

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

FOURTH DAY'S PROCEEDINGS

**Twenty-ninth Extraordinary Session of the Legislature
Under the Adoption of the
Constitution of 1974**

House of Representatives
State Capitol
Baton Rouge, Louisiana

Wednesday, March 14, 2001

The House of Representatives was called to order at 3:00 P.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	Glover	Odinet
Alario	Green	Pierre
Alexander, E	Guillory	Pinac
Alexander, R	Hammett	Pitre
Ansardi	Heaton	Powell
Baudoin	Hebert	Pratt
Baylor	Hill	Quezaire
Bowler	Holden	Richmond
Broome	Hopkins	Riddle
Bruce	Hudson	Romero
Bruneau	Hunter	Salter
Carter, K	Hutter	Scalise
Carter, R	Iles	Schneider
Cazayoux	Jackson, L	Schwegmann
Clarkson	Jackson, M	Shaw
Crane	Johns	Smith, G.—56th
Crowe	Katz	Smith, J.D.—50th
Damico	Kennard	Smith, J.H.—8th
Daniel	Kenney	Smith, J.R.—30th
Dartez	LaFleur	Sneed
Devillier	Lancaster	Stelly
Diez	Landrieu	Strain
Doerge	LeBlanc	Thompson
Donelon	Lucas	Toomy
Downer	Martiny	Townsend
Durand	McCallum	Triche
Erdey	McDonald	Waddell
Farrar	McMains	Walsworth
Fauchoux	McVea	Welch

Flavin	Montgomery	Winston
Frith	Morrell	Wooton
Fruge	Morrish	Wright
Futrell	Murray	
Gallot	Nevers	
Total—100		

ABSENT

Curtis	Perkins
Total—2	

The Speaker announced that there were 100 members present and a quorum.

Prayer

Prayer was offered by Rep. Wright.

Pledge of Allegiance

Rep. Pratt 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 motion of Rep. Frith, the Journal of March 13, 2001, was adopted.

**Petitions, Memorials and
Communications**

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

Message from the Senate

HOUSE CONCURRENT RESOLUTIONS

March 14, 2001

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. 1
Returned without amendments.

House Concurrent Resolution No. 2
Returned without amendments.

House Concurrent Resolution No. 3
Returned without amendments.

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Message from the Senate

**ASKING CONCURRENCE IN
SENATE CONCURRENT RESOLUTIONS**

March 14, 2001

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. 3

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. 3—

BY SENATOR HAINKEL

A CONCURRENT RESOLUTION

To express the condolences of the members of the legislature and the members of its staff to the family of Jean Harkins Russell, a beloved member of the Senate staff.

Read by title.

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

Privileged Report of the Committee on Enrollment

March 14, 2001

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. 3—

BY REPRESENTATIVES DOWNER, DARTEZ, DUPRE, AND TRICHE AND SENATOR GAUTREAUX

A RESOLUTION

To commend Andrew Dunckelman of Houma as Louisiana's top high school student volunteer in the sixth annual Prudential Spirit of Community Awards and to recognize and record his generous service and contributions to his community and to the state of Louisiana.

HOUSE RESOLUTION NO. 4—

BY REPRESENTATIVES DOWNER, DARTEZ, DUPRE, AND TRICHE AND SENATOR GAUTREAUX

A RESOLUTION

To commend Melissa Brennan of Houma as a Distinguished Finalist in the 2001 Prudential Spirit of Community Awards and to recognize and record her generous service and contributions to her community and to the state of Louisiana.

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.

**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. 5—

BY REPRESENTATIVE QUEZAIRE

A RESOLUTION

To commend the recipients of the 2001 Federal Women's Appreciation Awards.

Read by title.

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

HOUSE RESOLUTION NO. 6—

BY REPRESENTATIVE MURRAY

A RESOLUTION

To express sincere and heartfelt condolences upon the death of Dr. Michael R. Braden, Sr.

Read by title.

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

HOUSE CONCURRENT RESOLUTION NO. 4—

BY REPRESENTATIVES PRATT, BAUDOIN, BOWLER, BROOME, BRUCE, K. CARTER, CLARKSON, DARTEZ, DEVILLIER, DOERGE, DURAND, HUTTER, ILES, L. JACKSON, KATZ, SCHWEGMANN, JANE SMITH, SNEED, WELCH, AND WINSTON AND SENATORS BAJOIE, IRONS, AND MOUNT

A CONCURRENT RESOLUTION

To commend the YWCA of Greater New Orleans on its accomplishments and to recognize March 15 through March 24, 2001, as "Celebration of Women Week".

Read by title.

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

Ordered to the Senate.

HOUSE CONCURRENT RESOLUTION NO. 5—

BY REPRESENTATIVE ERDEY AND SENATOR LAMBERT

A CONCURRENT RESOLUTION

To commend Colyell Baptist Church upon its one hundred fiftieth anniversary.

Read by title.

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

Ordered to the Senate.

**Introduction of House Bills
and Joint Resolutions**

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

HOUSE BILL NO. 24—

BY REPRESENTATIVE CLARKSON
AN ACT

To amend and reenact R.S. 27:241(C) and 270(A) and (B), relative to state revenues from casino gaming operations; to provide for the annual minimum compensation to be paid by the casino gaming operator; to provide a schedule for payment of such compensation; to provide for the deposit of such monies in the treasury; to establish a special fund in the state treasury and to provide for the deposit and use of monies in the fund; and to provide for related matters.

Read by title.

**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:

Regular Calendar

HOUSE BILL NO. 6—

BY REPRESENTATIVES FARRAR AND DONELON AND SENATORS
MCPHERSON AND ELLINGTON
AN ACT

To amend and reenact the heading of Subpart B-27 of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes of 1950, to enact R.S. 29:33.2 and R.S. 33:130.541.1, and to repeal R.S. 33:130.541 through 130.547, relative to the Esler Industrial Development District; to transfer ownership by cooperative endeavor of the immovable and movable property and assets of the Esler Industrial Development District to the military department of the state for use by the Louisiana National Guard; to authorize the Rapides Parish Police Jury to transfer certain property including Esler Field in Rapides Parish to the military department of the state; to repeal provisions creating the Esler Industrial Development District; to provide for the Esler Industrial Development Area Advisory Board and the powers and duties thereof; to provide for effective dates; and to provide for related matters.

Read by title.

Rep. Salter, on behalf of the Legislative Bureau, sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Salter on behalf of the Legislative Bureau to Engrossed House Bill No. 6 by Representative Farrar

AMENDMENT NO. 1

On page 1, line 4, following "33:130.541" and before "through" insert "and 130.542"

AMENDMENT NO. 2

On page 6, line 1, following "33:130.541" and before "through" insert "and 130.542"

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

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Glover	Odinet
Alario	Green	Pierre
Alexander, E	Guillory	Pinac
Alexander, R	Hammett	Pitre
Ansardi	Heaton	Powell
Baudoin	Hebert	Pratt
Baylor	Hill	Quezaire
Bowler	Holden	Richmond
Broome	Hopkins	Riddle
Bruce	Hudson	Romero
Bruneau	Hunter	Salter
Carter, K	Hutter	Scalise
Carter, R	Iles	Schneider
Clarkson	Jackson, L	Schwegmann
Crane	Jackson, M	Shaw
Crowe	Johns	Smith, G.—56th
Damico	Katz	Smith, J.D.—50th
Daniel	Kennard	Smith, J.H.—8th
Dartez	Kenney	Smith, J.R.—30th
Diez	Lancaster	Sneed
Doerge	LeBlanc	Stelly
Donelon	Lucas	Strain
Downer	Martiny	Thompson
Durand	McCallum	Toomy
Erdey	McDonald	Townsend
Farrar	McMains	Triche
Faucheux	McVea	Waddell
Flavin	Montgomery	Walsworth
Frith	Morrell	Welch
Fruge	Morrish	Winston
Futrell	Murray	Wooton
Gallot	Nevers	Wright
Total—96		

NAYS

Total—0

ABSENT

Cazayoux	Devillier	Landriau
Curtis	LaFleur	Perkins
Total—6		

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Wright 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. 12—

BY REPRESENTATIVES FAUCHEUX, ALARIO, HILL, AND MONTGOMERY
AN ACT

To enact R.S. 47:302(P), 321(G), and 331(N), relative to the sales and use tax; to exempt purchases of utilities used by certain steelworks and blast furnaces; to provide for the effectiveness of the exemption; to provide for an effective date; and to provide for related matters.

Read by title.

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

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HOUSE FLOOR AMENDMENTS

Amendments proposed by Representatives Robert Carter and Powell to Engrossed House Bill No. 12 by Representative Faucheux

AMENDMENT NO. 1

On page 1, line 2, between "To" and "enact" insert "amend and reenact R.S. 47:305.51 and to"

AMENDMENT NO. 2

On page 1, line 4, between "furnaces;" and "to provide" insert "to provide for additional entities eligible for the exemption;"

AMENDMENT NO. 3

On page 1, line 7, between "Section 1." and "R.S. 47:302(P)" insert "R.S. 47:305.51 is hereby amended and reenacted and"

AMENDMENT NO. 4

On page 1, between lines 14 and 15, insert the following:

* * *

§305.51. Exemption; utilities used by steelworks, steel foundries, and blast furnaces

The sales and use tax imposed by the state of Louisiana or any of its political subdivisions shall not apply to sales or purchases of utilities used by steelworks, steel foundries, and blast furnaces, including coke ovens and rolling mills, which are classified as SIC 3312 and 3325 by the Standard Industrial Classification Code. However, this exemption shall not apply to utilities used in and around the production of coke in oil refineries and the use of coke in oil refineries and other chemical processes.

* * *

Point of Order

Rep. Hunter 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 germane to the call.

Rep. Robert Carter moved the adoption of the amendments.

Rep. Hunter objected.

On motion of Rep. Robert Carter, the amendments were withdrawn.

Rep. Faucheux moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Glover	Odinet
Alario	Green	Pierre
Alexander, E	Guillory	Pinac

Alexander, R	Hammett	Pitre
Ansardi	Heaton	Powell
Baudoin	Hebert	Pratt
Baylor	Hill	Quezaire
Bowler	Holden	Richmond
Broome	Hopkins	Riddle
Bruce	Hudson	Romero
Bruneau	Hunter	Salter
Carter, K	Hutter	Scalise
Carter, R	Iles	Schneider
Cazayoux	Jackson, L	Schwegmann
Clarkson	Jackson, M	Shaw
Crane	Johns	Smith, G.—56th
Crowe	Katz	Smith, J.D.—50th
Damico	Kennard	Smith, J.H.—8th
Daniel	Kenney	Smith, J.R.—30th
Dartez	LaFleur	Sneed
Devillier	Lancaster	Stelly
Diez	Landrieu	Strain
Doerge	LeBlanc	Thompson
Donelon	Lucas	Toomy
Downer	Martiny	Townsend
Durand	McCallum	Triche
Erdey	McDonald	Waddell
Farrar	McMains	Walsworth
Faucheux	McVea	Welch
Flavin	Montgomery	Winston
Frith	Morrell	Wooton
Fruge	Morrish	Wright
Futrell	Murray	
Gallot	Nevers	

Total—100

NAYS

Total—0

ABSENT

Curtis
Total—2

Perkins

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Faucheux 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. 14—

BY REPRESENTATIVES HAMMETT, ALARIO, BRUNEAU, K. CARTER, DANIEL, DARTEZ, DURAND, FARRAR, FAUCHEUX, HILL, HUNTER, L. JACKSON, LEBLANC, MONTGOMERY, AND ODINET
AN ACT

To amend and reenact R.S. 47:1621, relative to the Department of Revenue; to expand the authority of the secretary to refund overpayments under certain circumstances; to provide for an effective date; and to provide for related matters.

Read by title.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative LeBlanc to Engrossed House Bill No. 14 by Representative Hammett

AMENDMENT NO. 1

On page 4, delete lines 8 through 13 and insert:

"H. The secretary shall report monthly to the commissioner of administration the total amount of refunds made each month. The secretary shall also report quarterly to the Joint Legislative Committee on the Budget the total amount of refunds made each quarter."

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

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total—0

ABSENT

Curtis	Perkins
Total—2	

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Hammett 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. 16—

BY REPRESENTATIVES ALARIO, K. CARTER, DIEZ, SCALISE, SNEED, WINSTON, DARTEZ, FARRAR, FAUCHEUX, HEATON, HILL, L. JACKSON, MONTGOMERY, AND ODINET AND SENATOR HOLLIS

AN ACT

To amend and reenact Section 3 of Act No. 535 of the 1988 Regular Session of the Legislature, as amended by Section 2 of Act No. 285 of the 1992 Regular Session of the Legislature, Section 3 of Act No. 1291 of the 1997 Regular Session of the Legislature, and Section 1 of Act No. 50 of the 1998 Regular Session of the Legislature, relative to the Louisiana Tax Free Shopping Program; to change the termination date of the program; and to provide for related matters.

Read by title.

Rep. Alario moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Schneider
Total—1

ABSENT

Curtis	Perkins
Total—2	

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Alario 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. 19—

BY REPRESENTATIVES HEBERT, CAZAYOUX, DEVILLIER, AND LAFLEUR

AN ACT

To amend and reenact R.S. 27:44(23), 65(A) and (B)(1), 91(C), and 92(B)(2)(b), to enact R.S. 17:421.7 and R.S. 27:44(17.1), 66, 66.1, and 66.2, and to repeal R.S. 27:44(16) and 52(2)(f), relative to riverboat gaming; to authorize licensed riverboats to conduct gaming while the riverboat is docked subject to certain provisions; to provide for gaming on a permanently moored riverboat vessel; to provide for riverboat gaming under certain conditions in the parish of the official gaming establishment and the payment of franchise fees; to provide for definitions; to provide for exceptions; to provide for additional franchise fees; to establish a special fund in the state treasury; to provide for the deposit of certain monies into the fund; to provide for uses of monies in the fund; to provide for applicability; to repeal obsolete provisions authorizing certain local option elections; to repeal certain requirements applicable to riverboat construction; and to provide for related matters.

Read by title.

Motion

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

Leave of Absence

Rep. Curtis - 1 day

Rep. Perkins - 1 day

Adjournment

On motion of Rep. Kenney, at 4:30 P.M., the House agreed to adjourn until Sunday, March 18, 2001, at 6:00 P.M.

The Speaker of the House declared the House adjourned until 6:00 P.M., Sunday, March 18, 2001.

ALFRED W. SPEER
Clerk of the House