

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

SIXTEENTH DAY'S PROCEEDINGS

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

House of Representatives
State Capitol
Baton Rouge, Louisiana

Wednesday, May 27, 1998

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

Morning Hour

ROLL CALL

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

PRESENT

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

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

ABSENT

Farve
Total—1

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

Prayer

Prayer was offered by Rev. H. G. Wahl.

Pledge of Allegiance

Rep. Fruge 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. Dimos, the reading of the Journal was dispensed with.

On motion of Rep. Kennard, the Journal of May 26, 1998, was corrected to reflect him as voting yea on the final passage of House Bill No. 180.

On motion of Rep. Dimos, the Journal of May 26, 1998, was adopted.

**Petitions, Memorials and
Communications**

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

Privileged Report of the Committee on Enrollment

May 27, 1998

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

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

The following House Concurrent Resolutions have been properly enrolled:

HOUSE CONCURRENT RESOLUTION NO. 11—

BY REPRESENTATIVES PRATT, DEWITT, ALARIO, BAYLOR, CLARKSON, COPELIN, CURTIS, DAMICO, DANIEL, FARVE, FAUCHEUX, FLAVIN, GAUTREAU, GUILLORY, HEATON, HEBERT, HILL, HOLDEN, HOPKINS, HUDSON, HUNTER, ILES, JENKINS, JETSON, JOHNS, KENNEY, MARIONNEAU, MICHOT, MITCHELL, MONTGOMERY, MORRELL, MURRAY, PERKINS, PIERRE, POWELL, QUEZAIRE, SALTER, SCHWEGMANN, JACK SMITH, STELLY, STRAIN, THOMAS, THOMPSON, WADDELL, WELCH, WESTON, WILKERSON, AND WILLARD

A CONCURRENT RESOLUTION

To direct the secretary of the Department of Health and Hospitals to study the effect of obesity in both adults and children on costly health complications such as diabetes, hypertension, heart disease, and stroke, and health complications in children, and to make recommendations for improvement in awareness of the problem of obesity and suggested treatment modalities, and to report the findings of such study and recommendations to the legislature prior to the convening of the 1999 Regular Session.

HOUSE CONCURRENT RESOLUTION NO. 24—
BY REPRESENTATIVE SCALISE
A CONCURRENT RESOLUTION

To urge and request the State Board of Elementary and Secondary Education to consider differences in the cost of living throughout the state when developing, adopting, and recommending to the legislature the formula used to determine the cost of a minimum foundation program of education in all public elementary and secondary schools and to equitably allocate funds to city and parish school systems.

HOUSE CONCURRENT RESOLUTION NO. 66—
BY REPRESENTATIVE MARIONNEAUX
A CONCURRENT RESOLUTION

To express the condolences and heartfelt sorrow of the Legislature of Louisiana to the family of Albert Lawrence "Sonny" Cox, Jr.

HOUSE CONCURRENT RESOLUTION NO. 67—
BY REPRESENTATIVE FAUCHEUX
A CONCURRENT RESOLUTION

To commend Mr. David Bartholomew whose talents helped make Fats Domino world famous and to recognize him as one of the best trumpeters, bandleaders, and songwriters in New Orleans history.

HOUSE CONCURRENT RESOLUTION NO. 69—
BY REPRESENTATIVE HOLDEN
A CONCURRENT RESOLUTION

To memorialize the administrator of the United States Environmental Protection Agency to consider and approve the Louisiana State Implementation Plan for ozone reduction in the city of Baton Rouge, and the surrounding five parishes which have been designated as "non-attainment" areas and not to impose sanctions for the failure of the state to adopt a vehicle emissions inspection and maintenance program.

HOUSE CONCURRENT RESOLUTION NO. 70—
BY REPRESENTATIVE MURRAY
A CONCURRENT RESOLUTION

To express condolences of the legislature upon the death of Mr. Anthony Joseph Smith, Sr. of New Orleans, Louisiana.

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.

Message from the Senate

SIGNED SENATE CONCURRENT RESOLUTIONS

May 27, 1998

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. 32

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.

**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. 74—
BY REPRESENTATIVE LONG AND SENATOR SMITH
A CONCURRENT RESOLUTION

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

Read by title.

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

Ordered to the Senate.

HOUSE CONCURRENT RESOLUTION NO. 75—
BY REPRESENTATIVE BRUCE
A CONCURRENT RESOLUTION

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

Read by title.

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

Ordered to the Senate.

HOUSE CONCURRENT RESOLUTION NO. 76—
BY REPRESENTATIVE QUEZAIRE
A CONCURRENT RESOLUTION

To urge and request the State Board of Elementary and Secondary Education to adopt and implement the national agriculture education program entitled "Ag in the Classroom" so that students will have a readily available resource for information about the various aspects of agriculture.

Read by title.

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

Ordered to the Senate.

Reports of Committees

The following reports of committees were received and read:

Report of the Committee on Education

May 27, 1998

To the Speaker and Members of the House of Representatives:

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

House Concurrent Resolution No. 68, by Long
Reported favorably. (8-0)

House Concurrent Resolution No. 73, by Kennard
Reported favorably. (10-0)

CHARLES MCDONALD
Chairman

Report of the Committee on Ways and Means

May 27, 1998

To the Speaker and Members of the House of Representatives:

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

House Bill No. 15, by Fauchaux
Reported favorably. (9-0-1) (Regular)

House Bill No. 16, by Wiggins
Reported with amendments. (11-0) (Regular)

House Bill No. 19, by Fauchaux
Reported favorably. (9-0-1) (Regular)

House Bill No. 97, by Alario
Reported with amendments. (10-0) (Regular)

House Bill No. 114, by Daniel
Reported favorably. (13-0) (Regular)

House Bill No. 125, by Weston
Reported with amendments. (12-0) (Regular)

House Bill No. 129, by Landrieu
Reported favorably. (13-0) (Regular)

House Bill No. 168, by Copelin
Reported with amendments. (12-0) (Regular)

House Bill No. 169, by Copelin
Reported with amendments. (12-0) (Regular)

House Bill No. 188, by Hopkins
Reported favorably. (12-0) (Regular)

House Bill No. 237, by Pratt
Reported favorably. (12-0) (Regular)

House Bill No. 247, by Thompson
Reported with amendments. (12-0) (Regular)

House Bill No. 256, by Alario
Reported favorably. (14-0) (Regular)

House Bill No. 298, by Daniel
Reported with amendments. (13-0) (Regular)

JOHN A. ALARIO, JR.
Chairman

House and House Concurrent Resolutions

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

HOUSE CONCURRENT RESOLUTION NO. 71—
BY REPRESENTATIVE HOLDEN
A CONCURRENT RESOLUTION

To urge and request the Legislature of Louisiana, as it considers the FY 1998-99 budget, to consider enhancing the resources available to mass transit providers by substantially increasing the funding to the Mass Transit Account of the Parish Transportation Fund.

Read by title.

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

HOUSE CONCURRENT RESOLUTION NO. 72—
BY REPRESENTATIVE GAUTREAU
A CONCURRENT RESOLUTION

To urge and request the Department of Natural Resources and permit applicants publishing notices in official parish journals to also publish such notices in newspapers within affected localities when public notice in an official parish journal may be insufficient.

Read by title.

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

Senate Concurrent Resolutions

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

SENATE CONCURRENT RESOLUTION NO. 8—
BY SENATOR DARDENNE
A CONCURRENT RESOLUTION

To urge and request the Senate Committee on Senate and Governmental Affairs and the House Committee on House and Governmental Affairs to function as a joint committee to study the feasibility of mandating a reporting system which requires certain candidates for a statewide office to disclose a contributor's occupation and employer.

Read by title.

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

SENATE CONCURRENT RESOLUTION NO. 26—
BY SENATOR SHORT
A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to pass and submit to the state legislatures an amendment to the United States Constitution to allow the freedom of religion in public places.

Read by title.

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

SENATE CONCURRENT RESOLUTION NO. 37—
BY SENATOR IRONS

A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to reject efforts to preempt state authority to regulate health insurance arrangements offered by certain associations and business groups, commonly known as multiple employer welfare arrangements (MEWAs) or association health plan.

Read by title.

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

SENATE CONCURRENT RESOLUTION NO. 38—
BY SENATOR SCHEDLER

A CONCURRENT RESOLUTION

To urge and request the governor to propose and publicly support in the 1999 Regular Session of the Legislature, or in any extraordinary session prior to that session, the enactment of a law calling for a constitutional convention of fifty non-legislators to propose revisions to comprehensively reform and align the entire state and local tax structure prior to the Regular Session in the year 2000.

Read by title.

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

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

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

SENATE BILL NO. 14—
BY SENATORS BEAN AND THEUNISSEN
AN ACT

To enact R.S. 47:462(B)(9) and 463(A)(4), relative to motor vehicles; to provide relative to license plates for trucks and private passenger vehicles; to require credit for time remaining on such plates under certain circumstances; and to provide for related matters.

Read by title.

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

SENATE BILL NO. 18—
BY SENATOR ROMERO
AN ACT

To amend and reenact R.S. 47:648.21(A) and (B), relative to severance tax; to provide for severance tax rates for certain nonhazardous oilfield waste; to provide for definitions; and to provide for related matters.

Read by title.

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

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

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

HOUSE BILL NO. 240—
BY REPRESENTATIVES MONTGOMERY, BRUCE, COPELIN, DEWITT, DUPRE, DURAND, FRITH, FRUGE, GAUTREAU, ILES, MICHOT, PIERRE, PINAC, SALTER, TRAVIS, WADDELL, AND HOLDEN AND SENATOR BEAN

AN ACT

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

Read by title.

Reported with amendments by the Committee on Ways and Means.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Ways and Means to Original House Bill No. 240 by Representative Montgomery

AMENDMENT NO. 1

On page 1, line 2, after "To" delete the remainder of the line and at the beginning of line 3, delete "1576(A)(1), to enact" and insert "enact R.S. 47:301(14)(i) and"

AMENDMENT NO. 2

On page 1, line 5, after "958," and before "6012" delete "and R.S. 47:1576(F) and" and insert in lieu thereof "and R.S. 47:"

AMENDMENT NO. 3

On page 1, delete lines 6 through 11 and insert in lieu thereof:

"47:301(14)(i), to provide for the levy of a statewide excise tax on certain communications services"

AMENDMENT NO. 4

On page 1, at the beginning of line 12, delete "subdivisions"

AMENDMENT NO. 5

On page 1, at the end of line 14, delete "to prohibit the" and delete line 15 in its entirety.

AMENDMENT NO. 6

On page 2, at the beginning of line 1, delete "and fees;"

AMENDMENT NO. 7

On page 2, delete lines 21 through 24 and insert "finds that it is"

AMENDMENT NO. 8

On page 2, at the beginning of line 25, delete "however, that it is"

AMENDMENT NO. 9

On page 2, line 26, after "state" and before "not" delete "or such political subdivisions"

AMENDMENT NO. 10

On page 3, delete lines 1 through 4 in their entirety and insert in lieu thereof the following:

"telephone companies; and that a statewide excise tax imposed on a broad range of communications services is expected to provide to the state tax"

AMENDMENT NO. 11

On page 3, delete line 6 through 8 in their entirety and insert in lieu thereof the following:

"certain telephone companies. The legislature further finds that in order to"

AMENDMENT NO. 12

On page 3, delete lines 15 through 26 in their entirety.

AMENDMENT NO. 13

On page 4, line 1, change "Section 3." to "Section 2."

AMENDMENT NO. 14

On page 4, delete lines 12 through 19 in their entirety.

AMENDMENT NO. 15

On page 4, at the beginning of line 20, change "(2)" to "(1)"

AMENDMENT NO. 16

On page 5, delete lines 2 and 3 and insert in lieu thereof the following:

"services, and mobile communications services, but shall not include paging services. The term "communications"

AMENDMENT NO. 17

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

"Nor shall such term include cable television (TV) services, satellite broadcast, and wireless cable television (TV) services."

AMENDMENT NO. 18

On page 5, delete lines 10 through 12 in their entirety.

AMENDMENT NO. 19

On page 5, line 13, change "(4)" to "(2)"

AMENDMENT NO. 20

On page 5, line 16, change "(5)" to "(3)"

AMENDMENT NO. 21

On page 5, line 24, change "(6)" to "(4)"

AMENDMENT NO. 22

On page 6, delete lines 12 through 14 in their entirety.

AMENDMENT NO. 23

On page 6, line 15, change "(8)" to "(5)"

AMENDMENT NO. 24

On page 6, at the end of line 24, delete "and three-tenths"

AMENDMENT NO. 25

On page 6, delete line 25 and insert in lieu thereof "percent of amounts paid"

AMENDMENT NO. 26

On page 7, delete lines 17 through 20 and insert in lieu thereof the following:

"communication services, charges for the sale of"

AMENDMENT NO. 27

On page 10, at the end of line 13, insert "and allocation of proceeds"

AMENDMENT NO. 28

On page 10, at the beginning of line 14, delete "The state and local" and insert "A. The"

AMENDMENT NO. 29

On page 10, line 17, after the period "." delete the remainder of the line and delete lines 18 through 26 in their entirety.

AMENDMENT NO. 30

On page 11, delete lines 1 through 3 in their entirety.

AMENDMENT NO. 31

On page 11, at the beginning of line 4, change "A." to "B."

AMENDMENT NO. 32

On page 11, line 14, after "portion of the" delete the remainder of the line.

AMENDMENT NO. 33

On page 11, delete lines 17 through 26 in their entirety.

AMENDMENT NO. 34

Delete pages 12 through 17 all in their entirety.

AMENDMENT NO. 35

On page 18, delete lines 1 and 2 in their entirety.

AMENDMENT NO. 36

On page 18, at the end of line 16, insert the following:

"If the telephone company allowed a credit under this Section is a corporation having an election in effect under Subchapter S of the Internal Revenue Code, a partnership, or a limited liability company, the credit allowed by this Section shall be shared by the shareholders of such corporation, the partners of such partnership, or the members of such limited liability company in the same manner as such shareholders, partners, or members account for their appropriate share of the income or loss of the corporation, partnership, or limited liability company."

AMENDMENT NO. 37

On page 18, at the end of lines 26, delete "of" and insert "after December thirty-first of the calendar year in which the secretary receives"

AMENDMENT NO. 38

On page 18, at the beginning of line 27, delete "receipt by the secretary of"

AMENDMENT NO. 39

On page 19, at the beginning of line 4, change "Section 4." to "Section 3."

AMENDMENT NO. 40

On page 19, at the beginning of line 16, change "Section 5." to "Section 4."

AMENDMENT NO. 41

On page 19, line 16, change "R.S. 47:301(14)(i)(i)" to "R.S. 47:301(14)(i)"

AMENDMENT NO. 42

On page 19, between lines 16 and 17, insert the following:

"Section 5. Notwithstanding any provision of law to the contrary, a local political subdivision shall not levy a sales and use tax on telecommunications services not in effect on July 1, 1998."

AMENDMENT NO. 43

On page 19, delete line 17 and insert in lieu thereof:

"Section 6. (A) R.S. 47:301(14)(i) is hereby enacted to"

AMENDMENT NO. 44

On page 23, delete line 22 in its entirety.

AMENDMENT NO. 45

On page 23, at the end of line 26, delete "The"

AMENDMENT NO. 46

On page 23, at the beginning of line 27, change "remaining provisions" to "Sections 3 through 5"

AMENDMENT NO. 47

On page 24, delete lines 2 through 6 in their entirety and insert in lieu thereof the following:

"Code and R.S. 1:15, if a regulatory authority fails to assure that one hundred percent of the tax savings experienced by a communications service provider, whose rates are regulated by such authority, enures to the benefit of all classes of the customers of such provider as required by Section 3 of this Act, then"

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

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

Under the rules, placed on the regular calendar.

Reconsideration

HOUSE BILL NO. 233—
BY REPRESENTATIVE DANIEL AND SENATOR BARHAM
AN ACT

To amend and reenact R.S. 47:321(A) and to enact R.S. 47:301(14)(i)(iii)(gg) and (16)(c), relative to state sales and use tax; to provide for the taxation of prepaid telephone calling cards and prepaid authorization numbers; and to provide for related matters.

Read by title.

On motion of Rep. Daniel, the vote by which the above House Bill failed to pass on the previous legislative day was reconsidered.

Returned to the calendar under the rules.

House and House Concurrent Resolutions on Third Reading for Final Consideration

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

HOUSE CONCURRENT RESOLUTION NO. 18—
BY REPRESENTATIVE HAMMETT
A CONCURRENT RESOLUTION

To request the House Committee on Administration of Criminal Justice and the Senate Committee on Judiciary C to meet and to function as a joint committee to study the problems of funding and work overloads of Louisiana's probation and parole officers and to consider the possible transfer of probation supervision to local judicial districts.

Read by title.

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

Ordered to the Senate.

HOUSE CONCURRENT RESOLUTION NO. 42—
BY REPRESENTATIVE MCCAIN
A CONCURRENT RESOLUTION

To request the House Committee on Administration of Criminal Justice and the Senate Committee on Judiciary C to meet and to function as a joint committee to study and make recommendations with respect to the legal representation of persons confined on death row in Louisiana.

Read by title.

Rep. McCain moved the adoption of the resolution.

Rep. Scalise objected.

By a vote of 49 yeas and 48 nays, the resolution was adopted.

Ordered to the Senate.

Motion

Rep. Kennard moved to suspend the rules to reconsider the vote by which House Concurrent Resolution No. 42 finally passed on the same legislative day.

Rep. McCain objected.

By a vote of 42 yeas and 55 nays, the House refused to reconsider the vote by which House Concurrent Resolution No. 42 finally passed.

On motion of Rep. McCain, the motion to reconsider was laid on the table.

HOUSE CONCURRENT RESOLUTION NO. 43—
 BY REPRESENTATIVES R. ALEXANDER, CLARKSON, MCCALLUM, THOMPSON, WIGGINS, AND WILKERSON
 A CONCURRENT RESOLUTION

To urge and request the secretary of the Department of Health and Hospitals to modify the medical assistance estate recovery program guidelines to provide for a homestead exemption of fifty thousand dollars and to permit the deduction of automobile insurance and maintenance expenses from the estimated value of an estate.

Read by title.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Rodney Alexander to Engrossed House Concurrent Resolution No. 43 by Representative Rodney Alexander

AMENDMENT NO. 1

On page 2, between lines 22 and 23, insert the following:

"BE IT FURTHER RESOLVED that the Legislature of Louisiana does hereby urge and request the secretary of the Department of Health and Hospitals to modify the medical assistance estate recovery program guidelines to provide that an individual shall be exempt from the provisions of the medical assistance estate recovery program unless such individual, or his legal representative, is informed of the program and provided with a copy of the law and regulations governing the program at the time of such individual's application or redetermination for eligibility under Title XIX of the Social Security Act (Medicaid)."

On motion of Rep. Rodney Alexander, the amendments were adopted.

On motion of Rep. Rodney Alexander, the resolution, as amended, was adopted.

Ordered to the Senate.

HOUSE CONCURRENT RESOLUTION NO. 44—
 BY REPRESENTATIVES WILKERSON AND WIGGINS AND SENATOR IRONS

A CONCURRENT RESOLUTION

To urge and request the Department of Health and Hospitals to require acute care hospitals to have stroke plans and for state medical centers in New Orleans and Shreveport to become comprehensive stroke centers.

Read by title.

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

Ordered to the Senate.

HOUSE CONCURRENT RESOLUTION NO. 47—
 BY REPRESENTATIVE JACK SMITH

A CONCURRENT RESOLUTION

To urge and request the Louisiana State Board of Medical Examiners, in conjunction with the Louisiana chapters of the National Federation of the Blind and the American Council of the Blind, and the Department of Social Services, division of rehabilitation services, to prepare information describing resources available to persons who become blind or severely visually impaired and to make such information available to licensed physicians.

Read by title.

Motion

On motion of Rep. Jack Smith, the resolution was returned to the calendar subject to call.

HOUSE CONCURRENT RESOLUTION NO. 48—
 BY REPRESENTATIVES THOMPSON AND R. ALEXANDER
 A CONCURRENT RESOLUTION

To urge and request the Medical Vendor Program in the Department of Health and Hospitals to limit prescriptions written for Sildenafil Citrate, commonly referred to as Viagra.

Read by title.

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

Ordered to the Senate.

HOUSE CONCURRENT RESOLUTION NO. 62—
 BY REPRESENTATIVES R. ALEXANDER AND ILES
 A CONCURRENT RESOLUTION

To urge and request the office of public health to modify the immunization schedule to require that all students be immunized against Hepatitis B.

Read by title.

On motion of Rep. Rodney Alexander, the resolution was adopted.

Ordered to the Senate.

Suspension of the Rules

On motion of Rep. Johns, the rules were suspended in order to take up House Bills and Joint Resolutions on Third Reading and Final Passage at this time.

House Bills and Joint Resolutions on Third Reading and Final Passage

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

Local and Consent Calendar

HOUSE BILL NO. 289—

BY REPRESENTATIVE JOHNS

AN ACT

To enact R.S. 33:4574.11, relative to the Southwest Louisiana Convention and Visitors Bureau; to authorize the bureau to levy and collect a tax on certain complimentary hotel rooms within its jurisdiction; to provide relative to such tax; and to provide for related matters.

Read by title.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Bowler to Engrossed House Bill No. 289 by Representative Johns

AMENDMENT NO. 1

On page 1, line 18, after "by" and before "ordinance" delete "resolution or" and at the end of the same line delete "resolution or"

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

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Gautreaux	Pierre
Alario	Glover	Pinac
Alexander, A.—93rd	Green	Pratt
Alexander, R.—13th	Guillory	Quezaire
Ansardi	Hammitt	Riddle
Barton	Hebert	Rousselle
Baudoin	Hill	Salter
Baylor	Holden	Scalise
Bowler	Hopkins	Schneider
Bruce	Hunter	Schwegmann
Bruneau	Iles	Shaw
Carter	Jetson	Smith, J.R.—30th
Chaisson	Johns	Stelly
Clarkson	Kennard	Theriot
Copelin	Kenney	Thompson
Crane	Lancaster	Thornhill
Curtis	Landrieu	Toomy
Damico	LeBlanc	Travis
Daniel	Long	Triche
Deville	Marionneaux	Vitter
DeWitt	McCallum	Waddell
Diez	McDonald	Walsworth
Dimos	McMains	Warner
Donelon	Michot	Welch
Dupre	Mitchell	Weston
Durand	Montgomery	Wiggins

Faucheux
Flavin
Fontenot
Frith
Fruge
Total—91

Morrell
Morrish
Murray
Odinet
Perkins

Wilkerson
Willard
Wright

NAYS

Jenkins
Total—2

Windhorst

ABSENT

Farve
Heaton
Hudson
Martiny
Total—11

McCain
Powell
Romero
Smith, J.D.—50th

Strain
Thomas
Winston

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Johns 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.

Regular Calendar

HOUSE BILL NO. 290—

BY REPRESENTATIVE DEWITT

AN ACT

To enact Chapter 29 of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:9061 through 9068, relative to the establishment and creation of a special taxing district; to establish and create the Louisiana Development District as a body politic and corporate and special taxing district of the state of Louisiana; to provide for the governance of the district and for the necessary powers and authority of the district including the power to levy certain taxes and to issue bonds and incur debt; to provide relative to the issuance of such debt and the source of funds available to the district to secure the payment of such debt; and to provide for related matters.

Read by title.

Motion

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

Speaker Pro Tempore Bruneau in the Chair

HOUSE BILL NO. 33—

BY REPRESENTATIVES MONTGOMERY, BAYLOR, FAUCHEUX, AND GLOVER

AN ACT

To amend and reenact R.S. 47:3204(C), relative to tax exemption contracts; to authorize the Board of Commerce and Industry to enter into additional tax exemption contracts with certain entities; and to provide for related matters.

Called from the calendar.

Read by title.

Rep. Montgomery moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Guillory	Pierre
Alario	Hammett	Pinac
Alexander, A.—93rd	Heaton	Powell
Alexander, R.—13th	Hebert	Pratt
Ansardi	Hill	Quezaire
Barton	Holden	Riddle
Baudoin	Hopkins	Romero
Baylor	Hudson	Rousselle
Bowler	Iles	Schneider
Bruce	Jenkins	Schwegmann
Bruneau	Jetson	Shaw
Carter	Johns	Smith, J.R.—30th
Clarkson	Kennard	Stelly
Copelin	Kenney	Thompson
Crane	Landrieu	Thornhill
Curtis	LeBlanc	Toomy
Damico	Long	Travis
DeWitt	Marionneaux	Triche
Diez	Martiny	Vitter
Dimos	McCain	Waddell
Donelon	McCallum	Walsworth
Dupre	McDonald	Warner
Durand	McMains	Welch
Faucheux	Michot	Weston
Flavin	Mitchell	Wiggins
Fontenot	Montgomery	Wilkerson
Frith	Morrell	Willard
Fruge	Morrish	Windhorst
Gautreaux	Murray	Winston
Glover	Odinet	Wright
Green	Perkins	
Total—92		

NAYS

Total—0

ABSENT

Chaisson	Lancaster	Theriot
Daniel	Salter	Thomas
Deville	Scalise	
Farve	Smith, J.D.—50th	
Hunter	Strain	
Total—12		

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Montgomery 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.

**HOUSE BILL NO. 292—
BY REPRESENTATIVES WARNER AND ODINET
AN ACT**

To enact R.S. 33:2738.81, relative to St. Bernard Parish; to authorize the governing authority of said parish, subject to voter approval, to levy an additional sales and use tax; to provide for allowable uses of the avails of such tax, including funding a portion into bonds; and to provide for related matters.

Called from the calendar.

Read by title.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representatives Warner and Odinet to Engrossed House Bill No. 292 by Representatives Warner and Odinet

AMENDMENT NO. 1

On page 2, line 7, after "used" delete the remainder of the line and insert in lieu thereof:

"solely for the purpose of improvements to the sewer and water system in St. Bernard Parish."

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

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Hammett	Pratt
Alario	Heaton	Quezaire
Alexander, A.—93rd	Hebert	Riddle
Alexander, R.—13th	Hill	Romero
Ansardi	Holden	Rousselle
Barton	Hopkins	Salter
Baudoin	Hudson	Scalise
Baylor	Hunter	Schneider
Bowler	Iles	Schwegmann
Bruce	Jetson	Shaw
Bruneau	Johns	Smith, J.R.—30th
Carter	Kennard	Stelly
Clarkson	Kenney	Theriot
Copelin	Lancaster	Thomas
Crane	Landrieu	Thompson
Curtis	LeBlanc	Thornhill
Damico	Long	Toomy
Daniel	Martiny	Travis
DeWitt	McCain	Triche
Diez	McCallum	Vitter
Dimos	McDonald	Waddell
Donelon	McMains	Walsworth
Dupre	Michot	Warner
Durand	Mitchell	Welch
Faucheux	Montgomery	Weston
Flavin	Morrell	Wiggins
Fontenot	Morrish	Wilkerson
Frith	Murray	Willard
Fruge	Odinet	Windhorst
Gautreaux	Perkins	Winston
Glover	Pierre	Wright
Green	Pinac	
Guillory	Powell	
Total—97		

NAYS

Jenkins
Total—1

ABSENT

Chaisson	Marionneaux
Deville	Smith, J.D.—50th
Farve	Strain
Total—6	

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Warner 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. Rodney Alexander, the rules were suspended in order to take up Senate Concurrent Resolutions on Third Reading for Final Consideration at this time.

Senate Concurrent Resolutions on Third Reading for Final Consideration

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

SENATE CONCURRENT RESOLUTION NO. 21—
BY SENATOR HINES AND REPRESENTATIVE R. ALEXANDER
A CONCURRENT RESOLUTION

To direct the attorney general to challenge the legality and constitutionality of the final rule governing the operation of the Organ Procurement and Transplantation Network which was promulgated by the United States Department of Health and Human Services, Health Resources and Services Administration on April 2, 1998, and to direct the secretary of the Department of Health and Hospitals to issue a formal comment letter to the secretary of the Department of Health and Human Services objecting to the enactment of such rule and to the authority of the secretary to promulgate the rule and preempt Louisiana's laws and regulations on organ donation and allocation.

Read by title.

On motion of Rep. Rodney Alexander, the resolution was concurred in.

SENATE CONCURRENT RESOLUTION NO. 23—
BY SENATORS HINES, IRONS, SCHEDLER, BAJOEI, BARHAM, BEAN, BRANCH, CAIN, CAMPBELL, CRAVINS, DARDENNE, DEAN, DYESS, ELLINGTON, EWING, W. FIELDS, HOLLIS, JOHNSON, LENTINI, ROBICHAUX, ROMERO, SHORT, SMITH, THEUNISSEN AND ULLO AND REPRESENTATIVES R. ALEXANDER, WINSTON, CLARKSON, MCCALLUM AND THOMAS
A CONCURRENT RESOLUTION

To create the Gene Therapy Research Center Task Force to study the feasibility of developing a nationally prominent gene therapy research center in the greater metropolitan New Orleans area.

Read by title.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Rodney Alexander to Engrossed Senate Concurrent Resolution No. 23 by Senator Hines

AMENDMENT NO. 1

On page 4, line 5, after "Medical Foundation," and before "the University of Southwestern" insert "Woman's Research Institute of Woman's Health Foundation in Baton Rouge,"

On motion of Rep. Rodney Alexander, the amendments were adopted.

On motion of Rep. Rodney Alexander, the resolution, as amended, was concurred in.

SENATE CONCURRENT RESOLUTION NO. 30—
BY SENATOR C FIELDS
A CONCURRENT RESOLUTION

To create and provide a special committee, called the Nursing Assistants Study Committee, to study and make recommendations to the legislature on the compensation of nursing assistants and its relationship to job performance.

Read by title.

On motion of Rep. Copelin, the resolution was concurred in.

House Concurrent Resolutions Returned from the Senate with Amendments

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

HOUSE CONCURRENT RESOLUTION NO. 2—
BY REPRESENTATIVE WILKERSON
A CONCURRENT RESOLUTION

To urge and request Louisiana State University Medical Center to establish an internship program for undergraduate college students who would not ordinarily have an opportunity to work directly in administrative or managerial positions in the medical field to allow such students to be exposed to the administrative and managerial functions involved in the delivery of health care services.

Read by title.

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

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Irons to Reengrossed House Concurrent Resolution No. 2 by Representative Wilkerson and Senator Irons.

AMENDMENT NO. 1

On page 3, line 14, change "Grambling State University" to "all state universities"

AMENDMENT NO. 2

On page 3, line 16, change "university" to "universities"

On motion of Rep. Wilkerson, the amendments proposed by the Senate were concurred in.

Suspension of the Rules

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

Petitions, Memorials and Communications

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

Message from the Senate**ASKING CONCURRENCE IN
SENATE CONCURRENT RESOLUTIONS**

May 27, 1998

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

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

Senate Concurrent Resolution Nos. 3 and 36

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Message from the Senate**SENATE BILLS**

May 27, 1998

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

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

Senate Bill Nos. 40 and 120

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Suspension of the Rules

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

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

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

**SENATE BILL NO. 40—
BY SENATOR ROMERO****AN ACT**

To amend and reenact R.S. 33:2716 and 2716.2(A) and to enact R.S. 47:301(10)(s), relative to sales and use or rental and lease taxation; to exclude from certain state and/or political subdivision sales and use and lease or rental taxation certain sales to, and use, lease, and rentals by, construction contractors and subcontractors; and to provide for related matters.

Read by title.

**SENATE BILL NO. 120 (Substitute for Senate Bill No. 81 by
Senator Landry)**

BY SENATOR LANDRY

AN ACT

To amend and reenact R.S. 47:1003(4), relative to gross receipts tax; to exempt certain contract carriers from such tax; to provide for effective date; and to provide for related matters.

Read by title.

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

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

HOUSE RESOLUTION NO. 52—

BY REPRESENTATIVE CLARKSON

A RESOLUTION

To express the condolences and heartfelt sorrow of the House of Representatives upon the death of Mr. George Murrie Leake, noted New Orleans architect and preservationist.

Read by title.

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

HOUSE CONCURRENT RESOLUTION NO. 77—

BY REPRESENTATIVE BARTON

A CONCURRENT RESOLUTION

To urge and request the State Board of Elementary and Secondary Education to study the feasibility of the state having sole responsibility for paying teacher salaries using a statewide minimum salary schedule that would ensure that the average teacher pay in Louisiana would be at the Southern Regional Education Board average and to report its findings to the legislature at the earliest possible time.

Read by title.

Lies over under the rules.

HOUSE CONCURRENT RESOLUTION NO. 78—

BY REPRESENTATIVE WRIGHT

A CONCURRENT RESOLUTION

To nominate the Little River in Grant and LaSalle Parishes for declassification from the Louisiana natural and scenic rivers system.

Read by title.

Lies over under the rules.

HOUSE CONCURRENT RESOLUTION NO. 79—

BY REPRESENTATIVE JOHN SMITH

A CONCURRENT RESOLUTION

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

Read by title.

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

Ordered to the Senate.

HOUSE CONCURRENT RESOLUTION NO. 80—

BY REPRESENTATIVE JOHN SMITH

A CONCURRENT RESOLUTION

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

Read by title.

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

Ordered to the Senate.

HOUSE CONCURRENT RESOLUTION NO. 81—

BY REPRESENTATIVE JOHN SMITH

A CONCURRENT RESOLUTION

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

Read by title.

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

Ordered to the Senate.

HOUSE CONCURRENT RESOLUTION NO. 82—

BY REPRESENTATIVE JOHN SMITH

A CONCURRENT RESOLUTION

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

Read by title.

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

Ordered to the Senate.

HOUSE CONCURRENT RESOLUTION NO. 83—

BY REPRESENTATIVE JOHN SMITH

A CONCURRENT RESOLUTION

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

Read by title.

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

Ordered to the Senate.

HOUSE CONCURRENT RESOLUTION NO. 84—

BY REPRESENTATIVE DANIEL

A CONCURRENT RESOLUTION

To urge and request the Department of Health and Hospitals and the Department of Social Services to work together to ensure that comprehensive mental health services, both treatment and preventive, are provided to the foster care children in the state of Louisiana.

Read by title.

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

Ordered to the Senate.

Suspension of the Rules

On motion of Rep. McMains, the rules were suspended to permit the Committee on Civil Law and Procedure to meet on May 27, 1998, at adjournment.

Suspension of the Rules

On motion of Rep. Weston, the rules were suspended to permit the Committee on Municipal, Parochial and Cultural Affairs to add the following legislative instruments to its agenda without giving the notice required by House Rule 14.21(A).

House Concurrent Resolution No. 65

Leave of Absence

Rep. Farve - 1 day

Adjournment

On motion of Rep. Kenney, at 5:15 P.M., the House agreed to adjourn until Thursday, May 28, 1998, at 1:00 P.M.

The Speaker Pro Tempore of the House declared the House adjourned until 1:00 P.M., Thursday, May 28, 1998.

ALFRED W. SPEER
Clerk of the House

C. Wayne Hays
Journal Clerk, *Emeritus*