

**OFFICIAL JOURNAL**  
OF THE  
**HOUSE OF**  
**REPRESENTATIVES**  
OF THE  
**STATE OF LOUISIANA**

**NINETEENTH DAY'S PROCEEDINGS**

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

House of Representatives  
State Capitol  
Baton Rouge, Louisiana

Tuesday, June 2, 1998

The House of Representatives was called to order at 3:00 P.M., by the Honorable H. B. "Hunt" Downer, Jr., Speaker of the House of Representatives.

**Morning Hour**

**ROLL CALL**

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

PRESENT

Mr. Speaker	Guillory	Pratt
Alario	Hammitt	Quezeaire
Alexander, A.—93rd	Heaton	Riddle
Alexander, R.—13th	Hebert	Romero
Ansardi	Hill	Rousselle
Barton	Holden	Salter
Baudoin	Hopkins	Scalise
Baylor	Hunter	Schneider
Bowler	Iles	Schwegmann
Bruce	Jenkins	Shaw
Bruneau	Jetson	Smith, J.D.—50th
Carter	Johns	Smith, J.R.—30th
Chaisson	Kennard	Stelly
Clarkson	Kenney	Strain
Copelin	Lancaster	Theriot
Crane	Landrieu	Thomas
Curtis	LeBlanc	Thompson
Damico	Long	Thornhill
Daniel	Marionneaux	Toomy
Deville	Martiny	Travis
DeWitt	McCain	Triche
Diez	McCallum	Vitter
Dimos	McDonald	Waddell
Donelon	McMains	Walsworth
Dupre	Michot	Warner
Durand	Mitchell	Welch
Farve	Montgomery	Weston
Fauchoux	Morrill	Wiggins
Flavin	Morrish	Wilkerson

Fontenot	Murray	Willard
Frith	Odinet	Windhorst
Fruge	Perkins	Winston
Gautreaux	Pierre	Wright
Glover	Pinac	
Green	Powell	
Total—103		

ABSENT

Hudson  
Total—1

The Speaker announced that there were 103 members present and a quorum.

**Prayer**

Prayer was offered by Rev. William L. Smith.

**Pledge of Allegiance**

Rep. Wilkerson led the House in reciting the Pledge of Allegiance to the Flag of the United States of America.

**Reading of the Journal**

On motion of Rep. Landrieu, the reading of the Journal was dispensed with.

On motion of Rep. Jenkins, the Journal of June 1, 1998, was corrected to reflect him as voting yea on the final passage of House Bill No. 97, House Bill No. 114, House Bill No. 125, and House Bill No. 129.

On motion of Rep. Landrieu, the Journal of June 1, 1998, was adopted.

**Petitions, Memorials and  
Communications**

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

**Privileged Report of the Committee on Enrollment**

June 2, 1998

To the honorable Speaker and Members of the House of Representatives:

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

The following House Concurrent Resolutions have been properly enrolled:

**HOUSE CONCURRENT RESOLUTION NO. 4—**

BY REPRESENTATIVES JOHN SMITH, DANIEL, DEVILLE, FAUCHEUX, FLAVIN, FRITH, FRUGE, GAUTREAU, HAMMETT, HEBERT, HILL, HOPKINS, HUDSON, MICHOT, ODINET, PIERRE, SCHNEIDER, JACK SMITH, AND TRICHE

A CONCURRENT RESOLUTION

To approve the Coastal Wetlands Conservation and Restoration Plan for Fiscal Year 1998-1999, prepared by the Wetlands Conservation and Restoration Authority.

**HOUSE CONCURRENT RESOLUTION NO. 37—**

BY REPRESENTATIVE LONG

A CONCURRENT RESOLUTION

To urge and request the Department of Wildlife and Fisheries and the U.S. Fish and Wildlife Service and the U.S. Forestry Service to coordinate the opening and closing of hunting seasons in the Kisatchie National Forest with the opening and closing dates on land in the state which is not owned by the federal government.

**HOUSE CONCURRENT RESOLUTION NO. 74—**

BY REPRESENTATIVES LONG, ALARIO, A. ALEXANDER, R. ALEXANDER, ANSARDI, BARTON, BAUDOIN, BAYLOR, BOWLER, BRUCE, BRUNEAU, CARTER, CHAISSON, CLARKSON, COPELIN, CRANE, CURTIS, DAMICO, DANIEL, DEVILLE, DEWITT, DIEZ, DIMOS, DONELON, DOWNER, DUPRE, DURAND, FARVE, FAUCHEUX, FLAVIN, FONTENOT, FRITH, FRUGE, GAUTREAU, GLOVER, GREEN, GUILLORY, HAMMETT, HEATON, HEBERT, HILL, HOLDEN, HOPKINS, HUDSON, HUNTER, ILES, JENKINS, JETSON, JOHNS, KENNARD, KENNEY, LANCASTER, LANDRIEU, LEBLANC, MARIONNEAUX, MARTINY, MCCAIN, MCCALLUM, MCDONALD, MCMAINS, MICHOT, MITCHELL, MONTGOMERY, MORRELL, MORRISH, MURRAY, ODINET, PERKINS, PIERRE, PINAC, POWELL, PRATT, QUEZAIRE, RIDDLE, ROMERO, ROUSSELLE, SALTER, SCALISE, SCHNEIDER, SCHWEGMANN, SHAW, JACK SMITH, JOHN SMITH, STELLY, STRAIN, THERIOT, THOMAS, THOMPSON, THORNHILL, TOOMY, TRAVIS, TRICHE, VITTER, WADDELL, WALSWORTH, WARNER, WELCH, WESTON, WIGGINS, WILKERSON, WILLARD, WINDHORST, WINSTON, AND WRIGHT AND SENATOR SMITH

**A CONCURRENT RESOLUTION**

To commend the city of Natchitoches, through its mayor and councilmen, for their leadership and commitment to excellence which has resulted in the city's recognition as one of the top six United States cities for retirement, all based on criteria which can be best described as traditional values that all Americans hold in esteem as part of our national culture.

**HOUSE CONCURRENT RESOLUTION NO. 75—**

BY REPRESENTATIVES BRUCE, ALARIO, A. ALEXANDER, R. ALEXANDER, ANSARDI, BARTON, BAUDOIN, BAYLOR, BOWLER, BRUNEAU, CARTER, CHAISSON, CLARKSON, COPELIN, CRANE, CURTIS, DAMICO, DANIEL, DEVILLE, DEWITT, DIEZ, DIMOS, DONELON, DOWNER, DUPRE, DURAND, FARVE, FAUCHEUX, FLAVIN, FONTENOT, FRITH, FRUGE, GAUTREAU, GLOVER, GREEN, GUILLORY, HAMMETT, HEATON, HEBERT, HILL, HOLDEN, HOPKINS, HUDSON, HUNTER, ILES, JENKINS, JETSON, JOHNS, KENNARD, KENNEY, LANCASTER, LANDRIEU, LEBLANC, LONG, MARIONNEAUX, MARTINY, MCCAIN, MCCALLUM, MCDONALD, MCMAINS, MICHOT, MITCHELL, MONTGOMERY, MORRELL, MORRISH, MURRAY, ODINET, PERKINS, PIERRE, PINAC, POWELL, PRATT, QUEZAIRE, RIDDLE, ROMERO, ROUSSELLE, SALTER, SCALISE, SCHNEIDER, SCHWEGMANN, SHAW, JACK SMITH, JOHN SMITH, STELLY, STRAIN, THERIOT, THOMAS, THOMPSON, THORNHILL, TOOMY, TRAVIS, TRICHE, VITTER, WADDELL, WALSWORTH, WARNER, WELCH, WESTON, WIGGINS, WILKERSON, WILLARD, WINDHORST, WINSTON, AND WRIGHT

**A CONCURRENT RESOLUTION**

To express the condolences of the Legislature of Louisiana upon the death of Mrs. Mae Donaho McFerren of Shreveport.

**HOUSE CONCURRENT RESOLUTION NO. 79—**

BY REPRESENTATIVE JOHN SMITH

**A CONCURRENT RESOLUTION**

To commend the Jim Henson Company and muppet Kermit the Frog for their participation in the National Outreach Program on behalf of Louisiana coastal wetlands established by the state Department of Natural Resources.

**HOUSE CONCURRENT RESOLUTION NO. 80—**

BY REPRESENTATIVE JOHN SMITH

**A CONCURRENT RESOLUTION**

To commend Secretary Jack Caldwell and the Louisiana Department of Natural Resources for establishing the National Outreach Program on behalf of Louisiana coastal wetlands.

**HOUSE CONCURRENT RESOLUTION NO. 81—**

BY REPRESENTATIVE JOHN SMITH

**A CONCURRENT RESOLUTION**

To commend Chef Paul Prudhomme for his participation in the National Outreach Program on behalf of Louisiana coastal wetlands established by the state Department of Natural Resources.

**HOUSE CONCURRENT RESOLUTION NO. 82—**

BY REPRESENTATIVES JOHN SMITH, BRUNEAU, AND FAUCHEUX  
**A CONCURRENT RESOLUTION**

To commend Aaron Neville for his participation in the National Outreach Program on behalf of Louisiana coastal wetlands established by the state Department of Natural Resources.

**HOUSE CONCURRENT RESOLUTION NO. 83—**

BY REPRESENTATIVE JOHN SMITH  
**A CONCURRENT RESOLUTION**

To commend Harry Connick, Jr. for his participation in the National Outreach Program on behalf of Louisiana coastal wetlands established by the state Department of Natural Resources.

**HOUSE CONCURRENT RESOLUTION NO. 87—**

BY REPRESENTATIVES KENNEY AND WALSWORTH AND SENATORS BAGNERIS, BAJOE, BARHAM, BEAN, BRANCH, CAIN, CAMPBELL, CASANOVA, COX, CRAVINS, DARDENNE, DEAN, DYESS, ELLINGTON, EWING, C. FIELDS, W. FIELDS, GREENE, HAINKEL, HEITMEIER, HINES, HOLLIS, IRONS, JOHNSON, JONES, JORDAN, LAMBERT, LANDRY, LENTINI, MALONE, ROBICHAUX, ROMERO, SCHEDLER, SHORT, SIRACUSA, SMITH, TARVER, THEUNISSEN, AND ULLO  
**A CONCURRENT RESOLUTION**

To acknowledge the many accomplishments of Governor John J. McKeithen and extend sincere congratulations on the occasion of his eightieth birthday.

Respectfully submitted,

DONALD RAY KENNARD  
Chairman

The above House Concurrent Resolutions contained in the report were signed by the Speaker of the House and taken to the Senate by the Clerk of the House and were signed by the President of the Senate and taken by the Clerk of the House to the Secretary of State in accordance with the rules of the House.

**Privileged Report of the Committee on Enrollment**

June 2, 1998

To the honorable Speaker and Members of the House of Representatives:

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

The following House Bills have been properly enrolled:

**HOUSE BILL NO. 7 (Duplicate of Senate Bill No. 62)—**

BY REPRESENTATIVE JOHN SMITH AND SENATOR THEUNISSEN AND COAUTHORED BY REPRESENTATIVES DANIEL, DURAND, FAUCHEUX, AND PIERRE AND SENATORS CAIN AND ULLO  
**AN ACT**

To amend and reenact R.S. 47:633(7)(c)(iv)(aa) and 648.2(1)(c), relative to severance tax suspensions; to extend the period for severance tax suspensions for inactive and new discovery wells; and to provide for related matters.

**HOUSE BILL NO. 8—**

BY REPRESENTATIVE WALSWORTH  
**AN ACT**

To amend and reenact R.S. 47:6005(C)(1), relative to the tax credit for purchases of qualified recycling equipment; to extend the time period during which such purchases may be eligible for the credit; and to provide for related matters.

**HOUSE BILL NO. 75—**

BY REPRESENTATIVES CHAISSON, R. ALEXANDER, BOWLER, DANIEL, DEVILLE, DIEZ, DURAND, FAUCHEUX, HAMMETT, HEATON, HUNTER, JETSON, LANCASTER, LANDRIEU, MARTINY, MONTGOMERY, ODINET, PIERRE, POWELL, VITTER, WALSWORTH, AND WINSTON AND SENATOR LANDRY  
AN ACT

To amend and reenact Section 3 of Act Number 12 of the 1996 Regular Session of the Legislature, relative to the sales and use tax; to extend the effective period of the exclusion for certain transactions involving motor vehicles purchased for subsequent lease; to provide for an effective date; and to provide for related matters.

**HOUSE BILL NO. 106—**

BY REPRESENTATIVE MCDONALD  
AN ACT

To enact R.S. 33:2740.1.1, relative to ad valorem taxes for public cemetery maintenance; to authorize the governing authority of Morehouse Parish to levy ad valorem taxes in any ward for the maintenance and upkeep of public cemeteries; and to provide for related matters.

**HOUSE BILL NO. 115—**

BY REPRESENTATIVE MONTGOMERY  
AN ACT

To enact R.S. 33:2740.38, relative to Bossier Parish; to authorize, subject to voter approval, the levy of an ad valorem tax in the parish; to provide relative to the amount, duration, collection, and use of such tax; to provide for the entity which is authorized to levy such tax; and to provide for related matters.

**HOUSE BILL NO. 124—**

BY REPRESENTATIVE MONTGOMERY  
AN ACT

To enact R.S. 40:1501(E)(8), relative to East-Central Bossier Parish Fire District No. 1; to authorize the governing authority of the district to levy and collect, subject to voter approval, an additional tax for maintenance and operation of the fire district; and to provide for related matters.

**HOUSE BILL NO. 134 (Duplicate of Senate Bill No. 7)—**

BY REPRESENTATIVE STELLY AND SENATOR COX AND COAUTHORED BY REPRESENTATIVE FLAVIN  
AN ACT

To enact R.S. 40:1501.4, relative to fire protection districts operating in Calcasieu Parish; to prohibit the collection of certain ad valorem taxes by such districts in areas which have been annexed by municipalities; to provide for exceptions; and to provide for related matters.

**HOUSE BILL NO. 145—**

BY REPRESENTATIVES MONTGOMERY AND FAUCHEUX  
AN ACT

To amend and reenact Section 2 of Act 10 of the 1996 Regular Session of the Legislature, relative to the tax credit for donations to the Old State Capitol, the State Capitol Complex, and the State Archival, Historical and Public Records Services; to change the provision which made such credit null and void on June 30, 1998.

**HOUSE BILL NO. 191—**

BY REPRESENTATIVE MORRISH  
AN ACT

To enact R.S. 39:816, relative to School District Number 3 of Jefferson Davis Parish; to authorize the levy of a parcel fee within district boundaries; to provide for voter approval; to provide for imposition and collection; to provide a limitation on the amount of any such parcel fee; to provide relative to the use of proceeds; and to provide for related matters.

**HOUSE BILL NO. 195—**

BY REPRESENTATIVE MURRAY  
AN ACT

To amend and reenact R.S. 47:321(C) and 322, relative to the sales and use tax; to provide that the one percent tax on sales of services imposed by Section 2 of Act No. 5 of the 1996 Regular Session of the Legislature was not intended to apply to the furnishing of telecommunications services; to provide for an effective date; and to provide for related matters.

**HOUSE BILL NO. 200—**

BY REPRESENTATIVES WILKERSON, HOLDEN, MURRAY, AND WIGGINS AND SENATORS CAMPBELL AND LANDRY  
AN ACT

To enact R.S. 47:297(L), relative to the individual income tax; to provide for an income tax credit for the purchase of a bulletproof vest by law enforcement officers and certain employees of the Department of Public Safety and Corrections; to provide for an effective date; and to provide for related matters.

**HOUSE BILL NO. 229—**

BY REPRESENTATIVE DANIEL  
AN ACT

To amend and reenact Section 2 of Act No. 29 of the 1996 Regular Session of the Legislature, relative to the sales and use tax; to provide for the extension of the exemption and suspension for boiler fuel; and to provide for related matters.

Respectfully submitted,

DONALD RAY KENNARD  
Chairman

The above House Bills contained in the report were signed by the Speaker of the House and taken to the Senate by the Clerk and were signed by the President of the Senate and taken by the Clerk of the House to the Governor for executive approval.

**Message from the Senate**

**HOUSE CONCURRENT RESOLUTIONS**

June 2, 1998

To the Honorable Speaker and Members of the House of Representatives:

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

House Concurrent Resolution No. 89  
Returned without amendments.

House Concurrent Resolution No. 91  
Returned without amendments.

House Concurrent Resolution No. 93  
Returned without amendments.

Respectfully submitted,

MICHAEL S. BAER, III  
Secretary of the Senate

**Message from the Senate**

**ASKING CONCURRENCE IN  
SENATE CONCURRENT RESOLUTIONS**

June 2, 1998

To the Honorable Speaker and Members of the House of Representatives:

I am directed to inform your honorable body that the Senate has adopted and asks your concurrence in the following Senate Concurrent Resolutions:

Senate Concurrent Resolution No. 34

Respectfully submitted,

MICHAEL S. BAER, III  
Secretary of the Senate

**Message from the Senate**

**SENATE BILLS**

June 2, 1998

To the Honorable Speaker and Members of the House of Representatives:

I am directed to inform your honorable body that the Senate has finally passed the following Senate Bills:

Senate Bill Nos. 15 and 76

Respectfully submitted,

MICHAEL S. BAER, III  
Secretary of the Senate

**Suspension of the Rules**

On motion of Rep. Schneider, the rules were suspended in order to take up the bills contained in the message at this time.

**Senate Bills and Joint Resolutions  
on First Reading**

The following Senate Bills and Joint Resolutions on first reading were taken up, read, and placed upon the calendar for their second reading:

**SENATE BILL NO. 15—  
BY SENATOR SHORT**

AN ACT

To enact R.S. 47:2106.1, relative to ad valorem property taxes; to authorize the State Board of Commerce and Industry, with approval of the governor, the Joint Legislative Committee on the Budget, the board of directors of the East Florida Parishes Retirement District, and the appropriate local tax authority to permit the temporary deferral of ad valorem property tax on certain new retirement communities within the East Florida Parishes Retirement District at a certain interest rate; and to provide for related matters.

Read by title.

**SENATE BILL NO. 76—  
BY SENATOR BARHAM**

AN ACT

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

Read by title.

**Introduction of Resolutions,  
House and House Concurrent**

The following members introduced the following entitled House and House Concurrent Resolutions, which were read the first time by their titles and placed upon the calendar for their second reading:

**HOUSE RESOLUTION NO. 53—  
BY REPRESENTATIVE FAUCHEUX**

A RESOLUTION

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

Read by title.

Lies over under the rules.

**HOUSE RESOLUTION NO. 54—  
BY REPRESENTATIVE MORRELL**

A RESOLUTION

To authorize the House Committee on Insurance to study the use of credit reports and determinations of credit worthiness to set insurance premiums for individuals or determine insurability of homeowners.

Read by title.

Lies over under the rules.

**HOUSE CONCURRENT RESOLUTION NO. 95—  
BY REPRESENTATIVE LONG**

A CONCURRENT RESOLUTION

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

Read by title.

Lies over under the rules.

**HOUSE CONCURRENT RESOLUTION NO. 96—**

BY REPRESENTATIVE BARTON

**A CONCURRENT RESOLUTION**

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

Read by title.

Lies over under the rules.

**HOUSE CONCURRENT RESOLUTION NO. 97—**

BY REPRESENTATIVES PRATT, WILKERSON, MURRAY, A. ALEXANDER, BAYLOR, COPELIN, CURTIS, FARVE, GLOVER, GREEN, GULLORY, HOLDEN, HUDSON, HUNTER, JETSON, MITCHELL, MORRELL, PIERRE, QUEZAIRE, WESTON, WIL LARD, AND WELCH AND SENATORS BAJOIE, BAGNERIS, CRAVINS, C. FIELDS, W. FIELDS, IRONS, JOHNSON, JONES, AND TARVER

**A CONCURRENT RESOLUTION**

To commend Ms. Gloria Mae Bryant-Banks, former secretary of the Department of Social Services, upon the occasion of her retirement from a thirty-eight-year career of public service, for her dedicated service and contributions to the state of Louisiana.

Read by title.

On motion of Rep. Pratt, and under a suspension of the rules, the resolution was adopted.

Ordered to the Senate.

**HOUSE CONCURRENT RESOLUTION NO. 98—**

BY REPRESENTATIVE LEBLANC

**A CONCURRENT RESOLUTION**

To create and provide with respect to a joint legislative committee to study the statutory, regulatory, and policy advantages and impediments to the movement of university technology to the marketplace in Louisiana.

Read by title.

Lies over under the rules.

**HOUSE CONCURRENT RESOLUTION NO. 99—**

BY REPRESENTATIVE FAUCHEUX

**A CONCURRENT RESOLUTION**

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

Read by title.

Lies over under the rules.

**HOUSE CONCURRENT RESOLUTION NO. 100—**

BY REPRESENTATIVE RIDDLE

**A CONCURRENT RESOLUTION**

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

Read by title.

Lies over under the rules.

**HOUSE CONCURRENT RESOLUTION NO. 101—**

BY REPRESENTATIVE HEATON AND SENATOR IRONS

**A CONCURRENT RESOLUTION**

To memorialize the United States Congress to take such actions as are necessary to restore the business meal deduction from its current level of fifty percent deductibility to one hundred percent deductibility.

Read by title.

On motion of Rep. Heaton, and under a suspension of the rules, the resolution was adopted.

Ordered to the Senate.

**HOUSE CONCURRENT RESOLUTION NO. 102—**

BY REPRESENTATIVE MCDONALD

**A CONCURRENT RESOLUTION**

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

Read by title.

Lies over under the rules.

**HOUSE CONCURRENT RESOLUTION NO. 103—**

BY REPRESENTATIVE GAUTREAU

**A CONCURRENT RESOLUTION**

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

Read by title.

On motion of Rep. Gautreaux, and under a suspension of the rules, the resolution was adopted.

Ordered to the Senate.

**Reports of Committees**

The following reports of committees were received and read:

**Report of the Committee on  
Transportation, Highways and Public Works**

June 2, 1998

To the Speaker and Members of the House of Representatives:

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

House Concurrent Resolution No. 59, by Wilkerson  
Reported favorably. (9-0)

House Concurrent Resolution No. 71, by Holden  
Reported favorably. (9-0)

JOHN C. DIEZ  
Chairman

**Report of the Committee on Civil Law and Procedure**

June 2, 1998

To the Speaker and Members of the House of Representatives:

I am directed by your Committee on Civil Law and Procedure to submit the following report:

House Bill No. 77, by Hammett (Joint Resolution)  
Reported without amendments. (8-0) (Regular)

F. CHARLES MCMAINS, JR.  
Chairman

**Suspension of the Rules**

On motion of Rep. Hammett, the rules were suspended in order to take up House Bills contained in the committee report at this time.

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

The following House Bills and Joint Resolutions on second reading reported by committees were taken up and acted upon as follows:

**HOUSE BILL NO. 77—**  
BY REPRESENTATIVE HAMMETT  
A JOINT RESOLUTION

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

Read by title.

Reported without amendments by the Committee on Civil Law and Procedure.

On motion of Rep. Hammett, the bill was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

**Privileged Report of the Legislative Bureau**

June 1, 1998

To the Speaker and Members of the House of Representatives:

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

Senate Bill No. 8  
Reported without amendments.

Senate Bill No. 119  
Reported without amendments.

Respectfully submitted,  
JIMMY N. DIMOS  
Chairman

**Suspension of the Rules**

On motion of Rep. Wright, the rules were suspended in order to take up House and House Concurrent Resolutions at this time.

**House and House Concurrent Resolutions**

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

**HOUSE CONCURRENT RESOLUTION NO. 88—**  
BY REPRESENTATIVES WRIGHT AND TRICHE  
A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to erect large signs to warn motorists approaching a location recognized for strict enforcement of speed limits on highways and the Department of Culture, Recreation and Tourism to include a listing of those locations recognized for strict enforcement of speed limits in its literature available to tourists.

Read by title.

Under the rules, the above resolution was referred to the Committee on Transportation, Highways and Public Works.

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

To create and to provide with respect to the Louisiana Recidivism Reduction Task Force, a joint legislative and executive departmental committee, to study the feasibility of creating a recidivism reduction division within the Department of Labor in order to facilitate the training and job search process for former inmates, and to study and to make recommendations relative to the coordination of efforts to reduce the recidivism rate in Louisiana and to encourage employment of former inmates.

Read by title.

Under the rules, the above resolution was referred to the Committee on House and Governmental Affairs.

**Senate Concurrent Resolutions**

The following Senate Concurrent Resolutions lying over were taken up and acted upon as follows:

**SENATE CONCURRENT RESOLUTION NO. 29—**  
BY SENATORS BAGNERIS AND HOLLIS  
A CONCURRENT RESOLUTION

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

Read by title.

Under the rules, the above resolution was referred to the Committee on Administration of Criminal Justice.

**SENATE CONCURRENT RESOLUTION NO. 31—**  
BY SENATOR ELLINGTON

A CONCURRENT RESOLUTION

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

Read by title.

Under the rules, the above resolution was referred to the Committee on Natural Resources.

**SENATE CONCURRENT RESOLUTION NO. 43—**  
BY SENATOR BAJOEI AND REPRESENTATIVE PRATT

A CONCURRENT RESOLUTION

To request the Democratic National Committee to select New Orleans as the site of the 2000 national nominating convention of the Democratic Party and to express the full support of the Legislature of Louisiana for selection of the city as the convention site.

Read by title.

On motion of Rep. Pratt, and under a suspension of the rules, the resolution was concurred in.

**SENATE CONCURRENT RESOLUTION NO. 44—**  
BY SENATOR ROMERO

A CONCURRENT RESOLUTION

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

Read by title.

Under the rules, the above resolution was referred to the Committee on Transportation, Highways and Public Works.

**SENATE CONCURRENT RESOLUTION NO. 45—**  
BY SENATOR DARDENNE

A CONCURRENT RESOLUTION

To commend Karen McKay on being named Louisiana Elementary Student of the Year for 1997-1998.

Read by title.

On motion of Rep. McMains, and under a suspension of the rules, the resolution was concurred in.

**SENATE CONCURRENT RESOLUTION NO. 46—**  
BY SENATOR DYESS

A CONCURRENT RESOLUTION

To urge and request the Citizens' Stamp Advisory Committee to review public awareness and education involving the subject of child abuse and recommend issuance of a commemorative United States postage stamp.

Read by title.

On motion of Rep. DeWitt, and under a suspension of the rules, the resolution was concurred in.

**SENATE CONCURRENT RESOLUTION NO. 48—**  
BY SENATOR C. FIELDS

A CONCURRENT RESOLUTION

To create the Task Force on Statewide Public Transportation; to study the public transportation network throughout the state; to determine deficiencies within such transportation system; and to establish a plan of action based on methods to improve the public transportation network.

Read by title.

Under the rules, the above resolution was referred to the Committee on House and Governmental Affairs.

**SENATE CONCURRENT RESOLUTION NO. 50—**  
BY SENATOR ULLO

A CONCURRENT RESOLUTION

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

Read by title.

Under the rules, the above resolution was referred to the Committee on House and Governmental Affairs.

**SENATE CONCURRENT RESOLUTION NO. 51—**  
BY SENATOR HAINKEL AND REPRESENTATIVE BRUNEAU

A CONCURRENT RESOLUTION

To request the Republican National Committee to select New Orleans as the site of the 2000 national nominating convention of the Republican Party and to express the full support of the Legislature of Louisiana for selection of the city as the convention site.

Read by title.

On motion of Rep. Bruneau, and under a suspension of the rules, the resolution was concurred in.

**SENATE CONCURRENT RESOLUTION NO. 52—**  
BY SENATOR SCHEDLER AND REPRESENTATIVE SCHNEIDER

A CONCURRENT RESOLUTION

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

Read by title.

Under the rules, the above resolution was referred to the Committee on Natural Resources.

**SENATE CONCURRENT RESOLUTION NO. 53—**  
BY SENATOR HAINKEL

A CONCURRENT RESOLUTION

To notify the State Board of Elementary and Secondary Education that the legislature intends to fund educational services for juveniles adjudicated to the custody of the Department of Public Safety and Corrections who are incarcerated in a certain youth correctional facility by appropriation of funds for such purpose to the Department of Public Safety and Corrections.

Read by title.

Under the rules, the above resolution was referred to the Committee on Education.

**Senate Bills and Joint Resolutions on Second Reading to be Referred**

The following Senate Bills and Joint Resolutions on second reading to be referred were taken up, read, and referred to committees, as follows:

**SENATE BILL NO. 3—**  
BY SENATOR SHORT

AN ACT

To amend and reenact R.S. 47:297(D)(1) and (2), relative to individual income tax; to provide for a home-school tax credit; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Ways and Means.

**SENATE BILL NO. 109—**  
BY SENATOR DYESS

AN ACT

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

Read by title.

Under the rules, the above bill was referred to the Committee on Ways and Means.

**House and House Concurrent Resolutions Reported by Committees**

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

**HOUSE CONCURRENT RESOLUTION NO. 51—**  
BY REPRESENTATIVE R. ALEXANDER

A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to cease the removal of signs which have been located within the limits of a highway for more than fifteen years.

Read by title.

Reported favorably by the Committee on Transportation, Highways and Public Works.

On motion of Rep. Diez, the resolution was ordered engrossed and passed to its third reading.

**Senate Concurrent Resolutions Reported by Committees**

The following Senate Concurrent Resolutions reported by committees were taken up and acted upon as follows:

**SENATE CONCURRENT RESOLUTION NO. 5—**  
BY SENATOR LAMBERT

A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to install flashing lights and "slow-school zone" signs at highways adjacent to the entrance of all public and private, elementary and secondary schools.

Read by title.

Reported favorably by the Committee on Transportation, Highways and Public Works.

On motion of Rep. Diez, the resolution was ordered passed to its third reading.

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

The following House Bills and Joint Resolutions on second reading reported by committees were taken up and acted upon as follows:

**HOUSE BILL NO. 41—**  
BY REPRESENTATIVE THORNHILL

AN ACT

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

Read by title.

Reported with amendments by the Committee on Ways and Means.

The committee amendments were read as follows:

**HOUSE COMMITTEE AMENDMENTS**

Amendments proposed by House Committee on Ways and Means to Original House Bill No. 41 by Representative Thornhill

AMENDMENT NO. 1

On page 1, line 2, delete "51:2771(A)(3) and (E) and to repeal"

AMENDMENT NO. 2

On page 1, delete lines 4 and 5 in their entirety, and insert "to extend the time period of the tax credit; to provide an effective"

AMENDMENT NO. 3

On page 1, delete line 8 and insert in lieu thereof "Section 1. R.S. 51:2771(K) is hereby amended and"

AMENDMENT NO. 4

On page 1, delete lines 11 and 12 in their entirety.

AMENDMENT NO. 5

On page 1, delete lines 14 through 17 in their entirety, on page 2, delete lines 1 through 13 in their entirety, and insert the following:

"K. The provisions of this Chapter shall be null and void effective June 30, ~~1998~~ 2000. However, a credit received prior to that date shall remain effective for the remainder of the twenty-year period."

On motion of Rep. Alario, the amendments were adopted.

On motion of Rep. Alario, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.



**HOUSE BILL NO. 186—**

BY REPRESENTATIVES SCALISE AND FAUCHEUX  
AN ACT

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

Read by title.

Reported with amendments by the Committee on Ways and Means.

The committee amendments were read as follows:

**HOUSE COMMITTEE AMENDMENTS**

Amendments proposed by House Committee on Ways and Means to Original House Bill No. 186 by Representative Scalise

**AMENDMENT NO. 1**

On page 1, line 16, change "Economic Development" to "Culture, Recreation and Tourism"

**AMENDMENT NO. 2**

On page 2, line 1, after "made" and before "for" insert "in Louisiana, in whole or in part"

**AMENDMENT NO. 3**

On page 2, line 17, change "Economic Development" to "Culture, Recreation and Tourism"

**AMENDMENT NO. 4**

On page 2, delete lines 23 and 24 and insert the following:

"ten percent of the total aggregate payroll for residents employed in connection of such production when such payroll equals or exceeds three hundred thousand dollars during the taxable year. The credit shall be equal to twenty percent of the total aggregate payroll for residents employed in connection with such production when such payroll equals or exceeds one million dollars during the taxable year."

**AMENDMENT NO. 5**

On page 3, delete lines 4 through 6, and insert the following:

"purposes. The credit shall be limited to the tax liability of the motion picture production company for the taxable year in which such company applies for the credit."

**AMENDMENT NO. 6**

On page 3, between lines 6 and 7, insert:

"C. The secretary of the Department of Revenue shall promulgate such rules and regulations as may be necessary to administer this Section."

**AMENDMENT NO. 7**

On page 3, at the end of line 10, insert the following:

"The tax credit provided for in this Act shall become null and void on June 30, 2000."

On motion of Rep. Alario, the amendments were adopted.

On motion of Rep. Alario, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

**HOUSE BILL NO. 286—**

BY REPRESENTATIVE DIEZ

AN ACT

To amend and reenact R.S. 47:820.2(B) and (D) and 820.4, relative to the Transportation Infrastructure Model for Economic Development program; to increase expenditure amounts of certain projects; to provide for an extension of the four cents per gallon tax on gasoline, motor fuels, and special fuels; to provide for the creation of a priority listing of projects; to provide for the submission of progress reports; to provide for reports by the Revenue Estimating Conference and the Transportation Estimating Conference; to provide relative to the issuance of bonds; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Ways and Means.

The committee amendments were read as follows:

**HOUSE COMMITTEE AMENDMENTS**

Amendments proposed by House Committee on Ways and Means to Original House Bill No. 286 by Representative Diez

**AMENDMENT NO. 1**

On page 1, line 2, after "reenact" and before the comma "," change "R.S. 47:820.4" to "R.S. 47:820.2(B) and (D) and 820.4"

**AMENDMENT NO. 2**

On page 1, line 3, after "program;" and before "to" insert "to increase expenditure amounts of certain projects;"

**AMENDMENT NO. 3**

On page 1, line 5, after "special fuels;" and before "and" insert

"to provide for the creation of a priority listing of projects; to provide for the submission of progress reports; to provide for reports by the Revenue Estimating Conference and the Transportation Estimating Conference; to provide relative to the issuance of bonds"

**AMENDMENT NO. 4**

On page 1, line 7, after "R.S." and before "820.4" delete "47:" and insert "R.S. 47:820.2(B) and (D) and" and change "is" to "are"

**AMENDMENT NO. 5**

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

"§820.2. Distribution of proceeds; Transportation Infrastructure Model for Economic Development Account

\* \* \*

B.(1) Except as provided in Subsection C of this Section, the collections of the tax levied by R.S. 47:820.1 in the account shall be used, and the bonds issued by the State Bond Commission pursuant

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to Article VII, Section 27(C) shall be issued, solely and exclusively for the following projects and in the following amounts:

	Expenditures
(a) Highway Projects	
US 171 - Lake Charles to Shreveport	\$170.0 <u>415</u> million
US 165 - I-10-Alexandria-Monroe-Bastrop-Arkansas Line	<del>248.0</del> <u>492</u> million
US 90 - Morgan City to Houma	<del>210.0</del> <u>256</u> million
US 167 - Alex.-Ruston to Arkansas Line	<del>182.0</del> <u>389</u> million
LA 3241 - I-12 to Bush (Bogalusa)	<del>50.0</del> <u>52</u> million
Jefferson Parish West Bank Expressway (Avenue D to Ames Blvd.)	<del>30.0</del> <u>33.2</u> million
New Orleans Tchoupitoulas Street Corridor Earhart Blvd. (Orleans Parish Line to Loyola Avenue)	<del>10.0</del> <u>20</u> million
West Napoleon (Jefferson Parish)	<del>25.0</del> <u>53</u> million
Baton Rouge to Monroe:	
LA 15 - Natchez, Miss. to Monroe	<del>52.0</del> <u>66</u> million
US 61 - Bains to Miss. Line	<del>32.0</del> <u>29</u> million
(b) Bridges	
New Mississippi River Bridge at St. Francisville (Connection to US 61)	<del>50.0</del> <u>150</u> million
Huey P. Long Bridge (widen to six lanes)	<del>60.0</del> <u>220</u> million
New Florida Ave. Bridge over Industrial Canal	<del>32.0</del> <u>129</u> million
(c) Port of New Orleans	
	100.0 million
(d) New Orleans International Airport	
	75.0 million

However, the Department of Transportation and Development is hereby authorized to revise these expenditure amounts annually and shall appear before the House and Senate Committees on Transportation, Highways and Public Works annually to inform the committees of such revisions.

(2) Any other provisions of law notwithstanding:

(a) Nothing in this Part shall in any way increase the existing mileage included in the state highway system.

(b) The projects provided for in Paragraph B(1) of this Subsection shall be funded whether or not they are included in the capital outlay bill for a fiscal year.

(c) Any project provided for in Paragraph B(1) of this Subsection which has been completed by the Department of Transportation and Development as of June 10, 1998, shall not receive any additional monies from the imposition of this tax.

\* \* \*

D.(1) Each year, beginning with the fiscal year commencing in 1989, ~~the Department of Transportation and Development~~, the Board of Commissioners of the Port of New Orleans and the New Orleans Aviation Board shall each submit to the legislature a program of construction to be commenced in the ensuing fiscal year, which shall be based upon the anticipated revenues to be appropriated by the legislature and listed in an order of priority of the projects herein.

(2) The ~~department and the~~ Board of Commissioners of the Port of New Orleans and the New Orleans Aviation Board also shall each provide to the legislature annually an additional list of projects proposed to be commenced within the ensuing four years which are in various stages of planning and preparation. This list shall be

subject to change by the department and the Board of Commissioners of the Port of New Orleans and the New Orleans Aviation Board until the department and each of the boards finally approve each project for construction.

(3) Prior to the convening of each regular session of the legislature, ~~the department and~~ the Board of Commissioners of the Port of New Orleans and the New Orleans Aviation Board shall each prepare and shall furnish the project construction list to the Joint Legislative Committee on Transportation, Highways and Public Works which shall hold a public hearing or hearings for the purpose of reviewing priorities for the coming fiscal year. Subsequent to the committee hearing and prior to the convening of the regular session, ~~the department and~~ the Board of Commissioners of the Port of New Orleans and the New Orleans Aviation Board shall each prepare the final construction program for the coming fiscal year for submission to the legislature. When this final construction program is presented to the legislature for funding for the coming fiscal year, any project which the legislature determines is not in the proper order of priority may be deleted by the legislature. However, the legislature shall not add any projects to this final construction program nor shall the legislature make substitutions for projects which have been removed.

(4) No construction project herein shall be undertaken by ~~the department and~~ the Board of Commissioners of the Port of New Orleans and the New Orleans Aviation Board except those included in the priority listing for that fiscal year. The legislative auditor or a certified public accountant shall conduct a biennial audit of the Board of Commissioners of the Port of New Orleans and the New Orleans Aviation Board pursuant to R.S. 24:513(A) and shall issue and distribute all audit reports pursuant to R.S. 24:516(A). However, at the request of either board, there shall be an annual audit of such board.

(5) The projects planned for the year for which appropriations have been made shall be commenced in that year; however, if a project cannot be commenced within the year for which it is planned, the secretary of the Department of Transportation and Development, or the boards, whichever is appropriate, shall file with the project records a public statement as to the factors causing the delay, and the next priority project be substituted therefor. When the delaying factors have been overcome, the delayed project shall be placed in the highest priority for the next ensuing fiscal year. Funds allocated for each construction project shall remain so allocated until the project is completed and the project costs are liquidated.

\* \* \*

AMENDMENT NO. 6

On page 1, line 9, after "Duration" and before "of" insert "and issuance" and at the end of line 9, change "Part" to "bonds" and add the following:

"priority list; progress reports; recommendations by the Revenue Estimating Conference and the Transportation Estimating Conference; duration of the tax"

AMENDMENT NO. 7

On page 1, delete lines 10 through 16 and add the following:

"This Part shall cease to be in effect fifteen years from the date of the imposition of the tax described herein or at such time as all outstanding bonds or other indebtedness issued for the projects enumerated in this Part and payable from the proceeds of the tax levied by this Part have been paid in full as to principal and interest, whichever is sooner."

A. The Department of Transportation and Development shall establish a list of priorities in which all projects enumerated in House Bill 17 of the 1989 First Extraordinary Session of the Legislature which have not been completed by June 10, 1998 are prioritized according to their economic development value including, but not limited to, criteria developed pursuant to the Statewide Intermodal Transportation Plan and shall report this priority list to the House and Senate Committees on Transportation, Highways, and Public Works, the House Committee on Ways and Means and the Senate Committee on Revenue and Fiscal Affairs not later than January 1, 1999. In establishing this priority list, the department may consider information, data, or testimony presented by any task force or study commission created by legislative act or executive order whose purpose is to study the Transportation Infrastructure Model for Economic Development program. The department may also evaluate the economic development potential of projects not listed in House Bill 17 of the 1989 First Extraordinary Session of the Legislature and may report this information to the committees. Notwithstanding any other provision of law to the contrary, preconstruction work on the new Florida Avenue Bridge project shall begin no later than January 1, 2000.

B. The Department of Transportation and Development shall also submit a report to the House and Senate Committees on Transportation, Highways and Public Works, the House Committee on Ways and Means and the Senate Committee on Revenue and Fiscal Affairs annually to inform the committees of the progress of the projects enumerated in House Bill 17 of the 1989 First Extraordinary Session of the Legislature. This report shall include information on each project, including but not limited to the current construction phase, the anticipated date of completion, the estimated cost, and any other information requested by the committees.

C. The Revenue Estimating Conference shall submit a written report annually to the House and Senate Committees on Transportation, Highways and Public Works, the House Committee on Ways and Means, and the Senate Committee on Revenue and Fiscal Affairs to inform such committees of the projected amount of revenue to be collected during the next fiscal year pursuant to the tax levied in R.S. 47:820.1. The Transportation Estimating Conference created in R.S. 39:21.3(F) shall utilize the projected revenue data submitted by the Revenue Estimating Conference and shall make recommendations to the committees regarding the expiration of this tax when it deems that there are sufficient funds to complete the projects listed in House Bill 17 of the 1989 First Extraordinary Session of the Legislature.

D. Notwithstanding any other provision of law to the contrary, the tax imposed by R.S. 47:820.1 shall cease at such time as all projects listed in House Bill 17 of the 1989 First Extraordinary Session of the Legislature are completed and all outstanding bonds or other indebtedness have been paid in full. However, no bonds may be issued which are secured by a pledge of the revenues generated by the tax levied by R.S. 47:820.1 to provide funds for any project listed in House Bill 17 of the 1989 First Extraordinary Session of the Legislature after January 1, 2005. Furthermore, no bonds may be issued for a term of more than twenty years."

On motion of Rep. Alario, the amendments were adopted.

On motion of Rep. Alario, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

### Motion

On motion of Rep. Diez, House Bill No. 286 was made Special Order of the Day No. 1 for June 3, 1998.

### HOUSE BILL NO. 302—

BY REPRESENTATIVE SCALISE

AN ACT

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

Read by title.

Reported favorably by the Committee on Ways and Means.

On motion of Rep. Alario, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

### HOUSE BILL NO. 313—

BY REPRESENTATIVES MURRAY AND HUNTER

AN ACT

To enact R.S. 23:1536(H), relative to unemployment compensation tax; to reduce the unemployment compensation tax by twenty-five percent for Fiscal Year 1998-1999; and to provide for related matters.

Read by title.

Reported by substitute by the Committee on Ways and Means.

The substitute was read by title as follows:

### HOUSE BILL NO. 320 (Substitute for House Bill No. 313 by Representatives Murray and Hunter)—

BY REPRESENTATIVES MURRAY, HUNTER, AND COPELIN

AN ACT

To amend and reenact R.S. 23:1474(I), 1515(B), 1536(D)(3)(a)(introductory paragraph), 1592(E) and to enact R.S. 23:1515(C), 1536(J), and 1553(B)(8) and (9), relative to unemployment compensation; to increase benefit amounts based upon the applied trust fund balance and direction of the fund; to increase the funds to be appropriated to the subaccount in the employment security administration fund for customized training; to provide for an incremental reduction in the employer contribution rate; to provide for a reduction in the employer contribution rate for positive ratio employers; to authorize an increase in the appropriation for the customized training fund in the social charge recoupment account; to authorize an increase in the appropriation for administrative costs in the social charge recoupment account; and to provide for related matters.

Read by title.

On motion of Rep. Alario, the substitute was adopted and became House Bill No. 320 by Rep. Murray, on behalf of the Committee on Ways and Means, as a substitute for House Bill No. 313 by Rep. Murray.

On motion of Rep. Bruneau, the bill was returned to the calendar.

### Senate Instruments on Second Reading Returned from the Legislative Bureau

The following Senate Instruments on second reading, returned from the Legislative Bureau, were taken up and acted upon as follows:

**SENATE BILL NO. 89—**  
BY SENATOR ELLINGTON  
AN ACT

To enact R.S. 33:2721.11, relative to Catahoula Parish; to authorize the governing authority of Catahoula Parish to levy and collect an additional sales and use tax within the parish, with voter approval; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Municipal, Parochial and Cultural Affairs.

Reported without amendments by the Legislative Bureau.

On motion of Rep. Weston, the bill was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

**SENATE BILL NO. 92—**  
BY SENATOR JONES  
AN ACT

To enact R.S. 33:2737.70, relative to local sales and use taxes; to authorize the East Carroll Parish School Board to levy and collect an additional sales and use tax not to exceed one percent within the parish of East Carroll; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Municipal, Parochial and Cultural Affairs.

Reported without amendments by the Legislative Bureau.

On motion of Rep. Weston, the bill was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

**House and House Concurrent Resolutions on Third Reading for Final Consideration**

The following House and House Concurrent Resolutions on third reading for final consideration were taken up and acted upon as follows:

**HOUSE CONCURRENT RESOLUTION NO. 65—**  
BY REPRESENTATIVE QUEZAIRE  
A CONCURRENT RESOLUTION

To urge and request the office of state parks of the Department of Culture, Recreation and Tourism to study the feasibility of making the site of Fort Butler in Ascension Parish a state commemorative area and to report its findings to the House Committee on Municipal, Parochial and Cultural Affairs and the Senate Committee on Natural Resources.

Read by title.

On motion of Rep. Quezaire, the resolution was adopted.

Ordered to the Senate.

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

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

**HOUSE BILL NO. 25—**  
BY REPRESENTATIVE MONTGOMERY  
AN ACT

To amend and reenact Section 2 of Act No. 8 of the 1996 Regular Session of the Legislature, relative to the sales and use tax; to extend the time period of the exemption for certain trucks and trailers used in interstate commerce; to provide for an effective date; and to provide for related matters.

Read by title.

The above bill was taken up with the amendments proposed by the Senate.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Revenue and Fiscal Affairs to Engrossed House Bill No. 25 by Representative Montgomery

AMENDMENT NO. 1

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

"R.S. 47:305.50(A)(1) and"

AMENDMENT NO. 2

On page 1, line 3, after "tax;" insert:

"to exempt certain contract carrier buses used in interstate commerce;"

AMENDMENT NO. 3

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

"Section 1. R.S. 47:305.50(A)(1) is hereby amended and reenacted to read as follows:

§305.50. Exemption; ~~certain trucks and trailers~~ vehicles used in interstate commerce; rail rolling stock manufactured in this state for use in interstate commerce

A.(1)(a)(i) Effective July 1, 1996 through June 30, 2000, the sales and use tax imposed by the state of Louisiana or any of its local political subdivisions shall not apply to trucks with a gross weight of twenty-six thousand pounds or more and to trailers if such truck and trailer is used at least eighty percent of the time in ~~interstate commerce~~ activities that are subject to the jurisdiction of the United States Department of Transportation.

(ii) Effective July 1, 1998 through June 30, 2000, the sales and use tax imposed by the state of Louisiana or any of its local political subdivisions shall not apply to contract carrier buses if such buses are used at least eighty percent of the time in interstate commerce.

(b) For purposes of this Section, the terms "trucks" and "trailers" shall have the meanings ascribed to the terms truck, trailer, road tractor, semitrailer, tandem truck, tractor, and truck-tractor in R.S. 47:451. For purposes of this Section, the term "bus" shall mean a commercial vehicle with a minimum passenger capacity of thirty-five persons and a minimum gross vehicle weight of twenty-six thousand pounds. For purposes of this Section, the term "contract carrier" shall mean any person transporting, other than as a common carrier, persons for hire, charge, or compensation, over any highway

of this state, or however utilizing said public facilities for private gain to be realized chiefly out of such transportation service.

\* \* \*

AMENDMENT NO. 4

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

AMENDMENT NO. 5

On page 1, line 15, change "Section 2." to "Section 3."

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Hainkel to Engrossed House Bill No. 25 by Representative Montgomery

AMENDMENT NO. 1

In Senate Committees Amendments proposed by the Senate Committee on Revenue and Fiscal Affairs and adopted by the Senate on May 28, 1998, in Amendment No. 3, page 1, line 14, change "1996" to "1998" and on line 19, after "the time in" delete the remainder of the line and insert "interstate commerce and whose activities are subject to"

Rep. Montgomery moved that the amendments proposed by the Senate be concurred in.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. Speaker	Green	Pratt
Alario	Guillory	Quezairé
Alexander, A.—93rd	Hammett	Riddle
Alexander, R.—13th	Heaton	Romero
Ansardi	Hebert	Rousselle
Barton	Hill	Salter
Baudoin	Holden	Scalise
Baylor	Hopkins	Schneider
Bowler	Hunter	Schwegmann
Bruce	Iles	Shaw
Bruneau	Jenkins	Smith, J.D.—50th
Carter	Johns	Smith, J.R.—30th
Chaisson	Kennard	Stelly
Clarkson	Kenney	Strain
Copelin	Lancaster	Theriot
Crane	Landrieu	Thomas
Curtis	LeBlanc	Thompson
Damico	Marionneaux	Thornhill
Daniel	Martiny	Toomy
Deville	McCain	Travis
DeWitt	McCallum	Triche
Diez	McDonald	Vitter
Dimos	McMains	Waddell
Donelon	Michot	Walsworth
Dupre	Mitchell	Warner
Durand	Montgomery	Welch
Farve	Morrell	Weston
Faucheux	Morrish	Wiggins
Flavin	Murray	Willard
Fontenot	Odinot	Windhorst
Frith	Perkins	Winston
Fruge	Pierre	Wright
Gautreaux	Pinac	

Glover	Powell
Total—100	
	NAYS
Total—0	
	ABSENT
Hudson	Long
Jetson	Wilkerson
Total—4	

The amendments proposed by the Senate were concurred in by the House.

**HOUSE BILL NO. 69—**  
BY REPRESENTATIVE HAMMETT  
AN ACT

To amend and reenact R.S. 47:358(B), relative to occupational license tax on certain public utilities; to provide for imposition of the tax at each place of business; to define business location; and to provide for related matters.

Read by title.

**Motion**

On motion of Rep. Bruneau, the bill was returned to the calendar subject to call.

**HOUSE BILL NO. 99—**  
BY REPRESENTATIVES DIMOS, BRUNEAU, CRANE, DAMICO, DANIEL, DIEZ, DONELON, DURAND, FAUCHEUX, FLAVIN, HEBERT, LANCASTER, MARTINY, MCCALLUM, ODINET, PERKINS, PIERRE, SCALISE, TRICHE, KENNEY, AND SCHNEIDER AND SENATORS BARHAM, CASANOVA, DEAN, GREENE, HEITMEIER, HOLLIS, JORDAN, ROMERO, SCHEDLER, SHORT, SIRACUSA, AND ULLO  
AN ACT

To amend and reenact Section 2 of Act 15 of the 1996 Regular Session of the Legislature, relative to the state and local sales and use tax; to delete the provision which made such Act, which provides for an exclusion for certain transactions involving private and parochial elementary and secondary schools, null and void on July 1, 1998; and to provide for related matters.

Read by title.

The above bill was taken up with the amendments proposed by the Senate.

**SENATE FLOOR AMENDMENTS**

Conforming Amendments proposed by Senator Ellington to Reengrossed House Bill No. 99 by Representative Dimos (Duplicate of Senate Bill No. 67)

AMENDMENT NO. 1

On page 1, after "HOUSE BILL NO. 99" add the following:

"(Duplicate of Senate Bill No. 67 by Senator Ellington)"

AMENDMENT NO. 2

On page 1, line 13, after "effective" delete the remainder of the line and delete line 14 in its entirety and insert in lieu thereof the following:

"on July 1, 1998."

Rep. Dimos moved that the amendments proposed by the Senate be concurred in.

**ROLL CALL**

The roll was called with the following result:  
YEAS

Mr. Speaker	Glover	Pratt
Alario	Green	Quezaire
Alexander, A.—93rd	Guillory	Riddle
Alexander, R.—13th	Hammitt	Romero
Ansardi	Heaton	Salter
Barton	Hebert	Scalise
Baudoin	Hill	Schneider
Baylor	Holden	Schwegmann
Bowler	Hopkins	Shaw
Bruce	Hunter	Smith, J.D.—50th
Bruneau	Jenkins	Smith, J.R.—30th
Carter	Johns	Stelly
Chaisson	Kenney	Strain
Clarkson	Lancaster	Theriot
Copelin	Landrieu	Thomas
Crane	LeBlanc	Thompson
Curtis	Long	Thornhill
Damico	Marionneaux	Toomy
Daniel	Martiny	Travis
Deville	McCain	Triche
DeWitt	McCallum	Vitter
Diez	McDonald	Waddell
Dimos	McMains	Walsworth
Donelon	Michot	Warner
Dupre	Montgomery	Welch
Durand	Morrell	Weston
Farve	Morrish	Wiggins
Faucheux	Murray	Wilkerson
Flavin	Odinet	Willard
Fontenot	Perkins	Windhorst
Frith	Pierre	Winston
Fruge	Pinac	Wright
Gautreaux	Powell	

NAYS

Total—0

ABSENT

Hudson	Kennard
Iles	Mitchell
Jetson	Rousselle
Total—6	

The amendments proposed by the Senate were concurred in by the House.

**HOUSE BILL NO. 104—**  
BY REPRESENTATIVE HILL  
AN ACT

To enact R.S. 33:2740.38, to authorize the governing authority of Allen Parish to impose a one percent hotel occupancy tax within the parish to be used to fund capital improvements in the parish; and to provide for related matters.

Read by title.

The above bill was taken up with the amendments proposed by the Senate.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Cox to Engrossed House Bill No. 104 by Representative Hill

AMENDMENT NO. 1

On page 1, line 2, after "enact" change "R.S. 33:2740.38," to "R.S. 33:2740.38 and 2740.39, relative to hotel occupancy taxes;"

AMENDMENT NO. 2

On page 1, line 4, after "parish;" insert "to authorize the governing authority of certain municipalities, subject to voter approval, to levy a hotel occupancy tax;"

AMENDMENT NO. 3

On page 1, line 10, after "Section 1." change "R.S. 33:2740.38 is" to "R.S. 33:2740.38 and 2740.39 are"

AMENDMENT NO. 4

On page 3, after line 10, insert the following:

"§2740.39. Certain municipalities; hotel occupancy tax; authorization

A.(1) Notwithstanding any other provision of law, and in addition to any other tax now or hereafter levied and collected, the governing authority of any municipality having a population of less than ten thousand persons as of the most recent federal decennial census and in which a riverboat is authorized to conduct gaming activities pursuant to R.S. 27:41 et seq. may, in accordance with Subsection B of this Section, levy and collect a tax upon the paid occupancy of hotel rooms located within the municipality. The hotel occupancy tax shall be three dollars per night per room.

(2) The word "hotel" as used in this Section shall mean and include any establishment, public or private, engaged in the business of furnishing or providing rooms or overnight camping facilities intended or designed for dwelling, lodging, or sleeping purposes to transient guests where such establishment consists of two or more guest rooms and does not encompass any hospital, convalescent or nursing home or sanitarium, or any hotel-like facility operated by or in connection with a hospital or medical clinic providing rooms exclusively for patients and their families.

(3) The hotel occupancy tax shall be paid by the person who exercises or is entitled to occupancy of the hotel room and shall be paid at the time the rent or fee for occupancy is paid. "Person" as used herein shall have the same definition as that contained in R.S. 47:301(8).

B. The governing authority of any such municipality shall impose the hotel occupancy tax by ordinance. The governing authority may adopt such ordinance only after a proposition authorizing the levy of the tax has been approved by a majority of the electors of the municipality voting at an election held for that purpose in accordance with the applicable provisions of the Louisiana Election Code. The governing authority may provide in the ordinance necessary and appropriate rules and regulations for the imposition, collection, and enforcement of the hotel occupancy tax.

C. The governing authority may enter into a contract under such terms and conditions as it may deem appropriate, including payment of a reasonable collection fee, with any public entity authorized to collect sales or use taxes for the collection of the hotel occupancy tax authorized hereby. The hotel occupancy tax shall be in addition to all taxes presently being levied upon the occupancy of hotel rooms located within the municipality."

Rep. Hill moved that the amendments proposed by the Senate be concurred in.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. Speaker	Glover	Pratt
Alario	Green	Quezaire
Alexander, A.—93rd	Guillory	Riddle
Alexander, R.—13th	Hammett	Romero
Ansardi	Heaton	Rousselle
Barton	Hebert	Salter
Baudoin	Hill	Scalise
Baylor	Holden	Schneider
Bruce	Hopkins	Schwegmann
Bruneau	Hunter	Shaw
Carter	Iles	Smith, J.D.—50th
Chaisson	Johns	Smith, J.R.—30th
Clarkson	Kennard	Stelly
Copelin	Kenney	Strain
Crane	Lancaster	Theriot
Curtis	Landrieu	Thomas
Damico	LeBlanc	Thompson
Daniel	Long	Thornhill
Deville	Martiny	Toomy
DeWitt	McCain	Travis
Diez	McCallum	Triche
Dimos	McDonald	Vitter
Donelon	McMains	Waddell
Dupre	Michot	Walsworth
Durand	Montgomery	Warner
Farve	Morrell	Welch
Faucheux	Morrish	Weston
Flavin	Murray	Wiggins
Fontenot	Odinet	Wilkerson
Frith	Pierre	Willard
Fruge	Pinac	Winston
Gautreaux	Powell	Wright
Total—96		

**NAYS**

Bowler	Jenkins	Windhorst
Total—3		

**ABSENT**

Hudson	Marionneaux	Perkins
Jetson	Mitchell	
Total—5		

The amendments proposed by the Senate were concurred in by the House.

**HOUSE BILL NO. 69—**  
BY REPRESENTATIVE HAMMETT  
AN ACT

To amend and reenact R.S. 47:358(B), relative to occupational license tax on certain public utilities; to provide for imposition of the tax at each place of business; to define business location; and to provide for related matters.

Called from the calendar.

Read by title.

The above bill was taken up with the amendments proposed by the Senate.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Revenue and Fiscal Affairs to Reengrossed House Bill No. 69 by Representative Hammett

AMENDMENT NO. 1

On page 1, line 4, after "location;" insert "to provide for a termination date;"

AMENDMENT NO. 2

On page 2, at the end of line 4, insert "The provisions of R.S. 47:358 applicable to a person engaged in the business of selling electricity or gas shall become null and void on December 31, 2000."

Rep. McCallum moved that the amendments proposed by the Senate be concurred in.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. Speaker	Green	Pratt
Alario	Guillory	Quezaire
Alexander, A.—93rd	Hammett	Riddle
Alexander, R.—13th	Heaton	Romero
Ansardi	Hebert	Rousselle
Barton	Hill	Salter
Baudoin	Holden	Scalise
Baylor	Hopkins	Schneider
Bowler	Hunter	Schwegmann
Bruce	Iles	Shaw
Bruneau	Jenkins	Smith, J.D.—50th
Carter	Johns	Smith, J.R.—30th
Chaisson	Kennard	Stelly
Clarkson	Kenney	Strain
Copelin	Lancaster	Theriot
Crane	Landrieu	Thomas
Curtis	LeBlanc	Thompson
Damico	Long	Thornhill
Daniel	Marionneaux	Toomy
Deville	Martiny	Travis
DeWitt	McCain	Triche
Diez	McCallum	Vitter
Dimos	McDonald	Waddell
Donelon	McMains	Walsworth
Dupre	Michot	Warner
Durand	Montgomery	Welch
Farve	Morrell	Weston
Faucheux	Morrish	Wiggins
Flavin	Murray	Wilkerson
Fontenot	Odinet	Willard
Frith	Perkins	Windhorst
Fruge	Pierre	Winston
Gautreaux	Pinac	Wright
Glover	Powell	
Total—101		

**NAYS**

Total—0

**ABSENT**

Hudson	Mitchell
Jetson	

Total—3

The amendments proposed by the Senate were concurred in by the House.

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

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

**HOUSE BILL NO. 240—**

BY REPRESENTATIVES MONTGOMERY, BRUCE, COPELIN, DEWITT, DUPRE, DURAND, FRITH, FRUGE, GAUTREAUX, ILES, MICHOT, PIERRE, PINAC, SALTER, TRAVIS, WADDELL, AND HOLDEN AND SENATOR BEAN

**AN ACT**

To enact R.S. 47:301(14)(i) and Chapter 10 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 47:951 through 958, and R.S. 47:6012, and to repeal R.S. 47:301(14)(i), to provide for the levy of a statewide excise tax on certain communications services; to provide for a credit against Louisiana corporate income and franchise taxes for certain property taxes paid by certain telephone companies with respect to public service properties; to exclude communications services from the state sales tax; to provide for the pass-through to customers of any tax savings through reductions in the prices charged for communications services; and to provide for related matters.

Called from the calendar.

**Suspension of the Rules**

On motion of Rep. Montgomery, and under a suspension of the rules, the above bill was taken up out of its regular order at this time.

Read by title.

**Speaker Pro Tempore Bruneau in the Chair**

Rep. Montgomery sent up floor amendments which were read as follows:

**HOUSE FLOOR AMENDMENTS**

Amendments proposed by Representative Montgomery to Engrossed House Bill No. 240 by Representative Montgomery, et al.

AMENDMENT NO. 1

On page 1, delete line 4 and insert the following:

"through 956 and R.S. 47:6012, and to repeal R.S. 47:301(14)(i), Chapter 10 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, comprised of R.S. 47:951 through 956, and R.S. 47:6012, relative to the taxation of communications services; to"

AMENDMENT NO. 2

On page 1, line 11, after the semicolon ";" and before "and" insert:

"to provide for certain repeals related thereto under certain circumstances;"

AMENDMENT NO. 3

On page 2, delete line 3 in its entirety and at the beginning of line 4, delete "them" and insert in lieu thereof:

"tax laws now place certain telephone companies"

AMENDMENT NO. 4

On page 2, line 9, after "such" change "discriminatory treatment" to "competitive disadvantage"

AMENDMENT NO. 5

On page 2, at the end of line 11, change "tax" to "taxes"

AMENDMENT NO. 6

On page 3, line 1, after "Section 1." delete the remainder of the line

AMENDMENT NO. 7

On page 3, line 3, after "through" delete the remainder of the line and insert:

"956 and 6012 are"

AMENDMENT NO. 8

On page 4, line 13, after "communications services," and before "specialized" delete "paging services,"

AMENDMENT NO. 9

On page 9, line 6, after "proceeds" delete "of the state component"

AMENDMENT NO. 10

On page 11, line 20, change "1998" to "1990"

AMENDMENT NO. 11

On page 13, line 15, after "(26 U.S.C. Section 1504)" insert a period "." and delete the remainder of the line and delete lines 16 and 17 in their entirety

AMENDMENT NO. 12

On page 15, after line 26, insert:

"\* \* \*

AMENDMENT NO. 13

On page 16, line 2, change "958" to "956"

AMENDMENT NO. 14

On page 16, delete lines 5 through 15 in their entirety and insert in lieu thereof the following:

"Section 7. The provisions of Chapter 10 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950 as enacted by Section 2 of this Act shall apply and be effective with respect to taxable services reflected on bills submitted by communications service providers to their customers which are dated on or after January 1, 2000, regardless of when such services are provided.

Section 8. Sections 1 and 8 of 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. Sections 2, 3, 4, 5, and 7 of this Act shall become effective on January 1, 2000. If it is determined by the legislature or by a court of competent jurisdiction that a regulatory authority has failed to assure that one hundred percent of the tax savings experienced by a communications service provider, whose rates are regulated by such authority, enures to the benefit of all classes of the customers of such provider as required by Section 3 of this Act, then Section 6 of this Act shall become effective on the first day of the second month following the month in which such determination is made."

On motion of Rep. Montgomery, the amendments were adopted.

**Suspension of the Rules**

On motion of Rep. Jetson, the rules were suspended to limit the author or proponent handling the legislative instrument to ten minutes for opening remarks and all subsequent speakers on the instrument to five minutes.

Rep. Copelin sent up floor amendments which were read as follows:

**HOUSE FLOOR AMENDMENTS**

Amendments proposed by Representative Copelin to Engrossed House Bill No. 240 by Representative Montgomery

AMENDMENT NO. 1

On page 1, delete lines 2 through 12 and insert the following:

"To amend and reenact R.S. 47:1851(M) and to repeal R.S. 47:1851(P) and (Q), relative to the ad valorem tax; to provide that the properties of telephone and telegraph companies shall not be considered public service properties and shall be locally assessed as "other property" for Louisiana ad valorem property tax purposes; and to provide for related matters."

AMENDMENT NO. 2

On page 2, delete lines 8 through 26 in their entirety and insert the following:

"such properties' fair market values. Accordingly, the legislature finds that it is no longer appropriate to treat the properties of telephone companies as public service properties for ad valorem tax purposes or to assess such properties for ad valorem tax purposes at a rate higher than that for properties used by other communications service providers or in other industries or through the use of a methodology that is different from that employed for property used by other communications service providers.

Section 2. R.S. 47:1851(M) is hereby amended and reenacted to read as follows:

§1851. Definitions

When used in this Part, unless the context requires a different meaning:

\* \* \*

M.(1) "Public service properties" means the immovable, major movable, and other movable property owned or used but not

otherwise assessed in this state in the operations of each airline, electric membership corporation, electric power company, express company, gas company, pipeline company, railroad company, ~~telegraph company, telephone company~~ and water company. For each barge line, towing company, or private car company, only the major movable property owned or used but not otherwise assessed in this state in interstate or interparish operations shall be considered as public service property.

(2) "Public service properties" means the immovable, major movable, and other movable property acquired by each telegraph company and telephone company prior to January 1, 1999 which is owned or used but not otherwise assessed in this state in the operations of such companies.

\* \* \*

Section 3. R.S. 47:1851(P) and (Q) are hereby repealed in their entirety.

Section 4. To the extent that a person experiences a tax saving solely as a result of the provisions of this Act, such tax saving shall inure to the benefit of the customers of such person through a reduction in the price of one or more communications services provided by such person. In the case of any such person whose rates are subject to regulation by a state or local authority, such price reduction shall be accomplished in a manner to be determined by such regulatory authority. For purposes of this Section, the term "tax saving" means a net after-tax reduction in the aggregate amount of ad valorem taxes imposed on such person.

Section 5. The provisions of this Act shall become effective on January 1, 1999."

AMENDMENT NO. 3

Delete pages 3 through 16 in their entirety.

Rep. Copelin moved the adoption of the amendments.

Rep. Montgomery objected.

By a vote of 28 yeas and 72 nays, the amendments were rejected.

Rep. Vitter sent up floor amendments which were read as follows:

**HOUSE FLOOR AMENDMENTS**

Amendments proposed by Representative Vitter to Engrossed House Bill No. 240 by Representative Montgomery

AMENDMENT NO. 1

On page 11, between lines 4 and 5, insert the following:

"D. Notwithstanding any other provision of this Section, in any taxable year in which the Revenue Estimating Conference determines that the proceeds of the income tax replacement amount provided for in R.S. 47:956(B)(1) do not equal or exceed the total amount of the credits taken for that taxable year pursuant to this Section, the credit shall be proportionately reduced by the amount of the shortfall for the succeeding taxable year. The secretary of the Department of Revenue shall promulgate the amount of the allowable tax credit for said succeeding taxable year."

AMENDMENT NO. 2

# Page 18 HOUSE

19th Day's Proceedings - June 2, 1998

On page 11, line 7, change "saving" to "savings"

## AMENDMENT NO. 3

On page 11, line 8, change "saving" to "savings"

## AMENDMENT NO. 4

On page 11, line 13, change "Section, the term "tax saving" means" to "Act, the term "tax savings" means"

## AMENDMENT NO. 5

On page 11, delete lines 14 through 16 in their entirety, and insert the following:

"the total reduction in the amount of state corporation income and state corporation franchise taxes that are imposed on the service provider which reduction is a direct result of this Act."

On motion of Rep. Vitter, the amendments were adopted.

Rep. Murray sent up floor amendments which were read as follows:

### **HOUSE FLOOR AMENDMENTS**

Amendments proposed by Representative Murray to Engrossed House Bill No. 240 by Representative Montgomery

## AMENDMENT NO. 1

On page 1, line 4, change "958" to "956"

## AMENDMENT NO. 2

On page 1, line 6, after "services;" and before "to provide" insert "to provide for the distribution of the proceeds of such tax to the state and its political subdivisions;"

## AMENDMENT NO. 3

On page 2, line 3, after "laws" delete the remainder of the line and delete line 4 in its entirety and insert in lieu thereof "classify the property of certain telephone companies as"

## AMENDMENT NO. 4

On page 2, line 5, delete "and"

## AMENDMENT NO. 5

On page 2, line 6, after "values" insert a comma "," and delete the remainder of the line and insert "while classifying the property of their competitors"

## AMENDMENT NO. 6

On page 2, line 7, delete "classified" and delete "and"

## AMENDMENT NO. 7

On page 2, line 9, delete "mitigate the effects of such discriminatory treatment" and insert in lieu thereof "spur competition"

## AMENDMENT NO. 8

On page 2, line 10, change "classified" to "described"

## AMENDMENT NO. 9

On page 2, line 11, change "entitled to" to "afforded"

## AMENDMENT NO. 10

On page 2, at the end of line 12, delete "higher" and at the beginning of line 13 delete "assessment ratio applicable to"

## AMENDMENT NO. 11

On page 3, line 23 delete "work product" and insert in lieu thereof "opinion"

## AMENDMENT NO. 12

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

"(2) "Local component of the communications excise tax" means fifty percent of the tax imposed by R.S. 47:953(A)."

## AMENDMENT NO. 13

On page 4, line 5, change "(2)" to "(3)"

## AMENDMENT NO. 14

On page 4, line 8, change "(3)" to "(4)"

## AMENDMENT NO. 15

On page 4, line 16, change "(4)" to "(5)"

## AMENDMENT NO. 16

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

"(6) "State component of the communications excise tax" means fifty percent of the tax imposed by R.S. 47:953 (A)."

## AMENDMENT NO. 17

On page 5, line 5, change "(5)" to "(7)"

## AMENDMENT NO. 18

On page 5, line 14, delete "state"

## AMENDMENT NO. 19

On page 9, at the end of line 5, insert the following:

"The state component of the communications excise tax shall be credited in accordance with the provisions of R.S. 47:956(B). The secretary shall be the agent for the political subdivisions of the state with respect to the local component of the communications excise tax. The secretary shall account for the local component of the communications excise tax separately from all other taxes, and shall distribute the proceeds of the local component of the communications excise tax in accordance with the provisions of R.S. 47:956(C). The secretary may assess a collection fee, not to exceed one percent of the amount of the local component of the communications excise tax collected by the secretary, as reimbursement for the actual cost of collection."

## AMENDMENT NO. 20

On page 9 between lines 18 and 19, insert the following:

"C. The secretary shall distribute the local component of the communications excise tax to the various municipalities and parishes of the state on a monthly basis. The local component of the communications excise tax shall be divided among the various municipalities and parishes of the state based on the ratio of each such political subdivision's share of local exchange access line to the total number of local exchange access lines within the state on January 1 of the applicable year.

D. For purposes of this Section:

(1) A municipality's share of local exchange access lines shall be the total number of business and residence local telephone lines provided at customer premises located in the corporate limits of such municipality by all local exchange carriers providing service in such municipality.

(2) A parish's share of local exchange access lines shall be the total number of business and residence local telephone lines provided at customer premises located in the unincorporated areas of such parish by all local exchange carriers providing service in such areas.

(3) The applicable year shall be the calendar year within which falls the month for which the distribution is made pursuant to this Section.

(4) Amounts paid for basic local exchange telephone service shall include only the basic line charges for residence and business customers pursuant to tariffs on file with the Louisiana Public Service Commission on January 1, 1998.

(5) The secretary may adjust any overpayment or payment in error to a political subdivision in any subsequent payment to such political subdivision."

#### AMENDMENT NO. 21

On page 11, delete lines 18 through 20 in their entirety and insert in lieu thereof the following:

"Section 5. The provisions of this Act shall not be construed to prohibit the levy and collection of any franchise, excise, gross receipts, or right-of-way fee, or similar fee, tax or assessment by any political subdivision of the state as defined in Article VI, Section 44(2) of the Constitution of Louisiana."

Rep. Murray moved the adoption of the amendments.

Rep. Montgomery objected.

By a vote of 22 yeas and 78 nays, the amendments were rejected.

Rep. Travis sent up floor amendments which were read as follows:

#### **HOUSE FLOOR AMENDMENTS**

Amendments proposed by Representative Travis to Engrossed House Bill No. 240 by Representatives Montgomery, et al.

#### AMENDMENT NO. 1

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

"(2) "Interstate communications service" means any communications service which originates in this state but does not terminate in this state or which terminates in this state but does not originate in this state."

#### AMENDMENT NO. 2

On page 4, at the beginning of line 5, change "(2)" to "(3)"

#### AMENDMENT NO. 3

On page 4, at the beginning of line 8, change "(3)" to "(4)"

#### AMENDMENT NO. 4

On page 4, at the beginning of line 16, change "(4)" to "(5)"

#### AMENDMENT NO. 5

On page 5, at the beginning of line 5, change "(5)" to "(6)"

#### AMENDMENT NO. 6

On page 5, line 14, after "A." and before "is" insert "(1) Except as provided in Paragraphs (1) and (2) of this Subsection, there"

#### AMENDMENT NO. 7

On page 5, between lines 18 and 19, insert the following:

"(2) Notwithstanding Paragraph (1) of this Subsection, during the calendar year 2000, the tax imposed on taxable interstate communications services shall be at the rate of one percent.

(3) Notwithstanding Paragraph (1) of this Subsection, during the calendar year 2001, the tax imposed on taxable interstate communications services shall be at the rate of two percent."

#### AMENDMENT NO. 8

On page 9, at the beginning of line 8, after "(1)" and before "The" insert "(a)"

#### AMENDMENT NO. 9

On page 9, line 11, after "year" and before "shall" insert ", except for the years 2000 and 2001,"

#### AMENDMENT NO. 10

On page 9, between line 15 and 16, insert the following:

"(b) The income tax credit replacement amount for the year 2000 shall be 13.33 percent of such ad valorem property taxes paid during the calendar year 1999.

(c) The income tax credit replacement amount for the year 2001 shall be 26.66 percent of such ad valorem property taxes paid during calendar year 2000."

#### AMENDMENT NO. 11

On page 9, at the beginning of line 21, after "A." and before "Pursuant" insert "(1)"

#### AMENDMENT NO. 12

On page 9, line 21, after "Section," and before "every" insert "except as provided in Paragraphs (2) and (3) of this Subsection,"

#### AMENDMENT NO. 13

On page 10, between lines 2 and 3, insert the following:

"(2) However, the credit allowed for taxable years ending after December 31, 1999 but on or before December 31, 2000, shall be an amount equal to 13.33 percent of such ad valorem taxes paid during calendar year 1999.

(3) However, the credit allowed for taxable years ending after December 31, 2000 but on or before December 31, 2001, shall be an amount equal to 26.66 percent of such aggregate ad valorem property taxes paid during the calendar year 2000."

On motion of Rep. Travis, the amendments were adopted.

Rep. Montgomery moved the final passage of the bill, as amended.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. Speaker	Holden	Pierre
Ansardi	Hunter	Pinac
Barton	Iles	Pratt
Baudoin	Jetson	Riddle
Baylor	Johns	Salter
Bruce	Kennard	Shaw
Bruneau	Kenney	Smith, J.R.—30th
Chaisson	LeBlanc	Stelly
Dimos	Long	Theriot
Dupre	Martiny	Thompson
Durand	McCallum	Toomy
Farve	McDonald	Travis
Flavin	McMains	Vitter
Fruge	Michot	Walsworth
Gautreaux	Mitchell	Welch
Glover	Montgomery	Weston
Green	Morrell	Wilkerson
Hill	Morrish	Willard
Total—54		

**NAYS**

Alario	Guillory	Scalise
Alexander, A.—93rd	Hammett	Schneider
Alexander, R.—13th	Hebert	Schwegmann
Bowler	Hopkins	Smith, J.D.—50th
Carter	Jenkins	Strain
Clarkson	Lancaster	Thomas
Copelin	Landrieu	Thornhill
Crane	Marionneaux	Triche
Damico	McCain	Waddell
Daniel	Murray	Warner
Deville	Odinot	Wiggins
Diez	Perkins	Windhorst
Donelon	Powell	Winston
Faucheux	Quezaire	Wright
Fontenot	Romero	
Frith	Rousselle	
Total—46		

**ABSENT**

Curtis	Heaton
DeWitt	Hudson
Total—4	

The bill, not having received a two-thirds vote of the elected members, failed to pass.

Motion to reconsider pending.

**Suspension of the Rules**

On joint motion of Reps. Frith and Hebert, and under a suspension of the rules, the above roll call was corrected to reflect them as voting nay.

**Suspension of the Rules**

On motion of Rep. Montgomery, the rules were suspended in order to take up Petitions, Memorials and Communications at this time.

**Petitions, Memorials and Communications**

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

**Message from the Senate**

**ASKING CONCURRENCE IN SENATE CONCURRENT RESOLUTIONS**

June 2, 1998

To the Honorable Speaker and Members of the House of Representatives:

I am directed to inform your honorable body that the Senate has adopted and asks your concurrence in the following Senate Concurrent Resolutions:

Senate Concurrent Resolution No. 35

Respectfully submitted,

MICHAEL S. BAER, III  
Secretary of the Senate

**Message from the Senate**

**SENATE BILLS**

June 2, 1998

To the Honorable Speaker and Members of the House of Representatives:

I am directed to inform your honorable body that the Senate has finally passed the following Senate Bills:

Senate Bill Nos. 68 and 112

Respectfully submitted,

MICHAEL S. BAER, III  
Secretary of the Senate

**Suspension of the Rules**

On motion of Rep. DeWitt, the rules were suspended in order to take up the bills contained in the message at this time.

**Senate Bills and Joint Resolutions on First Reading**

The following Senate Bills and Joint Resolutions on first reading were taken up, read, and placed upon the calendar for their second reading:

**SENATE BILL NO. 68—**  
BY SENATOR LANDRY

AN ACT

To amend and reenact R.S. 48:274.1(D), 274.3(E), and 381.2(D), relative to highways; to provide relative to permitted use and occupancy of highway rights-of-way; to provide for the disposition of revenue from fees for such permitting; to abolish certain funds established relative to such fees; to provide that the revenue from such fees be considered as self-generated revenue to the Department of Transportation and Development; and to provide for related matters.

Read by title.

**SENATE BILL NO. 112—**  
BY SENATOR SCHEDLER

AN ACT

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

Read by title.

**Introduction of Resolutions,  
House and House Concurrent**

The following members introduced the following entitled House and House Concurrent Resolutions, which were read the first time by their titles and placed upon the calendar for their second reading:

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

A CONCURRENT RESOLUTION

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

Read by title.

On motion of Rep. McDonald, and under a suspension of the rules, the above bill was referred to the Committee on Education, under the rules.

**Reports of Committees**

The following reports of committees were received and read:

**Report of the Committee on Environment**

June 2, 1998

To the Speaker and Members of the House of Representatives:

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

House Concurrent Resolution No. 86, by Morrish  
Reported favorably. (10-0)

House Concurrent Resolution No. 94, by Damico  
Reported favorably. (7-3)

N. J. DAMICO  
Chairman

**Report of the Committee on Ways and Means**

June 2, 1998

To the Speaker and Members of the House of Representatives:

I am directed by your Committee on Ways and Means to submit the following report:

Senate Concurrent Resolution No. 18, by Barham  
Reported with amendments. (13-0)

Senate Concurrent Resolution No. 38, by Schedler  
Reported with amendments. (13-0)

Senate Bill No. 29, by Bagneris (Joint Resolution)  
Reported with amendments. (14-0)

Senate Bill No. 32, by Malone (Joint Resolution)  
Reported favorably. (11-0)

Senate Bill No. 34, by Johnson (Joint Resolution)  
Reported favorably. (14-0)

Senate Bill No. 41, by Greene  
Reported favorably. (10-0) (Regular)

Senate Bill No. 53, by Barham  
Reported favorably. (11-0) (Regular)

Senate Bill No. 54, by Barham  
Reported favorably. (12-0) (Regular)

Senate Bill No. 59, by Barham  
Reported favorably. (12-0) (Regular)

Senate Bill No. 64, by Malone  
Reported favorably. (11-0) (Regular)

Senate Bill No. 78, by Robichaux  
Reported favorably. (12-0) (Regular)

Senate Bill No. 103, by Landry  
Reported favorably. (10-0) (Regular)

Senate Bill No. 115, by Landry  
Reported favorably. (10-0) (Regular)

JOHN A. ALARIO, JR.  
Chairman

The above Senate Bills reported favorably or with amendments, except Senate Bill No. 29, Senate Bill No. 32 and Senate Bill No. 34, were referred to the Legislative Bureau.

**House and House Concurrent Resolutions**

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

**HOUSE CONCURRENT RESOLUTION NO. 95—**  
BY REPRESENTATIVE LONG

A CONCURRENT RESOLUTION

To urge and request the state Department of Education to study the development and implementation of a prekindergarten program in Louisiana similar to the Georgia Prekindergarten Program and to report its findings and recommendations on such development and implementation to the House and Senate

Committees on Education at least thirty days prior to the beginning of the 1999 Regular Session of the Legislature.

Read by title.

On motion of Rep. Long, and under a suspension of the rules, the above resolution was referred to the Committee on Education, under the rules.

**HOUSE CONCURRENT RESOLUTION NO. 96—**  
BY REPRESENTATIVE BARTON  
A CONCURRENT RESOLUTION

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

Read by title.

On motion of Rep. Long, and under a suspension of the rules, the above resolution was referred to the Committee on Education, under the rules.

**HOUSE CONCURRENT RESOLUTION NO. 102—**  
BY REPRESENTATIVE MCDONALD  
A CONCURRENT RESOLUTION

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

Read by title.

On motion of Rep. Long, and under a suspension of the rules, the above resolution was referred to the Committee on Education, under the rules.

**Suspension of the Rules**

Rep. Long moved to suspend House Rule 6.37(C) to allow the Executive Committee to adopt a resolution, effective July 1, 1998.

**Suspension of the Rules**

On motion of Rep. Windhorst, the rules were suspended to permit the Committee on Administration of Criminal Justice to meet on Wednesday, June 3, 1998, and consider the following legislative instruments without giving the notice required by House Rule 14.21(A):

Senate Concurrent Resolution No. 29

**Suspension of the Rules**

On motion of Rep. McDonald, the rules were suspended to permit the Committee on Education to meet on Wednesday, June 3, 1998, and consider the following legislative instruments without giving the notice required by House Rule 14.21(A):

House Concurrent Resolution Nos. 90, 95, 96, and 102

Senate Concurrent Resolution No. 53

**Suspension of the Rules**

On motion of Rep. Lancaster, the rules were suspended to permit the Committee on House and Governmental Affairs to meet on Wednesday, June 3, 1998, and consider the following legislative instruments without giving the notice required by House Rule 14.21(A):

House Concurrent Resolution No. 92

Senate Concurrent Resolution Nos. 48 and 50

**Suspension of the Rules**

On motion of Rep. John Smith, the rules were suspended to permit the Committee on Natural Resources to meet on Wednesday, June 3, 1998, and consider the following legislative instruments without giving the notice required by House Rule 14.21(A):

House Concurrent Resolution Nos. 72 and 78

Senate Concurrent Resolution Nos. 4, 31, and 52

**Leave of Absence**

Rep. Hudson - 1 day

**Adjournment**

On motion of Rep. Kenney, at 5:35 P.M., the House agreed to adjourn until Wednesday, June 3, 1998, at 3:00 P.M.

The Speaker Pro Tempore of the House declared the House adjourned until 3:00 P.M., Wednesday, June 3, 1998.

ALFRED W. SPEER  
Clerk of the House

C. Wayne Hays  
Journal Clerk, *Emeritus*