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

SECOND DAY’S PROCEEDINGS

Twenty-seventh Regular Session of the Legislature
Under the Adoption of the
Constitution of 1974

House of Representatives
State Capitol
Baton Rouge, Louisiana

Tuesday, March 27, 2001

The House of Representatives was called to order at 2:00 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  Green  Pierre
Alario  Guillory  Pinac
Alexander, E  Heaton  Pitre
Alexander, R  Hebert  Powell
Ansardi  Hill  Pratt
Baudoin  Holden  Quezaire
Baylor  Hopkins  Richmond
Bowler  Hudson  Riddle
Broome  Hunter  Romero
Bruce  Iles  Salter
Bruneau  Hutter  Scalamo
Carter, K  Jackson, L  Schneider
Carter, R  Jackson, M  Schwegmann
Carayoux  Johns  Shaw
Clarkson  Katz  Smith, G.—56th
Crane  Kenney  Smith, J.D.—50th
Crowe  Kenney  Smith, J.H.—8th
Damico  LaFleur  Smith, J.R.—30th
Daniel  Lancaster  Sneed
Dartez  Landrieu  Stelly
Devillier  LeBlanc  Strain
Diez  Lucas  Swilling
Doerge  Martin  Thompson
Downer  Martiny  Toomy
Durand  McCallum  Townsend
Erdey  McDonald  Triche
Farrar  McMains  Tucker
Faucheux  Montgomery  Waddell
Flavin  Morrell  Walsworth

Frith  Morrish  Welch
Fruge  Murray  Winston
Futrell  Nevers  Wooton
Gallot  Odinet  Wright
Glover  Perkins

Total—101

ABSENT

Curtis  Donelon  McVea
Total—3

The Speaker announced that there were 101 members present and
a quorum.

Prayer

Prayer was offered by Rep. Lucas.

Pledge of Allegiance

Rep. Schwegmann 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 26, 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 27, 2001

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. 19
Returned without amendments.

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Message from the Senate

ASKING CONCURRENCE IN
SENATE CONCURRENT RESOLUTIONS

March 27, 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. 30

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Suspension of the Rules

On motion of Rep. Crowe, 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. 30—
BY SENATOR SCHEDLER
A CONCURRENT RESOLUTION
To commend Pope John Paul II Catholic High School on the observance of its 20th Anniversary.

Read by title.

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

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. 3—
BY REPRESENTATIVE FAUCHEUX
A RESOLUTION
To urge the governing boards of public postsecondary four-year education institutions to consider the prohibition of remedial courses.

Read by title.

Lies over under the rules.

HOUSE RESOLUTION NO. 4—
BY REPRESENTATIVE CROWE
A RESOLUTION
To commend Mr. Mike Stassi of Slidell Junior High School for his dedication to the public school system and its students and to congratulate him upon being named Junior High School Principal of the Year for the state of Louisiana.

Read by title.

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

HOUSE CONCURRENT RESOLUTION NO. 20—
BY REPRESENTATIVE BRUNEAU AND SENATOR HAINKEL
A CONCURRENT RESOLUTION
To express the sincere and heartfelt condolences of the Legislature of Louisiana upon the death of Arthur A. Crais, Sr.

Read by title.

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

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

HOUSE CONCURRENT RESOLUTION NO. 21—
BY REPRESENTATIVES R. ALEXANDER AND SENATOR B. JONES
A CONCURRENT RESOLUTION
To commend Dr. Charles H. Garrett as the 2001 honoree of the Jackson Parish Chamber of Commerce.

Read by title.

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

Ordered to the Senate.

HOUSE CONCURRENT RESOLUTION NO. 22—
BY REPRESENTATIVE FAUCHEUX
A CONCURRENT RESOLUTION
To urge the governing boards of public postsecondary four-year education institutions to consider the prohibition of remedial courses.

Read by title.

Lies over under the rules.

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. 1782—
BY REPRESENTATIVE K. CARTER
AN ACT
To enact R.S. 23:17, relative to the Department of Labor; to require career fairs for TOPS recipients; and to provide for related matters.

Read by title.

Reports of Committees

The following reports of committees were received and read:

Report of the Committee on Civil Law and Procedure
March 27, 2001

To the Speaker and Members of the House of Representatives:

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

House Bill No. 679, by McMains
Reported favorably. (6-0) (Regular)

F. CHARLES McMAINS, JR.
Chairman

Report of the Committee on Transportation, Highways and Public Works
March 27, 2001

To the Speaker and Members of the House of Representatives:
I am directed by your Committee on Transportation, Highways and Public Works to submit the following report:

House Bill No. 51, by Ernie Alexander
Reported favorably. (9-0) (Regular)

House Bill No. 52, by Bowler
Reported with amendments. (9-0) (Regular)

House Bill No. 186, by Strain
Reported favorably. (9-0) (Regular)

House Bill No. 258, by Durand
Reported with amendments. (9-0) (Regular)

House Bill No. 279, by Montgomery
Reported favorably. (9-0) (Regular)

House Bill No. 285, by John Smith
Reported favorably. (9-0) (Regular)

House Bill No. 394, by Downer
Reported favorably. (9-0) (Regular)

House Bill No. 432, by Murray
Reported favorably. (9-0) (Regular)

House Bill No. 433, by Murray
Reported favorably. (9-0) (Regular)

House Bill No. 446, by Gary Smith
Reported favorably. (9-0) (Regular)

House Bill No. 448, by John Smith
Reported favorably. (9-0) (Regular)

House Bill No. 629, by Michael Jackson
Reported favorably. (9-0) (Regular)

House Bill No. 638, by Richmond
Reported favorably. (9-0) (Regular)

House Bill No. 1036, by Dartez
Reported favorably. (9-0) (Regular)

House Bill No. 1132, by Welch
Reported favorably. (9-0) (Regular)

House Bill No. 1335, by Welch
Reported with amendments. (9-0) (Regular)

House Bill No. 1603, by Michael Jackson
Reported with amendments. (9-0) (Regular)

House Bill No. 1708, by Erdey
Reported favorably. (9-0) (Regular)

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JOHN C. DIEZ
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. 17—
BY REPRESENTATIVE RIDDLE
A CONCURRENT RESOLUTION
To urge and request the State Board of Elementary and Secondary Education to revise the Louisiana Educational Assessment Program (LEAP) testing schedule to provide for the LEAP 21 eighth grade high stakes test administration in the fall of each school year instead of the spring and to provide remediation and retest opportunities in the spring of each school year for eighth grade students who fail to pass in order for such students to have more than one opportunity to pass the test before the end of the eighth grade school year.

Read by title.

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

Senate Concurrent Resolutions

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

SENATE CONCURRENT RESOLUTION NO. 14—
BY SENATOR SMITH
A CONCURRENT RESOLUTION
To encourage the display of the national motto of the United States of America;

Read by title.

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

House Bills and Joint Resolutions on Second Reading to be Referred

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

HOUSE BILL NO. 1779—
BY REPRESENTATIVE FAUCHEUX
AN ACT
To amend and reenact R.S. 37:3554(B), 3558, and 3562 and to enact R.S. 37:3559(E) and (F), relative to massage establishments; to provide for membership of the board; to provide relative to the issuance of licenses and certificates of registration; to provide for fees; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Commerce.

HOUSE BILL NO. 1780—
BY REPRESENTATIVE DEWITT
AN ACT
To amend and reenact R.S. 27:3553(4) and to enact R.S. 27:392(B)(3)(d), relative to slot machine gaming at live racing facilities; to authorize slot machine gaming at an eligible facility in Orleans Parish; to provide with respect to the allocation of revenue; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Administration of Criminal Justice.
HOUSE BILL NO. 1781—
BY REPRESENTATIVE TOWNSEND
AN ACT
To amend and reenact R.S. 23:540, relative to the inspection of hot water heaters; to exempt from inspection hot water heaters located in privately owned or rented homes or apartments; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Commerce.

Motion

On motion of Rep. Pinac, the Committee on Transportation, Highways and Public Works was discharged from further consideration of House Bill No. 1128.

HOUSE BILL NO. 1128—
BY REPRESENTATIVE PINAC
AN ACT
To amend and reenact R.S. 32:1254(N)(3)(a), (b), (c), and (f)(introductory paragraph), (i), and (iii), relative to motor vehicle dealers; to provide relative to the sale of certain vehicles; to provide relative to certain conditional sales contracts; and to provide for related matters.

Read by title.

On motion of Rep. Pinac, the bill was recommitted to the Committee on Commerce.

Motion

On motion of Rep. Pinac, the Committee on Transportation, Highways and Public Works was discharged from further consideration of House Bill No. 1130.

HOUSE BILL NO. 1130—
BY REPRESENTATIVE PINAC
AN ACT
To amend and reenact R.S. 32:1252(10), 1254(N)(6)(o), (r), (s), and (t)(ii), 1254.1, and 1256.1, relative to motor vehicle dealers; to provide for definitions; to provide relative to violations; to provide relative to audits of dealer records by manufacturers; to provide for venue; and to provide for related matters.

Read by title.

On motion of Rep. Pinac, the bill was recommitted to the Committee on Commerce.

Motion

On motion of Rep. Pinac, the Committee on House and Governmental Affairs was discharged from further consideration of House Bill No. 1448.

HOUSE BILL NO. 1448—
BY REPRESENTATIVES PINAC, DEWITT, MCMAINs, LEBLANC, K. CARTER, M. JACKSON, AND SCALISE; AND SENATORS DARDENNE, HAINKEL, HOLLIS, ELLINGTON, AND MICHOT
AN ACT
To amend and reenact R.S. 4:61(A), 143(2) and (3), 144(A), 161(B), and 161.2(B), R.S. 6:101(A) and 966(J)(4)(f), R.S. 8:61(A), R.S. 9:3574.2(4), R.S. 15:587(A)(1)(a), R.S. 25:900(C)(1), R.S. 27:323(B)(introductory paragraph), R.S. 30:2308(4), R.S. 32:772(A)(1) and 1253(A)(introductory paragraph), R.S. 34:3405(B), R.S. 36:101(C)(1), 107(A), 801(introductory paragraph), 802(introductory paragraph), and 803(A), R.S. 37:74(A), 142, 1432(A)(1), 1432(A), 1474(A), 1782(1), 2151(A)(introductory paragraph), 2303(A)(1), 2551(A), 2835(A)(1), 3103(A)(6), 3111(A), 3173(A)(1) and 3394(A), R.S. 44:5, R.S. 46:231.12(A)(6) and 1443(A)(introductory paragraph), R.S. 48:1403, R.S. 49:1913(13), 229.1(B)(1), and 968(B)(1) and (21)(a), and R.S. 51:1923(3) and (7), 1924(G), 2377(A), 2379(A)(3), 2383(B)(3), 2386(5) and 2402(A), to enact R.S. 36:4.1 and 209(R), and to repeal R.S. 12:492(E), R.S. 36:109(B), (C), (E), (f)(2), (K), (L), and (S), R.S. 40:2745(B)(9), R.S. 46:1443(A)(11) and Part VII of Chapter 3 of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 981
through 984, relative to economic development; to transfer certain boards, commissions, and offices out of the Department of Economic Development; to provide for changes to various occupational and licensing boards; to provide relative to the Louisiana State Racing Commission; to provide relative to the commissioner of financial institutions; to provide relative to criminal records; to provide for arts programs; to provide relative to certain funds; to provide relative to resource recovery; to provide relative to certain projects; to provide for public records; to provide relative to the secretary of the Department of Economic Development’s place on certain boards; to provide for the termination of certain agencies; to provide relative to the promulgation of rules and submission of a budget; to provide relative to capital companies; to provide relative to the Louisiana Economic Development Council; to provide relative to business and industrial development corporations; to abolish certain agencies; and to provide for related matters.

Read by title.

On motion of Rep. Pinac, the bill was recommitted to the Committee on Commerce.

Motion

On motion of Rep. Pinac, the Committee on House and Governmental Affairs was discharged from further consideration of House Bill No. 1686.

HOUSE BILL NO. 1486—
BY REPRESENTATIVE PINAC
AN ACT
To amend and reenact R.S. 6:101(A) and 966(J)(4)(f), R.S. 9:3574.2(4), R.S. 107(A), and 801.1(A), R.S. 36:101(C)(1), 107(A), 208(G), 209(S), and 917, and Chapter 20 of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:941 through 945, 2302(11) and (12), 2311(2)(j) and (k), and 2312(A)(8), (9), and (10), and to repeal Chapter 4-A of Title 25 of the Louisiana Revised Statutes of 1950, comprised of R.S. 25:315 through 317, R.S. 36:109(H) and (R), 208(G), 209(S), and 917, and Chapter 20 of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:1751 through 1766, Chapter 32 of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:2131 through 2134, 2141, and R.S. 51:2323, 2332(6), 2334, 2341(E), and 2342, relative to economic development; to modify the structure of the Department of Economic Development; to provide relative to the offices of the department and their duties; to provide relative to the assistant secretaries; to provide relative to the offices of the Department of Culture, Recreation and Tourism; to provide for definitions; to provide for tax incentives for motion picture and television production companies; to provide relative to tax exemptions; to repeal provisions relative to the Louisiana Music Commission and to provide for its recreation, composition, and duties; to repeal provisions relative to the office of film and video and the Louisiana Film and Video Commission and to provide for the recreation of the commission, its composition, and its duties; to repeal provisions relative to the division of small and emerging business development and create the Small and Emerging Business Development Program in the Department of Economic Development; to provide for the functions of the program; to repeal the provisions relative to the Small and Emerging Business Development Advisory Council and to provide for its recreation, composition, and duties; to provide relative to the purposes of the Louisiana Economic Development Corporation; to increase the number of members on the corporation board; to add additional powers and duties; to provide relative to the staff of the corporation; to provide for a quarterly report of the corporation; to provide relative to the Louisiana Small Business Incubator Program; to provide for the issuance of loans and guarantees; to provide relative to the Workforce Development and Training Program; to provide for the administration of the program; to provide relative to the Economic Development Award Program; to provide for the administration of the program; to repeal the Small Business Incubator Fund, the Workforce Development and
Training Fund, and the Economic Development Award Fund; and to provide for related matters.

Read by title.

On motion of Rep. Pinac, the bill was recommitted to the Committee on Commerce.

Motion

On motion of Rep. Pinac, the Committee on Municipal, Parochial and Cultural Affairs was discharged from further consideration of House Bill No. 1753.

HOUSE BILL NO. 1753—
BY REPRESENTATIVE PINAC
AN ACT
To amend and reenact R.S. 51:1255(20), relative to the Department of Culture, Recreation and Tourism; to provide for the powers and duties of the office of tourism; to provide for the promulgation of rules; and to provide for related matters.

Read by title.

On motion of Rep. Pinac, the bill was recommitted to the Committee on Commerce.

Motion

On motion of Rep. Pinac, the Committee on House and Governmental Affairs was discharged from further consideration of House Bill No. 1764.

HOUSE BILL NO. 1764—
BY REPRESENTATIVE PINAC AND SENATOR HOLLIS
AN ACT
To enact R.S. 12:1364.1, relative to the Department of State; to create the Department of State Building fund; to provide for use of the monies; and to provide for related matters.

Read by title.

On motion of Rep. Pinac, the bill was recommitted to the Committee on Commerce.

Motion

On motion of Rep. Pinac, the Committee on Transportation, Highways and Public Works was discharged from further consideration of House Bill No. 1777.

HOUSE BILL NO. 1777—
BY REPRESENTATIVE DIEZ
AN ACT
To amend and reenact R.S. 32:772(F)(5) and (8), 774(G)(1), and 776(D), to enact R.S. 32:773.1(A)(2)(p) and 775(A)(10), and to repeal R.S. 32:774(B)(4)(b) and 774.1, relative to used motor vehicle dealers; to provide for the retention of records; to provide for the regulation of trade shows; to provide for unlawful acts; to provide for applications; to provide for bonding requirements; to provide relative to grounds for discipline; to provide relative to extended warranty contracts; and to provide for related matters.

Read by title.

On motion of Rep. Pinac, the bill was recommitted to the Committee on Commerce.

HOUSE BILL NO. 469—
BY REPRESENTATIVE FAUCHEUX
AN ACT
To amend and reenact R.S. 47:6007(B) through (F), relative to the motion picture investor tax credit; to provide for definitions, investment, certification and administration, recapture of credits, and state participation; and to provide for related matters.

Called from the calendar.

Read by title.

On motion of Rep. Faucheux, the bill was referred to the Committee on Ways and Means.

Privileged Report of the Committee on Enrollment
March 27, 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. 2—
BY REPRESENTATIVES QUEZAIRE AND HOLDEN
A RESOLUTION
To recognize and commend Alex Earl Cole of Baton Rouge upon his retirement from the Louisiana Office of Tourism.

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.

Suspension of the Rules

On motion of Rep. Crane, the rules were suspended to permit the Committee on Education to meet and consider the following legislative instruments without giving the notice required by House Rule 14.24(A):

House Concurrent Resolution No. 17

Leave of Absence

Rep. Curtis - 1 day

Adjournment

On motion of Rep. Kenney, at 2:25 P.M., the House agreed to adjourn until Wednesday, March 28, 2001, at 2:00 P.M.

The Speaker of the House declared the House adjourned until 2:00 P.M., Wednesday, March 28, 2001.

ALFRED W. SPEER
Clerk of the House