENT

Table with 3 columns: Senator Name, Yeas, Nays. Lists senators like Mr. President, Ellington, Marionneaux, etc., and their respective counts.

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

SENATE CONCURRENT RESOLUTION NO. 38—
BY SENATORS DUPRE, CHAISSON AND GAUTREAUX AND REPRESENTATIVES PITRE, TRICHE, DOWNER AND BALDONE
A CONCURRENT RESOLUTION

To express the sincere and heartfelt condolences of the Legislature of Louisiana on the death of former Lockport Mayor Alfred "Al" Robichaux.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Senator Name, Yeas, Nays. Lists senators like Mr. President, Fontenot, Malone, etc., and their respective counts.

NAYS

Total—0

ABSENT

Table with 3 columns: Senator Name, Yeas, Nays. Lists senators like Campbell, Ellington, Jones, B, etc., and their respective counts.

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

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON

LABOR AND INDUSTRIAL RELATIONS

Senator C. Jones, Chairman on behalf of the Committee on Labor and Industrial Relations, submitted the following report:

April 15, 2002

To the President and Members of the Senate:

I am directed by your Committee on Labor and Industrial Relations to submit the following report:

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.

Reported with amendments.

Respectfully submitted,
CHARLES D. JONES

Chairman

REPORT OF COMMITTEE ON

TRANSPORTATION, HIGHWAYS, AND PUBLIC WORKS

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

April 16, 2002

To the President and Members of the Senate:

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

HOUSE CONCURRENT RESOLUTION NO. 49—

BY REPRESENTATIVE FRITH

A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to resurface a portion of Louisiana Highway 335 in Vermilion Parish; to enter the resurfacing project into the Highway Priority Program, and to give the road a high priority rating.

Reported favorably.

HOUSE CONCURRENT RESOLUTION NO. 50—

BY REPRESENTATIVE FRITH

A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to resurface Louisiana Highway 693 from its intersection with Louisiana Highway 335 to its intersection with Louisiana Highway 82 in Vermilion Parish prior to the commencement of the 2003 Regular Session; to request that the resurfacing of Louisiana Highway 693 be added to the Highway Priority Program and receive a high priority ranking.

Reported favorably.

HOUSE CONCURRENT RESOLUTION NO. 59—

BY REPRESENTATIVES DOWNER, BALDONE, DARTEZ, TRICHE, AND PITRE AND SENATORS DUPRE AND GAUTREAU

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.

Reported favorably.

HOUSE CONCURRENT RESOLUTION NO. 60—

BY REPRESENTATIVES DOWNER, BALDONE, DARTEZ, TRICHE, AND PITRE AND SENATORS DUPRE AND GAUTREAU

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.

Reported favorably.

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.

Reported favorably.

Respectfully submitted, FRANCIS C. HEITMEIER Chairman

House Bills and Joint Resolutions on Second Reading Reported by Committees

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 reported by Committees.

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.

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

Rules Suspended

April 16, 2002

Senator Thomas asked for and obtained a suspension of the rules for the purpose of recalling House Concurrent Resolution No. 61 from the Committee on Senate and Governmental Affairs.

HOUSE CONCURRENT RESOLUTION NO. 61—

BY REPRESENTATIVES NEVERS AND STRAIN

A CONCURRENT RESOLUTION

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

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Mr. President, Bajoie, Barham, Bean, Boissiere, Cain, Campbell, Chaisson, Dardenne, Dean, Dupre, Total—31; Fields, Fontenot, Heitmeier, Hines, Holden, Hollis, Hoyt, Irons, Jones, C, Lambert, Lentini; Malone, McPherson, Michot, Mount, Romero, Smith, Theunissen, Thomas, Ullo.

NAYS

Total—0

ABSENT

Table with 3 columns of names: Cravins, Ellington, Gautreaux, Total—8; Johnson, Jones, B, Marionneaux; Schedler, Tarver.

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

Reports of Committees, Resumed

The following reports of committees were received and read:

CONFERENCE COMMITTEE REPORT

Senate Bill No. 21 by Senator Schedler April 9, 2002

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

We, the conferees appointed to confer over the disagreement between the two houses concerning Senate Bill 21 by Senator Schedler recommend the following concerning the Engrossed bill:

1. That House Committee Amendments No. 1 through 4 proposed by the House Committee on Administration of Criminal Justice and adopted by the House of Representatives on April 3, 2002 be rejected.

2. That Legislative Bureau Amendment No. 1 proposed by the Legislative Bureau and adopted by the House of Representatives on April 4, 2002 be rejected.

3. That House Floor Amendments No. 3, 4, 5, 6, 7, 8, 10, and 11 proposed by Representative Downer and adopted by the House of Representatives on April 8, 2002 be adopted.

4. That House Floor Amendments No. 1, 2, and 9 proposed by Representative Downer and adopted by the House of Representatives on April 8, 2002 be rejected.

5. That the following amendments to the engrossed bill be adopted:

AMENDMENT NO. 1

On page 2, line 11, delete "the Administrative Procedure Act"

AMENDMENT NO. 2

On page 2, line 26, delete "to exceed seventy-five" and insert "of twenty-six"

Respectfully submitted,

Senators: Tom Schedler, Chris Ullo, Arthur J. "Art" Lentini

Representatives: Hunt Downer, Francis C. Thompson

Rules Suspended

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Bajoie, Barham, Bean, Boissiere, Cain, Campbell, Cravins, Dardenne, Dean, Dupre, Fields, Total—31; Fontenot, Heitmeier, Hines, Holden, Hollis, Hoyt, Irons, Jones, B, Jones, C, Lambert, Lentini; Malone, Michot, Mount, Romero, Schedler, Smith, Theunissen, Thomas, Ullo.

NAYS

Total—0

ABSENT

Table with 3 columns of names: Mr. President, Chaisson, Ellington, Total—8; Gautreaux, Johnson, Marionneaux; McPherson, Tarver.

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

Rules Suspended

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

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

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

**SENATE CONCURRENT RESOLUTION NO. 16—
BY SENATOR C. JONES**

A CONCURRENT RESOLUTION

To direct certain departments of the state, as provided for in Title 36 of the Louisiana Revised Statutes of 1950, to provide information relative to the development of a strategic plan to combat poverty.

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

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Health and Welfare to Original Senate Concurrent Resolution No. 16 by Senator C. Jones

AMENDMENT NO. 1

On page 1, line 2, change "departments" to "entities"

AMENDMENT NO. 2

On page 1, line 15, change "department" to "entity"

AMENDMENT NO. 3

On page 2, line 2, change "department" to "entity"

AMENDMENT NO. 4

On page 2, line 5, change "departments" to "entities"

AMENDMENT NO. 5

On page 2, line 9, change "departments" to "entities"

AMENDMENT NO. 6

On page 2, between lines 17 and 18, insert the following:

- "(7) The Louisiana Board of Regents.
- (8) The Louisiana Workforce Commission."

AMENDMENT NO. 7

On page 2, lines 18 and 20, change "departments" to "entities"

AMENDMENT NO. 8

On page 2, line 22, delete "April 15, 2002." and insert "April 15, 2003."

AMENDMENT NO. 9

On page 2, line 24, after "to the" delete "secretaries of" and insert in lieu thereof "Board of Regents, the Workforce Commission,"

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Murray and Hunter to Original Senate Concurrent Resolution No. 16 by Senator C Jones

AMENDMENT NO. 1

In Amendment No. 8 proposed by the House Committee on Health and Welfare and adopted by the House on April 9, 2002, change "April 15, 2003" to "January 31, 2003"

Senator C. Jones moved to concur in the amendments proposed by the House.

ROLL CALL

The roll was called with the following result:

YEAS

Bajoie	Fields	Lentini
Barham	Fontenot	Malone
Bean	Heitmeier	Michot
Boissiere	Hines	Mount
Cain	Holden	Romero
Campbell	Hollis	Smith
Cravins	Hoyt	Theunissen
Dardenne	Irons	Thomas
Dean	Jones, B	Ullo
Dupre	Jones, C	
Ellington	Lambert	
Total—31		

NAYS

Total—0

ABSENT

Mr. President	Johnson	Schedler
Chaisson	Marionneau	Tarver
Gautreaux	McPherson	
Total—8		

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

Recess

On motion of Senator Lambert, the Senate took a recess until 4:30 o'clock P.M.

April 16, 2002

After Recess

The Senate was called to order at 4:30 o'clock P.M. by the President of the Senate.

ROLL CALL

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

PRESENT

Table with 3 columns of names: Mr. President, Bajoie, Barham, Boissiere, Cain, Campbell, Chaisson, Cravins, Dardenne, Dupre, Ellington, Fields, Total—34.

ABSENT

Table with 3 columns of names: Bean, Dean, 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

PASSED SENATE BILLS AND JOINT RESOLUTIONS

April 16, 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. 2— BY SENATORS THOMAS, HINES AND SMITH AN ACT

To amend and reenact R.S. 3:493 and R.S. 33:4831, 4832, and 4835, and to enact R.S. 33:4836, relative to the direct sale by a farmer to consumers of farm products; to prohibit requiring permits or

licenses for the direct sale of farm products; to prohibit imposition of any permit or license fee or tax on a farmer selling farm produce directly to consumers; to prohibit the enactment of ordinances prohibiting the direct sale of farm produce by the producing farmer or his employee; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 4— BY SENATOR SMITH AND REPRESENTATIVE R. ALEXANDER AN ACT

To enact R.S. 13:2113, relative to the City Court of Winnfield; to provide for the transfer of surplus funds from the court's civil fee account to the court's general operational fund; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 27— BY SENATORS HAINKEL AND MALONE A JOINT RESOLUTION

Proposing to enact Article X, Section 25.1 of the Constitution of Louisiana, relative to state and local public employees; to require that the legislature provide by law for the removal of a state or local public employee upon conviction of a felony; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

Reported with amendments.

SENATE BILL NO. 52— BY SENATORS CAMPBELL, BARHAM, BEAN, BOISSIERE, CHAISSON, CRAVINS, DARDENNE, DUPRE, ELLINGTON, FIELDS, HEITMEIER, HOLDEN, HOLLIS, HOYT, IRONS, JOHNSON, B. JONES, C. JONES, LAMBERT, LENTINI, MALONE, MICHOT, MOUNT, SCHEDLER, SMITH, TARVER, THEUNISSEN, AND ULLO AN ACT

To amend and reenact R.S. 32:169(E), relative to railroads; to provide for cross buck, stop and warning signs; to require traffic control devices at all public railroad grade crossings located within one-half mile of any elementary or secondary school; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 51— BY SENATOR CAMPBELL AN ACT

To enact R.S. 48:386.1, relative to railroads; to provide for the maintenance of railroad rights of way; to provide for definitions; to provide for notice for failure to maintain rights of way; to provide for fines; to provide for limitation of liability; and to provide for related matters.

Reported with amendments.

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.

Reported with amendments.

SENATE BILL NO. 65—
BY SENATOR DUPRE AND REPRESENTATIVE BALDONE
AN ACT

To enact R.S. 18:532.1(H), relative to precincts; to allow parish governing authorities to consolidate certain precincts; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 66—
BY SENATOR SCHEDLER
AN ACT

To enact R.S. 44:4(36), relative to public records; to provide relative to the confidentiality of supplemental rebate information contained in the records of the Department of Health and Hospitals and its agents; to provide an exemption of such information from the Public Records Act; to provide for an effective date; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 68—
BY SENATORS SCHEDLER, HINES AND B. JONES
AN ACT

To enact Chapter 11-F of Title 23 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 23:1901, relative to the creation of the Louisiana Health Works Commission; to provide for membership of the commission; to provide for compensation for members; to provide for staff and facilities; to provide for powers and duties of the commission, including the creation of the Allied Health Workforce Council; and to provide for related matters.

Reported with amendments.

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.

Reported without amendments.

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

Reported without amendments.

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.

Reported without amendments.

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

Message from the House

**CONCURRING IN
SENATE CONCURRENT RESOLUTIONS**

April 16, 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. 1—
BY SENATOR FIELDS
A CONCURRENT RESOLUTION

To request that the Senate and House committees on insurance act as a joint committee to study the information submitted by insurers to the Insurance Rating Commission when seeking rate increases or adjustments and whether such information submitted is sufficient to justify such increase or adjustment and the practices of the commission and factors considered by the commission in granting or denying a rate increase or adjustment.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 37—
BY SENATORS C. JONES AND MARIONNEAUX
A CONCURRENT RESOLUTION

To request the Department of Insurance and the Department of Health and Hospitals to study the state's compliance with the administration simplification component of the Health Insurance Portability and Accountability Act of 1996.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 38—
BY SENATORS DUPRE, CHAISSON AND GAUTREAUX AND REPRESENTATIVES PITRE, TRICHE, DOWNER AND BALDONE
A CONCURRENT RESOLUTION

To express the sincere and heartfelt condolences of the Legislature of Louisiana on the death of former Lockport Mayor Alfred "Al" Robichaux.

Reported without amendments.

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

Message from the House

HOUSE CONFEREES APPOINTED

April 16, 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. 77 by Senator C. Jones:

Representatives Hunter, Pinac and Hammett.

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

Message from the House

DISAGREEMENT TO HOUSE BILL

April 16, 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 Concurrent Resolution No. 27 by Representative Curtis, 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 Curtis, Crane and Murray.

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

Message from the House

DISAGREEMENT TO HOUSE BILL

April 16, 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. 125 by Representative Schneider, 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.

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

Message from the House

DISAGREEMENT TO HOUSE BILL

April 16, 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. 129 by Representative Schneider, 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.

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

Message from the House

DISAGREEMENT TO HOUSE BILL

April 16, 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. 132 by Representative LeBlanc, and ask the President to appoint on the part of the Senate a committee to confer with a like committee from the House on the disagreement.

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

Message from the House

DISAGREEMENT TO HOUSE BILL

April 16, 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. 134 by Representative Schneider, 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.

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

Message from the House

DISAGREEMENT TO HOUSE BILL

April 16, 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. 149 by Representative Hebert, 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.

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

Message from the House

DISAGREEMENT TO HOUSE BILL

April 16, 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. 164 by Representative Daniel, 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.

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

Rules Suspended

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

Introduction of Senate Resolutions

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

SENATE RESOLUTION NO. 33—
BY SENATOR FONTENOT

A RESOLUTION

To commend and congratulate Chief Deputy Assessor Gene Williams upon the occasion of his retirement from the Livingston Parish Assessor's Office.

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

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 16, 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. 64—

BY REPRESENTATIVE BAUDOIN

A CONCURRENT RESOLUTION

To urge and request all state departments, agencies, boards, commissions, and all other entities to require vendors and service providers to maintain all manner of their operations, as they relate to this state, in the United States, preferably Louisiana.

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. 64—

BY REPRESENTATIVE BAUDOIN

A CONCURRENT RESOLUTION

To urge and request all state departments, agencies, boards, commissions, and all other entities to require vendors and service providers to maintain all manner of their operations, as they relate to this state, in the United States, preferably Louisiana.

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

ROLL CALL

The roll was called with the following result:

YEAS

Bajoie	Heitmeier	Lentini
Barham	Hines	Malone
Boissiere	Holden	Marionneaux
Cain	Hollis	McPherson
Campbell	Hoyt	Michot
Chaisson	Irons	Mount

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Dardenne	Johnson	Romero
Dupre	Jones, B	Smith
Ellington	Jones, C	Theunissen
Fields	Lambert	Ullo
Total—30		

NAYS

Dean
Total—1

ABSENT

Mr. President	Fontenot	Tarver
Bean	Gautreaux	Thomas
Cravins	Schedler	
Total—8		

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

Rules Suspended

Senator Marionneaux asked for and obtained a suspension of the rules for the purpose of recalling Senate Resolution No. 22 from the Committee on Natural Resources.

SENATE RESOLUTION NO. 22—
BY SENATORS MARIONNEAUX

A RESOLUTION

To urge and request the Louisiana Wildlife and Fisheries Commission to maintain the current gun and archery deer season in Area 6 and in Iberville, Pointe Coupee, and West Baton Rouge parishes.

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

**Privilege Report of the
Legislative Bureau**

April 16, 2002

To the President and Members of the Senate:

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

The following bills are approved as to construction and duplication.

HOUSE BILL NO. 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.

Reported without amendments.

Respectfully submitted,
LOUIS LAMBERT
Chairman

Adoption of Legislative Bureau Report

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

Rules Suspended

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

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

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

HOUSE BILL NO. 84—
BY REPRESENTATIVE DIEZ
AN ACT

To amend and reenact R.S. 32:414.2(A)(5) and to enact R.S. 32:414.2(A)(1)(e) and 427(A)(4), relative to commercial motor vehicle drivers; to provide relative to railroad grade crossing violations by commercial motor vehicle operators; to provide relative to certain disqualifications; to provide for civil penalties assessed against employers of such drivers under certain circumstances; 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	Hines	Marionneaux
Barham	Holden	McPherson
Boissiere	Hollis	Michot
Cain	Hoyt	Mount
Chaisson	Irons	Romero
Cravins	Johnson	Schedler
Dardenne	Jones, B	Smith
Dupre	Jones, C	Theunissen
Ellington	Lambert	Ullo
Fontenot	Lentini	
Heitmeier	Malone	

Total—31

NAYS

Total—0

ABSENT

Bajoie	Dean	Tarver
Bean	Fields	Thomas
Campbell	Gautreaux	
Total—8		

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.

HOUSE BILL NO. 92—

BY REPRESENTATIVE ALARIO AND SENATOR HEITMEIER
AN ACT

To amend and reenact R.S. 48:461.4(a)(1), relative to outdoor advertising; to provide relative to the classification of certain illuminated signs; to require certain illuminated signs to be classified as on-premise signs by the Department of Transportation and Development; to provide for certain exemptions; and to provide for related matters.

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

HOUSE BILL NO. 93—

BY REPRESENTATIVE HILL
AN ACT

To amend and reenact R.S. 42:66(L)(1), relative to dual officeholding; to allow a deputy sheriff to hold the office of mayor or alderman of a municipality with a population of two thousand five hundred or less; and to provide for related matters.

Floor Amendments Sent Up

Senator Mount sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Mount to Engrossed House Bill No. 93 by Representative Hill

AMENDMENT NO. 1

In Senate Floor Amendments proposed by Senator Mount and adopted by the Senate on April 8, 2002, delete Amendments 1 through 4.

On motion of Senator Mount, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fields	Lentini
Bajoie	Fontenot	Malone
Barham	Heitmeier	Marionneaux
Boissiere	Hines	Michot
Cain	Holden	Mount
Campbell	Hollis	Romero
Chaisson	Hoyt	Schedler
Cravins	Irons	Smith
Dean	Johnson	Theunissen
Dupre	Jones, C	Ullo
Ellington	Lambert	
Total—32		

NAYS

Total—0

ABSENT

Bean	Jones, B	Thomas
Dardenne	McPherson	
Gautreaux	Tarver	
Total—7		

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

HOUSE BILL NO. 130—

BY REPRESENTATIVES SCHNEIDER, DEWITT, AND DANIEL
AN ACT

To amend and reenact R.S. 11:416, relative to the Louisiana State Employees Retirement System; to provide for the reemployment of retirees; to provide for the benefits paid to such retirees; to provide relative to accrual of credit for service; to provide for employer contributions; to provide an option for regaining membership in the system; to provide for reporting; to provide penalties for failure to report; to provide for retirees reemployed pursuant to Act No. 455 of the 2001 Regular Session of the Legislature and for employees who retired prior to the effective date of such Act; and to provide for related matters.

Floor Amendments Sent Up

Senator Boissiere sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Boissiere to Engrossed House Bill No. 130 by Representative Schneider

AMENDMENT NO. 1

In Senate Committee Amendment No. 1 proposed by the Senate Committee on Retirement and adopted by the Senate on April 8, 2002, on page 1, line 3 thereof, change "R.S. 11:416.1" to "416.1"

AMENDMENT NO. 2

In Senate Committee Amendment No. 4 proposed by the Senate Committee on Retirement and adopted by the Senate on April 8, 2002, on page 1, line 12 thereof, between "direct" and "percent" insert "at least ten"

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AMENDMENT NO. 3

Delete Senate Committee Amendments Nos. 6, 7, 8, 9, 10, 11, and 12 proposed by the Senate Committee on Retirement and adopted by the Senate on April 8, 2002.

AMENDMENT NO. 4

On page 6, between lines 20 and 21, and prior to the language inserted by Senate Committee Amendment No. 13 proposed by the Senate Committee on Retirement and adopted by the Senate on April 8, 2002, insert the following:

"§416.1. Reemployment of retirees under Act 455 of the 2001 Regular Session

A retiree who retired under the provisions of Act 455 of the 2001 Regular Session and was rehired in employment prior to the effective date of this Act, which otherwise would render him eligible for membership in the system, shall choose one of the following irrevocable options:

- (1) Option 1 as provided in R.S. 11:416(A).
(2) Option 2 as provided in R.S. 11:416(A).
(3) Option 3 as provided in R.S. 11:416(A).

(4) Option 4. The retiree may request suspension of his retirement benefit for twelve months following the effective date of his retirement or until his reemployment ends, whichever occurs first. Thereafter, the retiree shall receive his retirement benefit during his reemployment, without accrual of any additional service credit. Under this option, neither the retiree nor the employer shall make any contribution to the system."

AMENDMENT NO. 5

In Senate Committee Amendment No. 13 proposed by the Senate Committee on Retirement and adopted by the Senate on April 8, 2002, on page 3, delete lines 8 through 13 and insert the following: "§ 266.1 Investment through Louisiana incorporated and domiciled broker-dealer (National Association of Security Dealers-Registered)

A. Each Louisiana state public retirement system, plan, and fund shall direct at least ten percent of all domestic equity separately managed account trades through one or more Louisiana incorporated and domiciled broker-dealers (National Association of Security Dealers-Registered).

B. All trades shall be subject to best effort and best execution as defined by the Securities and Exchange Commission and the National Association of Security Dealers.

C. At the end of the third quarter of the fiscal year, the retirement committees of the House of Representatives and the Senate shall meet jointly to review and evaluate the results and economic impact of the trades made pursuant to, and best effort and best execution required by, Subsection B of this Section."

AMENDMENT NO. 6

On page 8, between lines 3 and 4, insert the following:

"Section 4. Section 2 of this Act shall become effective July 1, 2002 and shall be null and of no effect on and after June 30, 2003."

AMENDMENT NO. 7

Delete Senate Committee Amendment No. 18 proposed by the Senate Committee on Retirement and adopted by the Senate on April 8, 2002, and on page 8, line 4, change "Section 4. This" to "Section 6. Sections 1, 3, 4, and 5 of this"

On motion of Senator Boissiere, the amendments were adopted.

Floor Amendments Sent Up

Senator Hoyt sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Hoyt to Engrossed House Bill No. 130 by Representative Schneider

AMENDMENT NO. 1

On page 7, line 3, after "who is" and before "receiving" insert "reemployed and"

On motion of Senator Hoyt, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Name, YEA, NAY. Lists names like Mr. President, Bajoie, Barham, Boissiere, etc., with counts.

NAYS

Jones, C
Total—1

ABSENT

Table with 2 columns: Name, YEA, NAY. Lists names like Bean, Gautreaux, etc., with counts.

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

Senator Lambert in the Chair

HOUSE BILL NO. 135—

BY REPRESENTATIVE STRAIN AND SENATOR SCHEDLER
AN ACT

To amend and reenact R.S. 33:172, relative to municipal annexation procedures; to provide relative to annexation procedures in certain municipalities; to authorize the use of operating agreements between certain municipalities and certain parishes to govern annexation procedures; and to provide for related matters.

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

Mr. President in the Chair

HOUSE BILL NO. 97—

BY REPRESENTATIVE DAMICO
AN ACT

To amend and reenact R.S. 30:2011(D)(22)(c), 2014(D), 2195(B), and 2289.1(D), relative to fees paid to the Department of Environmental Quality; to authorize an increase of fees paid into the Environmental Trust Fund; to authorize an increase of fees paid for accreditation by commercial laboratories; to authorize an increase for underground storage tank registration fees; to authorize an increase in participation fees; to provide for maximum fees; and to provide for related matters.

Floor Amendments Sent Up

Senator Fields sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Fields to Reengrossed House Bill No. 97 by Representative Damico

AMENDMENT NO. 1

On page 7, after line 10, insert the following:

"Section 5. The increased fees provided for in this Act shall become effective if and only if seventy-five percent of the fines due and payable to the Department of Environmental Quality, except those fines owed by local governmental entities, on April 16, 2002 have been collected."

Senator Fields moved adoption of the amendments.

Senator Romero objected.

ROLL CALL

The roll was called with the following result:

YEAS

Bajoie	Fields	Johnson
Campbell	Holden	Malone
Cravins	Irons	Marionneaux
Total—9		

NAYS

Mr. President	Heitmeier	Romero
Barham	Hines	Schedler
Cain	Hoyt	Smith
Chaisson	Jones, B	Theunissen
Dardenne	Lambert	Thomas
Dupre	Lentini	Ullo
Ellington	Michot	
Fontenot	Mount	
Total—22		

ABSENT

Bean	Gautreaux	McPherson
Boissiere	Hollis	Tarver
Dean	Jones, C	
Total—8		

The Chair declared the amendments were rejected.

Floor Amendments Sent Up

Senator Malone sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Malone to Reengrossed House Bill No. 97 by Representative Damico

AMENDMENT NO. 1

Delete Senate Committee Amendment No.1 proposed by the Senate Committee on Revenue and Fiscal Affairs and adopted by the Senate on April 8, 2002.

Senator Malone moved adoption of the amendments.

Senator Romero objected.

ROLL CALL

The roll was called with the following result:

YEAS

Bajoie	Fontenot	Malone
Campbell	Hines	Marionneaux
Cravins	Hoyt	
Total—8		

NAYS

Mr. President	Heitmeier	Mount
Barham	Holden	Romero
Cain	Johnson	Schedler
Chaisson	Jones, B	Smith
Dardenne	Lambert	Theunissen
Dupre	McPherson	Ullo
Fields	Michot	
Total—20		

ABSENT

Bean	Gautreaux	Lentini
Boissiere	Hollis	Tarver

April 16, 2002

Dean	Irons	Thomas
Ellington	Jones, C	
Total—11		

The Chair declared the amendments were rejected.

Floor Amendments Sent Up

Senator Holden sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Holden to Reengrossed House Bill No. 97 by Representative Damico

AMENDMENT NO. 1

On page 4, line 2 after "facilities." insert the following:

"Within ninety days of the promulgation and adoption of any regulation necessary to implement the fees herein, the Department of Environmental Quality shall submit a written report to the Joint Legislative Committee on the Budget for its approval which details the proposed use for the fee increase, efforts to decrease the processing time for permits, efforts to increase the number of inspections conducted at regulated facilities, enforcement activities, and efforts to increase the collection of fines imposed by the Department of Environmental Quality."

On motion of Senator Holden, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fontenot	Marionneau
Bajoie	Heitmeier	McPherson
Barham	Hines	Michot
Boissiere	Holden	Mount
Cain	Hoyt	Romero
Chaisson	Johnson	Schedler
Dardenne	Jones, B	Smith
Dupre	Jones, C	Theunissen
Ellington	Lambert	Thomas
Fields	Lentini	Ulló
Total—30		

NAYS

Campbell	Irons
Cravins	Malone
Total—4	

ABSENT

Bean	Gautreaux	Tarver
Dean	Hollis	
Total—5		

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

HOUSE BILL NO. 136—

BY REPRESENTATIVE DEWITT

AN ACT

To enact R.S. 17:3351.5; to authorize the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College to establish certain program fee amounts and increase certain tuition and attendance fee amounts, including amounts for the School of Allied Health Professions at the Louisiana State University Health Sciences Centers in Shreveport and in New Orleans, the dentistry and medicine programs at the Louisiana State University Health Sciences Center in New Orleans, and the Master of Nursing, Nurse Anesthetist Program of the School of Nursing at the Louisiana State University Health Sciences Center in New Orleans; to authorize proportional amounts for part-time students and for summer sessions; to provide for waivers of authorized amounts in cases of financial hardship; to provide limitations; to provide for effectiveness; to provide for an effective date; 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

Mr. President	Heitmeier	Malone
Bajoie	Hines	Marionneau
Barham	Holden	Michot
Boissiere	Hoyt	Mount
Campbell	Irons	Romero
Chaisson	Johnson	Schedler
Dardenne	Jones, B	Smith
Dupre	Jones, C	Theunissen
Ellington	Lambert	Thomas
Fontenot	Lentini	Ulló
Total—30		

NAYS

Cain	Fields
Cravins	McPherson
Total—4	

ABSENT

Bean	Gautreaux	Tarver
Dean	Hollis	
Total—5		

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.

HOUSE BILL NO. 141—

BY REPRESENTATIVE DEWITT

AN ACT

To enact R.S. 17:3351.5; to authorize the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College to increase tuition and nonresident attendance fee amounts for students in future entering classes at the Paul M. Hebert Law Center; to authorize proportional amounts for part-time students and for summer sessions; to provide limitations; to provide for effectiveness; to provide for an effective date; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Hines	Michot
Barham	Holden	Mount
Boissiere	Hoyt	Romero
Campbell	Irons	Schedler
Chaisson	Johnson	Smith
Dardenne	Jones, B	Theunissen
Dupre	Jones, C	Thomas
Ellington	Lambert	Ullo
Fontenot	Lentini	
Heitmeier	Malone	
Total—28		

NAYS

Bajoie	Cravins	Marionneau
Cain	Fields	McPherson
Total—6		

ABSENT

Bean	Gautreaux	Tarver
Dean	Hollis	
Total—5		

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

HOUSE BILL NO. 170—

BY REPRESENTATIVE ALARIO

AN ACT

To amend and reenact R.S. 39:100.1(B)(3)(a), relative to the Sports Facility Assistance Fund; to define professional sports association or league to include the PGA Tour, Inc.; to provide for an effective date; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fontenot	Marionneau
Bajoie	Heitmeier	McPherson
Barham	Hines	Michot
Cain	Holden	Mount
Campbell	Hoyt	Romero
Chaisson	Johnson	Schedler
Cravins	Jones, B	Smith
Dardenne	Jones, C	Theunissen
Dupre	Lambert	Thomas
Ellington	Lentini	Ullo
Fields	Malone	
Total—32		

NAYS

Total—0

ABSENT

Bean	Gautreaux	Tarver
Boissiere	Hollis	
Dean	Irons	
Total—7		

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

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.

Floor Amendments Sent Up

Senator Holden sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Holden to Reengrossed House Bill No. 171 by Representative McVea

AMENDMENT NO. 1

Delete Senate Committee Amendment Nos. 1 and 2 proposed by the Senate Committee on Local and Municipal Affairs and adopted by the Senate on April 11, 2002.

AMENDMENT NO. 2

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. 33:9038.1 through 9038.69, 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 the creation of economic development districts within and by such local governmental subdivisions; to authorize increases in ad valorem, sales, and hotel occupancy taxes in such districts; and to provide for related matters."

AMENDMENT NO. 3

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. 33:9038.1 through 9038.9, is hereby enacted to read as follows:

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

§9038.1. Definitions

As used in this Part, the following terms shall have the following meanings, unless the context requires otherwise:

(1) "Economic development district" or "district" means an economic development district established by a local governmental subdivision pursuant to R.S. 33:9038.2.

(2) "Issuer" means the local governmental subdivision, economic development district, industrial development board of the municipality or parish authorized and created pursuant to Chapter 7 of Title 51 of Louisiana Revised Statutes of 1950, public trust with the municipality or parish as the beneficiary thereof as provided in Chapter 2-A of Code Title II of Title 9 the Louisiana Revised Statutes of 1950, as authorized in this Part.

(3) "Local governmental subdivision" means a municipality or parish with a population of not more than one hundred thousand according to the latest federal decennial census.

(4) "Official journal of the district" means the official journal of the local governmental subdivision creating the economic development district.

§9038.2. Creation of economic development district

A. A local governmental subdivision may establish, by ordinance, an economic development district pursuant to this Section to carry out the purposes of this Part.

B. The ordinance shall designate the boundaries of the district.

C. Prior to the adoption of the ordinance, a notice describing the boundaries of the proposed district or containing a map showing the boundaries of the district shall be published two times in the official journal of the local governmental subdivision.

D. The governing authority of the district shall be the governing authority of the local governmental subdivision establishing the district.

E. The district shall be a political subdivision of the state and shall possess such power and authority and have such duties as provided in this Part and other law.

§9038.3. Ad valorem tax increment financing

A. A local governmental subdivision or, with the consent of a local governmental subdivision expressed by ordinance, any ad valorem tax recipient entity with jurisdictional boundaries coterminous with the local governmental subdivision, an industrial development board defined as an issuer in R.S. 33:9038.1 and authorized pursuant to Subsection N of this Section, or a public trust defined as an issuer in R.S. 33:9038.1 and authorized pursuant to Subsection N of this Section, 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 or tax recipient entity, 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 or tax recipient entity, to finance or refinance all or any part of an economic development project as described in this Section and R.S. 33:9038.3. An ad valorem tax increment, as described hereunder, shall consist of that portion of the ad valorem tax revenues for any or all participating tax recipient entities collected each year from property located within an economic development district which exceeds the revenues that would be collected for such tax recipient entities if such property were assessed at its value as of the year immediately prior to the year in which the district was established. Any such revenue bonds shall be issued only after the governing authority of the issuer 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 district, the first publication to appear at least fourteen days before the public meeting of the issuer at which the governing authority 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 governing authority of the district has called a special election submitting the proposition for the issuance of the bonds to the qualified electors of the economic development district and the proposition has received the favorable vote of a majority of the electors voting in the election; provided, however, that in the event that there are no qualified electors in the district as certified by the registrar of voters, no election shall be required. No revenue bonds may be issued under this Section if existing ad valorem tax supported debt of the local governmental subdivision or participating tax recipient entity is in default or, as the result of the issuance of such revenue bonds, will be in default. Pledged ad valorem tax increments may include all incremental increases in ad valorem taxes in an economic development district of all participating tax recipient entities, provided that the notice of intention described above clearly identifies all such incremental increases in ad valorem taxes, that such revenues may be used for such purpose, subject to dedications and limitations provided by other law or by proposition approved by electors voting at an election for such purpose called by the taxing authority levying the tax, unless such use is permitted and upon a prior determination by the local governmental subdivision or other taxing authority that the baseline revenue collection is sufficient to satisfy such dedications and other statutory charges, and provided that all tax recipient entities affected enter into an intergovernmental

agreement with the issuer authorizing and dedicating the inclusion of such incremental increase in ad valorem taxes.

B. Any local governmental subdivision which proposes to issue, or which consents to having an issuer, as defined in R.S. 33:9038.1, issue revenue bonds pursuant to this Section shall establish an economic development district as provided in and pursuant to R.S. 33:9038.2. The district, hereinafter called the "ad valorem tax area", shall be the area from which ad valorem tax increments are to be pledged and dedicated to the payment of the revenue bonds.

C. After the establishment of the ad valorem tax area and the designation of its boundaries, 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 which established the district. 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 issuer.

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 issuer 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 issuer 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

issuer 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 issuer 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 issuer 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 or tax recipient entity 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 allocate and disburse 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 or tax recipient entity 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, 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 issuer 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 public trust or an industrial development board defined as an "issuer" in R.S. 33:9038.1, may issue ad valorem tax increment revenue bonds on behalf of such local governmental subdivision or tax recipient entity and thereby shall act on behalf of a local governmental subdivision hereunder. Each issuance of bonds hereunder by a 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 or other authorized entity 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.

§9038.4. Sales tax increment financing

A. A local governmental subdivision or entity authorized pursuant to this Part 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 or tax recipient entity, 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 or tax recipient entity, to finance or refinance all or any part of an economic development project as described in this Section and R.S. 33:9038.6. 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, or any combination of such taxes, levied upon the use or occupancy of hotel rooms if so designated by the local governmental subdivision or tax recipient entity, from taxpayers located within an economic development district 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 district was established. Any such revenue bonds shall be issued only after the issuer 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 governing authority of the issuer at which the governing authority 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. No revenue bonds may be issued under this Section if existing sales tax supported debt of the local governmental subdivision or participating tax recipient entity is in default or, as the result of the issuance of such revenue bonds, will be in default. Pledged sales tax increments may include all incremental increases in sales taxes, and hotel occupancy taxes, occupancy taxes or similar taxes, or any combination of such taxes, so designated in an economic development district of all participating tax recipient entities, provided that such revenues may be used for such purpose, subject to dedication by other law or by proposition approved by electors voting in an election for such purpose called by the taxing authority levying the tax, unless such use is permitted and upon a prior determination by the local governmental subdivision or other taxing authority that the baseline revenue collection is sufficient to satisfy such dedications

and other statutory charges, and provided that all tax recipient entities affected, other than the state of Louisiana, enter into an intergovernmental agreement with the issuer authorizing and dedicating the inclusion of such incremental increase in sales taxes. Subject to dedication by law and the provisions of R.S. 33:9029.2, state of Louisiana sales tax increments may be dedicated to pay the revenue bonds of a local economic development project but 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 which proposes to issue, or which consents to having another entity defined as an "issuer" in R.S. 33:3098.1 issue, revenue bonds pursuant to this Section shall establish an economic development district as provided in and pursuant to R.S. 33:9038.2. The district, hereinafter called the "sales tax area", shall be the area from which sales tax increments are to be pledged and dedicated to the payment of the revenue bonds.

C. After the establishment of the district and the designation of the boundaries of the sales tax area, the local governmental subdivision and each participating tax recipient entity 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 issuer of 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 issuer 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 issuer 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 issuer 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 issuer 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 issuer 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 issuer 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 issuer 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 issuer 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 or tax recipient entity 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 allocate and disburse 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 or tax recipient entity 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 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 issuer 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 district. 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 public trust or an industrial development board defined as an "issuer" in R.S. 33:9038.1, may issue sales tax increment revenue bonds on behalf of such local governmental subdivision or tax recipient entity and thereby shall act on behalf of a local governmental subdivision hereunder. Each issuance of bonds hereunder by a 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 or other authorized entity 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.

§9038.5. Cooperative endeavors

A local governmental subdivision or other authorized entity 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.

§9038.6. 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 or other authorized entity 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, and the payment of which is approved by, the local governmental subdivision or other authorized entity.

(2) Property acquisition and assembly costs within an economic development district, specifically approved by the local governmental subdivision or other authorized entity, 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 or other authorized entity, including but not limited to clearance of any area within or about an economic development district 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 district which are essential to the preparation of an economic development district for use in accordance with an economic development plan.

(4) Costs of renovation, rehabilitation, relocation, repair, or remodeling of any existing buildings, improvements, and fixtures within an economic development district, specifically approved by the local governmental subdivision or other authorized entity.

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

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

§9038.7. Encouragement of private enterprise

Consistent with the purposes of this Chapter and the needs of the local governmental subdivision, a corporation or economic development district, 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, economic

development district, or local governmental subdivision deems necessary for these purposes.

§9038.8. Bonds

A. 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.

B. 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.

C. 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 issuer as shall be determined by resolution or resolutions of the issuer.

D. 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.

E. 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.

F. 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.

G. 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.

H. 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.

I. 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.

J. 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.

K. 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.

L. 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.

M. 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.

N. 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.

O. 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.

P. 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.

§9038.9. Levy of ad valorem tax, sales tax, and/or hotel occupancy tax

Subject to limitations and prohibitions of the Louisiana Constitution, an economic development district has the power to levy ad valorem taxes, sales taxes, or hotel occupancy taxes within the district up to five mills of ad valorem taxes, up to two percent of sales taxes, or up to two percent of hotel occupancy taxes, or any combination of such taxes, above and in addition to any other ad valorem taxes, sales taxes, or hotel occupancy taxes, or combination of such taxes, then in existence or permitted to be in existence within the district. Any such increase in taxes shall be levied only after the governing authority of the district 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 district, the first publication to appear at least fourteen days before the public meeting of the governing authority of the district at which the governing authority 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 governing authority of the district has called a special election submitting the proposition for the levy of such taxes to the qualified electors of the district and the proposition has received the favorable vote of a majority of the electors voting in the election; provided, however, that in the event there are no qualified electors in the district as certified by the registrar of voters, no such election shall be required. 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 any ad valorem tax, sales tax, or hotel occupancy tax or combination of such taxes. 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. The provisions of this Act shall in no way be construed to be in conflict with, repeal, or supersede other provisions of Chapter 27 of Title 33 of the Louisiana Revised Statutes of 1950, or the provisions of the Act which originated as Senate Bill 105 of the 2002 First Extraordinary Session of the Legislature, but shall be an alternative to such law.

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 Holden, the amendments were adopted.

Floor Amendments Sent Up

Senator Heitmeier sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Heitmeier to Reengrossed House Bill No. 171 by Representative McVea

AMENDMENT NO. 1

In Senate Floor Amendment No. 2 proposed by Senator Holden and adopted by the Senate on April 16, 2002, on page 1, line 11, after "subdivisions" delete the remainder of the line and delete line 12 and on line 13, delete "decennial census"

AMENDMENT NO. 2

In Senate Floor Amendment No. 3 proposed by Senator Holden and adopted by the Senate on April 16, 2002, on page 2, line 3, between "census" and the period "." insert ", or any municipality, parish, local industrial board, or local public trust authorized pursuant to R.S. 33:9038.3(N) or R.S. 33:9038.4(N) having jurisdiction over the geographical area bound by the Mississippi River, the Orleans/Jefferson parish line and the Orleans/Plaquemines parish line"

On motion of Senator Heitmeier, the amendments were adopted.

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

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

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

Called from the Calendar

Senator Schedler asked that House Bill No. 135 be called from the Calendar at this time for its final passage.

HOUSE BILL NO. 135—

BY REPRESENTATIVE STRAIN AND SENATOR SCHEDLER
AN ACT

To amend and reenact R.S. 33:172, relative to municipal annexation procedures; to provide relative to annexation procedures in certain municipalities; to authorize the use of operating agreements between certain municipalities and certain parishes to govern annexation procedures; and to provide for related matters.

Floor Amendments Sent Up

Senator Schedler sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Schedler to Engrossed House Bill No. 135 by Representative Strain

AMENDMENT NO. 1

On page 4, lines 12 and 21, between "provisions" and "of" insert "of Paragraphs (1) through (5)"

AMENDMENT NO. 2

On page 5, line 2, between "may " and "call" insert "also"

AMENDMENT NO. 3

On page 8, before line 1, add the following:

"Section 3. The provisions of R.S. 33:172(C) as contained in this Act shall supersede the provisions of R.S. 33:172(C) as contained in any other Act of the 2002 First Extraordinary Session of the Legislature."

AMENDMENT NO. 4

Delete Senate Committee Amendment No. 2 proposed by the Senate Committee on Local and Municipal Affairs and adopted by the Senate on April 10, 2002.

AMENDMENT NO. 5

On page 8, line 1, change "Section 2." to "Section 4."

On motion of Senator Schedler, the amendments were adopted.

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

April 16, 2002

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fontenot	Marionneaux
Bajoie	Heitmeier	McPherson
Barham	Hines	Michot
Boissiere	Holden	Mount
Cain	Hoyt	Romero
Campbell	Irons	Schedler
Chaisson	Johnson	Smith
Cravins	Jones, B	Theunissen
Dardenne	Jones, C	Thomas
Dupre	Lambert	Ullo
Ellington	Lentini	
Fields	Malone	
Total—34		

NAYS

Total—0

ABSENT

Bean	Gautreaux	Tarver
Dean	Hollis	
Total—5		

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

Called from the Calendar

Senator Fontenot asked that House Bill No. 162 be called from the Calendar at this time for its final passage.

HOUSE BILL NO. 162—
BY REPRESENTATIVE MONTGOMERY
AN ACT

To amend and reenact R.S. 47:1835(B) and 1838(4), relative to the Tax Commission Expense Fund; to provide that certain unexpended and unencumbered monies shall remain in the fund at the close of each fiscal year; 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

Bajoie	Fontenot	Marionneaux
Barham	Hines	McPherson
Boissiere	Holden	Michot
Cain	Hoyt	Mount
Campbell	Irons	Romero

Chaisson	Johnson	Schedler
Dardenne	Jones, B	Smith
Dupre	Jones, C	Theunissen
Ellington	Lentini	Thomas
Fields	Malone	Ullo
Total—30		

NAYS

Total—0

ABSENT

Mr. President	Dean	Hollis
Bean	Gautreaux	Lambert
Cravins	Heitmeier	Tarver
Total—9		

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.

Called from the Calendar

Senator Ullo asked that House Bill No. 83 be called from the Calendar at this time for its final passage.

HOUSE BILL NO. 83—
BY REPRESENTATIVE BRUNEAU
AN ACT

To amend and reenact R.S. 18:403, 423(E), 424(C)(1), 551(B)(1)(introductory paragraph) and (2), (C), (D), and (E), 553(A), 571, 572(A), 573(A), (B), (C), (D), and (E)(1), 574(A)(1) and (2) and (B)(6), 1300.2(B), 1300.11, 1302(6), 1306(B), (C)(1), and (F), 1307(A)(3), 1308(A)(1)(b) and (2)(b), 1309(E)(2) and (3) and (F), 1310(A), 1311(C)(1), 1313(B), (F)(1), (2), (4), (5), (6), and (9), (G), and (I)(1), (2)(c), (3), and (4), 1315(B) and (C), 1317, 1353(B) and (C)(2) and (3), 1354(C), 1355(16) and (17), 1361(B), 1363(A)(introductory paragraph), 1373(B), 1374, 1376(A) and (B)(1), and 1433; to enact R.S. 18:531.1, 553.1, 1302(7), 1306(G) and (H), 1309(H), 1309.1, 1313(F)(10), 1333(H), 1351(12), 1361(C), 1363(F), 1364, and 1365; and to repeal R.S. 18:1307(F), 1309(E)(4), and Part V of Chapter 8 of Title 18 of the Louisiana Revised Statutes of 1950, comprised of R.S. 18:1391 through 1399, all relative to elections; to provide relative to voting machines and absentee counting equipment; to provide relative to the composition and preparation of ballots; to provide relative to procedures for absentee voting; to provide relative to commissioners and duties of commissioners; to provide relative to polling places; to provide for the retention of certain records; to provide relative to certain election documents which require a handwritten signature; to provide for the powers, duties, functions, and compensation of certain election officials; and to provide for related matters.

Floor Amendments Sent Up

Senator Ullo sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Ullo to Engrossed House Bill No. 83 by Representative Bruneau

AMENDMENT NO. 1

On page 38, line 23, after "commissioner" insert the following:

"shall first reallocate and move any available voting machines of like type in excess of the requirements of Subsection A of this Section to the parish where the shortage exists. However, if a shortage continues to exist after relocation, the commissioner"

AMENDMENT NO. 2

On page 38, line 25, delete "The" and insert "Prior to any reduction in allocation of voting machines the"

On motion of Senator Ullo, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fontenot	Marionneaux
Bajoie	Heitmeier	McPherson
Barham	Hines	Michot
Boissiere	Holden	Mount
Cain	Hoyt	Romero
Campbell	Irons	Schedler
Chaisson	Johnson	Smith
Cravins	Jones, B	Theunissen
Dardenne	Jones, C	Thomas
Dupre	Lambert	Ullo
Ellington	Lentini	
Fields	Malone	
Total—34		

NAYS

Total—0

ABSENT

Bean	Gautreaux	Tarver
Dean	Hollis	
Total—5		

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

Called from the Calendar

Senator Cravins asked that House Bill No. 66 be called from the Calendar at this time for its final passage.

HOUSE BILL NO. 66—

BY REPRESENTATIVE HEBERT

AN ACT

To amend and reenact R.S. 22:173.1(C)(1), relative to annuities; to provide for minimum interest rates; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fields	Malone
Bajoie	Fontenot	McPherson
Barham	Heitmeier	Michot
Boissiere	Hines	Mount
Cain	Holden	Romero
Campbell	Hoyt	Schedler
Chaisson	Irons	Smith
Cravins	Johnson	Theunissen
Dardenne	Jones, C	Thomas
Dupre	Lambert	Ullo
Ellington	Lentini	
Total—32		

NAYS

Marionneaux
Total—1

ABSENT

Bean	Gautreaux	Jones, B
Dean	Hollis	Tarver
Total—6		

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

Called from the Calendar

Senator Holden asked that House Bill No. 171 be called from the Calendar at this time for its final passage.

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.

Floor Amendments Sent Up

Senator Michot sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Michot to Reengrossed House Bill No. 171 by Representative McVea

AMENDMENT NO. 1

In Senate Floor Amendment No. 3 proposed by Senator Holden and adopted by the Senate on April 16, 2002, on page 2, line 2, change "one hundred thousand" to "two hundred thousand"

On motion of Senator Michot, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total—0

ABSENT

Bean	Gautreaux	Jones, B
Dean	Hollis	Tarver
Total—6		

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

Rules Suspended

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

**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. 34—

BY SENATOR ROMERO

A RESOLUTION

To urge and request the Wildlife and Fisheries Commission to establish a special seventy-day dove season south of Interstate 10 from the Texas/Louisiana border at the Sabine River eastward to the Mississippi River.

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

Messages from the House

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

Message from the House

**ADOPTION OF
CONFERENCE COMMITTEE REPORT**

April 16, 2002

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has adopted the Report of the Conference Committee on the disagreement to Senate Bill No. 21.

Respectfully submitted,
ALFRED W. SPEER

Clerk of the House of Representatives

Message from the House

**PASSED SENATE BILLS AND
JOINT RESOLUTIONS**

April 16, 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. 26—

BY SENATOR HAINKEL

AN ACT

To amend and reenact R.S. 38:2212(A)(3)(a), 2212.1(B)(1), 2237(A)(6), and 2238.2(A)(2)(a) and (b), relative to public contracts; to authorize certain advertisements by electronic media; and to provide for related matters.

Reported without amendments.

SENATE BILL NO. 112—

BY SENATORS HOLLIS, HAINKEL, LENTINI, HEITMEIER AND ULLO AND REPRESENTATIVES ANSARDI, BOWLER, GREEN, SCALISE, SNEED AND TOOMY

AN ACT

To amend and reenact R.S. 39:1367(E)(2)(a)(iv), R.S. 47:820.2(B)(3)(d), and to enact R.S. 39:1367(E)(2)(a)(v), relative to the state debt limit; to provide for the use of funds subject to the state debt limit; to provide for the definition of net state tax supported debt; to authorize the Department of Transportation and Development to enter into cooperative endeavor agreements with certain local governing authorities for completion of certain projects; to authorize certain reimbursements from the TIMED program; and to provide for related matters.

Reported without amendments.

SENATE BILL NO. 97—

BY SENATORS CAIN AND ULLO

AN ACT

To enact R.S. 18:1505.2(Q), relative to campaign finance; to prohibit the contribution, loan, expenditure, transfer, or other use of certain funds; to provide for penalties; and to provide for related matters.

Reported without amendments.

Respectfully submitted,
ALFRED W. SPEER

Clerk of the House of Representatives

Message from the House

HOUSE CONFEREES APPOINTED

April 16, 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. 71 by Senator B. Jones:

Representatives Pinac, Doerge and Gary Smith.

Respectfully submitted,
ALFRED W. SPEER

Clerk of the House of Representatives

Message from the House

HOUSE CONFEREES APPOINTED

April 16, 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 House Bill No. 125 by Representative Schneider:

Representatives Schneider, Stelly and Flavin.

Respectfully submitted,
ALFRED W. SPEER

Clerk of the House of Representatives

Message from the House

HOUSE CONFEREES APPOINTED

April 16, 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 House Bill No. 129 by Representative Schneider:

Representatives Schneider, Stelly and Flavin.

Respectfully submitted,
ALFRED W. SPEER

Clerk of the House of Representatives

Message from the House

HOUSE CONFEREES APPOINTED

April 16, 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 House Bill No. 132 by Representative LeBlanc:

Representatives LeBlanc, Salter and Alario.

Respectfully submitted,
ALFRED W. SPEER

Clerk of the House of Representatives

Message from the House

HOUSE CONFEREES APPOINTED

April 16, 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 House Bill No. 134 by Representative Schneider:

Representatives Schneider, Stelly and Flavin.

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

Message from the House

HOUSE CONFEREES APPOINTED

April 16, 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 House Bill No. 149 by Representative Hebert:

Representatives Hebert, Erdey and Morrish.

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

Message from the House

HOUSE CONFEREES APPOINTED

April 16, 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 House Bill No. 164 by Representative Daniel:

Representatives Daniel, Pierre and DeWitt.

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

**Appointment of Conference Committee
on House Concurrent Resolution No. 27**

The President of the Senate appointed on the Conference Committee on House Concurrent Resolution No. 27 the following members of the Senate: Senators Hines, Dardenne and Theunissen.

**Appointment of Conference Committee
on House Bill No. 132**

The President of the Senate appointed on the Conference Committee on House Bill No. 132 the following members of the Senate: Senators Hines, Ellington and Dardenne.

**Appointment of Conference Committee
on House Bill No. 149**

The President of the Senate appointed on the Conference Committee on House Bill No. 149 the following members of the Senate: Senators Cravins, Lentini and Hollis.

**Appointment of Conference Committee
on House Bill No. 164**

The President of the Senate appointed on the Conference Committee on House Bill No. 164 the following members of the Senate: Senators Malone, B. Jones and Romero.

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 16, 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. 65—
BY REPRESENTATIVE CAZAYOUX
A CONCURRENT RESOLUTION**

To express the sincere and heartfelt condolences of the Legislature of Louisiana upon the death of Anthony "Tony" Rockforte.

**HOUSE CONCURRENT RESOLUTION NO. 66—
BY REPRESENTATIVES DOWNER, BALDONE, DARTEZ, PITRE, AND
TRICHE AND SENATORS DUPRE AND GAUTREAUX
A CONCURRENT RESOLUTION**

To commend and congratulate Don Gomez of Houma upon his receipt of a 2002 Governor's Arts Award.

**HOUSE CONCURRENT RESOLUTION NO. 67—
BY REPRESENTATIVE HUNTER
A CONCURRENT RESOLUTION**

To commend the members of the 2002 Carroll High Magnet School Basketball Team for an exceptional season and for winning the 3-A High School Basketball State Championship.

HOUSE CONCURRENT RESOLUTION NO. 68—

BY REPRESENTATIVE HUNTER

A CONCURRENT RESOLUTION

To commend the members of the Carroll Junior High Magnet School Basketball Team for an exceptional season and for winning the 2001-2002 USSSA Junior High School Basketball State Championship.

HOUSE CONCURRENT RESOLUTION NO. 69—

BY REPRESENTATIVE SCALISE

A CONCURRENT RESOLUTION

To commend the Louisiana State University Fighting Tiger baseball team and the Tulane University Green Wave baseball team for setting the national collegiate baseball attendance record of 27,673.

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. 65—

BY REPRESENTATIVE CAZAYOUX

A CONCURRENT RESOLUTION

To express the sincere and heartfelt condolences of the Legislature of Louisiana upon the death of Anthony "Tony" Rockforte.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table listing names of representatives voting YEAS for Resolution No. 65, including Mr. President, Bajoie, Barham, Boissiere, Cain, Campbell, Chaisson, Cravins, Dardenne, Dupre, Ellington, Fields, Fontenot, Heitmeier, Hines, Holden, Hoyt, Irons, Johnson, Jones, B, Jones, C, Lambert, Lentini, Malone, Marionneaux, McPherson, Michot, Mount, Schedler, Smith, Theunissen, and Thomas.

NAYS

ABSENT

Table listing names of representatives voting ABSENT: Bean, Dean, Gautreaux, Hollis, Romero, Tarver.

Total—0

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. 66—

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

A CONCURRENT RESOLUTION

To commend and congratulate Don Gomez of Houma upon his receipt of a 2002 Governor's Arts Award.

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

Table listing names of representatives voting YEAS for Resolution No. 66, including Mr. President, Bajoie, Barham, Boissiere, Cain, Campbell, Chaisson, Cravins, Dardenne, Dupre, Ellington, Fields, Fontenot, Heitmeier, Hines, Holden, Hoyt, Irons, Johnson, Jones, C, Lambert, Lentini, Malone, Marionneaux, McPherson, Michot, Mount, Romero, Schedler, Smith, Theunissen, and Thomas.

Total—33

NAYS

Total—0

ABSENT

Table listing names of representatives voting ABSENT: Bean, Dean, Gautreaux, Hollis, Jones, B, Tarver.

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

HOUSE CONCURRENT RESOLUTION NO. 67—

BY REPRESENTATIVE HUNTER

A CONCURRENT RESOLUTION

To commend the members of the 2002 Carroll High Magnet School Basketball Team for an exceptional season and for winning the 3-A High School Basketball State Championship.

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

ROLL CALL

The roll was called with the following result:

YEAS

April 16, 2002

Mr. President	Fontenot	McPherson
Bajoie	Heitmeier	Michot
Barham	Hines	Mount
Cain	Holden	Romero
Campbell	Hoyt	Schedler
Chaisson	Irons	Smith
Cravins	Johnson	Theunissen
Dardenne	Jones, C	Thomas
Dupre	Lambert	Ullo
Ellington	Lentini	
Fields	Marionneaux	
Total—31		

NAYS

Total—0

ABSENT

Bean	Gautreaux	Malone
Boissiere	Hollis	Tarver
Dean	Jones, B	
Total—8		

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

HOUSE CONCURRENT RESOLUTION NO. 68—
BY REPRESENTATIVE HUNTER

A CONCURRENT RESOLUTION

To commend the members of the Carroll Junior High Magnet School Basketball Team for an exceptional season and for winning the 2001-2002 USSSA Junior High School Basketball State Championship.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total—0

ABSENT

Bean	Gautreaux	Jones, B
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Dean	Hollis	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. 69—
BY REPRESENTATIVE SCALISE

A CONCURRENT RESOLUTION

To commend the Louisiana State University Fighting Tiger baseball team and the Tulane University Green Wave baseball team for setting the national collegiate baseball attendance record of 27,673.

The resolution was read by title. Senator Heitmeier 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	Heitmeier	McPherson
Boissiere	Hines	Michot
Cain	Holden	Mount
Campbell	Hoyt	Romero
Chaisson	Irons	Schedler
Cravins	Johnson	Smith
Dardenne	Jones, C	Theunissen
Dupre	Lambert	Thomas
Ellington	Lentini	Ullo
Total—33		

NAYS

Total—0

ABSENT

Bean	Gautreaux	Jones, B
Dean	Hollis	Tarver
Total—6		

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

Rules Suspended

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

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

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

SENATE BILL NO. 2—

BY SENATORS THOMAS, HINES AND SMITH

AN ACT

To amend and reenact R.S. 3:493 and R.S. 33:4831, 4832, and 4835, and to enact R.S. 33:4836, relative to the direct sale by a farmer to consumers of farm products; to prohibit requiring permits or licenses for the direct sale of farm products; to prohibit imposition of any permit or license fee or tax on a farmer selling farm produce directly to consumers; to prohibit the enactment of ordinances prohibiting the direct sale of farm produce by the producing farmer or his employee; and to provide for related matters.

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

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Agriculture to Engrossed Senate Bill No. 2 by Senator Thomas

AMENDMENT NO. 1

On page 1, line 2 after "3:493" delete the remainder of the line and on line 3, delete "enact R.S. 33:48:36"

AMENDMENT NO. 2

On page 1, line 4, after "products;" delete the remainder of the line and on line 5, delete "sale of farm products;" and insert "to authorize the employees of farmers to sell such farm products;"

AMENDMENT NO. 3

On page 1, line 6, after "farmer" insert "or farmer's employee"

AMENDMENT NO. 4

On page 1, at the end of line 6 delete "to" and delete line 7 in its entirety and on line 8, delete "produce by the producing farmer or his employee;"

AMENDMENT NO. 5

On page 1, line 13, delete "permit," and at the beginning of line 14 delete "license,"

AMENDMENT NO. 6

On page 2, line 1, change "of such trucker, farmer," to "of such farmer"

AMENDMENT NO. 7

On page 2, line 2, after "produce" insert "or products"

AMENDMENT NO. 8

On page 2, line 4, after "means, and" delete the remainder of the line and at the beginning of line 5 delete "license, or pay" and insert "no state, parochial, or municipal authority shall require the payment of"

AMENDMENT NO. 9

On page 2, line 6, after "whatsoever." insert the following "Any such person may sell the produce, whether raw or processed, and shall not be required to pay an occupational license tax."

AMENDMENT NO. 10

On page 2, line 8, after "produce" insert "or products"

AMENDMENT NO. 11

On page 2, line 11, after "produce" insert "or products"

AMENDMENT NO. 12

On page 2, line 13, change "trucker, farmer," to "farmer"

AMENDMENT NO. 13

On page 2, delete lines 15 through 26

AMENDMENT NO. 14

On page 3, delete lines 1 through 20

AMENDMENT NO. 15

On page 3, line 21, change "Section 3." to "Section 2."

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fontenot	Marionneau
Bajoie	Heitmeier	McPherson
Barham	Hines	Michot
Boissiere	Holden	Mount
Cain	Hoyt	Romero
Campbell	Irons	Schedler
Chaisson	Johnson	Smith
Cravins	Jones, B	Theunissen
Dardenne	Jones, C	Thomas
Dupre	Lambert	Ullo
Ellington	Lentini	
Fields	Malone	

Total—34

NAYS

Total—0

ABSENT

Bean	Gautreaux	Tarver
Dean	Hollis	

Total—5

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

SENATE BILL NO. 4—

BY SENATOR SMITH AND REPRESENTATIVE R. ALEXANDER

AN ACT

To enact R.S. 13:2113, relative to the City Court of Winnfield; to provide for the transfer of surplus funds from the court's civil fee account to the court's general operational fund; and to provide for related matters.

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

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Judiciary to Engrossed Senate Bill No. 4 by Senator Smith and Representative R. Alexander

AMENDMENT NO. 1

On page 1, line 15, after "13:1874(A)." add the following:

"The provisions of this Section shall not effect any claim or right granted to a claimant by the provisions of the Uniform Unclaimed Property Act, R.S. 9:151 et seq. Prior to the transfer of any surplus funds from the civil fee account to the general operational fund of the court, the clerk of court of the city court shall furnish to the State Treasurer a list of names, account balances, and last known addresses of any person to whom money is owed. After transfer of the surplus funds from the civil fee account to the general operational fund of the court, the city court shall remain liable for the full amount of any viable claim for unclaimed property in accordance with any other provision of law."

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative R. Alexander to Engrossed Senate Bill No. 4 by Senator Smith and Representative R. Alexander

AMENDMENT NO. 1

In House Committee Amendment No. 1, proposed by the House Committee on Judiciary and adopted by the House on April 10, 2002, on page 1, line 5, after the period "." delete the remainder of the line and delete lines 6 through 9, and on line 10, delete "money is owed."

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Mr. President, Heitmeier, McPherson, Bajoie, Hines, Michot, Barham, Holden, Mount, Boissiere, Hoyt, Romero, Cain, Irons, Schedler, Campbell, Johnson, Smith, Chaisson, Jones, C, Theunissen, Dardenne, Lambert, Thomas, Ellington, Lentini, Ullo, Fields, Malone, Marionneaux, Fontenot, Total—31

NAYS

Total—0

ABSENT

Table with 3 columns: Bean, Dupre, Jones, B, Cravins, Gautreaux, Tarver, Dean, Hollis, Total—8

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

SENATE BILL NO. 27—

BY SENATORS HAINKEL AND MALONE

A JOINT RESOLUTION

Proposing to enact Article X, Section 25.1 of the Constitution of Louisiana, relative to state and local public employees; to require that the legislature provide by law for the removal of a state or local public employee upon conviction of a felony; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

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

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on House and Governmental Affairs to Reengrossed Senate Bill No. 27 by Senators Hainkel and Malone

AMENDMENT NO. 1

On page 2, at the beginning of line 4, delete "commission or"

AMENDMENT NO. 2

On page 2, at the beginning of line 18, delete "commission or"

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Mr. President, Fontenot, Marionneaux, Bajoie, Heitmeier, McPherson, Barham, Hines, Michot, Boissiere, Holden, Mount, Cain, Hoyt, Romero, Campbell, Irons, Schedler, Chaisson, Johnson, Smith, Cravins, Jones, B, Theunissen, Dardenne, Jones, C, Thomas, Dupre, Lambert, Ullo, Ellington, Lentini, Fields, Malone, Total—34

NAYS

Total—0

ABSENT

Bean	Gautreaux	Tarver
Dean	Hollis	
Total—5		

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

SENATE BILL NO. 51—
BY SENATOR CAMPBELL

AN ACT

To enact R.S. 48:386.1, relative to railroads; to provide for the maintenance of railroad rights of way; to provide for definitions; to provide for notice for failure to maintain rights of way; to provide for fines; to provide for limitation of liability; and to provide for related matters.

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

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Transportation, Highways and Public Works to Reengrossed Senate Bill No. 51 by Senator Campbell

AMENDMENT NO. 1

On page 1, line 12, between "of" and "hundred" change "four" to "three"

AMENDMENT NO. 2

On page 1, line 14, between "of" and "feet" change "one hundred" to "fifty"

AMENDMENT NO. 3

On page 3, delete lines 5 through 12 in their entirety

AMENDMENT NO. 4

On page 3, at the beginning of line 13, change "(2)" to "D.(1)"

AMENDMENT NO. 5

On page 3, at the end of line 13, change "shall" to "may"

AMENDMENT NO. 6

On page 3, at the beginning of line 23, change "(3)" to "(2)"

AMENDMENT NO. 7

On page 3, at the end of line 23 change "shall" to "may"

AMENDMENT NO. 8

On page 4, at the beginning of line 4, change "(4)" to "(3)"

AMENDMENT NO. 9

On page 4, at the end of line 4, delete "in"

AMENDMENT NO. 10

On page 4, delete line 5 and at the beginning of line 6, delete "governing authority"

AMENDMENT NO. 11

On page 4, at the beginning of line 10, change "(5)" to "(4)"

AMENDMENT NO. 12

On page 4, line 24, between "be" and "admissible" insert "discoverable or"

AMENDMENT NO. 13

On page 4, delete lines 26 and 27, and on page 5, delete lines 1 through 9 and insert the following:

"Section 2. The provisions of this Act shall not be enforceable for any purpose until one hundred and twenty days after the effective date of this Act so as to allow the railroad companies operating in this state to bring the affected public highway railroad grade crossings into compliance with the provisions of this Act. The Department of Transportation and Development shall immediately notify each railroad company operating in this state of the enactment of this Act by serving a copy of this Act on the registered agent for service of process of each railroad company by certified mail, return receipt requested."

AMENDMENT NO. 14

On page 5, line 10, change "Section 4" to "Section 3"

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total—0

ABSENT

Bajoie	Dean	Hollis
Bean	Gautreaux	Tarver
Total—6		

The Chair declared the amendments proposed by the House were concurred in. Senator Campbell moved to reconsider the vote

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by which the amendments were concurred in and laid the motion on the table.

SENATE BILL NO. 52—

BY SENATORS CAMPBELL, BARHAM, BEAN, BOISSIERE, CHAISSON, CRAVINS, DARDENNE, DUPRE, ELLINGTON, FIELDS, HEITMEIER, HOLDEN, HOLLIS, HOYT, IRONS, JOHNSON, B. JONES, C. JONES, LAMBERT, LENTINI, MALONE, MICHOT, MOUNT, SCHEDLER, SMITH, TARVER, THEUNISSEN, AND ULLO

AN ACT

To amend and reenact R.S. 32:169(E), relative to railroads; to provide for cross buck, stop and warning signs; to require traffic control devices at all public railroad grade crossings located within one-half mile of any elementary or secondary school; and to provide for related matters.

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

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Transportation, Highways and Public Works to Reengrossed Senate Bill No. 52 by Senator Campbell, et al.

AMENDMENT NO. 1

On page 1, after "R.S. 32:169(E)" delete the comma "," and insert the following: " and to enact R.S. 32:169(G),"

AMENDMENT NO. 2

On page 1, line 5, after "school;" and before "and" insert the following:

"to require the Department of Transportation and Development in cooperation with each parish superintendent of transportation to identify all public high railroad grade crossings on state highways located within one-half mile of any elementary or secondary school; to provide for reports on such surveys of crossings; to provide relative to the limitation of liability under certain circumstances;"

AMENDMENT NO. 3

On page 1, line 7, after "reenacted" and before "to" insert the following: "and R.S. 32:169(G) is hereby enacted"

AMENDMENT NO. 3

On page 2, line 10, between "located" and "within" insert "on state highways"

AMENDMENT NO. 4

On page 2, at the end of line 18, change "June 1, 2002." to "February 1, 2003."

AMENDMENT NO. 5

On page 2, delete line 22 and insert the following: "March 1, 2003. Beginning in 2004, the department shall file an"

AMENDMENT NO. 6

On page 3, delete lines 7 through 15 in their entirety

AMENDMENT NO. 7

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

* * *

R.S. 32:169(G) is all proposed new law.

(G) In any civil action to recover damages arising from or out of a railroad grade crossing accident, the survey and initial or annual reports of railroad grade crossings prepared pursuant to Subsection (E) of this Section shall not be considered as comparative negligence and shall not be discoverable or admissible as evidence in any civil trial."

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Townsend to Reengrossed Senate Bill No. 52 by Senator Campbell

AMENDMENT NO. 1

Delete Amendment No. 6 proposed by the House Committee on Transportation, Highways and Public Works, and adopted by the House on April 10, 2002.

AMENDMENT NO. 2

On page 3, line 11, after the period "." insert "The department is authorized to use" and change "At" to "at"

AMENDMENT NO. 3

On page 3, line 13, after "upgrades" and before "to" delete "shall be used"

AMENDMENT NO. 4

On page 3, at the end of line 15, after "cross-arms" and before the period "." insert "provided that such use complies with all other state and federal laws and regulations"

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Mr. President, Fontenot, Marionneaux, Bajoie, Heitmeier, McPherson, Barham, Hines, Michot, Boissiere, Holden, Mount, Cain, Hoyt, Romero, Campbell, Irons, Schedler, Chaisson, Johnson, Smith, Cravins, Jones, B, Theunissen, Dardenne, Jones, C, Thomas, Dupre, Lambert, Ullo, Ellington, Lentini, Fields, Malone

Total—34

NAYS

Total—0

ABSENT

Table with 3 columns: Bean, Gautreaux, Tarver

Dean Hollis
Total—5

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

SENATE BILL NO. 65—
BY SENATOR DUPRE AND REPRESENTATIVE BALDONE
AN ACT

To enact R.S. 18:532.1(H), relative to precincts; to allow parish governing authorities to consolidate certain precincts; and to provide for related matters.

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

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on House and Governmental Affairs to Engrossed Senate Bill No. 65 by Senator Dupre and Representative Baldone

AMENDMENT NO. 1

On page 1, line 2, after "532.1" delete "(H)," and insert (G)(2)(f), (g), (h), and (H),"

AMENDMENT NO. 2

On page 1, line 2, after "allow" and before "parish" insert "certain"

AMENDMENT NO. 3

On page 1, line 3, after "precincts;" insert "to provide for the effective date of certain precincts; to provide for approval and review of certain precinct changes;

AMENDMENT NO. 4

On page 1, line 6, after "532.1" delete "(H) is" and insert (G)(2)(f), (g), (h), and (H) are"

AMENDMENT NO. 5

On page 1, delete lines 10 through 16 and delete page 2 and on page 3, delete lines 1 through 3 and insert the following:

"G.(2) * * *

(f) Any division of precincts adopted pursuant to Subparagraph (a) of this Paragraph shall not become effective prior to July 20, 2003, for any purpose.

(g) The provisions of Subparagraph (f) of this Paragraph shall not apply to any precinct division adopted solely to enable or facilitate the reapportionment or redistricting of a parish, city, or other local public school board.

(h) The provisions of Subparagraph (f) of this Paragraph shall not apply to any precinct division in a parish in which the district lines for the parish governing authority and the parish school board resulting from reapportionment and redistricting following the 2000 United States Census are coterminous. In such a parish, the parish governing authority may consolidate precincts pursuant to Paragraph (H)(2) of this Section by ordinance adopted prior to August 1, 2002.

Any such precinct consolidation shall be contingent upon approval pursuant to Paragraph (C)(2) of this Section of the precinct ordinances adopted pursuant to Subparagraph (2)(a) of this Paragraph and the preclearance pursuant to the Voting Rights Act of 1965 of the precinct ordinances and the reapportionment and redistricting plans of all local governing authorities and the parish, city, and other local public school boards within the area affected by the consolidation.

H.(1) During the time period of December 1, 2002 through March 31, 2003, a parish governing authority may consolidate precincts in accordance with the provisions of Paragraph (2) of this Subsection.

(2)(a) When in order to make it more convenient for voters to vote, to facilitate the administration of the election process, or to comply with the provisions of R.S. 18:532(B)(1) or (4), it becomes necessary to consolidate a precinct with one or more adjacent precincts, the precincts may be consolidated but only when the precincts that are joined are in the same legislative, Public Service Commission, State Board of Elementary and Secondary Education, state, federal, and local governing authority voting district as such districts have been redistricted subsequent to the release of the 2000 federal decennial census. However, no precinct shall be consolidated unless the local governing authorities and the parish, city, or other local public school boards within the area affected by the consolidation have completed redistricting and received preclearance pursuant to the Voting Rights Act of 1965.

(b) A certified copy of the ordinance describing such precinct consolidations, a written description of such new precinct boundaries, and a copy of a map clearly detailing the precinct boundaries within the parish shall be sent to the secretary of state, the commissioner of elections, the secretary of the Senate, the clerk of the House of Representatives, and the registrar of voters of the parish within fifteen days after the adoption of the ordinance.

(c) No precinct consolidation shall become effective without prior review and approval by the commissioner of elections, the secretary of the Senate, and the clerk of the House of Representatives, or their designees.

(d) No precinct consolidation shall become effective unless precleared pursuant to the Voting Rights Act of 1965 and such precinct consolidations shall be subject to Subsection E of this Section.

(3) No parish governing authority which consolidated precincts pursuant to the authority in Subparagraph (G)(2)(h) of this Section shall consolidate precincts during the time period provided in Paragraph (1) of this Subsection.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fontenot	Malone
Bajoie	Heitmeier	McPherson
Barham	Hines	Michot
Boissiere	Holden	Mount
Cain	Hoyt	Schedler

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Campbell	Irons	Smith
Chaisson	Jones, B	Theunissen
Dardenne	Jones, C	Thomas
Dupre	Lambert	Ullo
Ellington	Lentini	
Total—29		

NAYS

Total—0

ABSENT

Bean	Gautreaux	Romero
Cravins	Hollis	Tarver
Dean	Johnson	
Fields	Marionneaux	
Total—10		

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

Personal Privilege

Senator Johnson asked for and obtained the floor of the Senate on a point of personal privilege, and stated he appeared as absent on the vote on Senate Bill No. 65. He had intended to vote yea on the bill. He asked that the Official Journal so state.

SENATE BILL NO. 66—
BY SENATOR SCHEDLER

AN ACT

To enact R.S. 44:4(36), relative to public records; to provide relative to the confidentiality of supplemental rebate information contained in the records of the Department of Health and Hospitals and its agents; to provide an exemption of such information from the Public Records Act; to provide for an effective date; and to provide for related matters.

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

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on House and Governmental Affairs to Engrossed Senate Bill No. 66 by Senator Schedler

AMENDMENT NO. 1

On page 2, line 4, after "public record." delete the remainder of the line and delete line 5 and insert "All such information"

AMENDMENT NO. 2

On page 2, line 6, after "legislative auditor" delete the remainder of the line and delete line 7 and insert a period "."

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Murray to Engrossed Senate Bill No. 66 by Senator Schedler

AMENDMENT NO. 1

In Amendment No. 2 proposed by the House and Governmental Affairs Committee and adopted by the House on April 10, 2002, on page 1, line 6, after "and insert" delete the remainder of the line and insert "and the Legislative Fiscal Officer."

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative DeWitt to Engrossed Senate Bill No. 66 by Senator Schedler

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 44:4(36)" and before the comma "," insert "and R.S. 49:258(4)"

AMENDMENT NO. 2

On page 1, between lines 5 and 6, insert the following: "to provide for the procurement of private contractual legal services for state agencies; to provide for the procurement of such legal services for the Department of Health and Hospitals in certain cases; to provide for approval by the governor, the attorney general, and the court;"

AMENDMENT NO. 3

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

"Section 2. R.S. 49:258(4) is hereby enacted to read as follows:

§258. Procurement of private contractual legal services for state agencies

Notwithstanding the provisions of any other law to the contrary and specifically the provisions of any law that authorizes the state or a state agency to appoint, employ, or contract for private legal counsel to represent the state or a state agency, including but not limited to the provisions of R.S. 42:261, 262, and 263 and R.S. 40:1299.39(E), any appointment of private legal counsel to represent the state or a state agency shall be made by the attorney general with the concurrence of the commissioner of administration in accordance with the following procedure:

* * *

(4) With the consent and approval of the governor or his designee and the secretary of the Department of Health and Hospitals, the attorney general may employ private counsel on a contingency fee basis to represent the secretary and the Medical Assistance Program in any suit to recover any overcharges, unpaid rebates, or other amounts, including but not limited to related civil fines, penalties, interest, and other recoveries allowed by law, which were improperly paid by or otherwise due and owing to the Medical Assistance Program for pharmaceuticals and related items and services. In addition, any contingent fee shall be payable only upon approval by the court in which the suit is filed upon a finding that said fee is reasonable and appropriate.

* * *"

AMENDMENT NO. 4

On page 2, line 8, after "Section" change "2" to "3"

Senator Schedler moved to reject the amendments proposed by the House.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Ellington	Malone
Bajoie	Fontenot	McPherson
Barham	Heitmeier	Michot
Boissiere	Holden	Mount
Cain	Hoyt	Schedler
Campbell	Irons	Smith
Chaisson	Johnson	Theunissen
Cravins	Jones, C	Thomas
Dardenne	Lambert	Ullo
Dupre	Lentini	
Total—29		

NAYS

Romero
Total—1

ABSENT

Bean	Gautreaux	Jones, B
Dean	Hines	Marionneaux
Fields	Hollis	Tarver
Total—9		

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

SENATE BILL NO. 68—

BY SENATORS SCHEDLER, HINES AND B. JONES
AN ACT

To enact Chapter 11-F of Title 23 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 23:1901, relative to the creation of the Louisiana Health Works Commission; to provide for membership of the commission; to provide for compensation for members; to provide for staff and facilities; to provide for powers and duties of the commission, including the creation of the Allied Health Workforce Council; and to provide for related matters.

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

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Labor and Industrial Relations to Reengrossed Senate Bill No. 68 by Senator Schedler

AMENDMENT NO. 1

On page 3, line 21, delete "and" and insert a comma ","

AMENDMENT NO. 2

On page 3, delete line 22 and insert the following: "institutions, and one academic administrator from the disciplines of nursing or allied health to represent the Southern University School of Nursing who shall be designated by the president the university."

AMENDMENT NO. 3

On page 3, after line 27, insert the following:

"(w) Two academicians designated by the president of the Louisiana State University and Agricultural and Mechanical College.

(x) The president of the Louisiana Association of Independent Colleges and Universities or his designee.

(y) A representative of the AFL-CIO.

(z) A representative of the Employee Assistance Professionals Association.

(aa) A representative of Louisiana State University Hospitals."

AMENDMENT NO. 4

On page 4, delete lines 22 and 23 in their entirety

AMENDMENT NO. 5

On page 4, line 24, change "(3)" to "(2)"

AMENDMENT NO. 6

On page 4, line 26, change "(4)" to "(3)"

AMENDMENT NO. 7

On page 6, between lines 4 and 5, insert the following:

"(l) Louisiana Association of Independent Colleges and Universities.

(m) Louisiana Dental Association.

(n) Louisiana Occupational Therapy Association.

(o) Louisiana Primary Care Association.

(p) Louisiana Speech-Language Hearing Association.

(q) Louisiana Osteopathic Association.

(r) Chiropractic Association of Louisiana.

(s) Louisiana State Board of Chiropractic Examiners."

AMENDMENT NO. 8

On page 6, line 5, delete "and accept" and insert a comma "," and "accept and consider"

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative R. Alexander to Reengrossed Senate Bill No. 68 by Senator Schedler

AMENDMENT NO. 1

On page 2, line 27, after "Relations" and before the period "." insert "or his designee"

AMENDMENT NO. 2

On page 3, line, after "Committee" and before the period "." insert "or his designee"

AMENDMENT NO. 3

In House Committee Amendment No. 3 proposed by the House Committee on Labor and Industrial Relations and adopted by the House of Representatives on April 10, 2002, between lines 19 and 20 insert the following:

"(bb) A representative of the Louisiana Ambulance Association.

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(cc) The chairman of the Medical Education Commission or his designee, provided that the commission member provided herein shall also be a member of the Louisiana State Medical Society."

AMENDMENT NO. 4

In House Committee Amendment No. 7 proposed by the House Committee on Labor and Industrial Relations and adopted by the House of Representatives on April 10, 2002, between lines 5 and 6 insert the following:

- "(t) Louisiana Ambulance Association.
(u) Louisiana Counselors Association."

AMENDMENT NO. 5

On page 3, delete line 20 and insert "of Regents, one to"

AMENDMENT NO. 6

On page 4, delete lines 4 through 8 and insert the following:

"(5) Nominating bodies shall submit their nominees to the Louisiana Workforce Commission not later than June 30, 2002. Members shall serve at the pleasure of nominating groups, organizations, or agencies.

(6)(a) There shall be an executive committee composed of the following:

- (i) The commissioner of higher education or his designee for the commission.
(ii) The chairman of the Nursing Supply and Demand Commission or his designee for the commission.
(iii) The commission member representing the chairman of the Medical Education Commission.
(iv) The chairman of the Allied Health Workforce Council or his designee for the commission.
(iv) The president of the Louisiana Hospital Association or his designee for the commission.

- (b) The executive committee shall:
(i) Elect the chairperson of the commission.
(ii) Establish rules of procedure to be adopted in accordance with the Administrative Procedure Act.
(iii) Perform other tasks as the commission directs or the adopted rules of procedure require.

(7) The commission shall meet at least once each calendar quarter unless the executive committee determines that there is no necessity for such a meeting."

AMENDMENT NO. 7

On page 4, at the end of line 17, add the following:

"The commission shall submit its initial annual report to such committees by February 1, 2003."

AMENDMENT NO. 8

On page 6, line 5, change "G." to "G.(1)"

AMENDMENT NO. 9

On page 6, between lines 12 and 13, insert the following:

"(2) The Nursing Supply and Demand Commission, the Medical Education Commission, and the Allied Health Workforce

Council shall each make initial reports to the commission no later than September 1, 2002."

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Name, YEAS, NAYS. Lists names like Mr. President, Bajoie, Barham, etc., and their corresponding counts.

NAYS

Total—0

ABSENT

Table with 3 columns: Name, ABSENT, NAYS. Lists names like Bean, Dean, Fields, etc., and their corresponding counts.

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

Rules Suspended

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

Senate Bills and Joint Resolutions Returned from the House of Representatives with Amendments, Subject to Call

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

Called from the Calendar

Senator Hainkel asked that Senate Bill No. 28 be called from the Calendar at this time.

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.

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

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Appropriations to Engrossed Senate Bill No. 28 by Senator Hainkel

AMENDMENT NO. 1

On page 1, line 5, after "devices" and the semicolon ";" and before "and to provide" insert "to provide for exceptions;"

AMENDMENT NO. 2

On page 1, at the beginning of line 11, delete "A." and insert "A. (1)"

AMENDMENT NO. 3

On page 2, line 3, after "Section" and the period "." and before "The state" insert "(2)(a)"

AMENDMENT NO. 4

On page 2, line 14, after "Section" and the period "." and before "The authorization" insert the following:

"The provisions of this Paragraph shall not be applicable to public post-secondary institutions of higher education.

(b) Notwithstanding the provisions of Paragraph (2) of this Subsection, each public post-secondary institution of higher education may assess a fee, for each card or device, and for each method of conducting transactions, to be accepted for approved payment of transactions authorized by this Section. The amount of any such fee shall be as determined by the respective public post-secondary institution of higher education, and shall be considered a "state charge" as provided in this Section.

(3)"

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative DeWitt to Engrossed Senate Bill No. 28 by Senator Hainkel

AMENDMENT NO. 1

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

"Section 2. Notwithstanding any provision of law to the contrary, the treasurer is hereby authorized and directed, not later than June 30, 2003, to transfer and credit to the Self-Insurance Fund any balance remaining in the fund created under the provisions of R.S. 39:137 upon certification by the commissioner of administration that the requirements for use of such monies as provided by R.S. 39:137(B) through (F) have been satisfied."

AMENDMENT NO. 3

On page 2, line 21, change "2" to "3"

Senator Hainkel moved to reject the amendments proposed by the House.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Ellington	Michot
Bajoie	Heitmeier	Mount
Barham	Hines	Romero
Boissiere	Holden	Schedler
Cain	Hoyt	Smith
Campbell	Johnson	Theunissen
Chaisson	Jones, B	Thomas
Cravins	Lambert	Ullo
Dardenne	Lentini	
Dupre	Malone	
Total—28		

NAYS

Total—0

ABSENT

Bean	Gautreaux	Marionneaux
Dean	Hollis	McPherson
Fields	Irons	Tarver
Fontenot	Jones, C	
Total—11		

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

Rules Suspended

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

Reports of Committees

The following reports of committees were received and read:

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 16, 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:

HOUSE BILL NO. 20—

BY REPRESENTATIVE THOMPSON
AN ACT

To enact R.S. 15:255(I), relative to the special witness fee funds in each of the parishes in the Fifth Judicial District; to provide for the transfer of surplus monies in those funds to the criminal court fund of that district court; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 144—

BY REPRESENTATIVES HAMMETT, DEWITT, PINAC, FAUCHEUX,
GLOVER, MURRAY, AND THOMPSON
AN ACT

To amend and reenact R.S. 51:2452(A), 2453, 2454, 2455, 2457, 2458(introductory paragraph), 2460, and 2461 and to enact R.S. 51:2456 and 2462, relative to economic development activities; to revise the quality jobs program; to provide for rebates to certain employers based on the gross payroll of new direct jobs in the state; to provide requirements for participation in the program; to provide for payment of such rebates to qualified employers; to provide for an effective date; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
ROBERT J. BARHAM
Chairman

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

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

HOUSE BILL NO. 20—

BY REPRESENTATIVE THOMPSON
AN ACT

To enact R.S. 15:255(I), relative to the special witness fee funds in each of the parishes in the Fifth Judicial District; to provide for the transfer of surplus monies in those funds to the criminal court fund of that district court; and to provide for related matters.

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

HOUSE BILL NO. 144—

BY REPRESENTATIVES HAMMETT, DEWITT, PINAC, FAUCHEUX,
GLOVER, MURRAY, AND THOMPSON
AN ACT

To amend and reenact R.S. 51:2452(A), 2453, 2454, 2455, 2457, 2458(introductory paragraph), 2460, and 2461 and to enact R.S. 51:2456 and 2462, relative to economic development activities; to revise the quality jobs program; to provide for rebates to certain employers based on the gross payroll of new direct jobs

in the state; to provide requirements for participation in the program; to provide for payment of such rebates to qualified employers; 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 Reengrossed House Bill No. 144 by Representative Hammett, et al.

AMENDMENT NO. 1

On page 2, line 2, after "Vision 2020" delete the period "." and insert: "and the Department of Economic Development and the Louisiana Economic Development Council's focus on Louisiana's traditional seed clusters: Advanced Materials; Agriculture, Forest and Food Technology; Durable Goods (Marine, Automotive, Aviation); Entertainment; Information Technology; Biotechnology and Biomedical; Logistics and Transportation; Oil and Gas and Energy; and Petrochemical and Environmental Technology."

AMENDMENT NO. 2

On page 2, line 6, after "if" delete remainder of the line, and delete lines 7 and 8, and on line 9, delete "target cluster in Vision 2020." insert: "~~no less than fifty percent of its business is of a multistate, national, or international nature, or if it is an industry that has been designated as a target cluster in Vision 2020~~ the business meets the provisions of R.S. 51:2453(1)."

AMENDMENT NO. 3

On page 2, line 18, after "related to the" insert "new direct"

AMENDMENT NO. 4

On page 6, line 8, change "seventy-five percent" to "one hundred percent"

AMENDMENT NO. 5

On page 6, line 22, change "seventy-five percent" to "one hundred percent"

AMENDMENT NO. 6

On page 7, delete lines 3 and 4, and insert:

"(ii) The "basic health benefits plan" or the "health insurance coverage" required to be offered or provided by this Subparagraph shall also include ~~(ii)~~ coverage for basic hospital care; ~~(iii)~~ and coverage for physician care; as well as coverage for health care, which shall be the same coverage as is provided to employees employed in a bona fide executive, administrative, or professional capacity by the employer who are exempt from the minimum wage and maximum hour requirements of the federal Fair Labor Standards Act, 29 U.S.C.A. §201, et seq."

AMENDMENT NO. 7

On page 7, line 8, change "medical" to "biotechnology"

AMENDMENT NO. 8

On page 7, line 11, change "the effective date of this Act" to "May 1, 2002"

AMENDMENT NO. 9

On page 7, delete lines 14 through 27, and insert:

"(ii) Must be a manufacturer, as defined by North American Industry Classification System (NAICS) codes 113310, 311-339, 511-512, and 54171, as the employer's primary function.

"(iii) Must be an oil and gas field services business as defined in North American Industry Classification System (NAICS) code 213112 which has new direct jobs that pay not less than thirty thousand dollars per year and meet the health insurance benefits required under RS 51:2453(1) and have Louisiana as the national or regional headquarters of a multi-state business whose service territory includes at least Louisiana and the Gulf of Mexico."

AMENDMENT NO. 10

On page 8, line 1, change "(v)" to "(iv)"

AMENDMENT NO. 11

On page 8, between lines 5 and 6 insert:

"(v) Must have, or will have within one year, sales of at least fifty percent of its total sales to out-of-state customers or buyers, to in-state customers or buyers if the products or service is resold by the purchaser to an out-of-state customer or buyer for ultimate use, or to the federal government. However, contracts with such employers must meet one of the following additional provisions:

(aa) Must be classified as an industry, as defined by NAICS codes, that has a direct state employment multiplier of 2.0 or greater according to the Regional Input/Output Multiplier System II or its successor, which is developed and updated by the Bureau of Economic Analysis within the U.S. Department of Commerce.

(bb) Must be a central administrative office, which means a central center that influences the environment in which data processing, customer service, credit accounting, telemarketing, claims processing, and other administrative functions are accomplished.

(cc) Must have data processing, back office operations, telephone call center operations, as defined in NAICS code 561422.

(dd) Must be a wholesale trade business as defined in NAICS code 42 and have a distribution center of not less than 25,000 square feet."

AMENDMENT NO. 12

On page 8, line 7, change "and enters" to " may enter"

AMENDMENT NO. 13

On page 8, delete lines 16 and 17, and insert:

"(cc) May be renewed after November 1, 2003 for an additional five years, provided that the team has complied with all the terms of the contract, has not performed, or failed to perform, any act which made the applicant liable for suspension, and has complied with the provisions of this Chapter."

AMENDMENT NO. 14

On page 9, delete line 7

AMENDMENT NO.15

On page 9, line 8, change "(v)" to "(iv)"

AMENDMENT NO. 16

On page 9, line 9, change "(vi)" to "(v)"

AMENDMENT NO. 17

On page 9, line 10, change "(vii)" to "(vi)"

AMENDMENT NO. 18

On page 9, line 12, change "(viii)" to "(vii)"

AMENDMENT NO. 19

On page 9, line 13, change "(ix)" to "(viii)"

AMENDMENT NO. 20

On page 9, delete lines 19 and 20, and insert: "rules shall not take effect unless presented to the Louisiana Economic development Council and approved by both the House Committee on Ways and Means and the Senate Committee on Revenue and Fiscal Affairs in a public meeting held for such purpose."

AMENDMENT NO. 21

On page 9, delete lines 21 through 27, and on page 10, delete lines 1 through 9

AMENDMENT NO. 22

On page 10, line 10, change "(5)" to "(2)" and after "wages for" insert "the"

AMENDMENT NO. 23

On page 10, line 11, after "herein" insert "upon which the particular benefit rate is calculated"

AMENDMENT NO. 24

On page 10, line 12, change "(6)" to "(6) (3)"

AMENDMENT NO. 25

On page 10, line 13, after "percentages" delete the remainder of the line and on line 14, delete "payroll"

AMENDMENT NO. 26

On page 10, line 21, after "(i)" insert "(aa)"

AMENDMENT NO. 27

On page 10, line 24, change "(aa)" to "(I)"

AMENDMENT NO. 28

On page 10, line 26, change "(bb)" to "(II)"

AMENDMENT NO. 29

On page 11, line 1, change "(ii)" to "(bb)"

AMENDMENT NO. 30

On page 11, line 5, after "employer" change "must" to "shall"

AMENDMENT NO. 31

On page 11, line 8, change "(iii)" to "(ii)"

AMENDMENT NO. 32

On page 11, line 13, after "effect until" delete the remainder of the line and delete line 14, and insert: "presented to the Louisiana Economic Development Council and approved by both the House Committee on Ways and Means and the Senate Committee on Revenue and Fiscal Affairs at a public meeting held for such purpose."

AMENDMENT NO. 33

On page 11, line 15, change "(7)" to "(4)"

AMENDMENT NO. 34

On page 11, line 18, after "affiliate" insert: "or previously on the payroll of any business whose physical plant and employees are substantially the same as those of the employer. Such job shall be"

AMENDMENT NO. 35

On page 12, line 3, change "(8)" to "(~~8~~) (5)"

AMENDMENT NO. 36

On page 16, line 10, after "B." insert "(1)"

AMENDMENT NO. 37

On page 16, delete lines 11 and 12, and insert:

"unless there has been a failure to comply provided that:

(a) The applicant has complied with all the terms of the contract, has not performed, or failed to perform, any act which made the applicant liable for suspension, and has complied with the provisions of this Chapter.

(b) The statutory minimum hourly wage for the new direct jobs subject to each benefit rate required when the contract was entered into has increased by an amount which is no less than the greater of either of the following:

(i) The percentage increase in the Consumer Price Index published by the United States Department of Labor for the five years of the initial term of the contract, compounded.

(ii) Two percent for the five years of the initial term of the contract, compounded.

€: (2) In addition, on and after July 1, 2000, a contract entered into prior to May 1, 2002, may be renewed only if the establishment agrees to the requirements provided for in Act 46 of the 2000 Regular Session of the Legislature. "

AMENDMENT NO. 38

On page 16, line 21, after "(2)" insert "(a)"

AMENDMENT NO. 39

On page 16, line 25, change "agency" to ", or any of its agencies, or political subdivisions"

AMENDMENT NO. 40

On page 16, between lines 25 and 26, insert:

"(b)(i) No contract shall be executed under this Chapter with an employer who has entered into a contract or other agreement with any person or entity in which the employer is required to pay to or otherwise give consideration to such person or entity contingent upon their success in obtaining benefits provided for in this Chapter.

(ii) Violation of the provisions of this Subparagraph shall void the contract and any rebates paid to the employer prior to the date of the discovery of such violation shall be added to the income tax

liability of the employer for the taxable year in which the discovery occurred, with interest from the date of violation, and the employer shall receive no further rebates pursuant to this Chapter."

AMENDMENT NO. 41

On page 17, line 8, change "a requirement that if" to:

"the following requirements:

(1) If

AMENDMENT NO. 42

On page 17, line 10, delete "quarterly"

AMENDMENT NO. 43

On page 17, line 12, after "employer," insert "(2)"

AMENDMENT NO. 44

On page 17, line 14, change "current taxable period" to "taxable period in which the determination was made"

AMENDMENT NO. 45

On page 17, line 16, after "employer," insert "(3)"

AMENDMENT NO. 46

On page 17, at the end of line 18, insert: "The contract shall provide that the employer shall waive prescription for the purposes of recovering any allowed rebates."

AMENDMENT NO. 47

On page 17, line 26, change "R.S. 51:2453(6)" to "R.S. 51:2453(3)"

AMENDMENT NO. 48

On page 18, line 1, change "R.S. 51:2453(7)" to "R.S. 51:2453(4)"

AMENDMENT NO. 49

On page 18, at the end of line 2, delete the period "." and insert "through the use of information provided to it by the Department of Labor."

AMENDMENT NO. 50

On page 19, line 24, after "D." insert "(1)" and after "receive" insert "a contract for"

AMENDMENT NO. 51

On page 20, between lines 2 and 3, insert:

"(2) The application shall contain a sworn statement by a duly authorized officer of the employer listing the names of persons or other entities who have received or who will receive any payment or other consideration from the employer for the purpose of representing the employer in applying for or receiving the benefits provided for in this Chapter."

AMENDMENT NO. 52

On page 20, delete lines 8 through 15, and insert:

"(1) ~~Be engaged in a basic industry as defined in R.S. 51:2453(1)(a):~~

Have an annual gross payroll for a minimum of five new direct jobs projected by the Department of Economic Development to equal

~~or exceed one million which equals or exceeds five hundred thousand dollars within three years of the anticipated date on which the establishment will first qualify for the incentive tax credit for the employer's fiscal year for which the employer is applying for his third annual rebate. Employers with no more than fifty employees shall have an annual gross payroll for a minimum of five new direct jobs which equals or exceeds two hundred fifty thousand dollars for the employer's fiscal year for which the employer is applying for his third annual rebate.~~

(3) Have a number of full-time employees working an average of twenty-five or more hours per week in new direct jobs equal to or in excess of eighty percent of the total number of new direct jobs."

AMENDMENT NO. 53

On page 21, line 10, change "report to" to "~~report to~~ file applications for rebates with"

AMENDMENT NO. 54

On page 21, line 11, delete "periodically"

AMENDMENT NO. 55

On page 21, line 21, delete "(1)"

AMENDMENT NO. 56

On page 21, line 22, change "previous year" to "employer's fiscal year for which the rebate is claimed"

AMENDMENT NO. 57

On page 21, delete lines 23 through 27 and on page 22, delete lines 1 through 6

AMENDMENT NO. 58

On page 22, delete lines 7 through 9, and insert:

"A. The rebates authorized in this Chapter shall be paid annually after the employer has filed its application for annual rebate at the end of the employer's fiscal year with the Department of Economic Development, and the department has determined from the information submitted along with such application as provided for in R.S. 51:2457 that the employer is eligible for such rebate for such year."

AMENDMENT NO. 59

On page 22, line 13, after "R.S. 51:1787" delete the remainder of the line and line 14, and insert: "if the employer meets the enterprise zone program"

AMENDMENT NO. 60

On page 22, line 15, change "subject to the same" to "and all other"

AMENDMENT NO. 61

On page 23, line 3, after "A." insert "(1)" and after "end of" delete "a"

AMENDMENT NO. 62

On page 23, delete line 4, and insert: "taxable period the fiscal year of an employer for which an establishment employer has"

AMENDMENT NO. 63

On page 23, line 6, change "quarterly" to "the annual"

AMENDMENT NO. 64

On page 23, line 8, after "Development." insert:

"(2) The application shall contain a sworn statement by a duly authorized officer of the employer concerning with respect to the employer's fiscal year:

(a) That the employer remained a qualified employer under the provisions of R.S. 51:2453(1)(b) and (c), and shall state the nature of employer's qualification.

(b)(i) The total number of and the gross payroll of:

(aa) New direct jobs created which were paid at least one and one-half times the federal minimum hourly wage at the time the contract was entered into.

(bb) New direct jobs created which were paid at least two times the federal minimum hourly wage at the time the contract was entered into, and either the distressed region in which the employer is located or the number of such new direct jobs which were filled by persons who reside in a distressed region, and an identification of such region.

(ii) The number of full-time employees working an average of twenty-five or more hours per week in new direct jobs.

(iii) That the employer had or maintained a net overall increase in employment statewide for each new direct job and the number of such net overall increase, in the case where an employer has contracts covering multiple locations.

(c) That employees holding the new direct jobs:

(i) Were paid wages in cash, which met the other requirements of R.S. 51:2453(5).

(ii) Were domiciled in the state of Louisiana, if required.

(iii) Were not previously on the employer's payroll.

(iv) Were not previously on the payroll of the employer's parent entity, subsidiary, or affiliate, or previously on the payroll of the business whose physical plant and employees were substantially the same as those of the employer.

(v) Did not exist as of the date the employer filed the application for a contract with the Department of Economic Development pursuant to R.S. 51:2455.

(vi) Were not jobs created as a result of job shifts due to the gain or loss of an in-state contract to supply goods and services.

(vii) Were not jobs retained following the acquisition of all or part of an in-state business by the employer.

(d) That the employer has offered the basic health benefits plan or the health insurance coverage as defined in R.S. 51:2453(1)(a)(i)(cc)(III) to the individuals it employs in new direct jobs including coverage for basic hospital care and for physician care, as well as offered or provided the health insurance coverage as follows:

(i) That the employer has paid not less than one hundred percent of the total premium for health insurance coverage for full-time employees who chose to participate, or has paid not less than fifty percent of the total premium for health insurance coverage for full-time employees who choose to participate and their dependents.

(ii) That the employer has paid not less than fifty percent of the total premium for health insurance coverage for part-time employees who chose to participate.

(iii) That the employer has offered health insurance coverage for dependents of full-time and part-time employees.

(e) That the employer did not:

(i) Default on or otherwise not repay any loan or other obligation involving public funds.

(ii) Has not declared bankruptcy under which an obligation of the employer to pay or repay public funds or monies was discharged as part of such bankruptcy.

(iii) The employer is not in default on any filing or payment with or to the state or any of its agencies or political subdivisions in which such assessment or judgment is final and nonappealable and remains outstanding.

(3)"

AMENDMENT NO. 65

On page 23, line 13, after "necessary" delete the remainder of the line and insert: "to determine whether the application is correct and whether the employer is eligible for the annual rebate for that year, or"

AMENDMENT NO. 66

On page 23, line 15, change "report." to

"application.

(4)"

AMENDMENT NO. 67

On page 23, line 16, change "quarterly" to "the annual"

AMENDMENT NO. 68

On page 23, line 17, after "payment." insert:

"The Department of Revenue shall make payment of the rebate after offset, if applicable, under R.S. 47:1622. The rebate shall be considered a refundable overpayment for the purpose of such offset."

AMENDMENT NO. 69

On page 23, delete lines 18 through 27 and on page 24, delete lines 1 through 8, and insert:

"B. If, within three years of the date that the establishment first qualifies for the tax credit, the actual verified gross payroll for twelve consecutive months the employer's fiscal year for which the employer is applying for his third annual rebate does not show a minimum of five new direct jobs and is not of an amount which equals or exceeds a total of one million five hundred thousand dollars, or, where applicable according to R.S. 51:2455(E)(1), two hundred fifty thousand, the tax liability for the current taxable period tax period in which the failure to show such minimum occurs shall be increased by the amount of incentive tax credits rebates previously allowed. If at any other time during the ten-year period after the date the establishment first qualifies for the incentive tax credit when the employer applies for a rebate at the end of the employer's fiscal year, the actual verified gross payroll for twelve consecutive months such fiscal year does not show a minimum of five new direct jobs and an amount which equals or exceeds a total of one million five hundred thousand dollars, or, where applicable according to R.S. 51:2455(E)(1), two hundred fifty thousand, the incentive tax credits rebates shall be suspended and shall not be resumed until such time as the actual verified gross payroll shows a minimum of five new direct jobs and an amount which equals or exceeds the amounts specified in this Subsection five hundred thousand dollars or, where applicable according to R.S. 51:2455(E)(1), two hundred fifty thousand. No rebate shall accrue or be paid to the employer during a

period of suspension. However, in no event shall incentive tax credits cumulatively exceed the estimated net direct state benefits."

AMENDMENT NO. 70

On page 26, line 9, change "2007" to "2005"

AMENDMENT NO. 71

On page 26, line 12, change "establishment" to "establishment employer" and change "2007" to "2005"

AMENDMENT NO. 72

On page 26, line 16, change "establishment" to "establishment employer"

AMENDMENT NO. 73

On page 27, at the end of line 2, delete the period "." and insert: " except for provisions requiring the that certain contracts may be renewed on and after July 1, 2000 only if the establishment agrees to the requirements provided for in Act 46 of the 2000 Regular Session of the Legislature."

On motion of Senator Barham, 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.

Appointment of Conference Committee on Senate Bill No. 28

The President of the Senate appointed the following members to confer with a like committee from the House for the purpose of considering the disagreement on Senate Bill No. 28: Senators Hainkel, Dardenne and Schedler.

Privilege Report of the Legislative Bureau

April 16, 2002

To the President and Members of the Senate:

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

The following bills are approved as to construction and duplication.

HOUSE BILL NO. 20—
BY REPRESENTATIVE THOMPSON
AN ACT

To enact R.S. 15:255(I), relative to the special witness fee funds in each of the parishes in the Fifth Judicial District; to provide for the transfer of surplus monies in those funds to the criminal court fund of that district court; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 144—

BY REPRESENTATIVES HAMMETT, DEWITT, PINAC, FAUCHEUX, GLOVER, MURRAY, AND THOMPSON
AN ACT

To amend and reenact R.S. 51:2452(A), 2453, 2454, 2455, 2457, 2458(introductory paragraph), 2460, and 2461 and to enact R.S. 51:2456 and 2462, relative to economic development activities; to revise the quality jobs program; to provide for rebates to certain employers based on the gross payroll of new direct jobs in the state; to provide requirements for participation in the program; to provide for payment of such rebates to qualified employers; to provide for an effective date; and to provide for related matters.

Reported without amendments.

Respectfully submitted,
LOUIS LAMBERT
Chairman

Adoption of Legislative Bureau Report

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

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 16, 2002

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. 42—

BY SENATORS MCPHERSON AND ELLINGTON AND REPRESENTATIVE WRIGHT

AN ACT

To authorize and empower the office of state lands to transfer title to certain property located in Catahoula Parish to the Department of Wildlife and Fisheries for inclusion into the Dewey W. Wills Wildlife Management Area; and to provide for related matters.

SENATE BILL NO. 76—

BY SENATOR C. JONES AND REPRESENTATIVES HUNTER, KENNEY AND THOMPSON

AN ACT

To amend and reenact Chapter 4-A of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:1021 through 1024, relative to the Tri-State Delta Economic Compact; to modify such compact; to provide for an alliance between states; to provide for economic development in regions of poverty and high unemployment; and to provide for related matters.

SENATE BILL NO. 110—

BY SENATORS FONTENOT AND HOLDEN AND REPRESENTATIVES HONEY, MCVEA AND STELLY

AN ACT

To amend and reenact R.S. 17:64(E) and 72(G), relative to the powers of certain school boards; to authorize the Zachary Community School Board and the Baker School Board to borrow money to fund budgeted expenditures for Fiscal Year 2002-2003; to authorize the boards to execute notes or other evidences of indebtedness; and to provide for related matters.

SENATE BILL NO. 114—

BY SENATOR HOLLIS

AN ACT

To amend and reenact R.S. 25:315(A), relative to the Louisiana Music Commission; to provide for the domicile of the Louisiana Music Commission; and to provide for related matters.

SENATE BILL NO. 73 (Duplicate of House Bill No. 147)—

BY SENATOR HAINKEL, AND REPRESENTATIVE LANDRIEU AND COAUTHORED BY SENATORS LAMBERT, BAJOIE, SCHEDLER, HINES, FIELDS, HOLLIS AND JOHNSON AND REPRESENTATIVES CLARKSON, DURAND, ILES, SCHWEGMANN, STRAIN AND WELCH

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 of L.S.U. Health Sciences Center in New Orleans/Tulane Health Sciences 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.

SENATE BILL NO. 78—

BY SENATOR C. JONES AND REPRESENTATIVES BALDONE, BRUCE, DEVILLIER, DOERGE, FAUCHEUX, FRITH, HUNTER, M. JACKSON, KENNEY, NEVERS, PINAC, SCHWEGMANN, GARY SMITH AND THOMPSON

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.

SENATE BILL NO. 89—

BY SENATORS CAIN, DUPRE, HOLDEN, IRONS, LENTINI, SCHEDLER, ULLO AND MOUNT AND REPRESENTATIVES DIEZ, CURTIS, DOWNER, ERDEY, FUTRELL, ILES, KATZ, KENNARD, LUCAS AND POWELL

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 and a special

identification card under certain circumstances; 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.

Respectfully submitted,
CHRIS ULLO
Chairman

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

Privilege Report of the Committee on Senate and Governmental Affairs

ENROLLMENTS

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

April 16, 2002

To the President and Members of the Senate:

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

The following Senate Concurrent Resolution has been properly enrolled:

SENATE CONCURRENT RESOLUTION NO. 36—

BY SENATORS HAINKEL, BAJOIE, BARHAM, BEAN, BOISSIERE, CAIN, CAMPBELL, CHAISSON, CRAVINS, DARDENNE, DEAN, DUPRE, ELLINGTON, FIELDS, FONTENOT, GAUTREAU, 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 upon the death of Mr. Piet A. Kessels.

Respectfully submitted,
CHRIS ULLO
Chairman

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

Message from the House

SIGNED HOUSE CONCURRENT RESOLUTIONS

April 16, 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 signed the following House Concurrent Resolutions:

HOUSE CONCURRENT RESOLUTION NO. 41—

BY REPRESENTATIVES PITRE, DEWITT, WALSWORTH, AND BALDONE
A CONCURRENT RESOLUTION

To direct the Louisiana State Law Institute to study all aspects of liability relating to coastal restoration and make specific recommendations for limiting the liability of the state.

HOUSE CONCURRENT RESOLUTION NO. 52—

BY REPRESENTATIVE DANIEL
A CONCURRENT RESOLUTION

To request the House and Senate Natural Resources Committees to study the Artificial Reef Development Program in the Department of Wildlife and Fisheries.

HOUSE CONCURRENT RESOLUTION NO. 53—

BY REPRESENTATIVES DOWNER, BALDONE, AND DARTEZ AND SENATORS DUPRE AND GAUTREAU
A CONCURRENT RESOLUTION

To urge and request the United States Army Corps of Engineers to reexamine plans relative to the Morganza to the Gulf Hurricane Protection Project, particularly with respect to certain areas in Terrebonne Parish.

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. 19—

BY REPRESENTATIVE FAUCHEUX
A CONCURRENT RESOLUTION

To request the Office of State Parks of the Louisiana Department of Culture, Recreation and Tourism and the Louisiana Department of Wildlife and Fisheries to develop a plan for establishing state parks with rental cabins and recreational vehicle and camper parking areas in wildlife management areas.

HOUSE CONCURRENT RESOLUTION NO. 44—

BY REPRESENTATIVE FAUCHEUX
A CONCURRENT RESOLUTION

To urge and request the Wildlife and Fisheries Commission and the Department of Wildlife and Fisheries to study the possibility of allowing the use of air boats in the Maurepas Wildlife Management Area, including the tributaries and canals leading to Blind River, except during hunting and rutting season.

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.

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.

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.

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

Respectfully submitted,
ALFRED W. SPEER

Clerk of the House of Representatives

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

Message from the House

**SIGNED HOUSE BILLS AND
JOINT RESOLUTIONS**

April 16, 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 signed the following House Bills and Joint Resolutions:

HOUSE BILL NO. 85—

BY REPRESENTATIVES MARTINY, DEWITT, CLARKSON, FRUGE, JOHNS, AND WALSWORTH

AN ACT

To amend and reenact R.S. 13:5101(B), R.S. 15:1172(B) and (C), 1177(A)(introductory paragraph) and (1) and (C), 1179, 1184(A)(2) and (D), 1186(A) and (B), to enact R.S. 15:1172(D) and (E), 1177(A)(10), and 1184(F) and (G), and to repeal R.S. 49:964(G)(7), relative to civil claims of prisoners; to provide with respect to the initiation and limitation of administrative remedies; to provide with respect to dismissal of claims; to provide liberative prescription for certain actions; to provide for judicial review; to exempt delictual actions from judicial review under the Corrections Administrative Remedy Procedure Act; to provide proper venue for prisoner suits; to provide for the proper party defendant in certain claims; to

provide for proceeding in forma pauperis; to repeal certain provisions providing for service of process on the secretary of the Department of Public Safety and Corrections; and to provide for related matters.

HOUSE BILL NO. 91—

BY REPRESENTATIVES R. ALEXANDER, DURAND, ILES, KATZ,

AN ACT

To amend and reenact R.S. 40:31.16(A), relative to an immunization tracking registry; to delete the requirement that a child's parent or guardian provide written consent for a child's information to be entered into an immunization registry; to provide that general consent for treatment and information sharing shall be considered parental consent for sharing historical, current, and future information; to require immunization providers to provide certain information to parents; to waive consent for mass immunizations in declared public health emergencies; and to provide for related matters.

HOUSE BILL NO. 94—

BY REPRESENTATIVE CRANE

AN ACT

To amend and reenact R.S. 17:1952(B)(10), relative to procedures for hearings and appeals with respect to children with exceptionalities; to provide relative to the use of review panels and hearing officers under certain circumstances in such procedures; and to provide for related matters.

HOUSE BILL NO. 96—

BY REPRESENTATIVE CRANE

AN ACT

To amend and reenact R.S. 17:1943(12), relative to children with exceptionalities; to provide relative to the definition of "resident" as it applies to such children; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 102—

BY REPRESENTATIVES SCHNEIDER AND STRAIN

AN ACT

To authorize and provide for the transfer or lease of certain state properties in St. Tammany Parish to the St. Tammany Parish School Board from the Department of Health and Hospitals and the Department of Culture, Recreation and Tourism; and to provide for related matters.

HOUSE BILL NO. 123—

BY REPRESENTATIVE PIERRE

AN ACT

To amend and reenact R.S. 30:21(B)(1)(d), relative to fees charged by the office of conservation, Department of Natural Resources; to authorize the commissioner of conservation to increase application fees; to authorize the adoption and increase of new application fees; to provide special effective dates; and to provide for related matters.

HOUSE BILL NO. 145—

BY REPRESENTATIVE BROOME

AN ACT

To repeal R.S. 11:411(10), relative to membership in the Louisiana State Employees' Retirement System; to repeal provisions making employees of the East Baton Rouge Parish Housing Authority members of the system and providing for related

matters; to provide that neither the East Baton Rouge Parish Housing Authority nor any employee thereof shall be required or allowed to make contributions to the system pursuant to Act No. 404 of the 2001 Regular Session of the Legislature; and to provide for related matters.

HOUSE BILL NO. 152—

BY REPRESENTATIVES PIERRE, DEWITT, AND DANIEL

AN ACT

To amend and reenact R.S. 30:21(B)(1)(a), relative to fees charged by the office of conservation, Department of Natural Resources; to increase the maximum amount which may be generated by certain fees on oil and gas production; and to provide for related matters.

HOUSE BILL NO. 154—

BY REPRESENTATIVES PIERRE, DEWITT, DANIEL, BAYLOR, FRITH, AND HUDSON

AN ACT

To amend and reenact R.S. 30:124, 125, 126, 127(C), 128(A), 129(A), 130, 136.3(B), and 209(2) and (4), relative to functions of the office of mineral resources, Department of Natural Resources; to authorize the office to perform certain functions and to charge a fee for performance of such functions; to provide for the deposit of such fees; and to provide for related matters.

HOUSE BILL NO. 161—

BY REPRESENTATIVE POWELL

AN ACT

To authorize and provide for the transfer or lease of certain state property in Tangipahoa Parish to the city of Hammond from the Southeastern Louisiana University; and to provide for related matters.

HOUSE BILL NO. 169—

BY REPRESENTATIVES LEBLANC AND FAUCHEUX

AN ACT

To amend and reenact R.S. 25:1223.1(A) and 1224(A)(10) and to enact R.S. 25:1222(C), 1223(A)(3), 1224(A)(14), Part II of Chapter 26 of Title 25 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 25:1226 through 1226.6, and R.S. 36:209(M)(3), relative to economic development; to provide for the abolishment of the Atchafalaya Trace advisory board; to provide relative to the membership of the Atchafalaya Trace Commission; to provide for the duties and authority of the commission; to create the Atchafalaya Trace Heritage Area Development Zone; to provide for legislative findings and purposes; to provide for definitions; to create the Atchafalaya Trace Heritage Area Development Zone Review Board and provide for its membership, duties, meetings, bylaws, and transfer; to provide for additional authorities of the commission; to provide for tax benefits for heritage-based concerns located in the development zone; to provide for a formal review and approval process; to allow the Department of Economic Development and the State Board of Commerce and Industry to adopt and promulgate certain rules; to provide for violations and penalties; to provide for the termination and evaluation of the program; and to provide for related matters.

HOUSE BILL NO. 173—

BY REPRESENTATIVE CRANE

AN ACT

To enact R.S. 23:1660(G), relative to employment records and reports; to provide for data sharing among certain agencies for the purposes of performance accountability and reporting; to provide for confidentiality of data; to provide for penalties for breach of confidentiality; and to provide for related matters.

HOUSE BILL NO. 174—

BY REPRESENTATIVES DEWITT, PITRE, E. ALEXANDER, BALDONE, BAUDOIN, BEARD, BRUCE, CAZAYOUX, DAMICO, DANIEL, DARTEZ, DIEZ, DOWNER, ERDEY, GREEN, HEBERT, HUNTER, JOHNS, KATZ, LAFLEUR, MORRISH, ODINET, PIERRE, PINAC, QUEZAIRE, RIDDLE, SCALISE, JACK SMITH, SNEED, STELLY, STRAIN, TOWNSEND, TUCKER, WADDELL, WALSWORTH, WINSTON, AND WOOTON

AN ACT

To enact R.S. 36:4(Y) and Subpart B-1 of Part II of Chapter 2 of Title 49 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 49:214.11 through 214.15, relative to the Governor's Advisory Commission on Coastal Restoration and Conservation; to create the commission and to provide for its powers, duties, functions, and responsibilities; to provide for the membership and terms; and to provide for related matters.

HOUSE BILL NO. 175—

BY REPRESENTATIVE JOHNS

AN ACT

To amend and reenact R.S. 46:236.8, relative to child support; to specify the calculation of child support obligations in shared custodial arrangements; to provide for medical support orders; and to provide for related matters.

HOUSE BILL NO. 3—

BY REPRESENTATIVE CROWE AND SENATORS BARHAM, BEAN, BOISSIERE, CAIN, CRAVINS, DARDENNE, DUPRE, ELLINGTON, FONTENOT, GAUTREAUX, HINES, HOYT, IRONS, LAMBERT, LENTINI, MALONE, MCPHERSON, MOUNT, ROMERO, SCHEDLER, SMITH, TARVER, THEUNISSEN, THOMAS, AND ULLO

AN ACT

To enact R.S. 47:463.108 and 463.109, relative to motor vehicle prestige license plates; to provide for the creation of an In God We Trust prestige license plate and to provide for the creation of a 4-H prestige license plate; to provide for the issuance of such plates; to provide for the style and color of the 4-H prestige license plate; to provide relative to the fees for such plates; to provide for use of such fees; to authorize the promulgation of rules and regulations; and to provide for related matters.

HOUSE BILL NO. 13—

BY REPRESENTATIVES PERKINS, BEARD, BROOME, CROWE, FUTRELL, M. JACKSON, NEVERS, E. ALEXANDER, DOWNER, AND KATZ AND SENATORS CAIN, HOYT, AND MOUNT

AN ACT

To amend and reenact R.S. 17:2115(A), relative to prayer and meditation in schools; to require that prayer or meditation authorized for students and teachers be silent prayer or meditation; and to provide for related matters.

HOUSE BILL NO. 15—

BY REPRESENTATIVES DOWNER, FUTRELL, FAUCHEUX, PRATT, ALARIO, E. ALEXANDER, R. ALEXANDER, ANSARDI, BALDONE, BAUDOIN, BAYLOR, BEARD, BOWLER, BROOME, BRUCE, BRUNEAU, CAPELLA, K. CARTER, CAZAYOUX, CLARKSON, CRANE, CROWE, CURTIS, DAMICO, DARTEZ, DEVILLIER, DEWITT, DIEZ, DOERGE, DURAND, ERDEY, FARRAR, FLAVIN, FRITH, FRUGE, FUTRELL, GALLOT, GLOVER, GREEN, GUILLORY, HAMMETT, HEATON, HEBERT, HILL, HONEY, HOPKINS, HUDSON, HUNTER, HUTTER, ILES, L. JACKSON, M. JACKSON, JOHNS, KATZ, KENNEY, LAFLEUR, LANCASTER, LANDRIEU, LEBLANC, LUCAS, MARTINY, MCCALLUM, MCDONALD, MCVEA, MONTGOMERY, MORRELL, MORRISH, MURRAY, NEVERS, PIERRE, PINAC, PITRE, POWELL, QUEZAIRE, RIDDLE, ROMERO, SCALISE, SCHWEGMANN, SHAW, GARY SMITH, JACK SMITH, JANE SMITH, JOHN SMITH, SNEED, STELLY, STRAIN, THOMPSON, TOOMY, TOWNSEND, TUCKER, WADDELL, WALSWORTH, WELCH, WOOTON, AND WRIGHT AND SENATOR ULLO

AN ACT

To amend and reenact R.S. 29:38(A), 403(9), and 422 and to enact R.S. 29:403(3.1) and (3.2), relative to military affairs; to provide for benefits and rights of persons called to service in the uniformed services; to provide for applicability; to provide for notice requirements; to provide for reemployment rights of persons called to duty in the national guard of this state and of any other state; to define certain terms under the Military Service Relief Act; and to provide for related matters.

HOUSE BILL NO. 22—

BY REPRESENTATIVES JANE SMITH, E. ALEXANDER, AND KATZ

AN ACT

To enact R.S. 17:2115.11, relative to voluntary student prayer; to provide relative to participation by students in Bossier Parish public schools in voluntary, student-led prayer; to provide conditions; to provide relative to certain costs; and to provide for related matters.

HOUSE BILL NO. 30 (Duplicate of Senate Bill No. 98)—

BY REPRESENTATIVE SCALISE AND SENATOR HOLLIS AND COAUTHORED BY REPRESENTATIVES BRUNEAU, CAPELLA, CLARKSON, CRANE, DANIEL, DURAND, FAUCHEUX, JOHNS, TUCKER, AND STRAIN AND SENATORS MICHOT 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.

HOUSE BILL NO. 39—

BY REPRESENTATIVES GARY SMITH AND DANIEL

AN ACT

To enact R.S. 56:1855(L), relative to scenic rivers; to authorize the Department of Wildlife and Fisheries to permit certain activities on Bayou Trepagnier in St. Charles Parish; to provide for the procedures to be followed when permitting those activities; and to provide for related matters.

HOUSE BILL NO. 42 (Duplicate of Senate Bill No. 64)—

BY REPRESENTATIVE MCDONALD AND SENATOR BARHAM AND COAUTHORED BY REPRESENTATIVES KATZ AND WALSWORTH

AN ACT

To amend and reenact R.S. 33:1448(I), relative to retired sheriffs and retired sheriff's deputies; to provide that in Ouachita Parish the sheriff shall pay for hospital, surgical, and medical insurance for

certain retired sheriffs and deputy sheriffs; and to provide for related matters.

HOUSE BILL NO. 47—

BY REPRESENTATIVE SCALISE AND SENATOR HOLLIS

AN ACT

To enact R.S. 15:709, relative to prisons and correctional institutions; to prohibit prisoners convicted in other states from being housed in certain correctional facilities in Louisiana; to require that certain prisoners convicted in other states housed in local jails or private facilities in Louisiana be returned to the state where convicted for release in that state; to provide for definitions; to provide for exceptions; and to provide for related matters.

HOUSE BILL NO. 48 (Duplicate of Senate Bill No. 3)—

BY REPRESENTATIVE BALDONE AND SENATOR DUPRE AND COAUTHORED BY SENATOR GAUTREAU

AN ACT

To amend and reenact R.S. 34:2201, relative to the Terrebonne Parish Port Commission; to provide with respect to appointment and removal of members to the commission; and to provide for related matters.

HOUSE BILL NO. 50—

BY REPRESENTATIVES BALDONE, DOWNER, ROMERO, THOMPSON, AND FAUCHEUX

AN ACT

To amend and reenact R.S. 56:643(B), relative to hunting and fishing licenses; to provide for hunting and fishing licenses for nonresident military personnel on active duty in Louisiana; to provide for reduced fishing and hunting license fees for Louisiana residents on active military duty; and to provide for related matters.

HOUSE BILL NO. 60—

BY REPRESENTATIVES WALSWORTH, DURAND, GUILLORY, L. JACKSON, KATZ, MCDONALD, SCHWEGMANN, HUNTER, THOMPSON, AND BRUCE AND SENATORS HINES, B. JONES, MOUNT, AND SCHEDLER

AN ACT

To amend and reenact R.S. 40:2009.20(B)(1) and to enact R.S. 14:403.2(D)(4), relative to reporting incidents of abuse or neglect; to require agencies to notify local law enforcement of certain reports of abuse or neglect; and to provide for related matters.

HOUSE BILL NO. 62—

BY REPRESENTATIVE PINAC

AN ACT

To enact R.S. 51:911.22(11) and 911.24(I), relative to the Louisiana Manufactured Housing Commission; to provide for definitions; to authorize the collection of criminal history record information on applicants for licensure; to provide for fees; and to provide for related matters.

HOUSE BILL NO. 63 —

BY REPRESENTATIVES CROWE AND BRUCE AND SENATORS CAIN, LENTINI, AND SCHEDLER

AN ACT

To amend and reenact R.S. 15:542(B)(introductory paragraph), (C), (D), and (E) and 542.1(J)(1) and to enact R.S. 15:542(F), relative to registration of sex offenders; to provide for an annual update to the registration information; to provide for an annual registration fee; to provide relative to a determination of

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indigency; to provide for written notification of an address change of an offender; to provide for criminal penalties for failure to register; and to provide for related matters.

HOUSE BILL NO. 64—

BY REPRESENTATIVES LEBLANC, DURAND, AND KATZ
AN ACT

To amend and reenact R.S. 46:460.6(A) and (E), relative to the individual development account program; to allow persons who meet income eligibility requirements to participate in the individual development account program; and to provide for related matters.

HOUSE BILL NO. 68—

BY REPRESENTATIVE SCHWEGMANN
AN ACT

To enact R.S. 36:4(Y) and R.S. 47:463.60, relative to motor vehicles; to provide for the creation of the "Animal Friendly" prestige license plate; to provide for the charge of the plate; to provide relative to the minimum number of applicants for such plate; to create the Pet Overpopulation Fund; to provide for the dedication of revenues; to provide for the Pet Overpopulation Advisory Council; to provide for the adoption of policies and procedures; and to provide for related matters.

HOUSE BILL NO. 69—

BY REPRESENTATIVE DEWITT
AN ACT

To amend and reenact R.S. 40:1299.41(J), 1299.44(A)(5)(c) through (g) and (D)(2)(b)(v) and (vii), and 1299.47(A)(2)(b) and (3)(introductory paragraph) and to repeal R.S. 40:1299.44(A)(5)(h), relative to the Patient's Compensation Fund; to provide for procedures for contracting for services; to provide for minimum qualifications and standards for lawyers; to provide for the payment of expenses; to provide for the employment and delegation of authority to a claims manager; to provide certain procedures for the filing of claims; and to provide for related matters.

HOUSE BILL NO. 75—

BY REPRESENTATIVE HEBERT
AN ACT

To amend and reenact R.S. 22:5(13), 1078(B)(3)(a), (9), (10), and (11) and to enact R.S. 22:1078(G), relative to fees and licenses of the Department of Insurance; to modify, increase, and add to certain fee schedules of the Department of Insurance; to authorize rule adoption and promulgation; to provide for insurance premiums; to provide for the definition of premium; 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. 105 (Duplicate of Senate Bill No. 88)—

BY REPRESENTATIVE HAMMETT AND SENATOR DARDENNE AND COAUTHORED BY REPRESENTATIVES DEWITT, PINAC, ALARIO, K. CARTER, DANIEL, DURAND, FARRAR, HILL, L. JACKSON, MONTGOMERY, ODINET, AND TOWNSEND AND SENATORS BARHAM AND HOLLIS

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 (Duplicate of Senate Bill No. 96)—

BY REPRESENTATIVE HAMMETT AND SENATOR DARDENNE AND COAUTHORED BY REPRESENTATIVES DEWITT, PINAC, ALARIO, HILL, MONTGOMERY, ODINET, AND DANIEL AND SENATORS BARHAM AND HOLLIS

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. 166—

BY REPRESENTATIVE MURRAY
AN ACT

To enact R.S. 51:2453(1)(d), relative to the Louisiana Quality Jobs Program Act; to add to the list of industries which may qualify for benefits; to provide for an effective date; and to provide for related matters.

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

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

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

Leaves of Absence

The following leaves of absence were asked for and granted:

Bean	½ Day	Dean	½ Day
Gautreaux	1 Day	Hollis	½ Day
Johnson	½ Day	Marionneaux	½ Day
Tarver	1 Day		

Adjournment

Senator Lambert moved that the Senate adjourn until Wednesday, April 17, 2002, at 9:00 o'clock A.M.

The President of the Senate declared the Senate adjourned until 9:00 o'clock A.M. on Wednesday, April 17, 2002.

MICHAEL S. BAER, III
Secretary of the Senate

GAYE F. HAMILTON
Journal Clerk