

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

THIRTEENTH DAY'S PROCEEDINGS

Thirty-first Extraordinary Session of the Legislature
Under the Adoption of the
Constitution of 1974

House of Representatives
State Capitol
Baton Rouge, Louisiana

Wednesday, April 17, 2002

The House of Representatives was called to order at 10:00 A.M., by the Honorable Charlie DeWitt, Speaker of the House of Representatives.

Morning Hour

ROLL CALL

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

PRESENT

| | | |
|--------------|------------|------------------|
| Mr. Speaker | Futrell | Odinet |
| Alario | Gallot | Perkins |
| Alexander, E | Glover | Pierre |
| Alexander, R | Green | Pinac |
| Ansardi | Guillory | Pitre |
| Baldone | Hammett | Powell |
| Baudoin | Heaton | Pratt |
| Baylor | Hebert | Quezaire |
| Beard | Hill | Richmond |
| Bowler | Honey | Riddle |
| Broome | Hopkins | Romero |
| Bruce | Hudson | Salter |
| Bruneau | Hunter | Scalise |
| Capella | Hutter | Schneider |
| Carter, K | Iles | Schwegmann |
| Carter, R | Jackson, L | Shaw |
| Cazayoux | Jackson, M | Smith, G.—56th |
| Clarkson | Johns | Smith, J.D.—50th |
| Crane | Katz | Smith, J.H.—8th |
| Crowe | Kennard | Smith, J.R.—30th |
| Curtis | Kenney | Sneed |
| Damico | LaFleur | Stelly |
| Daniel | Lancaster | Strain |
| Dartez | Landrieu | Swilling |
| Devillier | LeBlanc | Thompson |
| Diez | Lucas | Toomy |
| Doerge | Martiny | Townsend |
| Downer | McCallum | Triche |
| Durand | McDonald | Tucker |

| | | |
|-----------|------------|-----------|
| Erdey | McVea | Waddell |
| Farrar | Montgomery | Walsworth |
| Faucheux | Morrell | Welch |
| Flavin | Morrish | Winston |
| Frith | Murray | Wooton |
| Fruge | Nevers | Wright |
| Total—105 | | |

ABSENT

Total—0

The Speaker announced that there were 105 members present and a quorum.

Prayer

Prayer was offered by Rep. Perkins.

Pledge of Allegiance

Rep. Sneed 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. Frith, the reading of the Journal was dispensed with.

On joint motion of Reps. Faucheux and Kennard, and under a suspension of the rules, the Journal of April 16, 2002, was corrected to reflect them as voting nay on final passage of Senate Bill No. 97.

On motion of Rep. Frith, the Journal of April 16, 2002, was adopted.

Petitions, Memorials and Communications

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

Message from the Senate

HOUSE CONCURRENT RESOLUTIONS

April 17, 2002

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. 59
Returned without amendments.

House Concurrent Resolution No. 60
Returned without amendments.

House Concurrent Resolution No. 65
Returned without amendments.

House Concurrent Resolution No. 66
Returned without amendments.

House Concurrent Resolution No. 67
Returned without amendments.

House Concurrent Resolution No. 68
Returned without amendments.

House Concurrent Resolution No. 69
Returned without amendments.

Respectfully submitted,
MICHAEL S. BAER, III
Secretary of the Senate

Message from the Senate

HOUSE BILLS

April 17, 2002

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 House Bills:

House Bill No. 20
Returned without amendments.

House Bill No. 66
Returned without amendments.

House Bill No. 136
Returned without amendments.

House Bill No. 141
Returned without amendments.

House Bill No. 162
Returned without amendments.

House Bill No. 170
Returned without amendments.

Respectfully submitted,
MICHAEL S. BAER, III
Secretary of the Senate

Message from the Senate

**ASKING CONCURRENCE IN
SENATE CONCURRENT RESOLUTIONS**

April 17, 2002

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. 39

Respectfully submitted,
MICHAEL S. BAER, III
Secretary of the Senate

Suspension of the Rules

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

Senate Concurrent Resolutions

The following Senate Concurrent Resolutions contained in the message were taken up and acted upon as follows:

**SENATE CONCURRENT RESOLUTION NO. 39—
BY SENATOR CRAVINS**

A CONCURRENT RESOLUTION

To commend Wilmer J. "Shorty" Baudoin for his contributions and many years of loyal and dedicated service to the Senate of the Legislature of Louisiana and to extend appreciation and support for his continued service as Sergeant at Arms for the Louisiana State Senate.

Read by title.

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

Message from the Senate

DISAGREEMENT TO SENATE BILL

April 16, 2002

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

I am directed to inform your honorable body that the Senate has refused to concur in the proposed House Amendments to Senate Bill No. 66 by Sen. Schedler, and ask the Speaker to appoint a committee to confer with a like committee from the Senate on the disagreement.

Respectfully submitted,
MICHAEL S. BAER, III
Secretary of the Senate

Message from the Senate

**APPOINTMENT OF
CONFERENCE COMMITTEE**

April 17, 2002

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

I am directed to inform your honorable body that the President of the Senate has appointed the following committee to serve with a like committee from the House to confer on the disagreement to Senate Bill No. 66: Senators Dardenne, Schedler, and Ellington.

Respectfully submitted,
MICHAEL S. BAER, III
Secretary of the Senate

Message from the Senate

**APPOINTMENT OF
CONFERENCE COMMITTEE**

April 17, 2002

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

I am directed to inform your honorable body that the President of the Senate has appointed the following committee to serve with a like committee from the House to confer on the disagreement to House Bill No. 125: Senators Hoyt, Dupre, and McPherson.

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Message from the Senate

APPOINTMENT OF CONFERENCE COMMITTEE

April 17, 2002

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

I am directed to inform your honorable body that the President of the Senate has appointed the following committee to serve with a like committee from the House to confer on the disagreement to House Bill No. 129: Senators Hoyt, Dupre, and McPherson.

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Message from the Senate

APPOINTMENT OF CONFERENCE COMMITTEE

April 17, 2002

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

I am directed to inform your honorable body that the President of the Senate has appointed the following committee to serve with a like committee from the House to confer on the disagreement to House Bill No. 134: Senators Hoyt, Dupre, and McPherson.

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Message from the Senate

APPOINTMENT OF CONFERENCE COMMITTEE

April 16, 2002

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

I am directed to inform your honorable body that the President of the Senate has appointed the following committee to serve with a like committee from the House to confer on the disagreement to House Concurrent Resolution No. 27: Senators Hines, Dardenne, and Theunissen.

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Message from the Senate

APPOINTMENT OF CONFERENCE COMMITTEE

April 16, 2002

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

I am directed to inform your honorable body that the President of the Senate has appointed the following committee to serve with a like committee from the House to confer on the disagreement to House Bill No. 132: Senators Hines, Dardenne, and Ellington.

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Message from the Senate

APPOINTMENT OF CONFERENCE COMMITTEE

April 16, 2002

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

I am directed to inform your honorable body that the President of the Senate has appointed the following committee to serve with a like committee from the House to confer on the disagreement to House Bill No. 149: Senators Cravins, Lentini, and Hollis.

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Message from the Senate

APPOINTMENT OF CONFERENCE COMMITTEE

April 16, 2002

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

I am directed to inform your honorable body that the President of the Senate has appointed the following committee to serve with a like committee from the House to confer on the disagreement to House Bill No. 164: Senators Malone, B. Jones, and Romero.

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Message from the Senate

DISAGREEMENT TO SENATE BILL

April 16, 2002

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

I am directed to inform your honorable body that the Senate has refused to concur in the proposed House Amendments to Senate Bill No. 28 by Sen. Hainkel, and ask the Speaker to appoint a committee to confer with a like committee from the Senate on the disagreement.

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Message from the Senate

**APPOINTMENT OF
CONFERENCE COMMITTEE**

April 16, 2002

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

I am directed to inform your honorable body that the President of the Senate has appointed the following committee to serve with a like committee from the House to confer on the disagreement to Senate Bill No. 28: Senators Hainkel, Dardenne, and Schedler.

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Message from the Senate

SIGNED SENATE BILLS AND JOINT RESOLUTIONS

April 17, 2002

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

I am directed to inform your honorable body that the President of the Senate has signed the following Senate Bills:

Senate Bill Nos. 73, 78, and 89

and ask the Speaker of the House of Representatives to affix his signature to the same.

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

The Senate Bills contained herein were signed by the Speaker of the House.

Conference Committee Appointment

The Speaker appointed the following conferees on the part of the House to confer with a like committee from the Senate on the disagreement to Senate Bill No. 28: Reps. LeBlanc, Hill, and DeWitt.

Conference Committee Appointment

The Speaker appointed the following conferees on the part of the House to confer with a like committee from the Senate on the disagreement to Senate Bill No. 66: Reps. Landrieu, Lancaster, and LeBlanc.

**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. 70—

BY REPRESENTATIVE CAZAYOUX
A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences upon the death of Wilbert J. Ramagos of New Roads, Louisiana.

Read by title.

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

Ordered to the Senate.

HOUSE CONCURRENT RESOLUTION NO. 71—

BY REPRESENTATIVE CAZAYOUX
A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences upon the death of Andrew A. Grezaffi, Sr. of New Roads, Louisiana.

Read by title.

On motion of Rep. Cazayoux, and under a suspension of the rules, 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 to be concurred in by the House were taken up and acted upon as follows:

HOUSE BILL NO. 84—

BY REPRESENTATIVE DIEZ
AN ACT

To amend and reenact R.S. 32:414.2(A)(5) and to enact R.S. 32:414.2(A)(1)(e) and 427(A)(4), relative to commercial motor vehicle drivers; to provide relative to railroad grade crossing violations by commercial motor vehicle operators; to provide relative to certain disqualifications; to provide for civil penalties assessed against employers of such drivers under certain circumstances; and to provide for related matters.

Read by title.

Motion

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

HOUSE BILL NO. 93—

BY REPRESENTATIVE HILL
AN ACT

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

Read by title.

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

SENATE FLOOR AMENDMENTS

Conforming Amendments proposed by Senator Mount to Engrossed House Bill No. 93 by Representative Hill (Duplicate of Senate Bill No. 74)

AMENDMENT NO. 1

On page 1, line 2, immediately after "42:66(L)(1)" delete the remainder of the line and insert in lieu thereof the following:

"and to enact R.S. 42:1123(32), relative to public officers and employees, to"

AMENDMENT NO. 2

On page 1, at the end of line 4, after "less;" add the following:

"to provide exceptions for members of certain political governing authorities with a population of one hundred thousand or less;"

AMENDMENT NO. 3

On page 1, below line 16, add the following:

"Section 2. R.S. 42:1123(32) is hereby enacted to read as follows:

§1123. Exceptions

This Part shall not preclude:

* * *

R.S. 42:1123(32) is all proposed new law.

(32) A member of a planning or zoning commission or municipal or parish governing authority in a parish with a population not in excess of one hundred thousand, according to the latest federal decennial census, or member of his immediate family, or legal entity in which he has a controlling interest from making application to a planning or zoning commission or governing authority for approval of the subdivision or resubdivision of property, provided that the member files a written notice with the Board of Ethics and the body of which he is a member prior to any hearing pertaining to the application and provided that the member recuses himself from any vote of the commission or governing authority related to such application. An appointed member of a board or commission shall have the ability to recuse himself for the purpose of complying with this Paragraph."

AMENDMENT NO. 4

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

SENATE FLOOR AMENDMENTS

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

AMENDMENT NO. 1

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

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 | Futrell | Perkins |
| Alario | Gallot | Pierre |
| Alexander, E | Glover | Pinac |
| Alexander, R | Guillory | Pitre |
| Ansardi | Hammett | Powell |
| Baldone | Heaton | Pratt |
| Baudoin | Hebert | Quezaire |
| Baylor | Hill | Richmond |
| Beard | Honey | Riddle |
| Bowler | Hopkins | Romero |
| Broome | Hudson | Salter |
| Bruce | Hunter | Scalise |
| Bruneau | Iles | Schneider |
| Capella | Jackson, L | Schwegmann |
| Carter, K | Johns | Shaw |
| Carter, R | Katz | Smith, G.—56th |
| Cazayoux | Kennard | Smith, J.D.—50th |
| Clarkson | Kenney | Smith, J.H.—8th |
| Crane | LaFleur | Sneed |
| Crowe | Lancaster | Stelly |
| Curtis | Landrieu | Strain |
| Damico | LeBlanc | Swilling |
| Daniel | Lucas | Thompson |
| Dartez | Martiny | Townsend |
| Diez | McCallum | Triche |
| Doerge | McDonald | Tucker |
| Downer | McVea | Waddell |
| Durand | Montgomery | Walsworth |
| Erdey | Morrell | Welch |
| Faucheux | Morrish | Winston |
| Flavin | Murray | Wooton |
| Frith | Nevers | Wright |
| Fruge | Odinot | |
| Total—98 | | |

NAYS

Total—0

ABSENT

| | | |
|-----------|------------------|-------|
| Devillier | Hutter | Toomy |
| Farrar | Jackson, M | |
| Green | Smith, J.R.—30th | |
| Total—7 | | |

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

HOUSE BILL NO. 84—

BY REPRESENTATIVE DIEZ

AN ACT

To amend and reenact R.S. 32:414.2(A)(5) and to enact R.S. 32:414.2(A)(1)(e) and 427(A)(4), relative to commercial motor vehicle drivers; to provide relative to railroad grade crossing violations by commercial motor vehicle operators; to provide relative to certain disqualifications; to provide for civil penalties assessed against employers of such drivers under certain circumstances; and to provide for related matters.

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 Transportation, Highways, and Public Works to Reengrossed House Bill No. 84 by Representative Diez

AMENDMENT NO. 1

On page 3, at the end of line 10, change "five" to "ten thousand" and on line 11, delete "hundred"

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

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|--------------|------------|------------------|
| Mr. Speaker | Futrell | Perkins |
| Alario | Gallot | Pierre |
| Alexander, E | Glover | Pinac |
| Alexander, R | Green | Pitre |
| Ansardi | Guillory | Powell |
| Baldone | Hammett | Pratt |
| Baudoin | Hebert | Quezaire |
| Baylor | Hill | Richmond |
| Beard | Hopkins | Riddle |
| Bowler | Hudson | Salter |
| Bruce | Hunter | Scalise |
| Bruneau | Iles | Schneider |
| Capella | Jackson, L | Schwegmann |
| Carter, K | Katz | Shaw |
| Carter, R | Kennard | Smith, G.—56th |
| Clarkson | Kenney | Smith, J.D.—50th |
| Crane | LaFleur | Smith, J.H.—8th |
| Crowe | Lancaster | Sneed |
| Curtis | Landrieu | Strain |
| Damico | LeBlanc | Swilling |
| Daniel | Lucas | Thompson |
| Dartez | Martiny | Townsend |
| Devillier | McCallum | Triche |
| Diez | McDonald | Tucker |
| Doerge | McVea | Waddell |
| Downer | Montgomery | Walsworth |
| Erdey | Morrell | Welch |
| Farrar | Morrish | Winston |
| Fauchoux | Murray | Wooton |
| Frith | Nevers | Wright |
| Fruge | Odinot | |
| Total—92 | | |

NAYS

Total—0

ABSENT

| | | |
|----------|------------|------------------|
| Broome | Honey | Smith, J.R.—30th |
| Cazayoux | Hutter | Stelly |
| Durand | Jackson, M | Toomy |
| Flavin | Johns | |
| Heaton | Romero | |
| Total—13 | | |

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

HOUSE BILL NO. 130—

BY REPRESENTATIVES SCHNEIDER, DEWITT, AND DANIEL
AN ACT

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

Read by title.

Motion

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

Senate Bills and Joint Resolutions on Third Reading and Final Passage

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

Regular Calendar

SENATE BILL NO. 116—

BY SENATORS CAIN, IRONS, BAJOIE, BOISSIERE, CRAVINS, ELLINGTON, FONTENOT, JOHNSON AND SMITH
AN ACT

To amend and reenact R.S. 18:1505.3(B), and to enact R.S. 18:1505.3(E), relative to campaign finance; to prohibit the expenditure of certain funds during an election; to prohibit a federal political action committee, a state political committee, or a corporation from being formed as a subterfuge to hide the names of individuals who make contributions to federal political action committees, state political action committees, or corporations who make campaign expenditures; and to provide for related matters.

Read by title.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Murray to Reengrossed Senate Bill No. 116 by Senator Cain

AMENDMENT NO. 1

Delete the set of House Committee Amendments proposed by the Committee on House and Governmental Affairs and adopted by the House of Representatives on April 16, 2002

AMENDMENT NO. 2

On page 1, at the beginning of line 2, after "To" delete the remainder of the line and insert "enact R.S. 18:1491.1(F), 1501.2, 1505.3(E), 1511.5(E), and Part VIII of Chapter 11 of Title 18 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 18:1541 through 1544,"

AMENDMENT NO. 3

On page 1, line 3, after "relative to" delete the remainder of the line and delete lines 4 through 8, and insert the following:

"relative to elections; to prohibit libelous, defamatory, and harassing conduct during elections; to prohibit the formation of political committees or other legal entities as a subterfuge to conceal certain information about contributions, loans, or transfers of funds or expenditures or to avoid compliance with provisions of the Campaign Finance Disclosure Act; to provide for special investigations; to provide for certain enforcement actions; to provide for penalties;"

AMENDMENT NO. 4

On page 1, delete lines 11 through 16 and delete page 2 and insert the following:

"Section 1. R.S. 18:1491.1(F), 1501.2, 1505.3(E), 1511.5(E), and Part VIII of Chapter 11 of Title 18 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 18:1541 through 1544, are hereby enacted to read as follows:

§1491.1. Registration of political committees

* * *

F. No person shall form a political committee as a subterfuge to avoid accurately reporting the actual source and amount of contributions, loans, or transfers of funds received by any person or the actual amount or recipient of any expenditures by any person or to avoid any other provision of this Chapter. Any committee which violates the provisions of this Subsection shall be subject to the penalties provided in R.S. 18:1505.4, R.S. 18:1505.5, and R.S. 18:1505.6.

* * *

§1501.2. Subterfuge by persons not candidates or committees to avoid disclosure

No person shall form a corporation, limited liability company, or any other legal entity primarily as a subterfuge to avoid accurately reporting the actual source and amount of contributions, loans, or transfers of funds by any person or the actual amount or recipient of any expenditures by any person or to avoid any other provision of this Chapter. Any person who violates the provisions of this Subsection shall be subject to the penalties provided in R.S. 18:1505.4, R.S. 18:1505.5, and R.S. 18:1505.6.

* * *

§1505.3. Subterfuge to avoid compliance with Chapter

* * *

E.(1) As more specifically provided in R.S. 18:1491.1(F) and 1501.2, no person shall form a political committee, corporation, limited liability company, or any other legal entity as a subterfuge to avoid the reporting and other requirements of this Chapter.

(2) The committee chairman of any committee which violates or is formed in violation of the provisions of R.S. 18:1491.1(F) shall be subject to the penalties provided in R.S. 18:1505.4, R.S. 18:1505.5, and R.S. 18:1505.6.

(3) Any person who forms a corporation, limited liability company, or any other legal entity in violation of the provisions of R.S. 18:1501.2, and the officers, individual members of the board of

directors, and partners of any corporation, limited liability company, or any other legal entity formed in violation of R.S. 18:1501.2 shall be subject to the penalties provided in R.S. 18:1505.4, R.S. 18:1505.5, and R.S. 18:1505.6.

* * *

§1511.5. Procedure for enforcement; civil

* * *

E. During the time period beginning forty days prior to an election through the last day prior to an election, if an elector has reason to believe that a violation of Part VIII of this Chapter, R.S. 18:1491.1(F), or 1501.2 has occurred and files a sworn complaint with the supervisory committee, the supervisory committee shall utilize the expedited procedure in Part VIII of this Chapter and shall have the power to issue letters of reprimand or censure, order certain disclosures, and make public any improper campaign conduct which is a violation of Part VIII of this Chapter, R.S.18:1491.1(F), or 1501.2.

* * *

PART VIII. FAIR ELECTIONS

§1541. Policy

The right of the people to elect their representatives is the cornerstone of American democracy. It is also the right of the people not to be subjected to and made to endure reprehensible actions by candidates who engage in libelous, defamatory and harassing conduct in an election campaign. Fair and ethical election campaigns conducted in a civil manner should be the goal of our society. Election campaigns which are not conducted with a degree of civility promote distrust and disdain for the political process. It is true that the rigors of the political arena are the cauldron which hopefully produces a winner who represents the best the system has to offer. Certain acts should not be permitted to invade the campaign and if permitted will ultimately denigrate the process of electing our public servants to a point that individuals of good character will choose not to offer themselves for public office.

§1542. Improper conduct; defamatory accusations and materials; intimidation; complaints

A. Any candidate or his principal or subsidiary campaign committee may be reported to the Supervisory Committee on Campaign Finance Disclosure if any such person is alleged to have engaged in one or more of the following acts directed against another candidate or an employee or relative of another candidate:

(1) Making harassing or threatening phone calls.

(2) Making written or spoken accusations which can be demonstrated to be baseless and without truth or substance or which possess the legal elements of libel.

(3) Stalking, accosting, or making threatening gestures or intimidating acts as defined in the Louisiana Criminal Code.

B. Any candidate or any employee or relative of a candidate, who is subjected to any of the acts listed in Subsection A of this Section by another candidate, or his principal or subsidiary committee may file a complaint with the supervisory committee.

* * *

§1543. Special investigations; censures; disclosures

A. In addition to the powers and duties granted to the supervisory committee to investigate violations of this Chapter, the supervisory committee shall also investigate in the manner provided in this Section any complaint initiated pursuant to this Part or any violation of R.S. 18:1491.1(F) or 1501.2, and shall have the power to issue letters of reprimand or censure, order certain disclosures, and make public any improper campaign conduct which is a violation of this Part or of R.S. 18:1491.1(F) or 1501.2.

B.(1) The Supervisory Committee on Campaign Finance Disclosure, upon receipt of any sworn complaint making any allegations provided for in this Part or alleging that a violation of R.S. 18:1491.1(F) or 1501.2 has occurred, shall immediately initiate an investigation and shall provide the alleged offender a five-day notice from receipt of the complaint and opportunity to be heard at a meeting of the supervisory committee. The provisions of R.S. 42:5 shall not apply to any hearing conducted pursuant to this Subsection.

(2) The supervisory committee may authorize any hearings held pursuant to this Section to be considered by a panel of members consisting of not less than three members nor more than five members.

C. If, after the hearing provided for in Subsection B of this Section is conducted, the supervisory committee determines that a violation of this Part or of R.S. 18:1491.1(F) or 1501.2 has occurred, the supervisory committee shall issue a letter of reprimand or censure and shall order the immediate and accurate disclosure of the information required by R.S. 18:1491.7, for the appropriate time period or periods as determined necessary by the supervisory committee to provide for complete disclosure of all activity related to the election.

§1544. Additional remedies

A. Any plaintiff candidate or his principal or subsidiary committee, who have not been alleged to have violated the provisions of this Part or of R.S. 18:1491.1(F) or 1501.2 at any time during the candidate's entire campaign, shall have a monetary remedy in a civil action against an opposing candidate or his principal or subsidiary campaign committees for violation of the provision of this Part or of R.S. 18:1491.1(F) or 1501.2.

B. If any candidate or that candidate's principal campaign committee or subsidiary committee is found in violation of this Part or of R.S. 18:1491.1(F) or 1501.2, they shall be jointly and severally liable for the payment of damages and attorney fees. If the candidate is held personally liable for any payment of damages or attorney fees, the candidate shall not use or be reimbursed by funds from any political committee of the candidate for such payment or fees.

C. No remedy provided in this Part is intended to be exclusive of any civil or criminal remedy provided in any other provision of law, and the remedies provided in this Part may be exercised without exhausting and without regard to any civil or criminal remedy provided in any other provision of law.

* * *

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

Point of Order

Rep. Pitre asked for a ruling from the Chair as to whether the object of the above bill is within the listing of objects contained in the governor's proclamation for this extraordinary session.

Ruling of the Chair

The Chair ruled that the object of the above bill was within the listing of objects contained in the governor's proclamation for this extraordinary session as Item No. 130.

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

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|--------------|------------|------------------|
| Mr. Speaker | Futrell | Murray |
| Alario | Gallot | Nevers |
| Alexander, R | Glover | Odinot |
| Baldone | Green | Pierre |
| Baudoin | Guillory | Pinac |
| Beard | Hammett | Pitre |
| Bowler | Heaton | Powell |
| Bruce | Hebert | Pratt |
| Bruneau | Hill | Quezaire |
| Capella | Honey | Richmond |
| Carter, K | Hopkins | Riddle |
| Carter, R | Hudson | Romero |
| Cazayoux | Hunter | Salter |
| Clarkson | Iles | Schneider |
| Crane | Jackson, L | Schwegmann |
| Crowe | Johns | Smith, G.—56th |
| Curtis | Kennard | Smith, J.D.—50th |
| Damico | Kenney | Stelly |
| Daniel | LaFleur | Strain |
| Dartez | Lancaster | Swilling |
| Devillier | Landrieu | Thompson |
| Diez | LeBlanc | Toomy |
| Doerge | Lucas | Townsend |
| Downer | McCallum | Triche |
| Durand | McDonald | Waddell |
| Farrar | McVea | Welch |
| Faucheux | Montgomery | Wooton |
| Flavin | Morrell | Wright |
| Frith | Morrish | |
| Total—86 | | |

NAYS

| | | |
|--------------|---------|-----------|
| Alexander, E | Perkins | Walsworth |
| Erdey | Scalise | Winston |
| Frugé | Sneed | |
| Katz | Tucker | |
| Total—10 | | |

ABSENT

| | | |
|---------|------------|------------------|
| Ansardi | Hutter | Shaw |
| Baylor | Jackson, M | Smith, J.H.—8th |
| Broome | Martiny | Smith, J.R.—30th |
| Total—9 | | |

The Chair declared the above bill was finally passed.

Rep. Salter moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Suspension of the Rules

On motion of Rep. Sneed, 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.

Conference Committee Reports for Consideration

The following Conference Committee Reports were taken up and acted upon as follows:

CONFERENCE COMMITTEE REPORT

House Bill No. 53 By Representative Downer

April 16, 2002

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

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 53 by Representative Downer, recommend the following concerning the reengrossed bill:

1. That Senate Committee Amendments Nos. 1 through 16 proposed by the Senate Committee on Judiciary C and adopted by the Senate on April 9, 2002, be adopted.
2. That Senate Floor Amendments Nos. 1 through 2 proposed by Senator Dupre and adopted by the Senate on April 10, 2002, be adopted.
3. That Senate Floor Amendments Nos. 1 through 2 proposed by Senator Chaisson and adopted by the Senate on April 10, 2002, be adopted.
4. That Senate Floor Amendments Nos. 1 through 2 proposed by Senator Lambert and adopted by the Senate on April 10, 2002, be adopted.
5. That Senate Floor Amendments Nos. 1 through 8 proposed by Senators Dardenne and B. Jones and adopted by the Senate on April 10, 2002, be rejected.

Respectfully submitted,

Representative Hunt Downer
 Representative Daniel R. Martiny
 Senator Reggie Dupre
 Senator Arthur J. "Art" Lentini

Rep. Downer moved to adopt the Conference Committee Report.

As a substitute, Rep. Perkins moved to recommit the bill to the Conference Committee.

The vote recurred on the substitute motion.

By a vote of 45 yeas and 54 nays, the House refused to recommit the bill to the Conference Committee.

Rep. Downer insisted on his motion to adopt the Conference Committee Report.

As a substitute, Rep. Townsend moved to recommit the bill to the Conference Committee.

The vote recurred on the substitute motion.

By a vote of 51 yeas and 51 nays, the House refused to recommit the bill to the Conference Committee.

Rep. Downer insisted on his motion to adopt the Conference Committee Report.

Rep. Morrell objected.

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|--------------|-----------|-----------------|
| Alexander, E | Fruge | Scalise |
| Alexander, R | Futrell | Schneider |
| Baldone | Hill | Shaw |
| Baudoin | Hopkins | Schwegmann |
| Bruce | Hutter | Shaw |
| Bruneau | Johns | Smith, G.—56th |
| Capella | Katz | Smith, J.H.—8th |
| Carter, R | Kennard | Sneed |
| Clarkson | Kenney | Stelly |
| Crane | Lancaster | Strain |
| Crowe | Martiny | Thompson |
| Diez | McCallum | Toomy |
| Doerge | McDonald | Triche |
| Downer | McVea | Waddell |
| Durand | Morrish | Walsworth |
| Erdey | Nevers | Winston |
| Faucheux | Pitre | Wooton |
| Flavin | Powell | Wright |
| Frith | Quezaire | |
| Total—55 | | |

NAYS

| | | |
|-------------|------------|------------------|
| Mr. Speaker | Green | Murray |
| Alario | Guillory | Odinet |
| Ansardi | Hammett | Perkins |
| Beard | Heaton | Pierre |
| Bowler | Hebert | Pinac |
| Broome | Honey | Pratt |
| Carter, K | Hudson | Richmond |
| Cazayoux | Hunter | Romero |
| Curtis | Iles | Salter |
| Damico | Jackson, L | Smith, J.D.—50th |
| Daniel | Jackson, M | Townsend |
| Devillier | LaFleur | Tucker |
| Farrar | Lucas | Welch |
| Gallot | Montgomery | |
| Glover | Morrell | |
| Total—43 | | |

ABSENT

| | | |
|----------|------------------|----------|
| Baylor | LeBlanc | Swilling |
| Dartez | Riddle | |
| Landrieu | Smith, J.R.—30th | |
| Total—7 | | |

The Conference Committee Report was adopted.

Petitions, Memorials and Communications

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

Message from the Senate

HOUSE CONCURRENT RESOLUTIONS

April 17, 2002

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. 13
Returned with amendments.

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

House Concurrent Resolutions Returned from the Senate with Amendments

Rep. Salter asked for and obtained a suspension of the rules to take up at this time the following House Concurrent Resolutions just returned from the Senate, with amendments to be concurred in by the House, with a view of acting on the same:

HOUSE CONCURRENT RESOLUTION NO. 13—
BY REPRESENTATIVE SALTER

A CONCURRENT RESOLUTION

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

Read by title.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Labor and Industrial Relations to Engrossed House Concurrent Resolution No. HCR 13 by Representative Salter

AMENDMENT NO. 1

On page 2, line 22 after "House" and before "Committees" insert "and Senate"

AMENDMENT NO. 2

On page 3, between lines 25 and 26 insert the following:

"(16) The executive director of the Louisiana United Business Association."

AMENDMENT NO. 3

On page 4, line 1 after "House" and before "Committees" insert "and Senate"

AMENDMENT NO. 4

On page 4, line 6 after "House" and before "Committees" insert "and Senate"

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns listing names of representatives who voted 'YEAS'. Includes Mr. Speaker, Alario, Alexander, E, etc.

NAYS

Lancaster
Total—1

ABSENT

Table with 3 columns listing names of representatives who were absent. Includes Clarkson, Hudson, Jackson, M, etc.

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

Message from the Senate

HOUSE BILLS

April 16, 2002

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 House Bills:

House Bill No. 83
Returned with amendments.

House Bill No. 97
Returned with amendments.

House Bill No. 135
Returned with amendments.

House Bill No. 171
Returned with amendments.

Respectfully submitted,
MICHAEL S. BAER, III
Secretary of the Senate

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

Rep. Bruneau asked for and obtained a suspension of the rules to take up at this time the following House Bills and Joint Resolutions just returned from the Senate, with amendments to be concurred in by the House, with a view of acting on the same:

HOUSE BILL NO. 83—
BY REPRESENTATIVE BRUNEAU
AN ACT

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

Read by title.

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

SENATE FLOOR AMENDMENTS

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

AMENDMENT NO. 1

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

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

AMENDMENT NO. 2

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

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

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|--------------|------------|------------------|
| Mr. Speaker | Futrell | Perkins |
| Alario | Gallot | Pierre |
| Alexander, E | Glover | Pinac |
| Alexander, R | Green | Pitre |
| Ansardi | Guillory | Powell |
| Baldone | Hammett | Pratt |
| Baudoin | Heaton | Quezaire |
| Baylor | Hebert | Richmond |
| Beard | Hill | Riddle |
| Bowler | Honey | Romero |
| Broome | Hudson | Salter |
| Bruce | Hunter | Scalise |
| Bruneau | Hutter | Schneider |
| Capella | Iles | Schwegmann |
| Carter, K | Jackson, L | Shaw |
| Carter, R | Jackson, M | Smith, G.—56th |
| Cazayoux | Johns | Smith, J.D.—50th |
| Crane | Katz | Smith, J.H.—8th |
| Crowe | Kennard | Smith, J.R.—30th |
| Curtis | Kenney | Sneed |
| Damico | LaFleur | Stelly |
| Daniel | Lancaster | Strain |
| Dartez | Landrieu | Swilling |
| Devillier | LeBlanc | Thompson |
| Diez | Lucas | Toomy |
| Doerge | Martiny | Townsend |
| Downer | McCallum | Triche |
| Durand | McDonald | Tucker |
| Erdey | McVea | Waddell |
| Farrar | Montgomery | Walsworth |
| Faucheux | Morrell | Welch |
| Flavin | Murray | Winston |
| Frith | Nevers | Wooton |
| Fruge | Odinot | Wright |
| Total—102 | | |

NAYS

Total—0

ABSENT

| | | |
|----------|---------|---------|
| Clarkson | Hopkins | Morrish |
| Total—3 | | |

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

HOUSE BILL NO. 97—

BY REPRESENTATIVE DAMICO

AN ACT

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

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 Environmental Quality to Reengrossed House Bill No. 97 by Representative Damico

AMENDMENT NO. 1

On page 1, line 8, after "fees;" insert "to provide for an increase contingent upon an appropriation of state general funds;"

AMENDMENT NO. 2

On page 3, line 25, after "2003." delete the remainder of the line and delete line 26

AMENDMENT NO. 3

On page 4, delete lines 1 and 2 in their entirety and insert the following:

"The twenty percent increase shall be contingent upon an appropriation of state general funds of at least seven million five hundred thousand dollars for the fiscal year beginning July 1, 2002."

AMENDMENT NO. 4

On page 4, line 17, delete "not exceeding ninety" and insert "of fifty-four"

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Revenue and Fiscal Affairs to Reengrossed House Bill No. 97 by Representative Damico

AMENDMENT NO. 1

Delete Senate Committee Amendments Nos. 1, 2, and 3 proposed by the Senate Committee on Environmental Quality and adopted by the Senate on April 8, 2002

AMENDMENT NO. 2

On page 3, line 25, after "2003." delete the remainder of the line and delete line 26 and on page 4, delete lines 1 and 2

SENATE FLOOR AMENDMENTS

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

AMENDMENT NO. 1

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

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

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

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|--------------|------------|------------------|
| Mr. Speaker | Fruge | Murray |
| Alario | Futrell | Nevers |
| Alexander, E | Gallot | Odinot |
| Alexander, R | Glover | Perkins |
| Ansardi | Green | Pierre |
| Baldone | Guillory | Pinac |
| Baudoin | Hammett | Pitre |
| Baylor | Heaton | Powell |
| Beard | Hebert | Pratt |
| Bowler | Hill | Quezaire |
| Broome | Honey | Richmond |
| Bruce | Hopkins | Riddle |
| Bruneau | Hudson | Romero |
| Capella | Hunter | Salter |
| Carter, K | Hutter | Schneider |
| Carter, R | Iles | Schwegmann |
| Cazayoux | Jackson, L | Shaw |
| Crane | Jackson, M | Smith, G.—56th |
| Crowe | Johns | Smith, J.D.—50th |
| Curtis | Katz | Smith, J.H.—8th |
| Damico | Kennard | Smith, J.R.—30th |
| Daniel | Kenney | Sneed |
| Dartez | Lancaster | Stelly |
| Devillier | Landrieu | Strain |
| Diez | LeBlanc | Swilling |
| Doerge | Lucas | Thompson |
| Downer | Martiny | Toomy |
| Durand | McCallum | Townsend |
| Erdey | McDonald | Triche |
| Farrar | McVea | Waddell |
| Faucheux | Montgomery | Welch |
| Flavin | Morrell | Wooton |
| Frith | Morrish | Wright |
| Total—99 | | |

NAYS

| | |
|---------|-----------|
| Scalise | Walsworth |
| Tucker | Winston |
| Total—4 | |

ABSENT

| | |
|----------|---------|
| Clarkson | LaFleur |
| Total—2 | |

The amendments proposed by the Senate, having received a two-thirds vote of the elected members, were concurred in by the House.

HOUSE BILL NO. 135—
BY REPRESENTATIVE STRAIN AND SENATOR SCHEDLER
AN ACT

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

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 Local and Municipal Affairs to Engrossed House Bill No. 135 by Representative Strain

AMENDMENT NO. 1

On page 7, after line 27, add the following:

"Section 2. The provisions of R.S. 33:172(A)(1) and (D) as contained in Senate Bill No. 41 of the 2002 First Extraordinary Session of the Legislature, if that bill is enacted into law, shall supersede the provisions of R.S. 33:172(A)(1) and (D) as contained in this Act and in any other Act of the 2002 First Extraordinary Session of the Legislature."

AMENDMENT NO. 2

On page 8, line 1, change "Section 2." to "Section 3."

SENATE FLOOR AMENDMENTS

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

AMENDMENT NO. 1

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

AMENDMENT NO. 2

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

AMENDMENT NO. 3

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

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

AMENDMENT NO. 4

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

AMENDMENT NO. 5

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

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

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|--------------|------------|------------------|
| Mr. Speaker | Fruge | Perkins |
| Alario | Futrell | Pierre |
| Alexander, E | Gallot | Pinac |
| Alexander, R | Green | Pitre |
| Ansardi | Guillory | Powell |
| Baldone | Hammett | Pratt |
| Baudoin | Heaton | Quezaire |
| Baylor | Hebert | Richmond |
| Beard | Honey | Riddle |
| Bowler | Hopkins | Romero |
| Broome | Hudson | Salter |
| Bruce | Hunter | Scalise |
| Bruneau | Hutter | Schneider |
| Capella | Iles | Schwegmann |
| Carter, K | Jackson, L | Shaw |
| Carter, R | Jackson, M | Smith, G.—56th |
| Cazayoux | Johns | Smith, J.D.—50th |
| Clarkson | Katz | Smith, J.H.—8th |
| Crane | Kennard | Smith, J.R.—30th |
| Crowe | Kenney | Sneed |
| Curtis | LaFleur | Stelly |
| Damico | Lancaster | Strain |
| Daniel | Landrieu | Swilling |
| Dartez | LeBlanc | Thompson |
| Devillier | Lucas | Toomy |
| Diez | Martiny | Townsend |
| Doerge | McCallum | Triche |
| Downer | McDonald | Tucker |
| Durand | McVea | Waddell |
| Erdey | Morrell | Walsworth |
| Farrar | Morrish | Welch |
| Faucheux | Murray | Winston |
| Flavin | Nevers | Wooton |
| Frith | Odinot | Wright |
| Total—102 | | |

NAYS

Total—0

ABSENT

| | | |
|---------|------|------------|
| Glover | Hill | Montgomery |
| Total—3 | | |

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

HOUSE BILL NO. 171—
BY REPRESENTATIVE MCVEA
AN ACT

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

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 Local and Municipal Affairs to Reengrossed House Bill No. 171 by Representative McVea

AMENDMENT NO. 1

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

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

AMENDMENT NO. 2

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

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

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

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

A. A local governmental subdivision may issue revenue bonds payable from revenues generated by economic development projects with a pledge and dedication of up to the full amount of ad valorem tax increments annually to be used as a guaranty of any shortfall, or at the option of the local governmental subdivision, payable directly from an irrevocable pledge and dedication of up to the full amount of ad valorem tax increments, in an amount to be determined by the local governmental subdivision, to finance or refinance all or any part of an economic development project as described in this Section and R.S. 33:9038.3. A "local governmental subdivision", as used in this Part, shall mean a municipality or parish or, with the consent of a municipality or parish expressed by ordinance or resolution if such municipality or parish does not act by ordinance, provided that any such municipality or parish shall have a population of not more than one hundred thousand according to the latest federal decennial census, any ad valorem tax recipient entity with jurisdictional boundaries coterminous with such municipality or parish, a local industrial board authorized pursuant to Subsection N of this Section, or a local public trust authorized pursuant to Subsection N of this Section. An ad valorem tax increment, as described hereunder, shall consist of that portion of the ad valorem tax revenues for any or all taxing authorities collected each year from property located within an economic development area which exceeds the revenues that would be collected for such taxing authorities if such property were assessed at its value as of the year immediately prior to the year in which the area was designated as an economic development area. Any such revenue bonds shall be issued only after the local governmental subdivision has adopted an appropriate resolution giving notice of its intention to issue such revenue bonds, which resolution shall include a general description of the revenue bonds to be issued and the

security therefor, and notice of this intention shall be published once a week for two weeks in the official journal of the local governmental subdivision, the first publication to appear at least fourteen days before the public meeting of the local governmental subdivision at which the local governmental subdivision will meet in open and public session to hear any objections to the proposed issuance of such revenue bonds. The notice of intent so published shall state the date, time, and place of the public hearing. Such revenue bonds may be issued only after the local governmental subdivision has called a special election submitting the proposition for the issuance of the bonds to the qualified electors of the economic development area and the proposition has received the favorable vote of a majority of the electors voting in the election. No revenue bonds may be issued under this Section if existing ad valorem tax supported debt of the local governmental subdivision is in default or, as the result of the issuance of such revenue bonds, will be in default. By the nature of pledge and dedication of only the incremental increases in ad valorem taxes within the economic development area to revenue bonds issued under this Section, such dedication of tax increments to pay the revenue bonds shall be deemed not to impair existing obligations. Therefore, the pledge and dedication of such incremental increase in ad valorem taxes is permitted notwithstanding that such tax revenues have been previously dedicated for a special purpose. Pledged ad valorem tax increments may include all incremental increases in ad valorem taxes in an economic development area of all participating tax recipient bodies, provided that the notice of intention described above clearly identifies all such incremental increases in ad valorem taxes and provided that all tax recipient bodies affected enter into an intergovernmental agreement with the issuing local governmental subdivision expressing their non-objection to the inclusion of such incremental increase in ad valorem taxes. The failure or refusal of any tax recipient body to enter into an intergovernmental agreement with the issuer of the bonds issued pursuant hereto will result in each such tax recipient body being excluded from the group of participating tax recipient bodies and the incremental increase in ad valorem taxes within an economic development area attributable to such tax recipient body continuing to be paid to such body and not pledged to secure the revenue bonds issued hereunder.

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

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

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

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

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

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

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

I. Notwithstanding any other provisions of this Chapter, in the event a local governmental subdivision pledges ad valorem tax increments to be used as a guaranty of any shortfall existing from any other revenues pledged to secure revenue bonds issued under authority of this Section, such ad valorem tax increments shall be deposited, not into a sinking fund but into a debt service reserve fund,

on the same basis and with the same frequency described in Subsection H of this Section only until amounts in the debt service reserve fund equal three years of the average principal and interest due on the bonds for the term of the bonds. After funding the debt service reserve fund to the level stated, and for so long as the debt service reserve fund remains funded at that level, the collector of local ad valorem taxes shall treat any ad valorem tax increments collected in the same manner as any other ad valorem tax collected. If the debt service reserve fund has fallen below the stated amount, the collector shall, to the extent possible, transfer ad valorem tax increments collected to the debt service reserve fund, in order to maintain such fund at the appropriate level. After payment in full of any bonds secured by a pledge of ad valorem tax increments to be used to guaranty any shortfall existing from any other revenues pledged to secure bonds, any amounts remaining in the debt service reserve fund shall be transferred to the local governmental subdivision and be deposited in a special trust fund to be created and used to promote other economic development opportunities.

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

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

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

M. For the purposes of this Section, the term "economic development project" shall mean and include, without limitation, any and all projects suitable to any industry determined by the local governmental subdivision or, as appropriate, the issuers of revenue bonds, to create economic development. Economic development

projects shall include, without limitation, public works and infrastructure and projects to assist the following industries within the meaning of Article VI, Section 21 of the Louisiana Constitution:

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

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

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

§9038.1. Sales tax increment financing

A. A local governmental subdivision may issue revenue bonds payable from revenues generated by economic development projects with a pledge and dedication of up to the full amount of sales tax increments annually to be used as a guaranty of any shortfall, or at the option of the local governmental subdivision, payable directly from an irrevocable pledge and dedication of up to the full amount of sales tax increments, in an amount to be determined by the local governmental subdivision, to finance or refinance all or any part of an economic development project as described in this Section and R.S. 33:9038.3. For purposes of this Section, a sales tax increment shall consist of that portion of the designated sales tax, hereinafter defined, collected each year on the sale at retail, the use, the lease or rental, the consumption and storage for use or consumption of tangible personal property, and on sales of services, all as defined in R.S. 47:301 et seq., or any other appropriate provision or provisions of law as amended, and may include hotel occupancy taxes, occupancy taxes, or similar taxes levied upon the use or occupancy of hotel rooms if so designated by the local governmental subdivision, from taxpayers located within an economic development area which exceeds the designated sales tax revenues and hotel occupancy taxes, occupancy taxes, or similar taxes so designated that

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

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

C. After the designation of the boundaries of the sales tax area, the local governmental subdivision shall designate the local sales taxes which are to be used in determining the sales tax increments

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

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

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

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

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

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

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

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

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

K. A local governmental subdivision may by ordinance, or by resolution if the local governmental subdivision does not act by ordinance, propose to carry out the purposes of this Chapter without the necessity of creating and organizing an economic development corporation. Any local governmental subdivision that proposes to carry out the purposes of this Chapter in such a manner shall have all

of the powers, rights, duties, and obligations of such a corporation under this Chapter and may do any act or take any action which such a corporation is authorized to do under this Chapter. However, the requirements of R.S. 33:9023 through 9026 shall not be deemed to apply to any local governmental subdivision which creates a sales tax area and issues revenue bonds pursuant to this Section.

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

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

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

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

development board must have independent approval by the local governmental subdivision or tax recipient entity for each such issuance.

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

§9038.2. Cooperative endeavors

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

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

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

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

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

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

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

(5) Costs of construction within or about an economic development area of public improvements, specifically approved by

the local governmental subdivision, including but not limited to buildings, structures, works, utilities, or fixtures.

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

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

§9038.4. Encouragement of private enterprise

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

§9038.5. Bonds

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

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

C. Bonds shall be authorized, issued, and sold by a resolution or resolutions of the issuer. Such bonds may be of such series, bear such date or dates, mature at such time or times, bear interest at such rate or rates, be payable at such time or times, be in such denominations, be sold at such price or prices, at public or private negotiated sale as the issuer shall deem advisable, be in such form, either in coupon form, registered as to principal only, or fully registered without coupons, carry such registration and exchangeability privileges, be payable at such place or places, be subject to such terms or redemption, and be entitled to such priorities on the income, revenue and receipts of, or available to, the issuer as may be provided by the issuer in the resolution or resolutions providing for the issuance and sale of bonds of the issuer.

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

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

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

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

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

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

J. The state and all public officers, any parish or municipality, or other subdivision or instrumentality of the state, any bank, banker, trust company, savings bank and institution, building and loan association, savings and loan association, investment company or any person carrying on a banking or investment business, any insurance company or business, insurance associations and any person carrying on an insurance business, and any executor, administrator, curator, trustee and other fiduciary, and retirement system or pension fund

may legally invest any sinking funds, monies, or other funds belonging to them or within their control in any bonds issued by the issuer pursuant to the provisions of this Part, and such bonds shall be authorized security for all public deposits. It is the purpose of this Section to authorize such persons, firms, corporations, associations, political subdivisions and officers, or other entities, public or private, to use any funds owned or controlled by them, including but not limited to sinking, insurance, investment, retirement, compensation, pension, and trust funds, and funds held on deposit, for the purchase of any such bonds of the issuer, and that any such bonds shall be authorized security for all public deposits. However, nothing contained in this Section with regard to legal investments or security for public deposits shall be construed as relieving any such person, firm, or corporation or other entity from any duty of exercising reasonable care in selecting securities.

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

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

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

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

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

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

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

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

To the extent not in violation of any limits of the Louisiana Constitution, a local governmental subdivision that has created and established an economic development area and that has the power to levy ad valorem taxes, sales taxes, or hotel occupancy taxes may levy within the boundaries of an economic development area an increase of up to five mills of ad valorem taxes, up to two percent of sales taxes, or up to two percent of hotel occupancy taxes above and in addition to any other ad valorem taxes, sales taxes, or hotel occupancy taxes then in existence or permitted to be in existence. Any such increase in taxes shall be levied only after the local governmental subdivision has adopted an appropriate resolution giving notice of its intention to levy such taxes, which resolution

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

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

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

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

SENATE FLOOR AMENDMENTS

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

AMENDMENT NO. 1

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

AMENDMENT NO. 2

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

"enact Part I-A of Chapter 27 of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:9038.1 through 9038.69, relative to cooperative economic development; to provide for tax increment financing in certain local governmental subdivisions with a population below one hundred thousand according to the latest federal decennial census; to authorize the creation of economic development districts within and by such local governmental subdivisions; to authorize increases in ad valorem, sales, and hotel occupancy taxes in such districts; and to provide for related matters."

AMENDMENT NO. 3

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

"Section 1. Part I-A of Chapter 27 of Title 33 of the Louisiana Revised Statutes of 1950, comprised of R.S. 33:9038.1 through 9038.9, is hereby enacted to read as follows:

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

§9038.1. Definitions

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

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

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

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

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

§9038.2. Creation of economic development district

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

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

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

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

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

§9038.3. Ad valorem tax increment financing

A. A local governmental subdivision or, with the consent of a local governmental subdivision expressed by ordinance, any ad valorem tax recipient entity with jurisdictional boundaries coterminous with the local governmental subdivision, an industrial development board defined as an issuer in R.S. 33:9038.1 and authorized pursuant to Subsection N of this Section, or a public trust defined as an issuer in R.S. 33:9038.1 and authorized pursuant to Subsection N of this Section, may issue revenue bonds payable from revenues generated by economic development projects with a pledge and dedication of up to the full amount of ad valorem tax increments annually to be used as a guaranty of any shortfall, or at the option of the local governmental subdivision or tax recipient entity, payable directly from an irrevocable pledge and dedication of up to the full

amount of ad valorem tax increments, in an amount to be determined by the local governmental subdivision or tax recipient entity, to finance or refinance all or any part of an economic development project as described in this Section and R.S. 33:9038.6. An ad valorem tax increment, as described hereunder, shall consist of that portion of the ad valorem tax revenues for any or all participating tax recipient entities collected each year from property located within an economic development district which exceeds the revenues that would be collected for such tax recipient entities if such property were assessed at its value as of the year immediately prior to the year in which the district was established. Any such revenue bonds shall be issued only after the governing authority of the issuer has adopted an appropriate resolution giving notice of its intention to issue such revenue bonds, which resolution shall include a general description of the revenue bonds to be issued and the security therefor, and notice of this intention shall be published once a week for two weeks in the official journal of the district, the first publication to appear at least fourteen days before the public meeting of the issuer at which the governing authority will meet in open and public session to hear any objections to the proposed issuance of such revenue bonds. The notice of intent so published shall state the date, time, and place of the public hearing. Such revenue bonds may be issued only after the governing authority of the district has called a special election submitting the proposition for the issuance of the bonds to the qualified electors of the economic development district and the proposition has received the favorable vote of a majority of the electors voting in the election; however, in the event that there are no qualified electors in the district as certified by the registrar of voters, no election shall be required. No revenue bonds may be issued under this Section if existing ad valorem tax-supported debt of the local governmental subdivision or participating tax recipient entity is in default or, as the result of the issuance of such revenue bonds, will be in default. Pledged ad valorem tax increments may include all incremental increases in ad valorem taxes in an economic development district of all participating tax recipient entities, provided that the notice of intention described above clearly identifies all such incremental increases in ad valorem taxes, that such revenues may be used for such purpose, subject to dedications and limitations provided by other law or by proposition approved by electors voting at an election for such purpose called by the taxing authority levying the tax, unless such use is permitted and upon a prior determination by the local governmental subdivision or other taxing authority that the baseline revenue collection is sufficient to satisfy such dedications and other statutory charges, and provided that all tax recipient entities affected enter into an intergovernmental agreement with the issuer authorizing and dedicating the inclusion of such incremental increase in ad valorem taxes.

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

C. After the establishment of the ad valorem tax area and the designation of its boundaries, the local governmental subdivision shall designate the local ad valorem taxes which are to be used in determining the ad valorem tax increments and the initial annual baseline collection rate for the ad valorem tax area, which shall be the amount of such designated ad valorem taxes collected in the ad valorem tax area in the fiscal year of the local governmental subdivision most recently completed prior to the establishment of the ad valorem tax area. The monthly baseline collection rate shall be certified by the chief financial officer, assessor, or equivalent of the local governmental subdivision. The certification shall also be published one time in the official journal of the local governmental subdivision which established the district. If the amounts of the

initial annual baseline collection rate are not contested within thirty days after the said publication, then such amounts shall be conclusively presumed to be valid, and no court shall have any jurisdiction to alter or invalidate the designation of the amount of the initial annual baseline collection rate.

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

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

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

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

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

I. Notwithstanding any other provisions of this Chapter, in the event a local governmental subdivision or tax recipient entity pledges ad valorem tax increments to be used as a guaranty of any shortfall existing from any other revenues pledged to secure revenue bonds

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

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

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

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

M. For the purposes of this Section, the term "economic development project" shall mean and include, without limitation, any and all projects suitable to any industry determined by the local governmental subdivision or, as appropriate, the issuers of revenue

bonds, to create economic development. Economic development projects shall include, without limitation, public works and infrastructure and projects to assist the following industries within the meaning of Article VI, Section 21 of the Louisiana Constitution:

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

N. Notwithstanding anything to the contrary contained herein, with the consent of the local governmental subdivision or tax recipient entity described in Subsection A of this Section, evidenced by a resolution or ordinance of such local governmental subdivision or tax recipient entity, a public trust or an industrial development board defined as an "issuer" in R.S. 33:9038.1 may issue ad valorem tax increment revenue bonds on behalf of such local governmental subdivision or tax recipient entity and thereby shall act on behalf of a local governmental subdivision hereunder. Each issuance of bonds hereunder by a public trust or industrial development board must have independent approval by the local governmental subdivision or tax recipient entity for each such issuance.

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

§9038.4. Sales tax increment financing

A. A local governmental subdivision or entity authorized pursuant to this Part may issue revenue bonds payable from revenues generated by economic development projects with a pledge and dedication of up to the full amount of sales tax increments annually to be used as a guaranty of any shortfall, or at the option of the local governmental subdivision or tax recipient entity, payable directly from an irrevocable pledge and dedication of up to the full amount of sales tax increments, in an amount to be determined by the local governmental subdivision or tax recipient entity, to finance or refinance all or any part of an economic development project as described in this Section and R.S. 33:9038.6. For purposes of this Section, a sales tax increment shall consist of that portion of the designated sales tax, hereinafter defined, collected each year on the sale at retail, the use, the lease or rental, the consumption and storage for use or consumption of tangible personal property, and on sales of services, all as defined in R.S. 47:301 et seq., or any other appropriate provision or provisions of law as amended, and may include hotel occupancy taxes, occupancy taxes, or similar taxes, or any combination of such taxes, levied upon the use or occupancy of hotel rooms if so designated by the local governmental subdivision or tax recipient entity, from taxpayers located within an economic

development district which exceeds the designated sales tax revenues and hotel occupancy taxes, occupancy taxes, or similar taxes so designated that were collected in the year immediately prior to the year in which the district was established. Any such revenue bonds shall be issued only after the issuer has adopted an appropriate resolution giving notice of its intention to issue such revenue bonds, which resolution shall include a general description of the revenue bonds to be issued and the security therefor, and notice of this intention shall be published once a week for two weeks in the official journal of the local governmental subdivision, the first publication to appear at least fourteen days before the public meeting of the governing authority of the issuer at which the governing authority will meet in open and public session to hear any objections to the proposed issuance of such revenue bonds. The notice of intent so published shall state the date, time, and place of the public hearing. No revenue bonds may be issued under this Section if existing sales tax supported debt of the local governmental subdivision or participating tax recipient entity is in default or, as the result of the issuance of such revenue bonds, will be in default. Pledged sales tax increments may include all incremental increases in sales taxes, and hotel occupancy taxes, occupancy taxes or similar taxes, or any combination of such taxes, so designated in an economic development district of all participating tax recipient entities, provided that such revenues may be used for such purpose, subject to dedication by other law or by proposition approved by electors voting in an election for such purpose called by the taxing authority levying the tax, unless such use is permitted and upon a prior determination by the local governmental subdivision or other taxing authority that the baseline revenue collection is sufficient to satisfy such dedications and other statutory charges, and provided that all tax recipient entities affected, other than the state of Louisiana, enter into an intergovernmental agreement with the issuer authorizing and dedicating the inclusion of such incremental increase in sales taxes. Subject to dedication by law and the provisions of R.S. 33:9029.2, state of Louisiana sales tax increments may be dedicated to pay the revenue bonds of a local economic development project but shall not exceed the aggregate portion of the local sales tax increment dedicated for such purposes. Prior to the dedication of any state sales tax increments to pay revenue bonds for a local economic development project, the secretary of the Department of Economic Development shall provide to the Joint Legislative Committee on the Budget an analysis identifying the positive benefits of such project to the state as a whole.

B. Any local governmental subdivision which proposes to issue, or which consents to having another entity defined as an "issuer" in R.S. 33:3098.1 issue, revenue bonds pursuant to this Section shall establish an economic development district as provided in and pursuant to R.S. 33:9038.2. The district, hereinafter called the "sales tax area", shall be the area from which sales tax increments are to be pledged and dedicated to the payment of the revenue bonds.

C. After the establishment of the district and the designation of the boundaries of the sales tax area, the local governmental subdivision and each participating tax recipient entity shall designate the local sales taxes which are to be used in determining the sales tax increments and the initial annual baseline collection rate for the sales tax area, which shall be the amount of such designated sales taxes collected in the sales tax area in the fiscal year of the local governmental subdivision most recently completed prior to the establishment of the sales tax area. In addition, a monthly baseline collection rate shall be determined by dividing the initial annual baseline collection rate by twelve. The initial annual baseline collection rate and the monthly baseline collection rate shall be certified by the chief financial officer or equivalent of the local governmental subdivision. The certification shall also be published one time in the official journal of the local governmental subdivision. If the amounts of the initial annual baseline collection rate and the monthly baseline collection rate are not contested within thirty days

after the said publication, then such amounts shall be conclusively presumed to be valid, and no court shall have any jurisdiction to alter or invalidate the designation of the amount of either the initial annual baseline collection rate or the monthly baseline collection rate.

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

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

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

G. Upon the issuance of revenue bonds payable from or backed by the pledged sales tax increment, the issuer shall provide notice thereof to the collector of any local sales taxes included in the designated sales taxes, and shall provide the collector with a schedule showing the annual debt service requirements on the revenue bonds and a schedule showing the monthly sinking fund payment for each month during which the revenue bonds are to be outstanding. The monthly sinking fund payment for each month shall be an amount equal to one-sixth of the interest payable on the revenue bonds on the next succeeding interest payment date and one-twelfth of the principal of the revenue bonds maturing on the next succeeding principal payment date, together with any adjustments to the account for a period before the interest payment which is not equal to six months or a period before the first principal payment which is not equal to twelve months.

H. Not later than the twentieth day of each calendar month, the collector of any local sales taxes included in the designated sales taxes shall determine the amount of the revenues of the designated sales taxes in the sales tax area collected during the preceding calendar month in excess of the monthly baseline collection rate, and the portion of such excess that constitutes the pledged sales tax increment, and shall transfer a ratable amount equal to the lesser of

the monthly sinking fund payment or the pledged sales tax increment to the sinking fund. In the event that the pledged sales tax increment for any month is less than the monthly sinking fund payment for such month, then any shortfall shall be made up in subsequent months to the extent that incremental revenues are available for that purpose. After each annual principal payment, the issuer shall use excess monies in the sinking fund, if any, as a credit against monthly sinking fund deposits in the next year or to prepay or purchase or for the defeasance of outstanding bonds.

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

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

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

L. A copy of the ordinance, or resolution if the issuer does not act by ordinance, authorizing the issuance of bonds hereunder shall be published immediately after its adoption in one issue of the official journal of the district. For thirty days after the date of publication, any person in interest may contest the legality of such ordinance or resolution, any provision of the bonds, the provisions therein made for the security and payment of the bonds, and validity of all other provisions and proceedings relating to the authorization and issuance of the bonds. After the expiration of such period, no person may contest the regularity, formality, legality, or effectiveness of the ordinance or resolution, any provisions of the bonds to be issued

pursuant thereto, the provisions for the security and payment of the bonds, and the validity of all other provisions and proceedings relating to their authorization and issuance, for any cause whatever. Thereafter, it shall be conclusively presumed that the bonds, the legal documents providing for the bonds, and all security for the bonds is legal and that every legal requirement for the issuance of the bonds has been complied with. No court shall have authority to inquire into any of these matters after the aforementioned publication period.

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

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

N. Notwithstanding anything to the contrary contained herein, with the consent of the local governmental subdivision or tax recipient entity described in Subsection A of this Section, evidenced by a resolution or ordinance of such local governmental subdivision or tax recipient entity, a public trust or an industrial development board defined as an "issuer" in R.S. 33:9038.1, may issue sales tax increment revenue bonds on behalf of such local governmental subdivision or tax recipient entity and thereby shall act on behalf of a local governmental subdivision hereunder. Each issuance of bonds hereunder by a public trust or industrial development board must have independent approval by the local governmental subdivision or tax recipient entity for each such issuance.

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

§9038.5. Cooperative endeavors

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

§9038.6. Items which are included in the costs of an economic development project

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

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

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

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

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

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

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

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

§9038.7. Encouragement of private enterprise

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

§9038.8. Bonds

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

B. Bonds shall be authorized, issued, and sold by a resolution or resolutions of the issuer. Such bonds may be of such series, bear such date or dates, mature at such time or times, bear interest at such rate or rates, be payable at such time or times, be in such denominations, be sold at such price or prices, at public or private negotiated sale as the issuer shall deem advisable, be in such form, either in coupon form, registered as to principal only, or fully registered without coupons, carry such registration and exchangeability privileges, be payable at such place or places, be subject to such terms or redemption, and be entitled to such priorities on the income, revenue and receipts of, or available to, the issuer as may be provided by the issuer in the resolution or resolutions providing for the issuance and sale of bonds of the issuer.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Subject to limitations and prohibitions of the Louisiana Constitution, an economic development district has the power to levy ad valorem taxes, sales taxes, or hotel occupancy taxes within the district up to five mills of ad valorem taxes, up to two percent of sales taxes, or up to two percent of hotel occupancy taxes, or any combination of such taxes, above and in addition to any other ad valorem taxes, sales taxes, or hotel occupancy taxes, or combination of such taxes, then in existence or permitted to be in existence within the district. Any such increase in taxes shall be levied only after the governing authority of the district has adopted an appropriate resolution giving notice of its intention to levy such taxes, which resolution shall include a general description of the taxes to be levied, and notice of this intention shall be published once a week for two weeks in the official journal of the district, the first publication to appear at least fourteen days before the public meeting of the governing authority of the district at which the governing authority will meet in open and public session to hear any objections to the proposed levy of increased taxes. The notice of intent so published shall state the date, time, and place of the public hearing. Such tax increase may be levied only after the governing authority of the district has called a special election submitting the proposition for the levy of such taxes to the qualified electors of the district and the proposition has received the favorable vote of a majority of the electors voting in the election; however, in the event there are no qualified electors in the district as certified by the registrar of voters, no such election shall be required. The powers and rights conferred by this Section shall be in addition to the powers and rights conferred by any other general or special law. This Section, and any provisions of this Chapter not inconsistent therewith, does and shall be construed to provide a complete and additional method for the levy of any ad valorem tax, sales tax, or hotel occupancy tax or combination of such taxes. No election, proceeding, notice, or

approval shall be required for the levy of such taxes except as provided herein. The provisions of this Section shall be liberally construed for the accomplishment of its purposes.

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

Section 3. The provisions of this Act shall in no way be construed to be in conflict with, repeal, or supersede other provisions of Chapter 27 of Title 33 of the Louisiana Revised Statutes of 1950, or the provisions of the Act which originated as Senate Bill 105 of the 2002 First Extraordinary Session of the Legislature, but shall be an alternative to such law.

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

SENATE FLOOR AMENDMENTS

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

AMENDMENT NO. 1

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

AMENDMENT NO. 2

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

SENATE FLOOR AMENDMENTS

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

AMENDMENT NO. 1

In Senate Floor Amendment No. 3 proposed by Senator Holden and adopted by the Senate on April 16, 2002, on page 2, line 2, change "one hundred thousand" to "two hundred thousand" and on page 1, line 25, change "ONE" to "TWO"

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

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|--------------|------------|------------------|
| Mr. Speaker | Gallot | Perkins |
| Alario | Glover | Pierre |
| Alexander, E | Green | Pinac |
| Alexander, R | Guillory | Pitre |
| Ansardi | Hammett | Powell |
| Baldone | Heaton | Pratt |
| Baudoin | Hebert | Quezaire |
| Baylor | Hill | Richmond |
| Beard | Honey | Riddle |
| Bowler | Hopkins | Romero |
| Broome | Hudson | Salter |
| Bruce | Hunter | Scalise |
| Bruneau | Hutter | Schneider |
| Capella | Iles | Schwegmann |
| Carter, K | Jackson, L | Shaw |
| Carter, R | Jackson, M | Smith, G.—56th |
| Cazayoux | Johns | Smith, J.D.—50th |
| Clarkson | Katz | Smith, J.H.—8th |
| Crane | Kennard | Smith, J.R.—30th |
| Crowe | Kenney | Sneed |
| Curtis | LaFleur | Stelly |
| Damico | Lancaster | Strain |
| Daniel | Landrieu | Swilling |
| Dartez | LeBlanc | Thompson |
| Devillier | Lucas | Toomy |
| Diez | Martiny | Townsend |
| Doerge | McCallum | Triche |
| Downer | McDonald | Tucker |
| Erdey | McVea | Waddell |
| Farrar | Montgomery | Walsworth |
| Faucheux | Morrell | Welch |
| Flavin | Morrish | Winston |
| Frith | Murray | Wooton |
| Fruge | Nevers | Wright |
| Futrell | Odinet | |
| Total—104 | | |

NAYS

Total—0

ABSENT

Durand
Total—1

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

HOUSE BILL NO. 130—
BY REPRESENTATIVES SCHNEIDER, DEWITT, AND DANIEL
AN ACT

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

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 Retirement to Engrossed House Bill No. 130 by Representative Schneider

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 11:416," and before "relative to" insert "and to enact R.S. 11:266.1 and R.S. 11:416.1,"

AMENDMENT NO. 2

On page 1, line 2, after "relative to" delete "the Louisiana State Employees" and insert "state and statewide retirement systems;"

AMENDMENT NO. 3

On page 1, line 3, delete "Retirement System;" and after "retirees" insert "in the Louisiana State Employees Retirement System"

AMENDMENT NO. 4

On page 1, line 10, after "Act;" insert "to require state and statewide retirement systems to direct twenty-five percent of all investment trades through Louisiana chartered broker dealers;"

AMENDMENT NO. 5

On page 1, line 12, after "reenacted" and before "to read" insert "and R.S. 11:416.1 is hereby enacted"

AMENDMENT NO. 6

On page 1, after line 14, delete the remainder of the page and insert the following:

"A. Any retiree shall be eligible to be reemployed by any employer agency in a position covered by the retirement system without a suspension of benefits, provided the retiree has been retired for a period of at least twelve months from the effective date of his retirement. The twelve-month period that occurs immediately following the effective date of retirement of each retiree, shall be known as the "waiting period".

B. The retiree and the appointing authority of the employer agency covered by this system shall immediately notify the system of the retiree's date of employment, the amount of his starting salary, any subsequent changes in salary, and the date of termination of employment.

C.(1)(a)(i) If any employer agency covered by the retirement system employs a retiree within the waiting period, then the benefits of the retiree shall be suspended for twelve months.

~~(ii) The twelve months of suspended benefits shall occur regardless of whether the suspension occurs during twelve consecutive months or during twelve joined months where there are multiple periods of such reemployment. The reemployed retiree shall not be eligible to receive retirement benefits for the twelve-month period immediately following the effective date of such reemployment.~~

~~(b)(i) Upon reemployment of a retiree, the employer shall remit employer contributions to this system based on the employer contribution rate that applies to the reemployed retiree's position on the date of such reemployment. Additionally, the employer shall withhold employee contributions from the reemployed retiree's compensation based on the employee contribution rate that applies to~~

the reemployed retiree's position on the date of such reemployment and remit such contributions to this system.

(ii) Upon termination of reemployment, if the reemployed retiree had worked and contributed to the system for at least thirty-six months, then his retirement allowance shall be increased by an amount that is attributable to the service that occurred during reemployment and the average compensation that is calculated for the period of such reemployment. The increased retirement allowance shall be calculated based upon the provisions of this Chapter that are in effect on the date of reemployment. In no event shall such a retiree's original retirement allowance, when combined with the increased retirement allowance, exceed the average compensation which is calculated for the period of reemployment.

(iii) Upon termination of reemployment, if the reemployed retiree had worked and contributed to the system for less than thirty-six months, then the employee contributions paid during the period of reemployment shall, upon application, be refunded to the retiree.

(e)(b) Any retiree who is employed by an employer agency covered by this system on June 30, 2001, shall be exempt from the suspension of benefits, without regard to whether the retiree's effective date of reemployment occurred during the waiting period.

(2) Employers failing to submit the report required by Subsection B of this Section shall be liable for the repayment of contributions due to the system from the date of reemployment until such time as the report is filed."

AMENDMENT NO. 7

On page 2, delete lines 1 through 7

AMENDMENT NO. 8

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

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

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

AMENDMENT NO. 9

On page 4, delete lines 21 through 26, and on page 5, delete lines 1 through 26

AMENDMENT NO. 10

On page 6, delete lines 1 through 11 and on line 12 delete "such time as the report is filed."

AMENDMENT NO. 11

On page 6, line 14, after "of" delete "this Section" and insert "R.S. 11:416"

AMENDMENT NO. 12

On page 6, line 18, after "of" delete "this" and on line 19 delete "Section" and insert "R.S. 11:416"

AMENDMENT NO. 13

On page 6, between lines 20 and 21, insert the following:

"Section 2. R. S. 11:266.1 is hereby enacted to read as follows:

§266.1. Investment through Louisiana chartered broker dealers

A. The provisions of this Section shall be applicable to all Louisiana state and statewide public retirement or pension systems.

B. Each Louisiana state and statewide public retirement system shall direct twenty-five percent of all investment trades through Louisiana chartered broker dealers."

AMENDMENT NO. 14

On page 6, delete line 21 and insert "Section 3. The provisions of Section 1 of this Act which enact R.S. 11:416.1 shall be applied to any person who retired on or"

AMENDMENT NO. 15

On page 6, line 25, delete "three"

AMENDMENT NO. 16

On page 7, line 6, change "Section 3" to "Section 4"

AMENDMENT NO. 17

On page 7, line 11, after "provisions" insert "of Section 1" and after "Act" insert "which enact R.S. 11:416.1"

AMENDMENT NO. 18

On page 8, line 4, change "Section 4" to "Section 5"

SENATE FLOOR AMENDMENTS

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

AMENDMENT NO. 1

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

AMENDMENT NO. 2

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

AMENDMENT NO. 3

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

AMENDMENT NO. 4

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

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

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

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

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

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

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

AMENDMENT NO. 5

In Senate Committee Amendment No. 13 proposed by the Senate Committee on Retirement and adopted by the Senate on April 8, 2002, on page 3, delete lines 8 through 13 and insert the following:

"§ 266.1 Investment through Louisiana incorporated and domiciled broker- dealer (National Association of Security Dealers-Registered)

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

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

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

AMENDMENT NO. 6

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

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

AMENDMENT NO. 7

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

SENATE FLOOR AMENDMENTS

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

AMENDMENT NO. 1

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

Point of Order

Rep. Schneider asked for a ruling from the Chair as to whether the above amendments were germane to the call.

Ruling of the Chair

The Chair ruled that the above amendments were not germane to the call.

Rep. Schneider moved that the amendments proposed by the Senate be rejected.

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|--------------|------------|------------------|
| Mr. Speaker | Fruge | Pierre |
| Alexander, E | Futrell | Pinac |
| Ansardi | Gallot | Pitre |
| Baldone | Glover | Powell |
| Baudoin | Guillory | Pratt |
| Baylor | Heaton | Quezair |
| Beard | Hopkins | Riddle |
| Bowler | Hunter | Romero |
| Bruce | Hutter | Scalise |
| Bruneau | Johns | Schneider |
| Capella | Katz | Schwegmann |
| Cazayoux | Kennard | Shaw |
| Crane | Kenney | Smith, J.D.—50th |
| Crowe | LaFleur | Smith, J.H.—8th |
| Curtis | Lancaster | Sneed |
| Daniel | LeBlanc | Stelly |
| Devillier | Martiny | Strain |
| Diez | McCallum | Thompson |
| Doerge | McDonald | Townsend |
| Downer | Montgomery | Triche |
| Durand | Morrell | Waddell |
| Erdey | Nevers | Walsworth |
| Flavin | Odinet | Winston |
| Frith | Perkins | Wright |
| Total—72 | | |

NAYS

| | | |
|--------------|------------|----------------|
| Alario | Hebert | Richmond |
| Alexander, R | Hill | Salter |
| Carter, K | Honey | Smith, G.—56th |
| Carter, R | Hudson | Swilling |
| Clarkson | Iles | Toomy |
| Damico | Jackson, L | Tucker |
| Dartez | Jackson, M | Welch |
| Farrar | Lucas | Wooton |
| Faucheux | McVea | |
| Green | Murray | |
| Total—28 | | |

ABSENT

| | | |
|---------|----------|------------------|
| Broome | Landrieu | Smith, J.R.—30th |
| Hammett | Morrish | |
| Total—5 | | |

The amendments proposed by the Senate were rejected.

Conference committee appointment pending.

Conference Committee Appointment

The Speaker appointed the following conferees on the part of the House to confer with a like committee from the Senate on the disagreement to House Bill No. 130: Reps. Schneider, Stelly, and Flavin.

Recess

On motion of Rep. Bruneau, the Speaker declared the House at recess until 2:00 P.M.

After Recess

Speaker DeWitt called the House to order at 2:15 P.M.

ROLL CALL

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

PRESENT

| | | |
|--------------|------------|------------------|
| Mr. Speaker | Futrell | Odinot |
| Alario | Gallot | Perkins |
| Alexander, E | Glover | Pierre |
| Alexander, R | Green | Pinac |
| Ansardi | Guillory | Pitre |
| Baldone | Hammett | Powell |
| Baudoin | Heaton | Pratt |
| Baylor | Hebert | Quezaire |
| Beard | Hill | Richmond |
| Bowler | Honey | Riddle |
| Broome | Hopkins | Romero |
| Bruce | Hudson | Salter |
| Bruneau | Hunter | Scalise |
| Capella | Hutter | Schneider |
| Carter, K | Iles | Schwegmann |
| Carter, R | Jackson, L | Shaw |
| Cazayoux | Jackson, M | Smith, G.—56th |
| Clarkson | Johns | Smith, J.D.—50th |
| Crane | Katz | Smith, J.H.—8th |
| Crowe | Kennard | Smith, J.R.—30th |
| Curtis | Kenney | Sneed |
| Damico | LaFleur | Stelly |
| Daniel | Lancaster | Strain |
| Dartez | Landrieu | Swilling |
| Devillier | LeBlanc | Thompson |
| Diez | Lucas | Toomy |
| Doerge | Martiny | Townsend |
| Downer | McCallum | Triche |
| Durand | McDonald | Tucker |
| Erdey | McVea | Waddell |
| Farrar | Montgomery | Walsworth |
| Faucheux | Morréll | Welch |
| Flavin | Morrish | Winston |
| Frith | Murray | Wooton |
| Früge | Nevers | Wright |

ABSENT

Total—0

The Speaker announced there were 105 members present and a quorum.

Petitions, Memorials and Communications

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

Message from the Senate

SIGNED SENATE CONCURRENT RESOLUTIONS

April 17, 2002

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

I am directed to inform your honorable body that the President of the Senate has signed the following Senate Concurrent Resolutions:

Senate Concurrent Resolution Nos. 1, 16, 37, 38, and 39

and ask the Speaker of the House of Representatives to affix his signature to the same.

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

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

Message from the Senate

SIGNED SENATE BILLS AND JOINT RESOLUTIONS

April 17, 2002

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

I am directed to inform your honorable body that the President of the Senate has signed the following Senate Bills:

Senate Bill Nos. 2, 4, 21, 22, 26, 27, 51, 52, 60, 61, 65, 68, 82, 97, and 112

and ask the Speaker of the House of Representatives to affix his signature to the same.

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

The Senate Bills contained herein were signed by the Speaker of the House.

Conference Committee Reports for Consideration

The following Conference Committee Reports were taken up and acted upon as follows:

CONFERENCE COMMITTEE REPORT

House Bill No. 132 By Representative LeBlanc, et. al.

April 17, 2002

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

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 132 by Representative LeBlanc, recommend the following concerning the engrossed bill:

1. That the set of Senate Committee Amendments proposed by the Senate Committee on Finance and adopted by the Senate on April 4, 2002, be adopted.
2. That the set of Senate Floor Amendments proposed by Senator Hines and adopted by the Senate on April 9, 2002, be rejected.

Respectfully submitted,

Representative Jerry Luke LeBlanc
 Representative Joe R. Salter
 Representative John A. Alario, Jr.
 Senator John L. "Jay" Dardenne
 Senator Noble E. Ellington
 Senator Donald E. Hines

Rep. LeBlanc moved to adopt the Conference Committee Report.

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|--------------|------------|------------------|
| Mr. Speaker | Gallot | Perkins |
| Alario | Glover | Pierre |
| Alexander, E | Green | Pinac |
| Alexander, R | Guillory | Pitre |
| Ansardi | Hammett | Powell |
| Baldone | Heaton | Pratt |
| Baudoin | Hebert | Quezaire |
| Baylor | Hill | Richmond |
| Beard | Honey | Riddle |
| Broome | Hopkins | Romero |
| Bruce | Hudson | Salter |
| Bruneau | Hunter | Scalise |
| Carter, K | Hutter | Schneider |
| Carter, R | Iles | Schwegmann |
| Cazayoux | Jackson, L | Shaw |
| Clarkson | Jackson, M | Smith, G.—56th |
| Crane | Johns | Smith, J.D.—50th |
| Crowe | Katz | Smith, J.H.—8th |
| Curtis | Kennard | Smith, J.R.—30th |
| Damico | Kenney | Sneed |
| Daniel | Lancaster | Stelly |
| Dartez | Landrieu | Strain |
| Devillier | LeBlanc | Swilling |
| Diez | Lucas | Thompson |
| Doerge | Martiny | Toomy |
| Downer | McCallum | Townsend |
| Durand | McDonald | Triche |
| Erdey | McVea | Tucker |
| Farrar | Montgomery | Waddell |
| Faucheux | Morrrell | Walsworth |
| Flavin | Morrish | Welch |
| Frith | Murray | Winston |
| Fruge | Nevers | Wooton |
| Futrell | Odinet | Wright |
| Total—102 | | |

NAYS

Bowler
 Total—1

ABSENT

Capella
 Total—2
 LaFleur

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

House Concurrent Resolution No. 27 By Representative Curtis

April 17, 2002

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

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Concurrent Resolution No. 27 by Representative Curtis, recommend the following concerning the engrossed resolution:

1. That the set of Senate Committee Amendments proposed by the Senate Committee on Education and adopted by the Senate on April 10, 2002, be rejected.

Respectfully submitted,

Representative Israel B. Curtis
 Representative Carl Crane
 Representative Edwin R. Murray
 Senator Donald E. Hines
 Senator Gerald J. Theunissen

Rep. Curtis moved to adopt the Conference Committee Report.

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|--------------|------------|------------------|
| Mr. Speaker | Futrell | Odinet |
| Alario | Gallot | Perkins |
| Alexander, E | Glover | Pierre |
| Alexander, R | Green | Pinac |
| Ansardi | Guillory | Pitre |
| Baldone | Hammett | Powell |
| Baudoin | Heaton | Pratt |
| Baylor | Hebert | Quezaire |
| Beard | Hill | Richmond |
| Bowler | Honey | Riddle |
| Broome | Hopkins | Romero |
| Bruce | Hudson | Salter |
| Bruneau | Hunter | Schneider |
| Carter, K | Hutter | Schwegmann |
| Carter, R | Iles | Shaw |
| Cazayoux | Jackson, L | Smith, G.—56th |
| Clarkson | Jackson, M | Smith, J.D.—50th |
| Crane | Johns | Smith, J.H.—8th |
| Crowe | Kennard | Smith, J.R.—30th |
| Curtis | Kenney | Sneed |
| Damico | Lancaster | Stelly |

| | | |
|-----------|------------|----------|
| Daniel | Landrieu | Strain |
| Dartez | LeBlanc | Swilling |
| Devillier | Lucas | Thompson |
| Diez | Martiny | Toomy |
| Doerge | McCallum | Townsend |
| Downer | McDonald | Triche |
| Durand | McVea | Tucker |
| Erdey | Montgomery | Waddell |
| Faucheux | Morrell | Welch |
| Flavin | Morrish | Winston |
| Frith | Murray | Wooton |
| Fruge | Nevers | Wright |

Total—99

NAYS

Total—0

ABSENT

| | | |
|---------|---------|-----------|
| Capella | Katz | Scalise |
| Farrar | LaFleur | Walsworth |

Total—6

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

Senate Bill No. 77 by Senators C. Jones and Campbell

April 16, 2002

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

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning Senate Bill 77 by Senator C. Jones recommend the following concerning the Reengrossed bill:

1. That House Committee Amendment Nos. 1 through 5, No. 9, and Nos. 11 through 13 proposed by the House Committee on Commerce and adopted by the House of Representatives on April 9, 2002 be adopted.
2. That House Committee Amendment Nos. 6, 7, 8, and 10 proposed by the House Committee on Commerce and adopted by the House of Representatives on April 9, 2002 be rejected.
3. That House Floor Amendment Nos. 2, 4, 8, 9, 10 and 11 proposed by Representative Hunter and adopted by the House of Representatives on April 10, 2002 be adopted.
4. That House Floor Amendment Nos. 1, 3, 5, 6, and 7 proposed by Representative Hunter and adopted by the House of Representatives on April 10, 2002 be rejected.
5. That House Floor Amendment Nos. 1 through 7 proposed by Representative Salter and adopted by the House of Representatives on April 10, 2002 be adopted.
6. That House Floor Amendment No. 1 proposed by Representative Quezaire and adopted by the House of Representatives on April 10, 2002 be rejected.
7. That the following amendments to the reengrossed bill be adopted:

AMENDMENT NO. 1

On page 1, line 2 after "R.S. 6:124.1(C)(4)" insert ", R.S. 40:2195.7,"

AMENDMENT NO. 2

On page 2, line 9, after "governor" insert "in the northeast priority zones or targeted areas"

AMENDMENT NO. 3

On page 2, between lines 18 and 19 insert the following:

"Section 2. R.S. 40:2195.7 is hereby enacted to read as follows:

§2195.7. State Office of Rural Health

R.S. 40:2195.7 is all new law.

A. Within the Department of Health and Hospitals, the Louisiana state office of rural health shall:

(i) Administer the community-based and rural health care program as provided in R.S. 40:2195, et seq.

(ii) Provide state general funds, as appropriated, to qualified grantees for programs to increase access to primary and preventive health care in rural areas.

(iii) Provide state general funds, as appropriated, to qualified grantees as start-up funding for establishing primary care health clinics to serve low-income citizens, particularly in rural areas.

(iv) Provide state general funds, as appropriated, to qualified grantees as matching funds for grants designed to provide health services to low-income citizens, particularly in rural areas.

(v) Provide technical assistance and grants to aid qualified rural hospitals in attaining designation as critical access hospitals in accordance with the Medicare rural hospital flexibility program, as provided in 42 U.S.C.A. 1395i-4.

(vi) Provide statewide technical assistance in conjunction with the Louisiana Rural Health Association on establishment of rural health clinics and on grant writing, especially related to rural health outreach grants, telemedicine grants, and other grants available to increase rural health access.

(vii) Participate in Robert Wood Johnson Foundation's southern rural access program and similar programs to improve access to health services for the rural population.

(viii) Initiate efforts for recruitment and retention of primary care professionals through the state loan repayment program as provided in R.S. 40:1300.4, and any other similar programs to increase the number of health care professionals in rural areas.

(ix) A primary function of this office shall be to increase the supply of physicians and other health care providers to the underserved areas of this state. This office may seek grants and financial inducements to entice medical students, nurse practitioners, physician assistants and nurses to locate in the rural area. This office may seek funds for equipment and start up costs for medical providers wishing to locate in under served areas.

(x) Reorganization of the delivery of medical care shall be undertaken such that rural hospitals become centers of primary and preventive health delivery and medical services, including but not

limited to medical education, immunizations, early detection of disease states, and dietary instruction.

(xi) Develop and implement a strategic plan for the purposes of maintaining, enhancing, and expanding services currently offered by rural health care providers including rural hospitals as defined in R.S. 40:1300.143, to obtain additional grants and funding from any and all public or private entities, including but not limited to, the United States Department of Health and Human Services, the United States Department of Agriculture, and charitable organizations and foundations. In developing and implementing a strategic plan pursuant to this Paragraph, the secretary of the Department of Health and Hospitals shall consult with rural health care provider organizations. In addition the secretary shall submit a report to the legislature at least sixty days prior to the beginning of each regular session of the legislature detailing the progress in implementing the strategic plan. The report shall also set out the goals and objectives of the strategic plan for the next state fiscal session including the level of funding necessary to achieve those goals and objectives.

B. It is further declared that the Louisiana strategic plan against poverty is the policy and responsibility of the state of Louisiana such that first priority shall be given to the comprehensive, coordinated use of resources, personnel, programs, and services to alleviate the pervasive, persistent poverty that limits the progress of the state and constricts the lives of its citizens. With this concerted effort, the state declares the alleviation of poverty in Louisiana to be its top priority and dedicates all of its resources to supporting and enhancing comprehensive community development in order to strengthen the state's economic and social fabric, thereby moving the state and its people forward.

C. The purpose of this Section is to stimulate business and industrial growth and provide for a better delivery of health and medical services in these areas of the state by the coordination of economic development and health care resources, whether such resources originate from state or federal plans or programs and to create priority health care and economic development zones to better serve the citizens of the region."

AMENDMENT NO. 4

On page 2, line 19 change "Section 2." to "Section 3."

AMENDMENT NO. 5

On page 3, delete lines 11 and 12 and insert the following:

"(2) The legislature further finds that in many Louisiana parishes, one-fifth of the"

AMENDMENT NO. 6

On page 4, at the beginning of line 19, change "(5)" to "(6)" and at the beginning of line 25, change "(6)" to "(7)"

AMENDMENT NO. 7

On page 5, line 9, after "poverty;" delete "Northeastern" and insert "Northeast and targeted"

AMENDMENT NO. 8

On page 5, line 14, after "following" delete "northeastern" and insert "northeast and targeted"

AMENDMENT NO. 9

On page 6, between lines 6 and 7, insert the following:

- "(16) Webster.
- (17) St. Charles.
- (18) St. John.
- (19) Vermilion.
- (20) Acadia.
- (21) Washington.
- (22) Tangipahoa.
- (23) Iberville.
- (24) Assumption.
- (25) Avoyelles.
- (26) St. James.
- (27) DeSoto.
- (28) Terrebonne.
- (29) Lafourche.
- (30) Calcasieu.
- (31) Cameron.
- (32) West Bank of Ascension.
- (33) East Feliciana.
- (34) West Feliciana.
- (35) St. Helena.
- (36) East Baton Rouge."

Respectfully submitted,

Senator Charles D. Jones
Senator Ken Hollis
Senator Bill Jones
Representative Willie Hunter
Representative Bryant Hammett, Jr.
Representative Gil Pinac

Rep. Hunter moved to adopt the Conference Committee Report.

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|--------------|----------|----------|
| Mr. Speaker | Futrell | Nevers |
| Alario | Gallot | Odinet |
| Alexander, E | Glover | Perkins |
| Alexander, R | Green | Pierre |
| Ansardi | Guillory | Pinac |
| Baldone | Hammett | Powell |
| Baudoin | Heaton | Pratt |
| Baylor | Hill | Quezaire |
| Beard | Honey | Richmond |
| Broome | Hopkins | Riddle |

| | | |
|-----------|------------|------------------|
| Bruce | Hudson | Salter |
| Capella | Hunter | Schwegmann |
| Carter, K | Hutter | Shaw |
| Carter, R | Iles | Smith, G.—56th |
| Cazayoux | Jackson, L | Smith, J.D.—50th |
| Clarkson | Jackson, M | Smith, J.H.—8th |
| Crane | Johns | Smith, J.R.—30th |
| Crowe | Katz | Stelly |
| Curtis | Kennard | Strain |
| Damico | Kenney | Swilling |
| Daniel | Lancaster | Thompson |
| Dartez | Landrieu | Toomy |
| Devillier | LeBlanc | Townsend |
| Diez | Lucas | Triche |
| Doerge | Martiny | Tucker |
| Downer | McCallum | Waddell |
| Durand | McDonald | Welch |
| Farrar | McVea | Winston |
| Fauchoux | Montgomery | Wooton |
| Flavin | Morrell | Wright |
| Frith | Morrish | |
| Fruge | Murray | |
| Total—94 | | |

NAYS

| | | |
|---------|--------|-----------|
| Bowler | Hebert | Scalise |
| Bruneau | Pitre | Schneider |
| Erdey | Romero | Sneed |
| Total—9 | | |

ABSENT

| | |
|---------|-----------|
| LaFleur | Walsworth |
| Total—2 | |

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

House Bill No. 149 By Representative Hebert

April 17, 2002

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

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 149 by Representative Hebert, recommend the following concerning the reengrossed bill:

1. That all of the amendments proposed by the Senate Committee on Insurance and adopted by the Senate on April 9, 2002, be adopted.
2. That the floor amendments proposed by Senator Fields and adopted the Senate on April 15, 2002 be rejected.
3. That the floor amendments proposed by Senator Lentini and adopted the Senate on April 15, 2002 be rejected.
4. That the following amendment to the reengrossed bill be adopted:

AMENDMENT NO. 1

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

"(4) Prior to the implementation of a rate change approved by the commission which increases a rate for a policyholder, the insurer shall notify the policyholder at least thirty days prior to the date of renewal of the policy. No rate increase approved by the commission shall be implemented by the insurer during the term contracted between the policyholder and the insurer."

AMENDMENT NO. 2

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

Respectfully submitted,

Representative Troy Hebert
 Representative Dan W. Morrish
 Representative Dale Erdey
 Senator Donald R. Cravins
 Senator Arthur J. "Art" Lentini
 Senator Ken Hollis

Rep. Hebert moved to adopt the Conference Committee Report.

As a substitute, Rep. Bowler moved to recommit the bill to the Conference Committee.

The vote recurred on the substitute motion.

By a vote of 49 yeas and 49 nays, the House refused to recommit the bill to the Conference Committee.

Rep. Hebert insisted on his motion to adopt the Conference Committee Report.

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|--------------|------------|------------------|
| Mr. Speaker | Fruge | Nevers |
| Alario | Futrell | Odinot |
| Alexander, E | Gallot | Pierre |
| Alexander, R | Glover | Pinac |
| Ansardi | Green | Pitre |
| Baldone | Guillory | Powell |
| Baudoin | Hammett | Pratt |
| Baylor | Heaton | Quezaire |
| Beard | Hebert | Richmond |
| Broome | Hill | Romero |
| Bruce | Honey | Salter |
| Bruneau | Hopkins | Schneider |
| Capella | Hudson | Schwegmann |
| Carter, K | Hutter | Shaw |
| Carter, R | Iles | Smith, G.—56th |
| Cazayoux | Jackson, L | Smith, J.H.—8th |
| Clarkson | Jackson, M | Smith, J.R.—30th |
| Crane | Johns | Sneed |
| Crowe | Katz | Stelly |
| Curtis | Kennard | Strain |
| Damico | Kenney | Swilling |
| Daniel | LaFleur | Thompson |
| Dartez | Lancaster | Toomy |
| Devillier | LeBlanc | Townsend |
| Diez | Lucas | Triche |
| Doerge | Martiny | Tucker |
| Durand | McCallum | Waddell |
| Erdey | McDonald | Walsworth |
| Farrar | McVea | Welch |
| Fauchoux | Montgomery | Winston |

| | | |
|-------------------------------|--------------------|------------------|
| Flavin Frith Total—96 | Morrell Morrish | Wooton Wright |
| NAYS | | |
| Bowler Hunter Total—4 | Murray Perkins | |
| ABSENT | | |
| Downer Landrieu Total—5 | Riddle Scalise | Smith, J.D.—50th |

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

House Bill No. 165 By Representative Farrar

April 16, 2002

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

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 165 by Representative Farrar, recommend the following concerning the engrossed bill:

1. That Senate Committee Amendments Nos. 1 and 2 proposed by the Senate Committee on Judiciary C and adopted by the Senate on April 8, 2002, be rejected.
2. That Senate Committee Amendment No. 3 proposed by the Senate Committee on Judiciary C and adopted by the Senate on April 8, 2002, be adopted.
3. That the following amendments to the engrossed bill be adopted:

AMENDMENT NO. 1

On page 2, line 2, after "premises -" and before "dollars" change "sixty" to "seventy"

AMENDMENT NO. 2

On page 2, line 4, after "A-Restaurant -" and before "dollars" change "sixty" to "seventy"

Respectfully submitted,

Representative Rick Farrar
Representative T. Taylor Townsend
Senator Reggie Dupre
Senator Melvin "Kip" Holden
Senator Arthur J. "Art" Lentini

Rep. Farrar moved to adopt the Conference Committee Report.

ROLL CALL

The roll was called with the following result:

| | | |
|--------------|------------|------------------|
| | YEAS | |
| Mr. Speaker | Frige | Murray |
| Alexander, E | Futrell | Nevers |
| Alexander, R | Gallot | Odinot |
| Ansardi | Glover | Perkins |
| Baldone | Green | Pierre |
| Baudoin | Hammett | Pinac |
| Beard | Hebert | Powell |
| Bowler | Hill | Pratt |
| Broome | Honey | Quezaire |
| Bruce | Hopkins | Richmond |
| Capella | Hudson | Riddle |
| Carter, K | Hunter | Salter |
| Carter, R | Hutter | Schwegmann |
| Cazayoux | Iles | Shaw |
| Clarkson | Jackson, L | Smith, G.—56th |
| Crowe | Jackson, M | Smith, J.D.—50th |
| Curtis | Johns | Smith, J.H.—8th |
| Damico | Katz | Smith, J.R.—30th |
| Daniel | Lancaster | Stelly |
| Dartez | Landrieu | Strain |
| Devillier | LeBlanc | Swilling |
| Diez | Lucas | Thompson |
| Doerge | Martiny | Townsend |
| Downer | McCallum | Tucker |
| Durand | McDonald | Walsworth |
| Farrar | McVea | Welch |
| Faucheux | Montgomery | Winston |
| Flavin | Morrell | Wooton |
| Frith | Morrish | Wright |
| Total—87 | | |

NAYS

| | | |
|----------|---------|-----------|
| Alario | Kennard | Schneider |
| Bruneau | Kenney | Sneed |
| Crane | Pitre | Toomy |
| Guillory | Romero | |
| Heaton | Scalise | |
| Total—13 | | |

ABSENT

| | | |
|---------|---------|---------|
| Baylor | LaFleur | Waddell |
| Erdey | Triche | |
| Total—5 | | |

The Conference Committee Report, having received a two-thirds vote of the elected members, was adopted.

Petitions, Memorials and Communications

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

Message from the Senate

**ADOPTION OF
CONFERENCE COMMITTEE REPORT**

April 17, 2002

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

I am directed to inform your honorable body that the Senate has adopted the report of the Conference Committee on the disagreement to Senate Bill No. 45.

Respectfully submitted,
MICHAEL S. BAER, III
Secretary of the Senate

Message from the Senate

ADOPTION OF CONFERENCE COMMITTEE REPORT

April 17, 2002

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

I am directed to inform your honorable body that the Senate has adopted the report of the Conference Committee on the disagreement to Senate Bill No. 77.

Respectfully submitted,
MICHAEL S. BAER, III
Secretary of the Senate

Message from the Senate

HOUSE BILLS

April 17, 2002

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 House Bills:

House Bill No. 144
Returned with amendments.

Respectfully submitted,
MICHAEL S. BAER, III
Secretary of the Senate

House Bills and Joint Resolutions Returned from the Senate with Amendments

Rep. Hammett asked for and obtained a suspension of the rules to take up at this time the following House Bills and Joint Resolutions just returned from the Senate, with amendments to be concurred in by the House, with a view of acting on the same:

HOUSE BILL NO. 144—
BY REPRESENTATIVES HAMMETT, DEWITT, PINAC, FAUCHEUX,
GLOVER, MURRAY, AND THOMPSON
AN ACT

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

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. 144 by Representative Hammett, et al.

AMENDMENT NO. 1

On page 2, line 2, after "Vision 2020" delete the period "." and insert:

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

AMENDMENT NO. 2

On page 2, line 6, after "if" delete remainder of the line, and delete lines 7 and 8, and on line 9, delete "target cluster in Vision 2020." insert:

"no less than fifty percent of its business is of a multistate, national, or international nature, or if it is an industry that has been designated as a target cluster in Vision 2020 the business meets the provisions of R.S. 51:2453(1)."

AMENDMENT NO. 3

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

AMENDMENT NO. 4

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

AMENDMENT NO. 5

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

AMENDMENT NO. 6

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

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

AMENDMENT NO. 7

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

AMENDMENT NO. 8

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

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AMENDMENT NO. 9

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

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

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

AMENDMENT NO. 10

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

AMENDMENT NO. 11

On page 8, between lines 5 and 6 insert:

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

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

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

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

(dd) Must be a wholesale trade business as defined in NAICS code 42 and have a distribution center of not less than twenty-five thousand square feet."

AMENDMENT NO. 12

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

AMENDMENT NO. 13

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

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

AMENDMENT NO. 14

On page 9, delete line 7

AMENDMENT NO. 15

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

AMENDMENT NO. 16

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

AMENDMENT NO. 17

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

AMENDMENT NO. 18

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

AMENDMENT NO. 19

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

AMENDMENT NO. 20

On page 9, delete lines 19 and 20, and insert:

"rules shall not take effect unless presented to the Louisiana Economic Development Council and approved by both the House Committee on Ways and Means and the Senate Committee on Revenue and Fiscal Affairs in a public meeting held for such purpose."

AMENDMENT NO. 21

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

AMENDMENT NO. 22

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

AMENDMENT NO. 23

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

AMENDMENT NO. 24

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

AMENDMENT NO. 25

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

AMENDMENT NO. 26

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

AMENDMENT NO. 27

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

AMENDMENT NO. 28

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

AMENDMENT NO. 29

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

AMENDMENT NO. 30

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

AMENDMENT NO. 31

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

AMENDMENT NO. 32

On page 11, line 13, after "effect until" delete the remainder of the line and delete line 14, and insert:

"presented to the Louisiana Economic Development Council and approved by both the House Committee on Ways and Means and the Senate Committee on Revenue and Fiscal Affairs at a public meeting held for such purpose."

AMENDMENT NO. 33

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

AMENDMENT NO. 34

On page 11, line 18, after "affiliate" insert:

"or previously on the payroll of any business whose physical plant and employees are substantially the same as those of the employer. Such job shall be"

AMENDMENT NO. 35

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

AMENDMENT NO. 36

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

AMENDMENT NO. 37

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

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

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

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

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

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

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

AMENDMENT NO. 38

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

AMENDMENT NO. 39

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

AMENDMENT NO. 40

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

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

(ii) Violation of the provisions of this Subparagraph shall void the contract and any rebates paid to the employer prior to the date of the discovery of such violation shall be added to the income tax liability of the employer for the taxable year in which the discovery occurred, with interest from the date of violation, and the employer shall receive no further rebates pursuant to this Chapter."

AMENDMENT NO. 41

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

"the following requirements:

(1) If

AMENDMENT NO. 42

On page 17, line 10, delete "quarterly"

AMENDMENT NO. 43

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

AMENDMENT NO. 44

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

AMENDMENT NO. 45

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

AMENDMENT NO. 46

On page 17, at the end of line 18, insert:

"The contract shall provide that the employer shall waive prescription for the purposes of recovering any allowed rebates."

AMENDMENT NO. 47

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

AMENDMENT NO. 48

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

AMENDMENT NO. 49

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

AMENDMENT NO. 50

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

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AMENDMENT NO. 51

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

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

AMENDMENT NO. 52

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

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

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

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

AMENDMENT NO. 53

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

AMENDMENT NO. 54

On page 21, line 11, delete "periodically"

AMENDMENT NO. 55

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

AMENDMENT NO. 56

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

AMENDMENT NO. 57

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

AMENDMENT NO. 58

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

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

AMENDMENT NO. 59

On page 22, line 13, after "R.S. 51:1787" delete the remainder of the line and line 14, and insert:

"if the employer meets the enterprise zone program"

AMENDMENT NO. 60

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

AMENDMENT NO. 61

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

AMENDMENT NO. 62

On page 23, delete line 4, and insert:

"taxable period the fiscal year of an employer for which an establishment employer has"

AMENDMENT NO. 63

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

AMENDMENT NO. 64

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

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

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

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

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

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

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

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

(c) That employees holding the new direct jobs:

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

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

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

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

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

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

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

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

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

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

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

(e) That the employer did not:

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

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

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

(3)"

AMENDMENT NO. 65

On page 23, line 13, after "necessary" delete the remainder of the line and insert:

"to determine whether the application is correct and whether the employer is eligible for the annual rebate for that year, or"

AMENDMENT NO. 66

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

"application."

(4)"

AMENDMENT NO. 67

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

AMENDMENT NO. 68

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

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

AMENDMENT NO. 69

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

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

AMENDMENT NO. 70

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

AMENDMENT NO. 71

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

AMENDMENT NO. 72

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

AMENDMENT NO. 73

On page 27, at the end of line 2, delete the period "." and insert:

", except for provisions requiring the that certain contracts may be renewed on and after July 1, 2000, only if the establishment agrees to the requirements provided for in Act 46 of the 2000 Regular Session of the Legislature."

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Lambert to Reengrossed House Bill No. 144 by Representative Hammett

AMENDMENT NO. 1

In Senate Committee Amendment No. 37 proposed by the Senate Committee on Revenue and Fiscal Affairs adopted by the Senate on April 16, 2002, delete line 9, and insert "and has not performed any act, nor failed to perform any act, which would have made the"

AMENDMENT NO. 2

In Senate Committee Amendment No. 52 proposed by the Senate Committee on Revenue and Fiscal Affairs adopted by the Senate on April 16, 2002, on line 6, change "8" to "5" and on line 20, change "(3)" to "(2)"

AMENDMENT NO. 3

On page In Senate Committee Amendment No. 57 proposed by the Senate Committee on Revenue and Fiscal Affairs adopted by the Senate on April 16, 2002, on line 35, change "6" to "5"

AMENDMENT NO. 4

In Senate Committee Amendment No. 64 proposed by the Senate Committee on Revenue and Fiscal Affairs adopted by the Senate on April 16, 2002, on page 9, line 33, delete "did not" and on line 34, change "Default" to "Did not default" and on line 39, change "The employer is" to "Is"

AMENDMENT NO. 5

In Senate Committee Amendment No. 73 proposed by the Senate Committee on Revenue and Fiscal Affairs adopted by the Senate on April 16, 2002, on line 5, following "requiring" and before "that" delete "the"

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Thomas to Reengrossed House Bill No. 144 by Representative Hammett

AMENDMENT NO. 1

Delete Senate Committee Amendment Nos. 38 and 40, proposed by the Senate Committee on Revenue and Fiscal Affairs and adopted by the Senate on April 16, 2002

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Michot to Reengrossed House Bill No. 144 by Representative Hammett

AMENDMENT NO. 1

In Senate Committee Amendment No. 9, proposed by the Senate Committee on Revenue and Fiscal Affairs and adopted by the Senate on April 16, 2002, on page 2, line 7, after "113310," insert "211, 213111, 541360"

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Barham to Reengrossed House Bill No. 144 by Representative Hammett

AMENDMENT NO. 1

Delete Senate Committee Amendment Nos. 52 and 69 proposed by the Senate Committee on Revenue and Fiscal Affairs and adopted by the Senate on April 16, 2002.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator B. Jones to Reengrossed House Bill No. 144 by Representative Hammett

AMENDMENT NO. 1

On page 9, between lines 15 and 16, insert "(ix) Attorneys."

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator B. Jones to Reengrossed House Bill No. 144 by Representative Hammett, et al.

AMENDMENT NO. 1

In Senate Committee Amendments proposed by the Senate Committee on Revenue and Fiscal Affairs and adopted by the Senate on April 16, 2002, in Amendment No. 40, on page 5, line 41, after "violation," insert "if the employer is not subject to income tax, the rebate may be recovered under R.S. 47:1561.2,"

AMENDMENT NO. 2

In Senate Committee Amendments proposed by the Senate Committee on Revenue and Fiscal Affairs and adopted by the Senate on April 16, 2002, in Amendment No. 46, on page 6, line 17, change "allowed" to "disallowed"

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Hollis to Reengrossed House Bill No. 144 by Representative Hammett

AMENDMENT NO. 1

In Senate Committee Amendment No. 64 proposed by the Senate Committee on Revenue and Fiscal Affairs and adopted by the Senate on April 16, 2002, on page 9, delete lines 28 through 32 and insert the following:

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

AMENDMENT NO. 2

On page 5, at the beginning of line 27, after "time" delete "and part-time"

AMENDMENT NO. 3

On page 6, line 1, after "coverage" delete the remainder of the line and delete lines 2 and 3

AMENDMENT NO. 4

On page 6, line 11, after "full-time" delete "and part-time"

AMENDMENT NO. 5

On page 6, line 13, after "coverage" delete the remainder of the line and delete lines 14 and 15

AMENDMENT NO. 6

On page 6, line 23, after "coverage." delete the remainder of the line and delete lines 24 through 27 and on page 7, delete lines 1 and 2

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator B. Jones to Reengrossed House Bill No. 144 by Representative Hammett

AMENDMENT NO. 1

On page 8, at the end of line 21, delete the period "." and insert ", but their wages subject to Louisiana income tax shall be included in the calculation of gross payroll for purposes of this Chapter."

AMENDMENT NO. 2

On page 10, line 15, at the end of the line change "one-" to "three-fourths" and on line 16, delete "half"

AMENDMENT NO. 3

On page 10, line 17, after "percent" insert "of the new direct jobs receiving the wage provided for in this Subparagraph"

AMENDMENT NO. 4

On page 10, line 18, change "two" to "two and one-fourth"

AMENDMENT NO. 5

On page 10, line 17, after "percent" insert "of the new direct jobs receiving the wage provided for in this Subparagraph"

AMENDMENT NO. 6

On page 11, line 15, delete "full-time equivalent"

AMENDMENT NO. 7

On page 11, line 16, after "employee" insert "working at the average hours per week provided for in R.S. 51:2455(E)(2), who was"

AMENDMENT NO. 8

In Senate Committee Amendment No. 4, proposed by the Senate Committee on Revenue and Fiscal Affairs and adopted by the Senate on April 16, 2002, on page 1, line 20 change "one hundred percent" to "eighty-five percent"

AMENDMENT NO. 9

In Senate Committee Amendment No. 5, proposed by the Senate Committee on Revenue and Fiscal Affairs and adopted by the Senate on April 16, 2002, on page 1, line 20 change "one hundred percent" to "eighty-five percent"

AMENDMENT NO. 10

In Senate Committee Amendment No. 11, proposed by the Senate Committee on Revenue and Fiscal Affairs and adopted by the Senate on April 16, 2002, on page 2, line 36 change "code 56142" to "code 56142"

AMENDMENT NO. 11

In Senate Committee Amendment No. 52, proposed by the Senate Committee on Revenue and Fiscal Affairs and adopted by the Senate on April 16, 2002, on page 7, delete lines 20 through 22, and insert:

"~~(3)(2)(a)~~ Except as provided in Subparagraph (2)(b), have a number of full-time employees working an average of ~~twenty-five~~ thirty-five or more hours per week in new direct jobs equal to or in excess of ~~eighty~~ seventy percent of the total number of new direct jobs.

(b) Call centers as defined by North American Industry Classification (NAICS) code 56142 shall have a number of full-time employees working an average of thirty or more hours per week in new direct jobs equal to or in excess of seventy percent of the total number of new direct jobs in order to qualify."

AMENDMENT NO. 12

In Senate Committee Amendment No. 64, proposed by the Senate Committee on Revenue and Fiscal Affairs and adopted by the Senate on April 16, 2002:

On page 8, line 29, change "one-half" to "three-fourths"

On page 8, line 31, change "two" to "two and one-fourth"

On page 8, line 37, change "twenty-five" to "thirty-five, or in the case of qualifying call centers, thirty"

On page 9, line 23, change "one hundred percent" to "eighty-five percent"

Rep. Hammett moved that the amendments proposed by the Senate be rejected.

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|--------------|------------|------------------|
| Mr. Speaker | Futrell | Perkins |
| Alario | Gallot | Pierre |
| Alexander, E | Glover | Pinac |
| Alexander, R | Green | Pitre |
| Ansardi | Guillory | Powell |
| Baldone | Hammett | Pratt |
| Baudoin | Heaton | Quezaire |
| Baylor | Hebert | Richmond |
| Beard | Hill | Riddle |
| Bowler | Honey | Salter |
| Broome | Hopkins | Scalise |
| Bruce | Hunter | Schneider |
| Bruneau | Hutter | Schwegmann |
| Capella | Iles | Shaw |
| Carter, K | Jackson, L | Smith, G.—56th |
| Carter, R | Jackson, M | Smith, J.D.—50th |
| Cazayoux | Johns | Smith, J.H.—8th |
| Clarkson | Katz | Smith, J.R.—30th |
| Crane | Kennard | Sneed |
| Crowe | Kenney | Stelly |
| Curtis | LaFleur | Strain |
| Damico | Lancaster | Swilling |
| Daniel | Landrieu | Thompson |
| Dartez | LeBlanc | Toomy |
| Devillier | Lucas | Townsend |
| Diez | Martiny | Triche |

| | | |
|-----------|------------|-----------|
| Doerge | McCallum | Tucker |
| Downer | McDonald | Waddell |
| Durand | McVea | Walsworth |
| Erdey | Montgomery | Welch |
| Farrar | Morrell | Winston |
| Faucheux | Morrish | Wooton |
| Flavin | Murray | Wright |
| Frith | Nevers | |
| Früge | Odinot | |
| Total—103 | | |

NAYS

Romero
Total—1

ABSENT

Hudson
Total—1

The amendments proposed by the Senate were rejected.

Conference committee appointment pending.

Conference Committee Appointment

The Speaker appointed the following conferees on the part of the House to confer with a like committee from the Senate on the disagreement to House Bill No. 144: Reps. Hammett, Alario, and Murray.

Conference Committee Reports for Consideration

The following Conference Committee Reports were taken up and acted upon as follows:

CONFERENCE COMMITTEE REPORT

Senate Bill No. 45 by Senator Fontenot

April 17, 2002

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

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning Senate Bill 45 by Fontenot recommend the following concerning the reengrossed bill:

1. That House Committee Amendment Nos. 1 through 4 proposed by the House Committee on Municipal, Parochial and Cultural Affairs and adopted by the House of Representatives on April 3, 2002 be rejected.
2. That the following amendments to the reengrossed bill be adopted.

AMENDMENT NO. 1

On page 2, delete lines 10 and 11 in their entirety and insert in lieu thereof the following:

"(4) At least one member of the board of commissioners shall be a practicing physician who resides in the district."

Respectfully submitted,

Senator Heulette "Clo" Fontenot
Senator Max T. Malone
Representative Thomas H. "Tom" McVea
Representative Sharon Weston Broome
Representative Tony R. Perkins

Rep. McVea moved to adopt the Conference Committee Report.

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|--------------|------------|------------------|
| Mr. Speaker | Gallot | Pierre |
| Alario | Glover | Pinac |
| Alexander, E | Green | Pitre |
| Ansardi | Guillory | Powell |
| Baldone | Hammett | Pratt |
| Baudoin | Hebert | Quezaire |
| Baylor | Hill | Richmond |
| Beard | Honey | Riddle |
| Bowler | Hopkins | Romero |
| Broome | Hudson | Salter |
| Bruce | Hunter | Scalise |
| Bruneau | Hutter | Schneider |
| Capella | Iles | Schwegmann |
| Carter, K | Jackson, L | Shaw |
| Carter, R | Jackson, M | Smith, G.—56th |
| Cazayoux | Johns | Smith, J.D.—50th |
| Clarkson | Katz | Smith, J.H.—8th |
| Crane | Kennard | Smith, J.R.—30th |
| Crowe | Kenney | Sneed |
| Curtis | LaFleur | Stelly |
| Damico | Lancaster | Strain |
| Daniel | Landrieu | Swilling |
| Dartez | LeBlanc | Thompson |
| Devillier | Lucas | Toomy |
| Diez | Martiny | Townsend |
| Doerge | McCallum | Triche |
| Downer | McDonald | Tucker |
| Durand | McVea | Waddell |
| Erdey | Montgomery | Walsworth |
| Farrar | Morrell | Welch |
| Faucheux | Morrish | Winston |
| Flavin | Murray | Wooton |
| Frith | Nevers | Wright |
| Früge | Odinot | |
| Futrell | Perkins | |
| Total—103 | | |

NAYS

Total—0

ABSENT

Alexander, R
Total—2

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

Senate Bill No. 71 by Senator B. Jones

April 16, 2002

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

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning Senate Bill 71 by Senator B. Jones recommend the following concerning the Reengrossed bill:

1. That House Committee Amendment No.1 proposed by the House Committee on Commerce and adopted by the House of Representatives on April 9, 2002 be adopted.
2. That House Floor Amendment No. 1 proposed by Representative Downer and adopted by the House of Representatives on April 10, 2002 be rejected.
3. That House Floor Amendment Nos. 1 and 2 proposed by Representative Pinac and adopted by the House of Representatives on April 10, 2002 be adopted.

Respectfully submitted,

Senator Bill Jones
 Senator Ken Hollis
 Representative Gillis J. Pinac
 Representative Jean M. Doerge
 Representative Gary L. Smith, Jr.

Rep. Pinac moved to adopt the Conference Committee Report.

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|--------------|------------|------------------|
| Mr. Speaker | Gallot | Odinot |
| Alario | Glover | Perkins |
| Alexander, E | Green | Pierre |
| Alexander, R | Guillory | Pinac |
| Ansardi | Hammett | Pitre |
| Baldone | Heaton | Powell |
| Baudoin | Hebert | Pratt |
| Baylor | Hill | Quezairé |
| Beard | Honey | Richmond |
| Bowler | Hopkins | Riddle |
| Broome | Hudson | Romero |
| Bruce | Hunter | Salter |
| Bruneau | Hutter | Scalise |
| Capella | Iles | Schneider |
| Carter, K | Jackson, L | Schwegmann |
| Cazayoux | Jackson, M | Shaw |
| Clarkson | Johns | Smith, G.—56th |
| Crane | Katz | Smith, J.D.—50th |
| Crowe | Kennard | Smith, J.H.—8th |
| Curtis | Kenney | Smith, J.R.—30th |
| Damico | LaFleur | Sneed |
| Daniel | Lancaster | Stelly |
| Dartez | Landrieu | Strain |
| Devillier | LeBlanc | Swilling |
| Diez | Lucas | Thompson |
| Doerge | Martiny | Toomy |
| Downer | McCallum | Townsend |
| Durand | McDonald | Triche |
| Erdey | McVea | Waddell |
| Farrar | Montgomery | Welch |
| Faucheux | Morrell | Winston |
| Flavin | Morrish | Wooton |
| Frith | Murray | |
| Früge | Nevers | |
| Total—100 | | |

NAYS

Total—0

ABSENT

| | | |
|-----------|-----------|--------|
| Carter, R | Tucker | Wright |
| Futrell | Walsworth | |
| Total—5 | | |

The Conference Committee Report was adopted.

Motion

Rep. Downer moved to reconsider the vote by which the Conference Committee Report on Senate Bill No. 71 was adopted.

Rep. Pinac objected.

By a vote of 54 yeas and 45 nays, the vote by which the Conference Committee Report on Senate Bill No. 71 was adopted was reconsidered.

CONFERENCE COMMITTEE REPORT

Senate Bill No. 71 by Senator B. Jones

April 16, 2002

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

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning Senate Bill 71 by Senator B. Jones recommend the following concerning the Reengrossed bill:

1. That House Committee Amendment No.1 proposed by the House Committee on Commerce and adopted by the House of Representatives on April 9, 2002 be adopted.
2. That House Floor Amendment No. 1 proposed by Representative Downer and adopted by the House of Representatives on April 10, 2002 be rejected.
3. That House Floor Amendment Nos. 1 and 2 proposed by Representative Pinac and adopted by the House of Representatives on April 10, 2002 be adopted.

Respectfully submitted,

Senator Bill Jones
 Senator Ken Hollis
 Representative Gillis J. Pinac
 Representative Jean M. Doerge
 Representative Gary L. Smith, Jr.

Rep. Pinac moved to adopt the Conference Committee Report.

Motion

Rep. Downer moved to return the report to the calendar.

Rep. Pinac objected.

By a vote of 56 yeas and 47 nays, the House agreed to return the report to the calendar.

Petitions, Memorials and Communications

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

Message from the Senate

DISAGREEMENT TO SENATE BILL

April 17, 2002

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

I am directed to inform your honorable body that the Senate has refused to concur in the proposed House Amendments to Senate Bill No. 116 by Sen. Cain, and ask the Speaker to appoint a committee to confer with a like committee from the Senate on the disagreement.

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Message from the Senate

APPOINTMENT OF CONFERENCE COMMITTEE

April 17, 2002

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

I am directed to inform your honorable body that the President of the Senate has appointed the following committee to serve with a like committee from the House to confer on the disagreement to Senate Bill No. 116: Senators Cain, Irons, and Ullo.

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Message from the Senate

APPOINTMENT OF CONFERENCE COMMITTEE

April 17, 2002

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

I am directed to inform your honorable body that the President of the Senate has appointed the following committee to serve with a like committee from the House to confer on the disagreement to House Bill No. 130: Senators McPherson, Hoyt, and Dupre.

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Message from the Senate

APPOINTMENT OF CONFERENCE COMMITTEE

April 17, 2002

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

I am directed to inform your honorable body that the President of the Senate has appointed the following committee to serve with a like committee from the House to confer on the disagreement to House Bill No. 144: Senators B. Jones, Thomas, and Barham.

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Message from the Senate

ADOPTION OF CONFERENCE COMMITTEE REPORT

April 17, 2002

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

I am directed to inform your honorable body that the Senate has adopted the report of the Conference Committee on the disagreement to Senate Bill No. 28.

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Message from the Senate

ADOPTION OF CONFERENCE COMMITTEE REPORT

April 17, 2002

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

I am directed to inform your honorable body that the Senate has adopted the report of the Conference Committee on the disagreement to Senate Bill No. 66.

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Message from the Senate

ADOPTION OF CONFERENCE COMMITTEE REPORT

April 17, 2002

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

I am directed to inform your honorable body that the Senate has adopted the report of the Conference Committee on the disagreement to Senate Bill No. 71.

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Message from the Senate

**ADOPTION OF
CONFERENCE COMMITTEE REPORT**

April 17, 2002

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

I am directed to inform your honorable body that the Senate has adopted the report of the Conference Committee on the disagreement to House Bill No. 130.

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Message from the Senate

**ADOPTION OF
CONFERENCE COMMITTEE REPORT**

April 17, 2002

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

I am directed to inform your honorable body that the Senate has adopted the report of the Conference Committee on the disagreement to House Bill No. 132.

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Message from the Senate

**ADOPTION OF
CONFERENCE COMMITTEE REPORT**

April 17, 2002

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

I am directed to inform your honorable body that the Senate has adopted the report of the Conference Committee on the disagreement to House Bill No. 149.

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Message from the Senate

**ADOPTION OF
CONFERENCE COMMITTEE REPORT**

April 17, 2002

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

I am directed to inform your honorable body that the Senate has adopted the report of the Conference Committee on the disagreement to House Bill No. 165.

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Conference Committee Reports for Consideration

The following Conference Committee Reports were taken up and acted upon as follows:

CONFERENCE COMMITTEE REPORT

Senate Bill No. 28 by Senator Hainkel

April 17, 2002

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

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning Senate Bill 28 by Senator Hainkel recommend the following concerning the Engrossed bill:

1. That House Committee Amendments No. 1, 2, 3, and 4 proposed by the House Committee on Appropriations and adopted by the House of Representatives on April 9, 2002 be adopted.
2. That all House Floor Amendments proposed by Representative DeWitt and adopted by the House of Representatives on April 10, 2002 be rejected.

Respectfully submitted,

Senator John J. Hainkel
Senator John L. "Jay" Dardenne
Senator Tom Schedler
Representative Charlie DeWitt
Representative Herman R. Hill
Representative Jerry Luke LeBlanc

Rep. LeBlanc moved to adopt the Conference Committee Report.

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|--------------|---------|---------|
| Mr. Speaker | Futrell | Nevers |
| Alario | Gallot | Odinot |
| Alexander, E | Glover | Perkins |

| | | |
|--------------|------------|------------------|
| Alexander, R | Green | Pierre |
| Ansardi | Guillory | Pinac |
| Baldone | Hammett | Pitre |
| Baudoin | Heaton | Powell |
| Baylor | Hebert | Pratt |
| Beard | Hill | Quezaire |
| Bowler | Honey | Richmond |
| Broome | Hopkins | Riddle |
| Bruce | Hudson | Salter |
| Bruneau | Hunter | Scalise |
| Capella | Hutter | Schneider |
| Carter, K | Iles | Schwegmann |
| Carter, R | Jackson, L | Shaw |
| Cazayoux | Jackson, M | Smith, J.D.—50th |
| Clarkson | Johns | Smith, J.H.—8th |
| Crane | Katz | Smith, J.R.—30th |
| Crowe | Kennard | Sneed |
| Curtis | Kenney | Stelly |
| Damico | LaFleur | Strain |
| Daniel | Lancaster | Swilling |
| Dartez | Landrieu | Thompson |
| Devillier | LeBlanc | Toomy |
| Diez | Lucas | Townsend |
| Doerge | Martiny | Triche |
| Durand | McCallum | Tucker |
| Erdey | McDonald | Waddell |
| Farrar | McVea | Walsworth |
| Faucheux | Montgomery | Welch |
| Flavin | Morrell | Winston |
| Frith | Morrish | Wooton |
| Fruge | Murray | Wright |
| Total—102 | | |

NAYS

Romero
Total—1

ABSENT

Downer
Total—2
Smith, G.—56th

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

House Bill No. 130 By Representatives Schneider, et al.

April 17, 2002

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

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 130 by Representatives Schneider, et al., recommend the following concerning the engrossed bill:

1. That the Senate Committee Amendments proposed by the Senate Committee on Retirement and adopted by the Senate on April 8, 2002, be rejected.
2. That the Senate Floor Amendment proposed by Senator Hoyt and adopted by the Senate on April 16, 2002, be adopted.

3. That the Senate Floor Amendments proposed by Senator Boissiere and adopted by the Senate on April 16, 2002, be rejected.

That the following amendments to the engrossed bill be adopted:

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 11:416" and before "relative to" delete the comma "," and insert "and to enact R.S. 11: 416.1,"

AMENDMENT NO. 2

On page 1, line 12, after "reenacted" and before "to read" insert "and R.S. 11:416.1 is hereby enacted"

AMENDMENT NO. 3

On page 6, between lines 20 and 21, insert the following:

"§416.1. Reemployment of retirees under Act No. 455 of the 2001 Regular Session

A retiree who retired under the provisions of Act No. 455 of the 2001 Regular Session and was rehired prior to the effective date of this Section in employment which otherwise would render him eligible for membership in the system shall choose one of the following irrevocable options:

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

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

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

(4) Option 4. At the request of the retiree his retirement benefits shall be suspended for twelve months following the effective date of his retirement or until his reemployment ends, whichever occurs first. The retiree shall receive his retirement benefits after such suspension, but he shall accrue no additional service credit during reemployment. Under this option, neither the retiree nor the employer shall make any contribution to the system."

AMENDMENT NO. 4

On page 6, delete line 21 and insert "Section 2. R.S. 11:416.1 as enacted by Section 1 of this Act shall be applicable to any person who retired on or"

AMENDMENT NO. 5

On page 6, line 25, delete "three"

AMENDMENT NO. 6

On page 7, line 11, after "provisions" and before "of" insert "of R.S. 11:416.1 as enacted in Section 1"

Respectfully submitted,

Representative Daniel T. "Dan" Flavin
Representative Matthew P. "Pete" Schneider, III
Representative Victor T. Stelly
Senator Reggie P. Dupre, Jr.
Senator Fred R. Hoyt
Senator William Joseph McPherson, Jr.

Rep. Schneider moved to adopt the Conference Committee Report.

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|--------------|------------|------------------|
| Mr. Speaker | Green | Odinet |
| Alario | Guillory | Perkins |
| Alexander, R | Hammett | Pierre |
| Ansardi | Heaton | Pitre |
| Baylor | Hill | Powell |
| Beard | Honey | Pratt |
| Bowler | Hopkins | Quezaire |
| Broome | Hudson | Richmond |
| Bruce | Hunter | Riddle |
| Bruneau | Hutter | Salter |
| Capella | Iles | Schneider |
| Carter, R | Jackson, L | Schwegmann |
| Cazayoux | Jackson, M | Shaw |
| Crane | Johns | Smith, G.—56th |
| Crowe | Katz | Smith, J.D.—50th |
| Curtis | Kennard | Smith, J.H.—8th |
| Damico | Kennedy | Smith, J.R.—30th |
| Daniel | LaFleur | Sneed |
| Dartez | Lancaster | Stelly |
| Diez | Landrieu | Strain |
| Doerge | LeBlanc | Swilling |
| Downer | Lucas | Thompson |
| Durand | Martiny | Toomy |
| Farrar | McCallum | Townsend |
| Faucheux | McDonald | Waddell |
| Flavin | McVea | Winston |
| Frith | Montgomery | Wooton |
| Gallot | Morrell | |
| Glover | Nevers | |
| Total—85 | | |

NAYS

| | | |
|--------------|---------|-----------|
| Alexander, E | Hebert | Triche |
| Baldone | Morrish | Tucker |
| Carter, K | Murray | Walsworth |
| Clarkson | Pinac | Welch |
| Fruge | Romero | Wright |
| Futrell | Scalise | |
| Total—17 | | |

ABSENT

| | | |
|---------|-----------|-------|
| Baudoin | Devillier | Erdey |
| Total—3 | | |

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

House Bill No. 129 By Representatives Schneider, DeWitt, and Daniel

April 17, 2002

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

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 129 by Representatives Schneider, DeWitt, and Daniel, recommend the following concerning the reengrossed bill:

1. That the Senate Committee Amendments proposed by the Senate Committee on Retirement and adopted by the Senate on April 8, 2002, be adopted.
2. That Amendments Nos. 1 and 2 of the Senate Floor Amendments proposed by Senator Boissiere and adopted by the Senate on April 15, 2002, be adopted.
3. That Amendment No. 3 of the Senate Floor Amendments proposed by Senator Boissiere and adopted by the Senate on April 15, 2002, be rejected.
4. That the following amendment be adopted:

AMENDMENT NO. 1

On page 3, at the end of line 8, insert the following:

"Notwithstanding any provision of law to the contrary, no such employee who is appointed after December 7, 2003, to the position which would otherwise make him eligible to participate in the optional retirement plan pursuant to this Subparagraph shall be permitted to enroll in the optional retirement plan."

(2) If, pursuant to this Paragraph Subsection, an election is made by a current member of the defined benefit plan to participate in the optional retirement plan, then the employee contributions that were made on behalf of such member in the defined benefit plan shall be transferred to the participant's optional retirement plan."

Respectfully submitted,

Representative Pete Schneider
 Representative Victor T. Stelly
 Representative Daniel T. Flavin
 Senator Reggie Dupre
 Senator Fred Hoyt
 Senator Joe McPherson

Rep. Schneider moved to adopt the Conference Committee Report.

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|--------------|------------|------------------|
| Mr. Speaker | Futrell | Odinet |
| Alario | Gallot | Perkins |
| Alexander, E | Glover | Pierre |
| Alexander, R | Green | Pinac |
| Ansardi | Guillory | Pitre |
| Baldone | Hammett | Powell |
| Baudoin | Heaton | Pratt |
| Baylor | Hebert | Quezaire |
| Beard | Hill | Richmond |
| Bowler | Honey | Riddle |
| Broome | Hopkins | Salter |
| Bruce | Hudson | Scalise |
| Bruneau | Hunter | Schneider |
| Capella | Hutter | Schwegmann |
| Carter, K | Iles | Shaw |
| Carter, R | Jackson, L | Smith, G.—56th |
| Cazayoux | Jackson, M | Smith, J.D.—50th |
| Clarkson | Johns | Smith, J.H.—8th |
| Crane | Katz | Smith, J.R.—30th |
| Crowe | Kennard | Sneed |

| | | |
|-----------|------------|-----------|
| Curtis | Kenney | Stelly |
| Damico | LaFleur | Strain |
| Daniel | Lancaster | Swilling |
| Dartez | Landrieu | Thompson |
| Devillier | LeBlanc | Toomy |
| Diez | Lucas | Townsend |
| Doerge | Martiny | Triche |
| Durand | McCallum | Tucker |
| Erdey | McDonald | Waddell |
| Farrar | Montgomery | Walsworth |
| Faucheux | Morrell | Welch |
| Flavin | Morrish | Winston |
| Frith | Murray | Wooton |
| Fruge | Nevers | Wright |

Total—102

NAYS

Romero
Total—1

ABSENT

Downer
Total—2
McVea

The Conference Committee Report was adopted.

Conference Committee Appointment

The Speaker appointed the following conferees on the part of the House to confer with a like committee from the Senate on the disagreement to Senate Bill No. 116: Reps. Salter, Lancaster, and Murray.

Recess

On motion of Rep. Bruneau, the Speaker declared the House at recess until 5:15 P.M.

After Recess

Speaker DeWitt called the House to order at 5:55 P.M.

ROLL CALL

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

PRESENT

| | | |
|--------------|------------|------------------|
| Mr. Speaker | Futrell | Odinot |
| Alario | Gallot | Perkins |
| Alexander, E | Glover | Pierre |
| Alexander, R | Green | Pinac |
| Ansardi | Guillory | Pitre |
| Baldone | Hammett | Powell |
| Baudoin | Heaton | Pratt |
| Baylor | Hebert | Quezaire |
| Beard | Hill | Richmond |
| Bowler | Honey | Romero |
| Broome | Hopkins | Salter |
| Bruce | Hudson | Scalise |
| Bruneau | Hunter | Schneider |
| Capella | Hutter | Schwegmann |
| Carter, K | Iles | Shaw |
| Carter, R | Jackson, L | Smith, G.—56th |
| Cazayoux | Jackson, M | Smith, J.D.—50th |
| Clarkson | Johns | Smith, J.H.—8th |

| | | |
|-----------|------------|------------------|
| Crane | Katz | Smith, J.R.—30th |
| Crowe | Kennard | Sneed |
| Curtis | Kenney | Stelly |
| Damico | LaFleur | Strain |
| Daniel | Lancaster | Swilling |
| Dartez | Landrieu | Thompson |
| Devillier | LeBlanc | Toomy |
| Diez | Lucas | Townsend |
| Doerge | Martiny | Triche |
| Downer | McCallum | Tucker |
| Durand | McDonald | Waddell |
| Erdey | McVea | Walsworth |
| Farrar | Montgomery | Welch |
| Faucheux | Morrell | Winston |
| Flavin | Morrish | Wooton |
| Frith | Murray | Wright |
| Fruge | Nevers | |

Total—104

ABSENT

Riddle
Total—1

The Speaker announced there were 104 members present and a quorum.

Petitions, Memorials and Communications

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

Message from the Senate

ADOPTION OF CONFERENCE COMMITTEE REPORT

April 17, 2002

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

I am directed to inform your honorable body that the Senate has adopted the report of the Conference Committee on the disagreement to House Bill No. 129.

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Message from the Senate

HOUSE CONCURRENT RESOLUTIONS

April 17, 2002

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. 49
Returned without amendments.

House Concurrent Resolution No. 50
Returned without amendments.

Respectfully submitted,
MICHAEL S. BAER, III
Secretary of the Senate

Message from the Senate

HOUSE BILLS

April 17, 2002

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 House Bills:

House Bill No. 29
Returned without amendments.

House Bill No. 89
Returned without amendments.

House Bill No. 115
Returned with amendments.

Respectfully submitted,
MICHAEL S. BAER, III
Secretary of the Senate

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

Rep. Murray asked for and obtained a suspension of the rules to take up at this time the following House Bills and Joint Resolutions just returned from the Senate, with amendments to be concurred in by the House, with a view of acting on the same:

HOUSE BILL NO. 115—
BY REPRESENTATIVE RICHMOND
AN ACT

To enact R.S. 13:2158(D), relative to constables of the First City Court of the city of New Orleans; to provide for the fees of office that the constables may charge in civil matters; 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 Heitmeier to Engrossed House Bill No. 115 by Representative Richmond

AMENDMENT NO. 1

On page 1, line 2, after "First" insert "and Second" and after "City" change "Court" to "Courts"

AMENDMENT NO. 2

On page 1, line 8, after "Orleans" delete the remainder of the line and delete line 9

AMENDMENT NO. 3

On page 1, line 12, after "First" insert "or Second"

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

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|--------------|------------|------------------|
| Mr. Speaker | Gallot | Pierre |
| Alario | Glover | Pinac |
| Alexander, E | Green | Pitre |
| Alexander, R | Guillory | Powell |
| Ansardi | Hammett | Pratt |
| Baldone | Heaton | Quezaire |
| Baudoin | Hebert | Richmond |
| Baylor | Hill | Riddle |
| Beard | Honey | Romero |
| Bowler | Hopkins | Salter |
| Broome | Hudson | Scalise |
| Bruce | Hutter | Schneider |
| Bruneau | Iles | Schwegmann |
| Capella | Jackson, L | Shaw |
| Carter, K | Johns | Smith, G.—56th |
| Cazayoux | Katz | Smith, J.D.—50th |
| Clarkson | Kennard | Smith, J.H.—8th |
| Crane | Kenny | Smith, J.R.—30th |
| Crowe | LaFleur | Sneed |
| Curtis | Lancaster | Stelly |
| Damico | Landrieu | Strain |
| Daniel | LeBlanc | Swilling |
| Dartez | Lucas | Thompson |
| Devillier | Martiny | Toomy |
| Diez | McCallum | Townsend |
| Doerge | McDonald | Triche |
| Downer | McVea | Tucker |
| Erdey | Montgomery | Waddell |
| Farrar | Morrish | Walsworth |
| Faucheux | Murray | Welch |
| Flavin | Nevers | Winston |
| Fruge | Odinet | Wright |
| Futrell | Perkins | |
| Total—98 | | |

NAYS

Total—0

ABSENT

| | | |
|-----------|------------|--------|
| Carter, R | Hunter | Wooton |
| Durand | Jackson, M | |
| Frith | Morrell | |
| Total—7 | | |

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

Conference Committee Reports for Consideration

The following Conference Committee Reports were taken up and acted upon as follows:

CONFERENCE COMMITTEE REPORT

Senate Bill No. 66 by Senator Schedler

April 17, 2002

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

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning Senate Bill 66 by Senator Schedler recommend the following concerning the engrossed bill:

1. That House Committee Amendment No. 1 proposed by the House Committee on House and Governmental Affairs and adopted by the House of Representatives on April 10, 2002 be rejected.
2. That House Committee Amendment No. 2 proposed by the House Committee on House and Governmental Affairs and adopted by the House of Representatives on April 10, 2002 be accepted.
3. That House Floor Amendment No. 1 proposed by Representative Murry and adopted by the House of Representatives on April 16, 2002 be accepted.
4. That all House Floor Amendments proposed by Representative DeWitt and adopted by the House of Representatives on April 16, 2002 be rejected.

Respectfully submitted,

Senator Tom Schedler
 Senator John L. "Jay" Dardenne
 Senator Noble Ellington
 Representative Charles D. Lancaster, Jr.
 Representative Jerry Luke LeBlanc

Rep. Landrieu moved to adopt the Conference Committee Report.

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|--------------|------------|------------------|
| Mr. Speaker | Gallot | Perkins |
| Alario | Glover | Pierre |
| Alexander, E | Green | Pinac |
| Alexander, R | Guillory | Pitre |
| Ansardi | Hammett | Powell |
| Baldone | Heaton | Pratt |
| Baudoin | Hebert | Quezairé |
| Baylor | Hill | Richmond |
| Beard | Honey | Riddle |
| Bowler | Hopkins | Romero |
| Broome | Hudson | Salter |
| Bruce | Hunter | Scalise |
| Bruneau | Hutter | Schneider |
| Capella | Iles | Schwegmann |
| Carter, K | Jackson, L | Shaw |
| Carter, R | Jackson, M | Smith, G.—56th |
| Cazayoux | Johns | Smith, J.D.—50th |
| Clarkson | Katz | Smith, J.H.—8th |

| | | |
|-----------|------------|------------------|
| Crane | Kennard | Smith, J.R.—30th |
| Crowe | Kenney | Sneed |
| Curtis | LaFleur | Stelly |
| Damico | Lancaster | Strain |
| Daniel | Landrieu | Swilling |
| Dartez | LeBlanc | Thompson |
| Devillier | Lucas | Toomy |
| Diez | Martiny | Townsend |
| Downer | McCallum | Triche |
| Durand | McDonald | Tucker |
| Erdey | McVea | Waddell |
| Farrar | Montgomery | Walsworth |
| Faucheux | Morrell | Welch |
| Flavin | Morrish | Winston |
| Frith | Murray | Wooton |
| Fruge | Nevers | Wright |
| Futrell | Odinet | |

Total—104

NAYS

Total—0

ABSENT

Doerge
 Total—1

The Conference Committee Report was adopted.

**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. 26—
 BY REPRESENTATIVE FAUCHEUX
 A RESOLUTION

To urge and request the Department of Wildlife and Fisheries not to oppose the construction of a new interchange and truck route within the Maurepas Wildlife Management Area, but to ensure that natural drainage through the management area is maintained.

Read by title.

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

HOUSE RESOLUTION NO. 27—
 BY REPRESENTATIVE GARY SMITH
 A RESOLUTION

To urge and request the Department of Transportation and Development to re-time the traffic signal at the intersection of Louisiana Highway 90 and Barton Avenue in St. Charles Parish.

Read by title.

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

HOUSE RESOLUTION NO. 28—
 BY REPRESENTATIVES DANIEL AND FAUCHEUX
 A RESOLUTION

To express the condolences of the House of Representatives of the Legislature of Louisiana to the family of Elaine "Miss Sally" Williams.

Read by title.

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

HOUSE RESOLUTION NO. 29—
BY REPRESENTATIVE RICHMOND
A RESOLUTION

To recognize Mr. Levi Lewis, Sr. upon his retirement after thirty-six years of service to the Louisiana technical college system.

Read by title.

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

HOUSE RESOLUTION NO. 30—
BY REPRESENTATIVE WELCH
A RESOLUTION

To commend Reverend Charles T. Smith of Shiloh Baptist Church upon the celebration of his fortieth year of ministry.

Read by title.

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

HOUSE RESOLUTION NO. 31—
BY REPRESENTATIVE FLAVIN
A RESOLUTION

To urge and request the Louisiana Wildlife and Fisheries Commission to extend the oyster season in Calcasieu and Cameron parishes for two additional weeks.

Read by title.

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

HOUSE RESOLUTION NO. 32—
BY REPRESENTATIVES HEBERT AND ROMERO
A RESOLUTION

To commend Edwin Buford, Jr. of New Iberia for forty-two years of service upon the occasion of his retirement from Cleco.

Read by title.

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

HOUSE RESOLUTION NO. 33—
BY REPRESENTATIVES DEVILLIER, BROOME, CAZAYOUX, CRANE,
DANIEL, ERDEY, HONEY, KENNARD, M. JACKSON, PERKINS,
QUEZAIRE, AND WELCH
A RESOLUTION

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

Read by title.

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

HOUSE CONCURRENT RESOLUTION NO. 72—
BY REPRESENTATIVE CAZAYOUX
A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences upon the death of Lynn Joseph Schexnayder of New Roads.

Read by title.

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

Ordered to the Senate.

HOUSE CONCURRENT RESOLUTION NO. 73—
BY REPRESENTATIVE SCHWEGMANN
A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences upon the death of Ruth Fertel, the founder of Ruth's Chris Steak House.

Read by title.

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

Ordered to the Senate.

**Petitions, Memorials and
Communications**

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

Message from the Senate

**RECOMMITTAL OF CONFERENCE
COMMITTEE REPORT**

April 17, 2002

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

I am directed to inform your honorable body that the Senate has recommitted the report of the Conference Committee on the disagreement to House Bill No. 53.

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Message from the Senate

**ASKING CONCURRENCE IN
SENATE CONCURRENT RESOLUTIONS**

April 17, 2002

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. 40

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Suspension of the Rules

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

Senate Concurrent Resolutions

The following Senate Concurrent Resolutions contained in the message were taken up and acted upon as follows:

SENATE CONCURRENT RESOLUTION NO. 40—

BY SENATOR HAINKEL

A CONCURRENT RESOLUTION

To express the sincere and heartfelt condolences of the Legislature of Louisiana on the death of Ruth Udstad Fertel, business owner and founder of the national steakhouse chain, Ruth's Chris Steak House.

Read by title.

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

Recess

On motion of Rep. Bruneau, the Speaker declared the House at recess until 6:30 p.m.

After Recess

Speaker DeWitt called the House to order at 6:35 P.M.

ROLL CALL

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

PRESENT

| | | |
|--------------|------------|------------------|
| Mr. Speaker | Futrell | Odinot |
| Alario | Gallot | Perkins |
| Alexander, E | Glover | Pierre |
| Alexander, R | Green | Pinac |
| Ansardi | Guillory | Pitre |
| Baldone | Hammett | Powell |
| Baudoin | Heaton | Pratt |
| Baylor | Hebert | Quezaire |
| Beard | Hill | Richmond |
| Bowler | Honey | Romero |
| Broome | Hopkins | Salter |
| Bruce | Hudson | Scalise |
| Bruneau | Hunter | Schneider |
| Carter, K | Hutter | Schwegmann |
| Carter, R | Iles | Shaw |
| Cazayoux | Jackson, L | Smith, G.—56th |
| Clarkson | Jackson, M | Smith, J.D.—50th |
| Crane | Johns | Smith, J.H.—8th |
| Crowe | Katz | Sneed |
| Curtis | Kenney | Stelly |
| Damico | LaFleur | Strain |
| Daniel | Lancaster | Swilling |
| Dartez | Landrieu | Thompson |
| Devillier | LeBlanc | Toomy |
| Diez | Lucas | Townsend |
| Doerge | Martiny | Triche |
| Downer | McCallum | Waddell |
| Durand | McDonald | Walsworth |
| Erdey | McVea | Welch |

| | | |
|-----------|------------|---------|
| Farrar | Montgomery | Winston |
| Faucheux | Morrell | Wooton |
| Flavin | Morrish | Wright |
| Frith | Murray | |
| Fruge | Nevers | |
| Total—100 | | |

ABSENT

| | | |
|---------|------------------|--------|
| Capella | Riddle | Tucker |
| Kennard | Smith, J.R.—30th | |
| Total—5 | | |

The Speaker announced there were 100 members present and a quorum.

Petitions, Memorials and Communications

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

Message from the Senate

ADOPTION OF CONFERENCE COMMITTEE REPORT

April 17, 2002

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

I am directed to inform your honorable body that the Senate has adopted the report of the Conference Committee on the disagreement to House Concurrent Resolution No. 27.

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Conference Committee Reports for Consideration

The following Conference Committee Reports were taken up and acted upon as follows:

The Conference Committee Report on Senate Bill No. 71 was called from the calendar.

CONFERENCE COMMITTEE REPORT

Senate Bill No. 71 by Senator B. Jones

April 16, 2002

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

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning Senate Bill 71 by Senator B. Jones recommend the following concerning the Reengrossed bill:

1. That House Committee Amendment No.1 proposed by the House Committee on Commerce and adopted by the House of Representatives on April 9, 2002 be adopted.

2. That House Floor Amendment No. 1 proposed by Representative Downer and adopted by the House of Representatives on April 10, 2002 be rejected.
3. That House Floor Amendment Nos. 1 and 2 proposed by Representative Pinac and adopted by the House of Representatives on April 10, 2002 be adopted.

Respectfully submitted,

Senator Bill Jones
 Senator Ken Hollis
 Representative Gillis J. Pinac
 Representative Jean M. Doerge
 Representative Gary L. Smith, Jr.

Rep. Pinac moved to adopt the Conference Committee Report.

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|--------------|------------|------------------|
| Mr. Speaker | Gallot | Pierre |
| Alario | Glover | Pinac |
| Alexander, E | Green | Pitre |
| Alexander, R | Guillory | Powell |
| Ansardi | Hammett | Pratt |
| Baldone | Heaton | Quezaire |
| Baudoin | Hebert | Richmond |
| Baylor | Hill | Riddle |
| Beard | Honey | Romero |
| Bowler | Hopkins | Salter |
| Broome | Hudson | Scalise |
| Bruce | Hunter | Schneider |
| Bruneau | Hutter | Schwegmann |
| Carter, K | Iles | Shaw |
| Carter, R | Jackson, L | Smith, G.—56th |
| Cazayoux | Jackson, M | Smith, J.D.—50th |
| Clarkson | Johns | Smith, J.H.—8th |
| Crane | Katz | Smith, J.R.—30th |
| Crowe | Kennard | Sneed |
| Curtis | LaFleur | Stelly |
| Damico | Lancaster | Strain |
| Daniel | Landrieu | Swilling |
| Dartez | LeBlanc | Thompson |
| Devillier | Lucas | Toomy |
| Diez | Martiny | Townsend |
| Doerge | McCallum | Triche |
| Downer | McDonald | Tucker |
| Durand | McVea | Waddell |
| Erdey | Montgomery | Walsworth |
| Farrar | Morrell | Welch |
| Faucheux | Morrish | Winston |
| Flavin | Murray | Wooton |
| Frith | Nevers | Wright |
| Fruge | Odinet | |
| Futrell | Perkins | |
| Total—103 | | |

NAYS

Total—0

ABSENT

Capella Kenney
 Total—2

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

House Bill No. 144 By Representative Hammett

April 17, 2002

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

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 144 by Representative Hammett, recommend the following concerning the reengrossed bill:

1. That Senate Committee Amendments Nos. 1 through 73 proposed by the Senate Committee on Revenue and Fiscal Affairs and adopted by the Senate on April 16, 2002, be adopted.
2. That the set of Senate Floor Amendments proposed by Senator Michot and adopted by the Senate on April 17, 2002, be adopted.
3. That the set of Senate Floor Amendments proposed by Senator Hollis and adopted by the Senate on April 17, 2002, be adopted.
4. That the set of Senate Floor Amendments proposed by Senator Lambert and adopted by the Senate on April 17, 2002, be adopted.
5. That the set of Senate Floor Amendments consisting of one amendment proposed by Senator B. Jones on April 17, 2002, be adopted.
6. That the set of Senate Floor Amendments consisting of two amendments proposed by Senator B. Jones on April 17, 2002, be adopted.
7. That the set of Senate Floor Amendments consisting of 12 amendments proposed by Senator B. Jones on April 17, 2002, be adopted.
8. That the set of Senate Floor Amendments proposed by Senator Barham and adopted by the Senate on April 17, 2002, be rejected.
9. That the set of Senate Floor Amendments proposed by Senator Thomas and adopted by the Senate on April 17, 2002, be adopted.
10. That the following amendments to the reengrossed bill be adopted:

AMENDMENT NO. 1

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

AMENDMENT NO. 2

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

"(b)(i) No contract shall be executed under this Chapter with an employer who employs more than fifty employees who has entered into a contract or other agreement with any person or entity in which the employer is required to pay to or otherwise give consideration to

such person or entity contingent upon their success in obtaining benefits provided for in this Chapter.

(ii) Violation of the provisions of this Subparagraph shall void the contract and any rebates paid to the employer prior to the date of the discovery of such violation shall be added to the income tax liability of the employer for the taxable year in which the discovery occurred, with interest from the date of violation, and the employer shall receive no further rebates pursuant to this Chapter."

Respectfully submitted,

Representative Bryant O. Hammett, Jr.
 Representative John A. Alario, Jr.
 Representative Edwin R. Murray
 Senator Bill Jones
 Senator Jerry A. Thomas
 Senator Robert J. Barham

Motion

Rep. Walsworth moved that the Conference Committee Report be returned to the calendar.

Rep. Hammett objected.

By a vote of 17 yeas and 83 nays, the House refused to return the Conference Committee Report to the calendar.

Rep. Hammett moved to adopt the Conference Committee Report.

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|--------------|------------|------------------|
| Mr. Speaker | Futrell | Odinet |
| Alario | Gallot | Perkins |
| Alexander, E | Glover | Pierre |
| Alexander, R | Green | Pinac |
| Ansardi | Guillory | Pitre |
| Baldone | Hammett | Powell |
| Baudoin | Heaton | Pratt |
| Baylor | Hebert | Quezaire |
| Beard | Hill | Richmond |
| Bowler | Honey | Riddle |
| Broome | Hopkins | Salter |
| Bruce | Hudson | Scalise |
| Bruneau | Hunter | Schneider |
| Capella | Hutter | Schwegmann |
| Carter, K | Iles | Shaw |
| Carter, R | Jackson, L | Smith, G.—56th |
| Cazayoux | Jackson, M | Smith, J.D.—50th |
| Clarkson | Johns | Smith, J.H.—8th |
| Crane | Katz | Smith, J.R.—30th |
| Crowe | Kennard | Sneed |
| Curtis | Kenney | Stelly |
| Damico | LaFleur | Strain |
| Daniel | Lancaster | Swilling |
| Dartez | Landrieu | Thompson |
| Devillier | LeBlanc | Toomy |
| Diez | Lucas | Townsend |
| Doerge | Martiny | Triche |
| Downer | McCallum | Tucker |
| Durand | McDonald | Waddell |
| Erdey | McVea | Walsworth |
| Farrar | Montgomery | Welch |

| | | |
|-----------|---------|---------|
| Faucheux | Morrell | Winston |
| Flavin | Morrish | Wooton |
| Frith | Murray | Wright |
| Fruge | Nevers | |
| Total—104 | | |

NAYS

Romero
 Total—1

ABSENT

Total—0

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

House Bill No. 164 By Representatives Daniel and DeWitt

April 17, 2002

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

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 164 by Representatives Daniel and DeWitt, recommend the following concerning the engrossed bill:

1. That the Senate Committee amendment proposed by the Senate Committee on Natural Resources and adopted by the Senate on April 9, 2002, be rejected.
2. That the Senate Floor amendments proposed by the Senator Malone and adopted by the Senate on April 15, 2002, be rejected.
3. That the following amendments to the bill be adopted:

AMENDMENT NO. 1

On page 1, delete lines 2 and 3 in their entirety and insert in lieu thereof the following:

"To enact R.S. 31:149.3, relative to prescription of mineral"

AMENDMENT NO. 2

On page 1, delete lines 8 through 17 in their entirety and on page 2, delete lines 1 through 14 in their entirety and insert in lieu thereof the following:

"Section 1. R.S. 31:149.3 is hereby enacted to read as follows:

§149.3. Mineral rights imprescriptible when reserved from acquisitions for certain conservation or preservation purposes

A. When land is acquired from any person by the United States or the state of Louisiana, or any subdivision or agency of either, or any legal entity with expropriation authority, or any organization certified by the secretary of the Department of Natural Resources to be a state or national, nonprofit land conservation organization, by conventional deed, donation, or other contract or by condemnation or expropriation proceedings and by the act of acquisition, order, or judgment, a mineral right otherwise subject to the prescription of nonuse is reserved, the prescription of nonuse shall not run against

the right so long as the title to the land remains with the acquiring entity. In addition, if the acquisition of the land is for the purpose of inclusion in a national wildlife refuge, a national park, or any wildlife refuge, wildlife management area, public hunting ground, upland game reserve, or wildlife sanctuary established by the Louisiana Department of Wildlife and Fisheries pursuant to the provisions of R.S. 56:781, et seq., or for the public purpose of protection, conservation, replenishment, or management of the natural resources of the state, including natural and scenic rivers, wetlands, and renewable coastal resources, or the wildlife of the state, including all manner of aquatic life, wild birds, and wild quadrupeds, and if title of the land is subsequently transferred to a person, public or private, as a result of an exchange for land owned by that person and if the exchange is to further the purposes of the original land acquisition, prescription of nonuse shall not run. The act of acquisition, order, or judgment shall provide that the mineral right is reserved and that the prescription of nonuse shall not run. Except as provided in this Section, at such time as title to the land transfers to a private person who uses it for a purpose other than one of those provided in this Section, the prescription of nonuse shall begin to run under the provisions of this Title.

B. Whenever lands are acquired under the provisions of this Section for the principle purpose of facilitating the development, design, and implementation of coastal restoration projects, the secretary of the Department of Natural Resources may contemporaneously enter into an agreement with the transferor of such lands with respect to the ownership of subsurface minerals as provided in R.S. 41:1702(D)(2)(a)."

AMENDMENT NO. 3

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

Respectfully submitted,

Representative William B. Daniel, IV
 Representative Wilfred Pierre
 Representative Charlie DeWitt
 Senator Craig F. Romero
 Senator Max T. Malone
 Senator Bill Jones

Rep. Daniel moved to adopt the Conference Committee Report.

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|--------------|------------|------------------|
| Mr. Speaker | Futrell | Perkins |
| Alario | Gallot | Pierre |
| Alexander, E | Glover | Pinac |
| Alexander, R | Green | Pitre |
| Ansardi | Guillory | Powell |
| Baldone | Hammett | Pratt |
| Baudoin | Heaton | Quezairre |
| Baylor | Hebert | Richmond |
| Beard | Hill | Riddle |
| Bowler | Honey | Romero |
| Broome | Hopkins | Salter |
| Bruce | Hudson | Scalise |
| Bruneau | Hunter | Schneider |
| Capella | Hutter | Schwegmann |
| Carter, K | Iles | Shaw |
| Carter, R | Jackson, L | Smith, G.—56th |
| Cazayoux | Jackson, M | Smith, J.D.—50th |
| Clarkson | Johns | Smith, J.H.—8th |
| Crane | Katz | Smith, J.R.—30th |

| | | |
|-----------|------------|-----------|
| Crowe | Kenney | Sneed |
| Curtis | LaFleur | Stelly |
| Damico | Lancaster | Strain |
| Daniel | Landrieu | Swilling |
| Dartez | LeBlanc | Thompson |
| Devillier | Lucas | Toomy |
| Diez | Martiny | Townsend |
| Doerge | McCallum | Triche |
| Downer | McDonald | Tucker |
| Durand | McVea | Waddell |
| Erdey | Montgomery | Walsworth |
| Farrar | Morrell | Welch |
| Faucheux | Morrish | Winston |
| Flavin | Murray | Wright |
| Frith | Nevers | |
| Fruge | Odinot | |
| Total—103 | | |

NAYS

Total—0

ABSENT

| | |
|---------|--------|
| Kennard | Wooton |
| Total—2 | |

The Conference Committee Report was adopted.

Petitions, Memorials and Communications

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

Message from the Senate

ADOPTION OF CONFERENCE COMMITTEE REPORT

April 17, 2002

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

I am directed to inform your honorable body that the Senate has adopted the report of the Conference Committee on the disagreement to House Bill No. 53.

Respectfully submitted,

MICHAEL S. BAER, III
 Secretary of the Senate

Message from the Senate

ADOPTION OF CONFERENCE COMMITTEE REPORT

April 17, 2002

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

I am directed to inform your honorable body that the Senate has adopted the report of the Conference Committee on the disagreement to House Bill No. 144.

Respectfully submitted,

MICHAEL S. BAER, III
 Secretary of the Senate

Message from the Senate

**ADOPTION OF
CONFERENCE COMMITTEE REPORT**

April 17, 2002

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

I am directed to inform your honorable body that the Senate has adopted the report of the Conference Committee on the disagreement to House Bill No. 164.

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Message from the Senate

HOUSE CONCURRENT RESOLUTIONS

April 17, 2002

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 House Concurrent Resolutions:

House Concurrent Resolution No. 70
Returned without amendments.

House Concurrent Resolution No. 71
Returned without amendments.

House Concurrent Resolution No. 72
Returned without amendments.

House Concurrent Resolution No. 73
Returned without amendments.

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Message from the Senate

SIGNED SENATE CONCURRENT RESOLUTIONS

April 18, 2002

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

I am directed to inform your honorable body that the President of the Senate has signed the following Senate Concurrent Resolutions:

Senate Concurrent Resolution No. 40

and ask the Speaker of the House of Representatives to affix his signature to the same.

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

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

Message from the Senate

SIGNED SENATE BILLS AND JOINT RESOLUTIONS

April 18, 2002

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

I am directed to inform your honorable body that the President of the Senate has signed the following Senate Bills:

Senate Bill Nos. 28, 45, 66, 71, and 77

and ask the Speaker of the House of Representatives to affix his signature to the same.

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

The Senate Bills contained herein were signed by the Speaker of the House.

Privileged Report of the Committee on Enrollment

April 17, 2002

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 Resolutions have been properly enrolled:

HOUSE RESOLUTION NO. 18—
BY REPRESENTATIVES FAUCHEUX AND GARY SMITH
A RESOLUTION

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

HOUSE RESOLUTION NO. 19—
BY REPRESENTATIVES FAUCHEUX AND GARY SMITH
A RESOLUTION

To request the Department of Transportation and Development to identify the right-of-way and to work with Kansas City Southern to repair a railway crossing on Louisiana Highway 3223 south of United States Highway 61.

HOUSE RESOLUTION NO. 20—
BY REPRESENTATIVE FAUCHEUX
A RESOLUTION

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

HOUSE RESOLUTION NO. 21—

BY REPRESENTATIVE DOWNER

A RESOLUTION

To commend Daniel Snyder for being a member of the four-member Louisiana School for the Deaf quiz bowl team that will compete in national competition in Washington, D.C., in April, 2002.

HOUSE RESOLUTION NO. 22—

BY REPRESENTATIVE DOWNER

A RESOLUTION

To commend Chad LeBlanc for being a member of the four-member Louisiana School for the Deaf quiz bowl team that will compete in national competition in Washington, D.C., in April, 2002.

HOUSE RESOLUTION NO. 23—

BY REPRESENTATIVE GALLOT

A RESOLUTION

To express sincere and heartfelt condolences upon the death of Reverend Oliver Will Billups.

HOUSE RESOLUTION NO. 24—

BY REPRESENTATIVE FUTRELL

A RESOLUTION

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

HOUSE RESOLUTION NO. 25—

BY REPRESENTATIVES FAUCHEUX AND GARY SMITH

A RESOLUTION

To request the Department of Transportation and Development to conduct a traffic study at the intersection of Louisiana Highway 3188 (Belle Terre Boulevard) and Saint Andrews Boulevard in St. John the Baptist Parish.

HOUSE RESOLUTION NO. 26—

BY REPRESENTATIVE FAUCHEUX

A RESOLUTION

To urge and request the Department of Wildlife and Fisheries not to oppose the construction of a new interchange and truck route within the Maurepas Wildlife Management Area, but to ensure that natural drainage through the management area is maintained.

HOUSE RESOLUTION NO. 27—

BY REPRESENTATIVE GARY SMITH

A RESOLUTION

To urge and request the Department of Transportation and Development to re-time the traffic signal at the intersection of Louisiana Highway 90 and Barton Avenue in St. Charles Parish.

HOUSE RESOLUTION NO. 28—

BY REPRESENTATIVES DANIEL AND FAUCHEUX

A RESOLUTION

To express the condolences of the House of Representatives of the Legislature of Louisiana to the family of Elaine "Miss Sally" Williams.

HOUSE RESOLUTION NO. 29—

BY REPRESENTATIVES RICHMOND AND NEVERS

A RESOLUTION

To recognize Mr. Levi Lewis, Sr. upon his retirement after thirty-six years of service to the Louisiana technical college system.

HOUSE RESOLUTION NO. 30—

BY REPRESENTATIVES WELCH, ALARIO, E. ALEXANDER, R. ALEXANDER, ANSARDI, BALDONE, BAYLOR, BEARD, BROOME, BRUCE, CAPELLA, K. CARTER, R. CARTER, CAZAYOUX, CLARKSON, CURTIS, DAMICO, DANIEL, DARTEZ, DEWITT, DIEZ, DOWNER, FARRAR, FAUCHEUX, FRITH, FRUGE, FUTRELL, GALLOT, GLOVER, GUILLORY, HEATON, HEBERT, HILL, HONEY, HOPKINS, HUDSON, HUNTER, HUTTER, ILES, L. JACKSON, M. JACKSON, JOHNS, KATZ, KENNARD, KENNEY, LANCASTER, LUCAS, MCCALLUM, McDONALD, MONTGOMERY, MORRELL, MURRAY, NEVERS, ODINET, PERKINS, PIERRE, PINAC, POWELL, PRATT, QUEZAIRE, ROMERO, SALTER, SCHWEGMANN, SHAW, GARY SMITH, JACK SMITH, JANE SMITH, STELLY, STRAIN, SWILLING, THOMPSON, TOWNSEND, TUCKER, WADDELL, AND WOOTON

A RESOLUTION

To commend Reverend Charles T. Smith of Shiloh Baptist Church upon the celebration of his fortieth year of ministry.

HOUSE RESOLUTION NO. 31—

BY REPRESENTATIVE FLAVIN

A RESOLUTION

To urge and request the Louisiana Wildlife and Fisheries Commission to extend the oyster season in Calcasieu and Cameron parishes for two additional weeks.

HOUSE RESOLUTION NO. 32—

BY REPRESENTATIVES HEBERT AND ROMERO

A RESOLUTION

To commend Edwin Buford, Jr. of New Iberia for forty-two years of service upon the occasion of his retirement from Cleco.

HOUSE RESOLUTION NO. 33—

BY REPRESENTATIVES DEVILLIER, BROOME, CAZAYOUX, CRANE, DANIEL, ERDEY, HONEY, KENNARD, M. JACKSON, PERKINS, QUEZAIRE, AND WELCH

A RESOLUTION

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

Respectfully submitted,

DONALD RAY KENNARD
Chairman

The above House Resolutions contained in the report were signed by the Speaker of the House 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

April 17, 2002

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. 13—

BY REPRESENTATIVE SALTER
A CONCURRENT RESOLUTION

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

HOUSE CONCURRENT RESOLUTION NO. 49—

BY REPRESENTATIVE FRITH
A CONCURRENT RESOLUTION

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

HOUSE CONCURRENT RESOLUTION NO. 50—

BY REPRESENTATIVE FRITH
A CONCURRENT RESOLUTION

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

HOUSE CONCURRENT RESOLUTION NO. 59—

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

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

HOUSE CONCURRENT RESOLUTION NO. 60—

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

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

HOUSE CONCURRENT RESOLUTION NO. 64—

BY REPRESENTATIVES BAUDOIN, ALARIO, E. ALEXANDER, R. ALEXANDER, BALDONE, BAYLOR, BOWLER, BRUCE, CAPELLA, K. CARTER, CAZAYOUX, CLARKSON, CURTIS, DAMICO, DARTEZ, DEWITT, DOWNER, FARRAR, FAUCHEUX, FRITH, FRUGE, GLOVER, GREEN, GUILLORY, HAMMETT, HEATON, HEBERT, HILL, HONEY, HOPKINS, HUDSON, HUNTER, HUTTER, ILES, JOHNS, KATZ, KENNARD, KENNEY, LAFLEUR, LANCASTER, LANDRIEU, LEBLANC, LUCAS, MARTINY, MCCALLUM, MCDONALD, MORRELL, MORRISH, MURRAY, NEVERS, ODINET, PERKINS, PIERRE, POWELL, PRATT, QUEZAIRE, ROMERO, SALTER, SCALISE, SCHWEGMANN, SHAW, GARY SMITH, JACK SMITH, JANE SMITH, JOHN SMITH, STRAIN, THOMPSON, TOWNSEND, TRICHE, WADDELL, WALSWORTH, WELCH, WINSTON, AND WOOTON
A CONCURRENT RESOLUTION

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

HOUSE CONCURRENT RESOLUTION NO. 65—

BY REPRESENTATIVE CAZAYOUX
A CONCURRENT RESOLUTION

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

HOUSE CONCURRENT RESOLUTION NO. 66—

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

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

HOUSE CONCURRENT RESOLUTION NO. 67—

BY REPRESENTATIVE HUNTER
A CONCURRENT RESOLUTION

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

HOUSE CONCURRENT RESOLUTION NO. 68—

BY REPRESENTATIVE HUNTER
A CONCURRENT RESOLUTION

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

HOUSE CONCURRENT RESOLUTION NO. 69—

BY REPRESENTATIVE SCALISE
A CONCURRENT RESOLUTION

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

HOUSE CONCURRENT RESOLUTION NO. 70—

BY REPRESENTATIVE CAZAYOUX
A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences upon the death of Wilbert J. Ramagos of New Roads, Louisiana.

HOUSE CONCURRENT RESOLUTION NO. 71—

BY REPRESENTATIVES CAZAYOUX AND DEWITT
A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences upon the death of Andrew A. Grezaffi, Sr. of New Roads, Louisiana.

HOUSE CONCURRENT RESOLUTION NO. 72—

BY REPRESENTATIVE CAZAYOUX
A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences upon the death of Lynn Joseph Schexnayder of New Roads.

HOUSE CONCURRENT RESOLUTION NO. 73—

BY REPRESENTATIVE SCHWEGMANN, ALARIO, E. ALEXANDER, R. ALEXANDER, ANSARDI, BALDONE, BAUDOIN, BAYLOR, BEARD, BOWLER, BROOME, BRUCE, BRUNEAU, CAPELLA, K. CARTER, R. CARTER, CAZAYOUX, CLARKSON, CRANE, CROWE, CURTIS, DAMICO, DANIEL, DARTEZ, DEVILLIER, DEWITT, DIEZ, DOERGE, DOWNER, DURAND, ERDEY, FARRAR, FAUCHEUX, FLAVIN, FRITH, FRUGE, FUTRELL, GALLOT, GLOVER, GREEN, GUILLORY, HAMMETT, HEATON, HEBERT, HILL, HONEY, HOPKINS, HUDSON, HUNTER, HUTTER, ILES, L. JACKSON, M. JACKSON, JOHNS, KATZ, KENNARD, KENNEY, LAFLEUR, LANCASTER, LANDRIEU, LEBLANC, LUCAS, MARTINY, MCCALLUM, MCDONALD, MCVEA, MONTGOMERY, MORRELL, MORRISH, MURRAY, NEVERS, ODINET, PERKINS, PIERRE, PINAC, PITRE, POWELL, PRATT, QUEZAIRE, RICHMOND, RIDDLE, ROMERO, SALTER, SCALISE, SCHNEIDER, SHAW, GARY SMITH, JACK SMITH, JANE SMITH, JOHN SMITH, SNEED, STELLY, STRAIN, SWILLING, THOMPSON, TOOMY, TOWNSEND, TRICHE, TUCKER, WADDELL, WALSWORTH, WELCH, WINSTON, WOOTON, AND WRIGHT AND SENATORS BAJOE, BARHAM, BEAN, BOISSIERE, CAIN, CAMPBELL, CHAISSON, CRAVINS, DARDENNE, DEAN, DUPRE, ELLINGTON, FIELDS, FONTENOT, GAUTREAU, HAINKEL, HEITMEIER, HINES, HOLDEN, HOLLIS, HOYT, IRONS, JOHNSON, B.

JONES, C. JONES, LAMBERT, LENTINI, MALONE, MARIONNEAUX, MCPHERSON, MICHOT, MOUNT, ROMERO, SCHEDLER, SMITH, TARVER, THEUNISSEN, THOMAS, AND ULLO

A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences upon the death of Ruth Fertel, the founder of Ruth's Chris Steak House.

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

April 17, 2002

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. 20—
BY REPRESENTATIVE THOMPSON
AN ACT

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

HOUSE BILL NO. 29—
BY REPRESENTATIVE CURTIS
AN ACT

To enact R.S. 13:1899(C)(15), relative to the office of the marshal of the City Court of Alexandria; to increase court costs in criminal and traffic violation cases for the purpose of defraying the expenses of office; and to provide for related matters.

HOUSE BILL NO. 53—
BY REPRESENTATIVES DOWNER, E. ALEXANDER, R. ALEXANDER, BAUDOIN, BROOME, BRUCE, CAPELLA, R. CARTER, CLARKSON, CRANE, CURTIS, DARTEZ, DIEZ, DURAND, ERDEY, FARRAR, FAUCHEUX, FLAVIN, FRITH, FUTRELL, GALLOT, HAMMETT, HEATON, HUTTER, JOHNS, KATZ, KENNARD, KENNEY, LANDRIEU, MCCALLUM, MCDONALD, MONTGOMERY, NEVERS, PINAC, POWELL, PRATT, QUEZAIRE, SHAW, JANE SMITH, JOHN SMITH, STELLY, STRAIN, THOMPSON, WADDELL, WALSWORTH, WOOTON, AND WRIGHT AND SENATORS CAIN, DUPRE, LENTINI, SCHEDLER, AND ULLO
AN ACT

To amend and reenact R.S. 14:30(A)(1), R.S. 15:1308(A)(introductory paragraph), and R.S. 44:3(A)(introductory paragraph) and (3) and to enact R.S. 14:2(13)(ff) and Subpart D of Part VII of Chapter 1 of Title 14 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 14:128.1 and 128.2, and R.S. 15:1308(A)(2)(o) and (p), relative to terrorism; to enact the Louisiana Anti-terrorism Act; to create the crime of terrorism; to create the crime of aiding others in terrorism; to provide for criminal penalties; to provide relative to the interception and disclosure of wire and oral communications related to crimes of terrorism; to provide relative to first degree murder with respect to terrorism; to provide relative to the public records law; to direct the Louisiana State Law Institute to redesignate certain provisions

of current law; to provide for exceptions; and to provide for related matters.

HOUSE BILL NO. 66—
BY REPRESENTATIVE HEBERT
AN ACT

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

HOUSE BILL NO. 83—
BY REPRESENTATIVE BRUNEAU
AN ACT

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

HOUSE BILL NO. 84—
BY REPRESENTATIVE DIEZ
AN ACT

To amend and reenact R.S. 32:414.2(A)(5) and to enact R.S. 32:414.2(A)(1)(e) and 427(A)(4), relative to commercial motor vehicle drivers; to provide relative to railroad grade crossing violations by commercial motor vehicle operators; to provide relative to certain disqualifications; to provide for civil penalties assessed against employers of such drivers under certain circumstances; and to provide for related matters.

HOUSE BILL NO. 89—
BY REPRESENTATIVE PINAC
AN ACT

To amend and reenact R.S. 40:1625 through 1631, 1636, and 1637 and to enact R.S. 40:1638, relative to fire protection sprinkler systems contractors; to provide for definitions; to provide for administration and regulation; to provide for licensing; to provide for fees; to provide for prohibited activity; to provide for renewal, reinstatement, and revocation of permits, certificates, and licenses; to provide for fines; to provide for a Fire Sprinkler Trust Fund; and to provide for related matters.

HOUSE BILL NO. 93—
BY REPRESENTATIVE HILL AND SENATOR MOUNT
AN ACT

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

HOUSE BILL NO. 97—

BY REPRESENTATIVE DAMICO
AN ACT

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

HOUSE BILL NO. 115—

BY REPRESENTATIVES RICHMOND AND CLARKSON
AN ACT

To enact R.S. 13:2158(D), relative to constables of the First and Second City Courts of the city of New Orleans; to provide for the fees of office that the constables may charge in civil matters; and to provide for related matters.

HOUSE BILL NO. 129—

BY REPRESENTATIVES SCHNEIDER, DEWITT, AND DANIEL
AN ACT

To amend and reenact R.S. 11:502.2(A)(2) and (B)(1)(a) and (2), to enact R.S. 11:502.2(A)(3) and (B)(1)(c), and to repeal Section 2(B) of Act No. 1320 of the 1999 Regular Session of the Legislature, as amended by Act No. 454 of the 2001 Regular Session of the Legislature, relative to the optional retirement plan of the Louisiana State Employees Retirement System; to provide for eligibility for participation in such plan; to provide for procedures and time limitations for application for participation in such plan; and to provide for related matters.

HOUSE BILL NO. 130—

BY REPRESENTATIVES SCHNEIDER, DEWITT, DANIEL, AND FRITH
AN ACT

To amend and reenact R.S. 11:416 and to enact R.S. 11: 416.1, relative to the Louisiana State Employees Retirement System; to provide for the reemployment of retirees; to provide for the benefits paid to such retirees; to provide relative to accrual of credit for service; to provide for employer contributions; to provide an option for regaining membership in the system; to provide for reporting; to provide penalties for failure to report; to provide for retirees reemployed pursuant to Act No. 455 of the 2001 Regular Session of the Legislature and for employees who retired prior to the effective date of such Act; and to provide for related matters.

HOUSE BILL NO. 132—

BY REPRESENTATIVES LEBLANC, DEWITT, AND HAMMETT
AN ACT

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

HOUSE BILL NO. 135—

BY REPRESENTATIVE STRAIN AND SENATOR SCHEDLER
AN ACT

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

HOUSE BILL NO. 136—

BY REPRESENTATIVE DEWITT
AN ACT

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

HOUSE BILL NO. 141—

BY REPRESENTATIVE DEWITT
AN ACT

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

HOUSE BILL NO. 144—

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

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

HOUSE BILL NO. 146—

BY REPRESENTATIVE NEVERS
AN ACT

To authorize and provide for the transfer or lease of certain state property in Washington Parish to the city of Bogalusa from the Department of Health and Hospitals; and to provide for related matters.

HOUSE BILL NO. 149 (Substitute for House Bill No. 59 by Representative Hebert)—

BY REPRESENTATIVE HEBERT
AN ACT

To amend and reenact R.S. 22:1401(J) and 1403(B), relative to insurance rate filings; to limit the number of filings; to provide changes in rates; to provide for limits; to provide for approval; to provide for the Louisiana Insurance Rating Commission; to provide for actuarial justification; to provide for notice; to provide for rate filings by certain insurers with the commission; and to provide for related matters.

HOUSE BILL NO. 156—

BY REPRESENTATIVES HILL AND THOMPSON AND SENATOR HINES
AN ACT

To enact R.S. 36:509(R) and Part XXV of Chapter 13 of Title 38 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 38:3087.171 through 3087.185; to create the Allen Parish Reservoir District as a political subdivision and state agency; to provide for a board of commissioners for the district; to provide for the powers and duties of the district including the power to levy taxes and issue bonds; and to provide for related matters.

HOUSE BILL NO. 157 (Duplicate of Senate Bill No. 109)—

BY REPRESENTATIVE CRANE AND SENATOR THEUNISSEN
AN ACT

To enact R.S. 39:99, relative to tobacco settlement proceeds; to provide relative to the disposition of certain monies accruing to local school boards; to require the state treasurer to enter into contracts to invest such monies on behalf of such school boards; to provide for the obligations of the state treasurer; to provide for the obligation of the school boards; to provide for the required contractual inclusions; and to provide for related matters.

HOUSE BILL NO. 159—

BY REPRESENTATIVE JACK SMITH
AN ACT

To repeal Act No. 142 of the 2001 Regular Session and to authorize and provide for the transfer or lease of certain state property in St. Mary Parish to the Port of West St. Mary from the division of administration; and to provide for related matters.

HOUSE BILL NO. 162—

BY REPRESENTATIVE MONTGOMERY
AN ACT

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

HOUSE BILL NO. 164—

BY REPRESENTATIVES DANIEL AND DEWITT
AN ACT

To enact R.S. 31:149.3, relative to prescription of mineral rights; to provide for the imprescriptibility of mineral rights on land acquired by government agencies or other specified nongovernmental entities; and to provide for related matters.

HOUSE BILL NO. 165—

BY REPRESENTATIVE FARRAR
AN ACT

To amend and reenact R.S. 26:271, relative to alcoholic beverage permits; to raise certain permit fees for dealers in beverages of low alcoholic content; and to provide for related matters.

HOUSE BILL NO. 167—

BY REPRESENTATIVE MARTINY
AN ACT

To amend and reenact R.S. 15:569.1 and 570(C), relative to hours for the execution of death sentences; to amend the hours during which death sentences shall be executed; and to provide for related matters.

HOUSE BILL NO. 170—

BY REPRESENTATIVE ALARIO
AN ACT

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

HOUSE BILL NO. 171—

BY REPRESENTATIVE MCVEA AND SENATOR HOLDEN
AN ACT

To enact Part I-A of Chapter 27 of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:9038.1 through 9038.9, relative to cooperative economic development; to provide for tax increment financing in certain local governmental subdivisions; to authorize the creation of economic development districts within and by such local governmental subdivisions; to authorize increases in ad valorem, sales, and hotel occupancy taxes in such districts; and to provide for related matters.

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.

Motion

On motion of Rep. Bruneau, the Speaker appointed the following special committee to notify the Governor that the House has completed its labors and is prepared to adjourn *sine die*: Reps. Pratt, Clarkson, and McCallum.

Motion

On motion of Rep. Bruneau, the Speaker appointed the following special committee to notify the Senate that the House has completed its labors and is prepared to adjourn *sine die*: Reps. Alario, Thompson, and Diez.

Reports of Special Committees

The special committee appointed to notify the Governor that the House had completed its labors and was prepared to adjourn *sine die* reported that it had performed that duty.

The special committee appointed to notify the Senate that the House had completed its labors and was prepared to adjourn *sine die* reported that it had performed that duty.

The Speaker thanked and discharged the committees.

Committee from the Senate

A special committee from the Senate notified the House that the Senate has completed its labors and is prepared to adjourn *sine die*.

The Speaker thanked and dismissed the committee.

Adjournment

On motion of Rep. Alario, at 7:05 P.M., the House agreed to adjourn *sine die*.

The Speaker of the House declared the House adjourned *sine die*.

ALFRED W. SPEER
Clerk of the House

