

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

FIFTH 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

Tuesday, April 2, 2002

The House of Representatives was called to order at 4:00 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	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

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 Rev. W. L. T. Littleton.

Pledge of Allegiance

Rep. Lydia Jackson 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. Dartez, and under a suspension of the rules, the Journal of April 1, 2002, was corrected to reflect her as voting nay on final passage of House Bill No. 67.

On motion of Rep. Romero, and under a suspension of the rules, the Journal of April 1, 2002, was corrected to reflect him as not voting on final passage of House Bill No. 45.

On motion of Rep. Romero, and under a suspension of the rules, the Journal of April 1, 2002, was corrected to reflect him as not voting on final passage of House Bill No. 46.

On motion of Rep. Frith, the Journal of April 1, 2002, was adopted.

Petitions, Memorials and Communications

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

Message from the Senate

SENATE BILLS

April 2, 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 Senate Bills:

same, which were taken up, read, and referred to committees, as follows:

SENATE BILL NO. 82—
BY SENATORS ELLINGTON AND SMITH
AN ACT

To enact R.S. 3:4617(C), relative to the direct sale by farmers of farm products to consumers; to provide for vendor fraud involving the sale of food products; and to provide for related matters.

Read by title.

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

Introduction of House Bills and Joint Resolutions

The following named members introduced the following entitled House Bills and Joint Resolutions which were read the first time by their titles and placed upon the calendar for their second reading and, under a suspension of the rules, were referred to committee as follows:

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.

Read by title.

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

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. 153—
BY REPRESENTATIVES PIERRE, DEWITT, AND DANIEL
AN ACT

To amend and reenact R.S. 30:124, relative to mineral lease of public lands; to authorize the State Mineral Board to increase certain mineral production fees; and to provide for related matters.

Read by title.

Motion

HOUSE BILL NO. 164—
BY REPRESENTATIVES DANIEL AND DEWITT
AN ACT

To amend and reenact R.S. 31:149(A) and to repeal R.S. 31:149(B)(3), (C), and (D) and 149.1 through 151, 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.

Read by title.

On motion of Rep. Pierre, the bill was recommitted to the Committee on Natural Resources.

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. 10—
BY SENATOR HOYT
AN ACT

To enact R.S. 40:4.10, relative to medical waste; to require landowners who store infectious medical waste to notify the public; to provide for notice to certain public agencies; to provide for a penalty for violation of the notice requirement; and to provide for related matters.

Read by title.

Motion

Rep. Thompson moved that Senate Bill No. 10 be designated as a duplicate of House Bill No. 131.

Which motion was agreed to.

Rep. Thompson moved that Senate Bill No. 10 be amended to conform with House Bill No. 131 and sent up the following floor amendments:

HOUSE FLOOR AMENDMENTS

Conforming Amendments proposed by Representative Thompson to Reengrossed Senate Bill No. 10 by Senator Hoyt (Duplicate of House Bill No. 131)

AMENDMENT NO. 1

On page 1, at the end of line 14, delete "identification of the"

AMENDMENT NO. 2

AMENDMENT NO. 6

On page 3, at the end of line 9, delete the colon ":" insert "meeting both of the following criteria:"

AMENDMENT NO. 7

On page 3, line 15, change "their" to "his"

AMENDMENT NO. 8

On page 3, between lines 20 and 21, insert the following:

"(6) A medical facility located at a commercial or industrial site used primarily to administer medical services to site personnel."

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

Motion

On motion of Rep. Thompson, the above bill, as amended, was referred to the Legislative Bureau.

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

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

HOUSE BILL NO. 155 (Substitute for House Bill No. 79 by Representatives Hammett, DeWitt, Pinac, and Faucheux)—
BY REPRESENTATIVES HAMMETT, DEWITT, PINAC, FAUCHEUX,
ALARIO, BEARD, HILL, MONTGOMERY, ODINET, AND SCALISE
AN ACT

To amend and reenact R.S. 47:6007(A)(1)(b), (B), (C), (E)(1) and (3), and (F), and to repeal R.S. 47:6007(D), relative to the motion picture investor tax credit; to expand the availability of the credit; to provide for definitions; to provide for an effective date; and to provide for related matters.

Read by title.

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

Under the rules, placed on the regular calendar.

**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:

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Bruce to Engrossed House Bill No. 3 by Representative Crowe

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 47:463.108" delete the comma "," insert "and 463.109,"

AMENDMENT NO. 2

On page 1, at the end of line 3, after "plate" delete the semi-colon ";" insert the following:

"and to provide for the creation of a 4-H prestige license plate;"

AMENDMENT NO. 3

On page 1, line 4, after "such" delete "plate;" and insert the following:

"plates; to provide for the style and color of the 4-H prestige license plate;"

AMENDMENT NO. 4

On page 1, line 5, after "for such" change "plate;" to "plates;"

AMENDMENT NO. 5

On page 1, line 9, after "R.S. 47:463.108" and before "hereby" delete "is" and insert "and 463.109 are"

AMENDMENT NO. 6

On page 2, after line 18, insert the following:

"§463.109. Special prestige license plate: 4-H

A. The secretary of the Department of Public Safety and Corrections shall establish a special prestige license plate, to be known as the 4-H plate, provided there is a minimum of one thousand applicants for such plate. The license plate shall be restricted to passenger cars, pickup trucks, vans, and recreational vehicles.

B. The plate shall be white with bright green lettering. The top of the plate shall bear the word "LOUISIANA". The 4-H logo shall appear on the left center portion followed by the word "4-H" and one or more numeric digits for registration purposes. The Louisiana State University Agriculture Center logo shall appear on the right center portion of the plate. The bottom of the plate shall bear the words

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E. The department shall promulgate such rules and regulations as are necessary to implement the provisions of this Section.

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

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Fruge	Odinet
Alario	Futrell	Perkins
Alexander, E	Gallot	Pierre
Alexander, R	Glover	Pinac
Ansardi	Green	Pitre
Baldone	Guillory	Powell
Baudoin	Hammett	Pratt
Baylor	Heaton	Quezaire
Beard	Hebert	Riddle
Bowler	Hill	Romero
Broome	Honey	Salter
Bruce	Hopkins	Scalise
Bruneau	Hudson	Schneider
Capella	Hunter	Schwegmann
Carter, K	Iles	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
Total—102		

NAYS

Jackson, L
Total—1

ABSENT

Hutter Richmond

HOUSE BILL NO. 4—

BY REPRESENTATIVE DARTEZ

AN ACT

To designate a bridge located along old U.S. 90, in Amelia, Louisiana, which crosses Bayou Boeuf in Assumption and St. Mary parishes, as the Earl "Tuttum" Bergeron and Janet Marcel Bridge; and to provide for related matters.

Read by title.

Rep. Dartez moved the final passage of the bill.

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	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	Welch
Farrar	Morrell	Winston
Faucheux	Morrish	Wooton
Flavin	Murray	Wright
Frith	Nevers	
Fruge	Odinet	
Total—103		

NAYS

HOUSE BILL NO. 8—

BY REPRESENTATIVE JOHNS

AN ACT

To amend and reenact R.S. 34:2102, relative to the compensation of members of the board of commissioners of the West Calcasieu Port, Harbor, and Terminal District; to provide for a maximum per diem of such members; and to provide for related matters.

Read by title.

Rep. Johns moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Futrell	Pierre
Alario	Gallot	Pinac
Alexander, E	Glover	Pitre
Alexander, R	Green	Powell
Ansardi	Guillory	Pratt
Baldone	Hammett	Quezairé
Baudoin	Heaton	Richmond
Baylor	Hebert	Riddle
Beard	Hill	Romero
Bowler	Honey	Salter
Broome	Hopkins	Scalise
Bruce	Hudson	Schneider
Bruneau	Hunter	Schwegmann
Capella	Hutter	Shaw
Carter, K	Iles	Smith, G.—56th
Carter, R	Jackson, L	Smith, J.D.—50th
Cazayoux	Jackson, M	Smith, J.H.—8th
Clarkson	Johns	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	McVea	Waddell
Durand	Montgomery	Walsworth
Erdey	Morrell	Welch
Farrar	Morrish	Winston
Faucheux	Murray	Wooton
Flavin	Nevers	Wright
Frith	Odinet	
Früge	Perkins	
Total—103		

NAYS

HOUSE BILL NO. 17—

BY REPRESENTATIVES SCALISE, BEARD, BROOME, CURTIS, FAUCHEUX, GALLOT, GUILLORY, PIERRE, RICHMOND, SCHWEGMANN, AND SWILLING AND SENATOR DARDENNE

AN ACT

To amend and reenact R.S. 47:1123(4) and (5) and to enact R.S. 47:1125.1, relative to the Louisiana Motion Picture Incentive Act; to provide for a tax credit for employing Louisiana residents; to provide for definitions; to provide for an effective date; and to provide for related matters.

Read by title.

Rep. Scalise moved the final passage of the bill.

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	Pitre
Baudoin	Heaton	Powell
Baylor	Hebert	Pratt
Beard	Hill	Quezairé
Broome	Honey	Richmond
Bruce	Hopkins	Riddle
Bruneau	Hudson	Salter
Capella	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	LaFleur	Strain
Dartez	Lancaster	Swilling
Devillier	Landrieu	Thompson
Diez	LeBlanc	Toomy
Doerge	Lucas	Townsend
Downer	Martiny	Triche
Durand	McCallum	Tucker
Erdey	McDonald	Waddell
Farrar	McVea	Walsworth
Faucheux	Montgomery	Welch
Flavin	Morrell	Winston
Frith	Morrish	Wooton
Früge	Murray	Wright
Total—102		

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Rep. Scalise 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. 30—

BY REPRESENTATIVES SCALISE, BRUNEAU, CAPELLA, CLARKSON, CRANE, DANIEL, DURAND, FAUCHEUX, AND TUCKER AND SENATOR MICHOT

AN ACT

To enact R.S. 47:301(16)(h), (22), and (23) and 305.52, relative to state and local sales and use taxes; to define tangible personal property for state sales and use tax purposes to exclude certain custom computer software; to provide that the exclusion shall be phased in over a four-year period; to allow governing authorities of political subdivisions to exempt sales of certain computer software; to provide for an effective date; and to provide for related matters.

Read by title.

Motion

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

HOUSE BILL NO. 41—

BY REPRESENTATIVE R. ALEXANDER AND SENATOR B. JONES

AN ACT

To designate a portion of Louisiana Highway 167 in Jonesboro, Louisiana, as the Richard Zuber Thruway; and to provide for related matters.

Read by title.

Rep. Rodney Alexander moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Mr. Speaker, Alario, Alexander, E, Alexander, R, Ansardi, Baldone, Baudoin, Baylor, Beard, Bowler, Broome, Bruce, Bruneau, Capella, Carter, K, Futrell, Gallot, Glover, Green, Guillory, Hammett, Heaton, Hebert, Hill, Honey, Hopkins, Hudson, Hunter, Hutter, Iles, Odinet, Perkins, Pierre, Pinac, Pitre, Powell, Pratt, Quezaire, Richmond, Riddle, Romero, Salter, Scalise, Schneider, Schwegmann

Table with 3 columns of names: Erdey, Farrar, Faucheux, Flavin, Frith, Fruge, Total—105, McVea, Montgomery, Morrell, Morrish, Murray, Nevers, Waddell, Walsworth, Welch, Winston, Wooton, Wright

NAYS

Total—0

ABSENT

Total—0

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Rodney Alexander 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. 48—

BY REPRESENTATIVE BALDONE AND SENATORS DUPRE AND GAUTREAUX

AN ACT

To amend and reenact R.S. 34:2201, relative to the Terrebonne Parish Port Commission; to provide with respect to appointment and removal of members to the commission; 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. 48 by Representative Baldone

AMENDMENT NO. 1

On page 3, line 11, following "may" and before "remove" delete "only" and after "president" and before "upon" insert "only"

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

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

ROLL CALL

The roll was called with the following result:

YEAS

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	Kenard	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	Welch
Farrar	Montgomery	Winston
Fauchoux	Morrell	Wright
Flavin	Murray	
Frith	Nevers	
Total—100		

NAYS

Total—0

ABSENT

Hill	Pinac	Wooton
Morrish	Walsworth	
Total—5		

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Baldone 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. 71—

BY REPRESENTATIVE GARY SMITH AND SENATOR CHAISSON, AND REPRESENTATIVES ALARIO, ANSARDI, DAMICO, DANIEL, FAUCHEUX, LANCASTER, MARTINY, POWELL, SCALISE, SNEED, STRAIN, TOOMY, WALSWORTH, AND WINSTON AND SENATORS FONTENOT, LAMBERT, AND LENTINI

AN ACT

To amend and reenact R.S. 47:6005(D), relative to the qualified recycling equipment credit; to provide that certain industries may receive one hundred percent of the credit and any credit carry-forward for a specified period; to provide that any excess credit amount over and above the amount of tax due shall be refunded to the taxpayer in the same manner as overpayments of tax; to provide for an effective date; and to provide for related matters.

purchases by a motion picture production company; to provide for an effective date; and to provide for related matters.

Read by title.

Motion

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

HOUSE BILL NO. 80—

BY REPRESENTATIVES HAMMETT, DEWITT, PINAC, FAUCHEUX, ALARIO, HILL, AND MONTGOMERY
AN ACT

To amend and reenact R.S. 47:1123(4) and (5) and to enact R.S. 47:1125.1, relative to the Louisiana Motion Picture Incentive Act; to provide for a tax credit for employing Louisiana residents; to provide for definitions to provide for an effective date; and to provide for related matters.

Read by title.

Motion

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

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.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Perkins to Engrossed House Bill No. 84 by Representative Diez

AMENDMENT NO. 1

On page 3, line 7, delete "allowing,"

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

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

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Baylor	Hebert	Quezaire
Beard	Hill	Richmond
Bowler	Honey	Riddle
Broome	Hopkins	Romero
Bruce	Hudson	Salter
Bruneau	Hunter	Scalise
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

Schneider
Total—1

ABSENT

Total—0

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Diez 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. 92—
BY REPRESENTATIVE ALARIO AND SENATOR HEITMEIER
AN ACT

To amend and reenact R.S. 48:461.4(a)(1), relative to outdoor advertising; to provide relative to the classification of certain illuminated signs; to require certain illuminated signs to be classified as on-premise signs by the Department of Transportation and Development; to provide for certain exemptions; and to provide for related matters.

Baudoin	Hammett	Powell
Baylor	Heaton	Pratt
Beard	Hebert	Quezaire
Bowler	Hill	Richmond
Broome	Honey	Riddle
Bruce	Hopkins	Salter
Bruneau	Hudson	Scalise
Capella	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	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—102		

NAYS

Total—0

ABSENT

Alexander, R
Total—3

Kennard

Romero

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Diez 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. 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

On page 4, line 4, following "may" and before "upon" change "only take effect" to "take effect only"

AMENDMENT NO. 2

On page 5, line 17, following "may" delete "only" and on line 18, following "collect" and before "for" insert "only"

AMENDMENT NO. 3

On page 7, line 9, following "may" and before "for" change "only charge and collect" to "charge and collect only"

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

Speaker Pro Tempore Bruneau in the Chair

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Damico to Engrossed House Bill No. 97 by Representative Damico

AMENDMENT NO. 1

On page 3, delete lines 25 through 27

AMENDMENT NO. 2

On page 4, delete lines 1 through 3, and insert "after July 1, 2003. Further fee increases after"

Rep. Damico moved the adoption of the amendments.

Rep. Perkins objected.

A record vote was asked for and ordered by the House.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Hebert	Quezaire
Alario	Hill	Riddle
Alexander, R	Honey	Romero
Baldone	Hunter	Salter
Baudoin	Jackson, L	Scalise
Baylor	Johns	Schwegmann
Bruneau	Kenny	Smith, G.—56th
Carter, K	Landrieu	Smith, J.D.—50th
Cazayoux	LeBlanc	Smith, J.R.—30th
Crane	Lucas	Sneed

Bruce	Glover	Powell
Capella	Green	Schneider
Carter, R	Guillory	Shaw
Clarkson	Hopkins	Smith, J.H.—8th
Crowe	Iles	Strain
Curtis	Jackson, M	Toomy
Daniel	Katz	Tucker
Devallier	Kennard	Waddell
Diez	Lancaster	Walsworth
Downer	Martiny	Winston
Erdey	McCallum	
Faucheux	McDonald	
Total—46		

ABSENT

Ansardi	Hutter	Richmond
Dartez	LaFleur	Wooton
Hudson	Morrell	
Total—8		

The amendments were adopted.

Motion

Rep. Flavin moved that the bill, as amended, be returned to the calendar.

Rep. Damico objected.

A record vote was asked for and ordered by the House.

ROLL CALL

The roll was called with the following result:

YEAS

Alexander, E	Fruge	Powell
Beard	Futrell	Scalise
Bowler	Green	Schneider
Capella	Hill	Shaw
Clarkson	Hopkins	Sneed
Crane	Iles	Stelly
Crowe	Johns	Strain
Daniel	Katz	Toomy
Devallier	Kennard	Tucker
Diez	Lancaster	Waddell
Erdey	Martiny	Walsworth
Faucheux	Nevers	Winston
Flavin	Perkins	
Frith	Pitre	
Total—40		

NAYS

Mr. Speaker	Hammett	Pierre
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Downer
Durand
Farrar
Gallot
Total—55

Montgomery
Morrish
Murray
Odinet

Welch
Wright

ABSENT

Ansardi
Bruce
Glover
Guillory
Total—10

Hudson
LaFleur
Morrell
Richmond

Triche
Wooton

The House refused to return the bill, as amended, to the calendar.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker
Alario
Alexander, R
Baldone
Baudoin
Baylor
Broome
Bruce
Bruneau
Carter, K
Carter, R
Cazayoux
Crane
Curtis
Damico
Dartez
Doerge
Durand
Farrar
Frith
Total—58

Fruge
Gallot
Guillory
Hammett
Heaton
Hebert
Hill
Honey
Hunter
Jackson, L
Johns
Kennard
Kenney
Landrieu
LeBlanc
Lucas
McVea
Montgomery
Morrish
Murray

Odinet
Pierre
Pinac
Pratt
Quezaire
Riddle
Salter
Schwegmann
Smith, G.—56th
Smith, J.D.—50th
Smith, J.H.—8th
Smith, J.R.—30th
Stelly
Swilling
Thompson
Toomy
Townsend
Welch

NAYS

Alexander, E
Beard
Bowler
Capella
Clarkson
Crowe
Daniel
Devillier
Diez

Glover
Green
Hopkins
Hutter
Iles
Jackson, M
Katz
Lancaster
Martiny

Powell
Romero
Scalise
Schneider
Shaw
Sneed
Strain
Triche
Tucker

Motion to reconsider pending.

Suspension of the Rules

On motion of Rep. Wright, and under a suspension of the rules, the above roll call was corrected to reflect him as voting nay.

Motion

On motion of Rep. Alario, the motion to reconsider the vote by which House Bill No. 92 finally passed was called from the table.

Suspension of the Rules

On motion of Rep. Alario, the rules were suspended to reconsider the vote by which House Bill No. 92 finally passed on the same legislative day.

Reconsideration

The following legislative instruments on reconsideration were taken up and acted upon as follows:

HOUSE BILL NO. 92—

BY REPRESENTATIVE ALARIO AND SENATOR HEITMEIER
AN ACT

To amend and reenact R.S. 48:461.4(a)(1), relative to outdoor advertising; to provide relative to the classification of certain illuminated signs; to require certain illuminated signs to be classified as on-premise signs by the Department of Transportation and Development; to provide for certain exemptions; and to provide for related matters.

Read by title.

On motion of Rep. Alario, the vote by which the above House Bill finally passed was reconsidered.

Returned to the calendar under the rules.

HOUSE BILL NO. 92—

BY REPRESENTATIVE ALARIO AND SENATOR HEITMEIER
AN ACT

To amend and reenact R.S. 48:461.4(a)(1), relative to outdoor advertising; to provide relative to the classification of certain illuminated signs; to require certain illuminated signs to be classified as on-premise signs by the Department of Transportation and Development; to provide for certain exemptions; and to provide for related matters.

Called from the calendar.

Read by title.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total—0

ABSENT

Dartez	Hudson	Townsend
Hebert	Morrell	
Total—5		

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total—0

ABSENT

Dartez	Hudson	Morrell
Hebert	LaFleur	
Total—5		

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

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

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5th Day's Proceedings - April 2, 2002

The roll was called with the following result:

YEAS

Mr. Speaker	Glover	Pierre
Alario	Green	Pinac
Alexander, E	Guillory	Pitre
Alexander, R	Hammett	Powell
Ansardi	Heaton	Pratt
Baldone	Hill	Quezaire
Baudoin	Honey	Richmond
Baylor	Hopkins	Riddle
Beard	Hudson	Romero
Bowler	Hunter	Salter
Broome	Hutter	Scalise
Bruce	Iles	Schneider
Bruneau	Jackson, L	Schwegmann
Capella	Jackson, M	Shaw
Carter, K	Johns	Smith, G.—56th
Cazayoux	Katz	Smith, J.D.—50th
Clarkson	Kennard	Smith, J.H.—8th
Crane	Kenney	Smith, J.R.—30th
Crowe	LaFleur	Sneed
Curtis	Lancaster	Stelly
Damico	Landrieu	Strain
Daniel	LeBlanc	Swilling
Devillier	Lucas	Thompson
Doerge	Martiny	Toomy
Downer	McCallum	Townsend
Durand	McDonald	Triche
Erdey	McVea	Tucker
Farrar	Montgomery	Waddell
Faucheux	Morrell	Walsworth
Flavin	Morrish	Welch
Frith	Murray	Winston
Fruge	Nevers	Wooton
Futrell	Odinet	Wright
Gallot	Perkins	
Total—101		

NAYS

Carter, R
Total—1

ABSENT

Dartez Diez Hebert
Total—3

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Damico 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.

Rep. Quezaire moved the final passage of the bill.

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
Baldone	Hammett	Pratt
Baudoin	Heaton	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	Kennard	Smith, J.H.—8th
Crane	Kenney	Smith, J.R.—30th
Crowe	LaFleur	Sneed
Curtis	Lancaster	Stelly
Damico	Landrieu	Strain
Daniel	LeBlanc	Swilling
Devillier	Lucas	Thompson
Diez	Martiny	Toomy
Doerge	McCallum	Townsend
Downer	McDonald	Triche
Durand	McVea	Tucker
Erdey	Montgomery	Waddell
Farrar	Morrell	Walsworth
Faucheux	Morrish	Welch
Flavin	Murray	Winston
Frith	Nevers	Wooton
Fruge	Odinet	Wright
Futrell	Perkins	
Total—101		

NAYS

Total—0

ABSENT

Ansardi Hebert
Dartez Katz
Total—4

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Pinac to Engrossed House Bill No. 116 by Representative Pinac

AMENDMENT NO. 1

On page 2, line 5, change "distributor" to "dealer"

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

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

ROLL CALL

The roll was called with the following result:

YEAS

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	Morrell	Welch
Flavin	Morrish	Winston

Rep. Pinac 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. 120—

BY REPRESENTATIVES LANDRIEU AND K. CARTER

AN ACT

To amend and reenact R.S. 47:322.38, relative to the state sales and use tax on hotel occupancy levied in Orleans Parish; to provide for the use of the avails of the tax; to provide for an effective date; and to provide for related matters.

Read by title.

Motion

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

HOUSE BILL NO. 124—

BY REPRESENTATIVES LANDRIEU, MURRAY, AND K. CARTER

AN ACT

To amend and reenact Sections 20 and 23 of Act No. 305 of the 1978 Regular Session of the Legislature, as amended by Act No. 657 of the 1979 Regular Session of the Legislature, Act No. 99 of the 1980 Regular Session of the Legislature, Act No. 9 of the 1980 Second Extraordinary Session of the Legislature, Act No. 287 of the 1982 Regular Session of the Legislature, Act No. 572 of the 1984 Regular Session of the Legislature, Act No. 390 of the 1987 Regular Session of the Legislature, Act No. 43 of the 1992 Regular Session of the Legislature, Act No. 1013 of the 1993 Regular Session of the Legislature, Act Nos. 13 and 42 of the 1994 Regular Session of the Legislature, and Act Nos. 1174 and 1176 of the 1997 Regular Session of the Legislature, relative to the Ernest N. Morial-New Orleans Exhibition Hall Authority, to grant additional powers to the authority, including authorization for the levy and collection of an additional tax on hotel occupancy and a food and beverage tax; to provide for the issuance of bonds and other obligations of the authority to finance expansion projects; to provide for additional bonding capacity of the authority; and to provide for related matters.

Read by title.

Motion

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

HOUSE BILL NO. 126—

BY REPRESENTATIVES MURRAY, LANDRIEU, AND K. CARTER

AN ACT

To amend and reenact R.S. 47:322.38, relative to the state sales and use tax on hotel occupancy levied in Orleans Parish; to provide for the use of the avails of the tax; to provide for an effective date; and to provide for related matters.

provide for a penalty for violation of the notice requirement; and to provide for related matters.

Read by title.

Motion

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

HOUSE BILL NO. 137—
BY REPRESENTATIVE QUEZAIRE
AN ACT

To amend and reenact R.S. 48:461.4(b)(3), relative to outdoor advertising; to provide that certain signs shall not be placed in a stacked configuration; to provide for an effective date; and to provide for related matters.

Read by title.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Thompson to Engrossed House Bill No. 137 by Representative Quezaire

AMENDMENT NO. 1

On page 2, line 14, after "prior to" change "July 1, 2002" to "July 1, 2004"

Rep. Thompson moved the adoption of the amendments.

Rep. Quezaire objected.

By a vote of 34 yeas and 57 nays, the amendments were rejected.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Robert Carter to Engrossed House Bill No. 137 by Representative Quezaire

AMENDMENT NO. 1

On page 2, line 14, after "place" insert "for not more than five years."

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

Bruce	Hudson	Romero
Bruneau	Hunter	Salter
Capella	Hutter	Scalise
Cazayoux	Iles	Schneider
Clarkson	Jackson, L	Shaw
Crane	Jackson, M	Smith, G.—56th
Curtis	Johns	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	Swilling
Downer	Lucas	Thompson
Durand	Martiny	Toomy
Erdey	McCallum	Townsend
Farrar	McDonald	Triche
Faucheux	McVea	Tucker
Flavin	Montgomery	Waddell
Frith	Murray	Walsworth
Fruge	Nevers	Welch
Futrell	Odinet	Wooton
Glover	Perkins	Wright
Green	Pierre	
Guillory	Pinac	
Total—91		

NAYS

Alexander, R	Gallot	Winston
Carter, K	Katz	
Carter, R	Schwegmann	
Total—7		

ABSENT

Mr. Speaker	Broome	Morrish
Alexander, E	Crowe	
Beard	Morrell	
Total—7		

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Quezaire 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. 139—
BY REPRESENTATIVES DIEZ AND QUEZAIRE
AN ACT

To enact R.S. 48:386.1, relative to maintenance of railroad rights-of-way at public highway railroad grade crossings; to provide for definitions; to require railroads to cut vegetation and remove structures on railroad rights-of-way at public highway railroad grade crossings and within a certain proximity thereto; to

HOUSE BILL NO. 143—

BY REPRESENTATIVE DAMICO

AN ACT

To amend and reenact R.S. 30:2412(1) and to enact R.S. 30:2412(1.1), (9.1), and (24.1) and 2418(M), relative to the disposal of waste tires; to provide for definitions; to provide for criminal penalties for fraudulent violations of the Waste Tire Program; and to provide for related matters.

Read by title.

Rep. Damico moved the final passage of the bill.

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
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	Lancaster	Strain
Damico	Landrieu	Swilling
Daniel	LeBlanc	Thompson
Dartez	Lucas	Toomy
Devillier	Martiny	Townsend
Diez	McCallum	Triche
Doerge	McDonald	Tucker
Downer	McVea	Waddell
Durand	Montgomery	Walsworth
Erdey	Morrell	Welch
Farrar	Morrish	Winston
Flavin	Murray	Wooton
Frith	Nevers	Wright
Fruge	Odinet	
Futrell	Perkins	
Total—103		

Rep. Damico 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. 148—

BY REPRESENTATIVE TUCKER

AN ACT

To amend and reenact R.S. 47:820.5(B)(2)(a)(x), relative to the Greater New Orleans Mississippi River Bridges; to authorize the use of certain revenues from the Greater New Orleans Mississippi River Bridges to upgrade the Peters Road rail corridor; and to provide for related matters.

Read by title.

Rep. Tucker moved the final passage of the bill.

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	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	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

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5th Day's Proceedings - April 2, 2002

The title of the above bill was read and adopted.

Rep. Tucker 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. 149 (Substitute for House Bill No. 59 by Representative Hebert)— BY REPRESENTATIVE HEBERT

AN ACT

To amend and reenact R.S. 22:1401(J), 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 commissioner of insurance; to provide for actuarial justification; to provide for notice; and to provide for related matters.

Read by title.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Hebert to Engrossed House Bill No. 149 by Representative Hebert

AMENDMENT NO. 1

On page 1, line 17, after "six-month period" change the comma to a period, delete the remainder of the line, delete line 18 in its entirety, and insert in lieu thereof the following:

"An application for a rate change which reduces insurance rates for a risk classification may be approved at any time."

AMENDMENT NO. 2

On page 2, delete lines 1 through 6, both inclusive, in their entirety.

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

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Flavin to Engrossed House Bill No. 149 by Representative Hebert

AMENDMENT NO. 1

On page 1, lines 4 and 5 delete "commissioner of insurance" and insert in lieu thereof "Louisiana Insurance Rating Commission"

AMENDMENT NO. 5

On page 2, at the end of line 22 and the beginning of line 23 delete "and the commissioner of insurance"

AMENDMENT NO. 6

On page 2, line 25, after "days the" and before "notifies" delete "commissioner of insurance" and insert in lieu thereof "commission"

AMENDMENT NO. 7

On page 3, line 2, at the beginning of the line before "to" delete "commissioner" and insert in lieu thereof "commission"

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

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

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
Bowler	Honey	Salter
Broome	Hopkins	Schneider
Bruce	Hudson	Schwegmann
Bruneau	Hunter	Shaw
Capella	Hutter	Smith, J.H.—8th
Carter, K	Iles	Smith, J.R.—30th
Cazayoux	Jackson, L	Sneed
Clarkson	Jackson, M	Stelly
Crane	Johns	Strain
Crowe	Katz	Thompson
Curtis	Kenney	Toomy
Damico	Lancaster	Townsend
Daniel	Landrieu	Triche
Devillier	LeBlanc	Tucker
Diez	Lucas	Waddell
Doerge	Martiny	Walsworth
Durand	McCallum	Welch
Erdey	McVea	Winston
Faucheux	Montgomery	Wright
Flavin	Morrell	
Frith	Morrish	
Total—88		

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Hebert 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.

Petitions, Memorials and Communications

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

Message from the Senate

HOUSE CONCURRENT RESOLUTIONS

April 2, 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. 5
Returned without amendments.

House Concurrent Resolution No. 33
Returned without amendments.

House Concurrent Resolution No. 37
Returned without amendments.

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Message from the Senate

ASKING CONCURRENCE IN SENATE CONCURRENT RESOLUTIONS

April 2, 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 Resolutions

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

SENATE CONCURRENT RESOLUTION NO. 19—
BY SENATORS SMITH, BARHAM, CAIN, ELLINGTON, HINES,
MCPHERSON AND ROMERO

A CONCURRENT RESOLUTION

To urge and request the secretary of the U.S. Department of Veterans Affairs to keep the Veterans Affairs Medical Center in Pineville open, and to reinstate those programs and services which have been reduced or eliminated at the hospital during the past several years.

Read by title.

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

SENATE CONCURRENT RESOLUTION NO. 20—
BY SENATOR HOLDEN

A CONCURRENT RESOLUTION

To memorialize the Louisiana congressional delegation and the United States Congress to support the Act to Leave No Child Behind.

Read by title.

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

Message from the Senate

SENATE BILLS

April 2, 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 Senate Bills:

Senate Bill Nos. 11, 29, 39, 55, and 91

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Senate Bills and Joint Resolutions on Second Reading to be Referred

Rep. Hill asked for and obtained a suspension of the rules to

Under the rules, the above bill was referred to the Committee on Municipal, Parochial and Cultural Affairs.

SENATE BILL NO. 29—
BY SENATOR HAINKEL

AN ACT

To enact R.S. 11:1386, relative to the judges' noncontributory plan; to provide with respect to cost-of-living adjustments for judges and widows of such judges who did not opt to become members of the Louisiana State Employees' Retirement System; to provide an effective date; and to provide for related matters.

Read by title.

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

SENATE BILL NO. 39—
BY SENATOR BAJOEI

AN ACT

To amend Sections 2 and 8 of Act 22 of the 2001 Regular Session of the Legislature, relative to the capital outlay budget; to provide for certain exemptions relative to contractual obligations established prior to the execution of the cooperative endeavor agreement; and to provide for related matters.

Read by title.

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

SENATE BILL NO. 55—

BY SENATORS CHAISSON, FONTENOT, LAMBERT, LENTINI AND SCHEDLER AND REPRESENTATIVES GARY SMITH, ALARIO, ANSARDI, DAMICO, DANIEL, FAUCHEUX, MARTINY, LANCASTER, POWELL, SCALISE, SNEED, STRAIN, TOOMY, WALSWORTH, AND WINSTON

AN ACT

To amend and reenact R.S. 47:6005(D), relative to the qualified recycling equipment credit, to provide that certain industries may receive one hundred percent of the credit and any credit carry-forward for a specified period; to provide that any excess credit amount over and above the amount of tax due shall be refunded to the taxpayer in the same manner as overpayments of tax; to provide for an effective date; and to provide for related matters.

Read by title.

Motion

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

SENATE BILL NO. 91—

BY SENATORS DARDENNE, BARHAM AND HOLLIS
AN ACT

**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. 38—
BY REPRESENTATIVE LEBLANC

A CONCURRENT RESOLUTION

To encourage Louisiana lawyers, judges, and law professors to participate in the legal conferences and meetings within the world Francophone community and particularly those events taking place in Belgium and France in 2002 sponsored by the Francophone Section of the Louisiana State Bar Association.

Read by title.

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

Ordered to the Senate.

HOUSE CONCURRENT RESOLUTION NO. 39—
BY REPRESENTATIVES WADDELL AND BRUNEAU

A CONCURRENT RESOLUTION

To include the Professional Civil Law Notary Association of North Louisiana and any other interested notary organization or individual as participants in the study conducted by the secretary of state pursuant to House Concurrent Resolution No. 81 of the 2001 Regular Session on the feasibility of statewide commissions for non-attorney notaries.

Read by title.

On motion of Rep. Waddell, 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 entitled House Bills and Joint Resolutions which were read the first time by their titles and placed upon the calendar for their second reading and, under a suspension of the rules, were referred to committee as follows:

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, 9033.3, 9034.1, 9034.2, 9034.3, and 9035.1, relative to

Report of the Committee on Appropriations

April 2, 2002

To the Speaker and Members of the House of Representatives:

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

House Bill No. 68, by Schwegmann
Reported favorably. (11-1) (Regular)

House Bill No. 158, by LeBlanc
Reported with amendments. (13-0) (Regular)

House Bill No. 160, by LeBlanc
Reported with amendments. (11-0) (Regular)

House Bill No. 162, by Montgomery
Reported favorably. (13-0) (Regular)

House Bill No. 168, by LeBlanc
Reported with amendments. (13-0) (Regular)

Senate Bill No. 19, by Hoyt
Reported favorably. (11-0) (Regular)

JERRY LUKE LEBLANC
Chairman

The above Senate Bills reported favorably or with amendments were referred to the Legislative Bureau.

Report of the Committee on Civil Law and Procedure

April 2, 2002

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. 73, by Murray (Joint Resolution)
Reported with amendments. (6-0) (Regular)

House Bill No. 85, by Martiny
Reported with amendments. (7-0) (Regular)

RONNIE JOHNS
Chairman

Report of the Committee on Commerce

April 2, 2002

House Bill No. 90, by Pinac
Reported with amendments. (12-0) (Regular)

House Bill No. 122, by Tucker
Reported favorably. (11-0) (Regular)

Senate Bill No. 75, by Boissiere
Reported favorably. (11-0) (Regular)

GIL J. PINAC
Chairman

The above Senate Bills reported favorably or with amendments were referred to the Legislative Bureau.

Report of the Committee on Judiciary

April 2, 2002

To the Speaker and Members of the House of Representatives:

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

House Bill No. 5, by Downer
Reported with amendments. (6-0-1) (Regular)

House Bill No. 11, by Kenney
Reported favorably. (8-0-1) (Regular)

House Bill No. 15, by Downer
Reported with amendments. (6-0-1) (Regular)

House Bill No. 24, by Montgomery
Reported favorably. (6-0-1) (Regular)

House Bill No. 25, by Jane Smith
Reported favorably. (8-0-1) (Regular)

House Bill No. 28, by Gallot
Reported favorably. (8-0-1) (Regular)

House Bill No. 29, by Curtis
Reported favorably. (7-0-1) (Regular)

House Bill No. 42, by McDonald
Reported with amendments. (6-0-1) (Regular)

House Bill No. 55, by Murray
Reported with amendments. (7-0-1) (Regular)

House Bill No. 112, by Schneider (Duplicate of SB 37)
Reported favorably. (6-0-1) (Regular)

House Bill No. 115, by Richmond

**Report of the Committee on
Municipal, Parochial and Cultural Affairs**

April 2, 2002

To the Speaker and Members of the House of Representatives:

I am directed by your Committee on Municipal, Parochial and Cultural Affairs to submit the following report:

House Concurrent Resolution No. 19, by Faucheux
Reported with amendments. (8-0-1)

House Bill No. 1, by Bruce
Reported favorably. (8-0-1) (Regular)

House Bill No. 32, by Schwegmann
Reported with amendments. (8-0-1) (Regular)

House Bill No. 36, by Salter
Reported favorably. (8-0-1) (Regular)

House Bill No. 37, by Salter
Reported favorably. (7-0-1) (Regular)

House Bill No. 40, by Bruneau
Reported with amendments. (7-0-1) (Regular)

House Bill No. 43, by Jane Smith
Reported favorably. (8-0-1) (Regular)

House Bill No. 49, by Powell
Reported favorably. (7-1) (Regular)

House Bill No. 52, by Scalise
Reported favorably. (7-0-1) (Regular)

House Bill No. 76, by Jane Smith
Reported with amendments. (8-0-1) (Regular)

House Bill No. 77, by Frith
Reported favorably. (8-0-1) (Regular)

House Bill No. 86, by McVea
Reported with amendments. (8-0-1) (Regular)

House Bill No. 87, by Thompson
Reported with amendments. (9-0-1) (Regular)

House Bill No. 135, by Strain
Reported favorably. (8-0-1) (Regular)

House Bill No. 150, by Pratt
Reported favorably. (7-0-1) (Regular)

Senate Bill No. 63, by Barham
Reported with amendments. (7-0-1) (Regular)

Senate Bill No. 69, by Schedler
Reported with amendments. (8-0-1) (Regular)

SHARON WESTON BROOME
Chairman

The above Senate Bills reported favorably or with amendments were referred to the Legislative Bureau.

Report of the Committee on Retirement

April 2, 2002

To the Speaker and Members of the House of Representatives:

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

House Bill No. 110, by Daniel
Reported with amendments with recommendation to recommit the bill to the Committee on Appropriations. (6-0)

House Bill No. 114, by Daniel
Reported favorably. (4-3) (Regular)

House Bill No. 125, by Schneider
Reported favorably. (6-0) (Regular)

House Bill No. 129, by Schneider
Reported favorably. (6-0) (Regular)

House Bill No. 130, by Schneider
Reported with amendments. (8-0) (Regular)

House Bill No. 134, by Schneider
Reported favorably. (6-0) (Regular)

House Bill No. 145, by Broome
Reported favorably. (6-0) (Regular)

M. P. "PETE" SCHNEIDER III
Chairman

Report of the Committee on Ways and Means

April 2, 2002

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:

Suspension of the Rules

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

House Bills and Joint Resolutions on Second Reading Reported by Committee

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

HOUSE BILL NO. 1—

BY REPRESENTATIVE BRUCE

AN ACT

To amend and reenact R.S. 39:551.7(B), relative to the DeSoto Parish Industrial District; to increase the membership of the board of commissioners; to authorize the board to appoint its own treasurer; and to provide for related matters.

Read by title.

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

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 5—

BY REPRESENTATIVE DOWNER

AN ACT

To amend and reenact R.S. 29:38(A) and 403(9), relative to military affairs; to provide for reemployment rights of persons called to duty in the national guard of this state and of any other state; to define "service in the uniformed services"; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Judiciary.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Judiciary to Original House Bill No. 5 by Representative Downer

AMENDMENT NO. 1

On page 1, line 2, after "403(9)" and before the comma "," insert "and to enact R.S. 29:403(3.1) and (3.2)"

AMENDMENT NO. 5

On page 1, line 17, after "the" and before "position" insert "same or comparable"

AMENDMENT NO. 6

On page 2, line 7, after "same" and before "position" insert "or comparable"

AMENDMENT NO. 7

On page 2, line 9, after "status," and before "and" insert "benefits."

AMENDMENT NO. 8

On page 2, line 10, after "qualified" and before "the" delete "to perform" and insert "or capable of performing" and after "the" and before "duties" insert "essential functions and"

AMENDMENT NO. 9

On page 2, line 12, before "qualified" insert "otherwise" and after "qualified" and before "to" insert "by reason of education, training, or experience"

AMENDMENT NO. 10

On page 2, line 14, after "in" and before "position" delete "another" and insert "that other or comparable" and after "the" and before "duties" insert "essential functions and" and after "is" and before "qualified" insert "physically capable and"

AMENDMENT NO. 11

On page 2, line 15, after "status," and before "and" insert "benefits." and after "or" delete "the nearest approximation" and insert "provided the employment does not pose a direct threat or significant risk to the health and safety of the individual or others that cannot be eliminated by reasonable accommodation."

AMENDMENT NO. 12

On page 2, line 16, before "Any" delete "thereof consistent with the circumstances of the case."

AMENDMENT NO. 13

On page 2, between lines 25 and 26, insert the following:

"(3.1) "Disability" means any person who has a physical or mental impairment, which substantially limits one or more of the major life activities, or has a record of such impairment. Major life activities include caring for one's self, walking, hearing, speaking, breathing, learning, performing manual tasks, and working.

HOUSE BILL NO. 11—

BY REPRESENTATIVE KENNEY
AN ACT

To enact R.S. 33:1236(65), relative to the governing authority of Franklin Parish; to authorize the governing authority to enact an ordinance requiring the clerk of court to collect an additional fee in certain cases; to provide for uses of the fee; to require the fee be remitted to the parish, to authorize the clerk of court to retain a percentage of the fee to defray costs; to require the police jury to hold public hearings prior to enacting the ordinance; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Judiciary.

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 15—

BY REPRESENTATIVES DOWNER AND FUTRELL
AN ACT

To amend and reenact R.S. 29:422, relative to the Military Service Relief Act; to provide for benefits and rights of persons called to service in the uniformed services; to provide for applicability; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Judiciary.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Judiciary to Original House Bill No. 15 by Representative Downer

AMENDMENT NO. 1

On page 1, line 4, after "applicability;" and before "and" insert "to provide for notice requirements;"

AMENDMENT NO. 2

On page 1, line 13, after "amended," and before "(SSCRA)" change "50 U.S.C. 501 et seq.)" to "50 App. U.S.C. 501 et seq.)"

AMENDMENT NO. 3

On page 1, at the end of line 11, after "Act" insert a semi-colon ";" and add "notice requirements"

AMENDMENT NO. 4

reemployment rights, freedom from discrimination rights, and civil relief rights under federal law 38 U.S.C. 4301 et seq. (USERRA) and 50 App. U.S.C. 501 et seq. (SSCRA) and state law R.S. 29:401 et seq. (MSRA). If you feel that you have been discriminated against or denied such rights on account of your service in the uniformed services, contact the Employer Support Guard and Reserve Committee at 1-800-336-4590."

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

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 24—

BY REPRESENTATIVE MONTGOMERY
AN ACT

To enact R.S. 9:203(D), relative to justices of the peace; to provide relative to the authority to perform marriage ceremonies in certain parishes; to provide authority to justices of the peace within the parishes of DeSoto, Bossier, Caddo, Bienville, Webster, or Red River to perform marriage ceremonies within these parishes; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Judiciary.

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 25—

BY REPRESENTATIVE JANE SMITH
AN ACT

To amend and reenact R.S. 13:621.26, relative to district judges; to provide for an additional judgeship for the Twenty-Sixth Judicial District Court; to provide for compensation of the additional judge; to provide for the election and term of office and those of the successors in office; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Judiciary.

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 28—

BY REPRESENTATIVES GALLOT AND MCCALLUM
AN ACT

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.

Read by title.

Reported favorably by the Committee on Judiciary.

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 32—

BY REPRESENTATIVE SCHWEGMANN

AN ACT

To amend and reenact R.S. 33:9075(A), (C), (E), (F)(1)(a) and (b), and (H), relative to the Lake Oaks Subdivision Improvement District; to change the name of the district; to provide relative to the purpose and powers of the district and the plan for the district; to change the method for imposing a parcel fee in the district; to provide relative to the election to authorize such fee and the term of the fee; to provide for redesignation of the law relative to the district; and to provide for related matters.

Read by title.

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

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Municipal, Parochial and Cultural Affairs to Original House Bill No. 32 by Representative Schwegmann

AMENDMENT NO. 1

On page 3, line 12, after "R.S. 18:402(B)(1)" delete the period "." and insert "or on an election date as provided in R.S. 18:402."

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

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 36—

BY REPRESENTATIVE SALTER

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 37—

BY REPRESENTATIVE SALTER

A JOINT RESOLUTION

Proposing to amend Article X, Section 23 of the Constitution of Louisiana, relative to the compensation of certain elected public officials; to authorize parish governing authorities, municipal governing authorities, and city, parish, or other local public school boards, which determine the compensation of their members, to reduce such compensation during the term for which the members are elected; to provide relative to home rule or other charters; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

Read by title.

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

Under the rules, the above bill was ordered engrossed and recommitted to the Committee on Civil Law and Procedure.

HOUSE BILL NO. 40—

BY REPRESENTATIVE BRUNEAU

AN ACT

To enact R.S. 33:9091.1, relative to crime prevention and security in the Lake Vista area of Orleans Parish; to create the Lake Vista Crime Prevention District; to provide relative to the purposes, governance, duties, and authority of the district; to authorize the governing authority of the city of New Orleans, subject to the approval of district voters, to impose a parcel fee within the district and to provide further relative to such fee; to provide relative to funds of the district; and to provide for related matters.

Read by title.

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

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Municipal, Parochial and Cultural Affairs to Original House Bill No. 40 by Representative Bruneau

AMENDMENT NO. 1

On page 4, line 26, after "as the" delete the remainder of the line and on line 27, delete "in R.S. 18:402(B)(1)." and insert "mayoral primary election."

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

Read by title.

Reported with amendments by the Committee on Judiciary.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Judiciary to Original House Bill No. 42 by Representative McDonald

AMENDMENT NO. 1

On page 1, line 16, after "service" and before the period "." insert "with the Ouachita Parish Sheriff's Department"

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

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 43—

BY REPRESENTATIVE JANE SMITH
AN ACT

To amend and reenact Section 1 of Article 2 of Act 189 of the 1954 Regular Session of the Legislature, relative to the Bossier City-Parish Metropolitan Planning Commission; to increase the membership of the commission; and to provide for related matters.

Read by title.

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

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 49—

BY REPRESENTATIVE POWELL
AN ACT

To enact R.S. 33:2476.3, relative to the compensation of members of the fire and police civil service board in the city of Hammond; to provide for compensation of members of the board for attendance at meetings; to provide limitations; and to provide for related matters.

Read by title.

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

Read by title.

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

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 55—

BY REPRESENTATIVE MURRAY
AN ACT

To enact R.S. 13:1312(D), relative to the Judicial Expense Fund of the Civil District Court for the Parish of Orleans and the First and Second City Courts of the city of New Orleans; to authorize the judges en banc to utilize the fund for the planning, designing, and construction of a new courthouse; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Judiciary.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Judiciary to Original House Bill No. 55 by Representative Murray

AMENDMENT NO. 1

On page 1, line 2, after "enact" and before the comma "," change "R.S. 13:1312(D)" to "R.S. 13:992(B) and 1312(D)"

AMENDMENT NO. 2

On page 1, line 4, after "New Orleans" and before the semi colon ";" insert "and the Judicial Expense Fund of the Nineteenth Judicial District"

AMENDMENT NO. 3

On page 1, line 8, after "Section 1." and before "hereby" delete "R.S. 13:1312(D) is" and insert in lieu thereof "R.S. 13:992(B) and 1312(D) are"

AMENDMENT NO. 4

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

"§992. Judicial expense fund; disbursements

* * *

uled that the above amendments were not germane

of Rep. Toomy, the amendments were withdrawn.

of Rep. Toomy, the bill was ordered engrossed and
d reading.

ules, placed on the regular calendar.

NO. 58—

NTATIVE BRUNEAU
AN ACT

reenact R.S. 12:1364(A)(4) and (B)(4), relative to
ility companies; to increase filing fees for annual
to provide for related matters.

e.

vorably by the Committee on Commerce.

of Rep. Pinac, the bill was ordered engrossed and
d reading.

ules, placed on the regular calendar.

NO. 62—

NTATIVE PINAC
AN ACT

911.22(11) and 911.24(I), relative to the Louisiana
ed Housing Commission; to provide for definitions;
ze the collection of criminal history record
on applicants for licensure; to provide for fees; and
or related matters.

e.

ith amendments by the Committee on Commerce.

tee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

roposed by House Committee on Commerce to
Bill No. 62 by Representative Pinac

NO. 1

4, after "means" insert "conviction"

NO. 2

15, after "individuals" delete "consisting of" and
and 17 and insert "for crimes listed in R.S.
"

HOUSE BILL NO. 68—

BY REPRESENTATIVE SCHWEGMANN
AN ACT

To enact R.S. 36:4(Y) and R.S. 47:463.60, relative to motor vehicles;
to provide for the creation of the "Animal Friendly" prestige
license plate; to provide for the charge of the plate; to provide
relative to the minimum number of applicants for such plate; to
create the Pet Overpopulation Fund; to provide for the
dedication of revenues; to provide for the Pet Overpopulation
Advisory Council; to provide for the adoption of policies and
procedures; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Appropriations.

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 73—

BY REPRESENTATIVE MURRAY
A JOINT RESOLUTION

Proposing to amend Article VI, Section 29(D) of the Constitution of
Louisiana, relative to sales and use taxes; to provide for certain
voting requirements for enacting certain tax exemptions or
exclusions from sales and use taxes; to provide for the
submission of the proposed amendment to the electors; and to
provide for related matters.

Read by title.

Reported with amendments by the Committee on Civil Law and
Procedure.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Civil Law and
Procedure to Engrossed House Bill No. 73 by Representative Murray

AMENDMENT NO. 1

On page 3, at the end of line 1, change "or" to "and"

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

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 76—

BY REPRESENTATIVE JANE SMITH

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Amendments proposed by House Committee on Municipal, Parochial and Cultural Affairs to Original House Bill No. 76 by Representative Jane Smith

AMENDMENT NO. 1

On page 1, line 2, after "(A)(1)" delete the comma "," and insert "and (D),"

AMENDMENT NO. 2

On page 1, line 7, change "is" to "and (D) are"

AMENDMENT NO. 3

On page 1, line 12, delete "(a)"

AMENDMENT NO. 4

On page 2, line 2, after "voters." delete the remainder of the line and insert the following:

"(a) If there are no registered voters residing in the area proposed"

AMENDMENT NO. 5

On page 2, delete lines 5 through 21, and insert the following:

"(b) If there are no resident property owners or registered voters residing in the area proposed for annexation and the area is vacant land, then the requirement for a majority of the resident property owners and a majority of the registered voters on the petition shall not apply, so long as the petition contains the written assent of each nonresident property owner of each tract, lot, or parcel in the area proposed for annexation.

(c)(i) With regard to any proposed annexation pursuant to Subparagraph (b) of this Paragraph, the parish in which the land proposed to be annexed is located shall have standing to contest whether the proposed annexation is reasonable. Such suit shall be filed within the thirty-day period before the ordinance becomes effective.

(ii) Any suit filed pursuant to this Subparagraph shall be given preferential treatment on the docket and shall be tried summarily, without a jury, and in open court, within thirty days after the filing of the suit.

(iii) The court shall consider the reasonableness of the proposed extension of the corporate limits, which consideration shall include but not be limited to an evaluation of the desires of the owners of the property proposed to be annexed, the anticipated public benefit of the proposed annexation, and the fiscal and financial impact that the extension of the corporate limits of the municipality will have on the

(v) Any interested citizen of the municipality may intervene in any suit filed pursuant to this Subparagraph to contest the proposed extension of the corporate limits pursuant to R.S. 33:174(B).

(vi) The trial judge shall render judgment within two days after the matter is submitted to him. The clerk of the trial court shall immediately notify all parties or their counsel of record by telephone and/or facsimile transmission of the judgment.

(vii) Within two days after the rendition of the judgment, an aggrieved party may appeal the judgment by obtaining an order of appeal. The clerk of the trial court shall give notice of the order of appeal to the clerk of the court of appeal and to all the parties or their counsel or record. The trial judge shall fix the return date at a date not to exceed five days after rendition of the judgment. The clerk of the trial court shall prepare the record on appeal and transmit it to the clerk of the court of appeal on the return day.

(viii) Immediately upon receipt of the record, the clerk of the court of appeal shall notify all parties and the case shall be heard no later than five days after the record is lodged. The court of appeal shall render judgment not later than two days after the case is argued. The clerk of the court of appeal shall immediately notify all parties or their counsel or record of the judgment by telephone or facsimile transmission.

(ix) An application to the supreme court for a writ of certiorari shall be made within five days after the court of appeal renders judgment.

(x) No application for a new trial or for a rehearing shall be entertained by any court, but a court may, upon its own motion, correct manifest error to which its attention is called.

(xi) A final judgment in a suit under this Subparagraph shall be binding in any suit brought under R.S. 33:174(B)(1) on whether the proposed extension is reasonable.

(xii) If the proposed extension of boundaries is adjudged reasonable, the ordinance shall go into effect ten days after a final judgment is rendered and signed, subject to the provisions of R.S. 33:174. If the proposed extension is adjudged invalid, the ordinance shall be vacated and the proposed extension shall be denied, and no ordinances proposing practically the same extension shall be introduced for one year thereafter.

(d) If property annexed pursuant to Subparagraph (b) of this Paragraph is subject to parish zoning regulations applicable to the property and in force at the time of annexation, then for a period of two years subsequent to annexation, the municipal zoning regulations applicable to the property shall not be less restrictive in uses permitted than the applicable parish zoning regulations at the time the area is annexed, unless the parish governing authority consents, by resolution, to such zoning.

percent in value of the resident property within such area. The valuation of the property shall be determined as set forth in Subsection (A) above of this Section. The petition presented to the municipality shall contain an accurate description of the area proposed to be annexed. All elections called under the provisions of this subsection shall be conducted in the same manner as are other special elections called for bond and tax purposes by municipalities.

Section 2. Any person may contest an annexation of land by petition and ordinance which occurred prior to June 27, 2001, where there were no registered voters nor resident property owners in the area at the time of annexation and the petition contained the signatures of the owners of at least twenty-five percent in value of the property in the annexed area, by filing suit pursuant to R.S. 33:174, on or before June 1, 2002, provided the person was an interested citizen of the municipality at the time the annexation occurred. If no suit is filed by June 1, 2002, or if no appeal is taken within the legal delays from a judgment of the district court sustaining the ordinance annexing the area, the ordinance shall then become operative and cannot be contested or attacked for any reason or cause whatsoever.

Section 3. This Act shall become effective May 1, 2002."

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

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 77—
BY REPRESENTATIVE FRITH
AN ACT

To enact R.S. 33:2738.83, relative to the creation of a hospital sales tax district in Vermilion Parish; to create Hospital Sales Tax District No. 2; to provide relative to the governing authority of the sales tax district; to authorize the governing authority of the sales tax district to levy and collect a sales and use tax, subject to voter approval; and to provide for related matters.

Read by title.

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

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 85—
BY REPRESENTATIVES MARTINY, DEWITT, CLARKSON, FRUGE,
JOHNS, AND WALSWORTH
AN ACT

To amend and reenact R.S. 13:5101(B), R.S. 15:1172(B) and (C),

the Department of Public Safety and Corrections; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Civil Law and Procedure.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Civil Law and Procedure to Original House Bill No. 85 by Representative Martiny

AMENDMENT NO. 1

On page 1, line 4, change "15:1172(D)" to "15:1172 (D) and (E)"

AMENDMENT NO. 2

On page 1, line 8, after "claims;" and before "to provide" insert "to provide liberative prescription for certain actions;"

AMENDMENT NO. 3

On page 2, line 14, change "15:1172(D)" to "15:1172(D) and (E)"

AMENDMENT NO. 4

On page 3, between lines 17 and 18, insert the following:

"E. Liberative prescription for any delictual action for injury or damages arising out of the claims asserted by a prisoner in any complaint or grievance in the administrative remedy procedure shall be suspended upon the filing of such complaint or grievance and shall continue to be suspended until the final agency decision is delivered."

AMENDMENT NO. 5

On page 7, line 2, after "in" delete the remainder of the line and delete line 3 in its entirety.

AMENDMENT NO. 6

On page 7, line 4, delete "from custody due to completion of his sentence" and insert "post-conviction relief or habeas corpus proceedings challenging the fact or duration of confinement in prison"

AMENDMENT NO. 7

On page 8, after line 18, insert the following:

"Section 4. This Act shall become effective upon signature by

HOUSE BILL NO. 86—

BY REPRESENTATIVE MCVEA

AN ACT

To amend and reenact R.S. 46:1053(Y), relative to Hospital Service District Number One of East Baton Rouge Parish; to increase the membership of the board of commissioners; to provide relative to the terms of office of the members of the board of commissioners; to provide that one member shall be a physician; and to provide for related matters.

Read by title.

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

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Municipal, Parochial and Cultural Affairs to Original House Bill No. 86 by Representative McVea

AMENDMENT NO. 1

On page 2, line 2, after "No." insert "86"

AMENDMENT NO. 2

On page 2, line 11, after "a" and before "physician." insert "practicing"

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

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 87—

BY REPRESENTATIVE THOMPSON

AN ACT

To enact R.S. 33:1236(65), relative to the governing authority of Ouachita Parish; to authorize the parish governing authority to enact ordinances regulating the level of sound and noise within the parish; to provide relative to the establishment of quiet zones within the unincorporated areas of the parish; to provide relative to penalties; to require public hearings; and to provide for related matters.

Read by title.

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

AMENDMENT NO. 2

On page 1, line 6, after "parish;" and before "to provide" insert "to provide for limitations;"

AMENDMENT NO. 3

On page 1, at the end of line 17, after "parish may" delete the remainder of line 17, and on page 2, at the beginning of line 1, delete "into quiet zones."

AMENDMENT NO. 4

On page 2, line 2, after "ordinance." and before "and fix" delete "within such zones."

AMENDMENT NO. 5

On page 2, between lines 9 and 10, insert the following:

"(c) No ordinance adopted pursuant to this Paragraph shall preempt the provisions of R.S. 32:168, nor regulate railroad activities required by federal law, rule, or regulation or as provided by the Uniform Code of Railroad Operating Rules.

(d) No ordinance adopted pursuant to this Paragraph shall apply to industrial facilities permitted by the Department of Environmental Quality."

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

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

Under the rules, placed on the regular calendar.

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.

Read by title.

Reported with amendments by the Committee on Commerce.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

AMENDMENT NO. 3

On page 3, line 9, between "fifty" and "mile" insert a hyphen "-" and delete "or she"

AMENDMENT NO. 4

On page 5, line 21, after "week" and before "and" insert "for a fire protection sprinkler contractor"

AMENDMENT NO. 5

On page 7, line 6, delete "underground"

AMENDMENT NO. 6

On page 7, line 12, after "employ" and before the colon ":" insert "at least one of the following"

AMENDMENT NO. 7

On page 7, delete line 13 and insert the following:

(1) Licensed professional fire protection or mechanical engineers;

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

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 90—
BY REPRESENTATIVE PINAC
AN ACT

To enact R.S. 9:3572.2(B)(9), relative to loan brokers; to exempt certain authorized e-file providers from the definition of loan broker; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Commerce.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Commerce to Original House Bill No. 90 by Representative Pinac

AMENDMENT NO. 1

On page 1, line 2, after "9:3572.2" change "(B)(9)" to "(A)(5) and (C)"

AMENDMENT NO. 3

On page 1, line 6, after "9:3572.2" change "(B)(9) is" to "(A)(5) and (C) are"

AMENDMENT NO. 4

On page 1, delete lines 8 through 17 and insert the following:

"A. The following shall be excepted from the licensing and bonding provisions of this Part:

* * *

(5) An income tax preparer who is an authorized Internal Revenue Service e-file provider, whose only brokering activity is facilitating refund anticipation loans, and who meets all of the requirements of Subsection C of this Section. For purposes of this Section, "refund anticipation loan" means a loan whereby the creditor arranges to be repaid directly by the Internal Revenue Service from the anticipated proceeds of the debtor's income tax refund.

* * *

C. In order to qualify for the exception from the licensing and bonding requirements as provided in Paragraph (A)(5) of this Section, authorized Internal Revenue Service e-file providers shall comply with all of the following requirements:

(1) E-file providers operating in Louisiana shall register with the Office of Financial Institutions by notifying the commissioner, in writing, of each location name and address where refund anticipation loans are facilitated.

(2) The maximum allowable fee which an e-file provider may charge, including all fees, interest, or other amounts assessed by the lending institution, is thirty dollars for a refund anticipation loan of three hundred dollars or less, and fifty dollars for a refund anticipation loan of more than three hundred dollars. No other fees associated with refund anticipation loans shall be charged or collected by the e-file provider.

(3) E-file providers shall maintain all records pertaining to refund anticipation loans for a period of two years, and such records shall be made available for inspection by examiners from the Office of Financial Institutions if necessary. The commissioner may authorize an inspection of records maintained by e-file providers only upon receipt of a complaint regarding an e-file provider. The commissioner may assess an inspection fee of seventy-five dollars per hour for each examiner needed for such records inspection.

(4) E-file providers shall not act as the lender on any refund anticipation loan.

(5) E-file providers shall post a notice, which includes a toll-free phone number to the commissioner's office and the fees as

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 110—

BY REPRESENTATIVE DANIEL

AN ACT

To amend and reenact R.S. 22:1419(A)(3)(introductory paragraph) and to enact R.S. 22:1419(A)(3)(d), relative to the Sheriffs' Pension and Relief Fund, the Municipal Police Employees' Retirement System, and the Firefighters' Retirement System; to provide with respect to the distribution of funds generated by assessments against insurers; to increase the portion of insurance premium assessment funds allocated to the systems; to establish a method for allocation of the increase in funds to individual systems based on proportion of remaining actuarially required contributions; to provide for an effective date; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Retirement with recommendation that the bill be recommitted to the Committee on Appropriations.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Retirement to Original House Bill No. 110 by Representative Daniel

AMENDMENT NO. 1

On page 1, line 2, after "(introductory paragraph)" delete "and to" and on line 3, delete "enact R.S. 22:1419(A)(3)(d)," and insert "and (a),"

AMENDMENT NO. 2

On page 1, line 8, after "systems" delete the semicolon ";" and the remainder of the line, delete line 9 in its entirety, and on line 10, delete "actuarially required contributions;" and insert in lieu thereof "for the years 2002 and 2003;"

AMENDMENT NO. 3

On page 1, line 13, after "paragraph" delete "is" and insert "and (a) are"

AMENDMENT NO. 4

On page 1, line 14, after "reenacted" delete "and R.S. 22:1419(A)(3)(d) is hereby enacted"

AMENDMENT NO. 5

Pension and Relief Fund, and the Firefighters' Retirement System for the exclusive use of these retirement systems. These monies shall be and allocated as follows:

(a)(i) First, the assessment shall be used for funding of mergers of local retirement systems with these statewide retirement systems, such mergers to be funded over a period of thirty years, unless the Public Retirement Systems' Actuarial Committee deems a shorter period appropriate. Such shorter period shall not use more than five percent of the total assessment in any one year, nor shall the aggregate of all mergers being funded in any one year use more than ~~twenty-five~~ twenty percent of the total assessment in any one year.

(ii) One million five hundred thousand dollars of the ~~twenty-five~~ twenty percent of the total assessment which is allocated for the purpose of mergers shall be expended first to fund the annual actuarial cost incurred by the State Police Pension and Retirement System with regard to implementation of Acts 2001, No. 1160, and this one million five hundred thousand dollars shall be expended prior to the funding of any mergers."

AMENDMENT NO. 7

On page 3, delete lines 1 through 23 in their entirety

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

On motion of Rep. Schneider, the above bill, as amended, was ordered engrossed and recommitted to the Committee on Appropriations.

HOUSE BILL NO. 112—

BY REPRESENTATIVE SCHNEIDER

AN ACT

To enact R.S. 13:721 and 722 and to repeal R.S. 13:719 and 720, relative to the Twenty-Second Judicial District Court; to provide for the office of commissioner for the Twenty-Second Judicial District Court in criminal matters; to provide for the selection and removal of the commissioner from office; to provide for the qualifications of office, salary, related benefits, expenses of office, and office space; to provide for the sources of funding for the commissioner and his office and employees; to provide for the duties and powers of the commissioner; to provide for conduct of proceedings by the commissioner upon consent of the parties; to provide for delays to traverse the findings and to provide for hearings thereon; to provide for the authority of a judge to accept, reject, or modify the findings; to repeal provisions providing for the existing office of commissioner; to provide for effective dates; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Judiciary.

On motion of Rep. Toomy, the bill was ordered engrossed and

Read by title.

Reported favorably by the Committee on Retirement.

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 115—
BY REPRESENTATIVE RICHMOND
AN ACT

To enact R.S. 13:2158(D), relative to constables of the First and Second 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.

Reported with amendments by the Committee on Judiciary.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Judiciary to Original House Bill No. 115 by Representative Richmond

AMENDMENT NO. 1

On page 1, line 2, after "First" and before "City" delete "and Second"

AMENDMENT NO. 2

On page 1, line 9, after "New Orleans" add a semi-colon ";" and add "special fees, First City Court"

AMENDMENT NO. 3

On page 1, line 12, after "First" and before "City" delete "or Second"

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

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 122—
BY REPRESENTATIVES TUCKER AND ALARIO AND SENATORS
BOISSIERE AND SCHEDLER
AN ACT

To amend and reenact R.S. 33:9039.20(B)(7), relative to community development districts; to limit the authority of such districts relative to revenue producing utilities; and to provide for related matters.

HOUSE BILL NO. 125—
BY REPRESENTATIVES SCHNEIDER AND DANIEL
AN ACT

To amend and reenact R.S. 11:502.2(A)(2) and (B)(1)(b), to enact R.S. 11:502.2(A)(3), and to repeal Section 3 of 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 participation in such plan by members of the Executive Career Service; to provide for procedures and time limitations for application for participation in such plan; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Retirement.

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 127—
BY REPRESENTATIVE HAMMETT
AN ACT

To amend and reenact R.S. 47:306(A)(1)(c) and to enact R.S. 47:306(A)(1)(d), relative to the sales tax filing requirements of the state through any department, agency, board, commission, or other state entity; to provide that the state and local sales tax returns shall be filed annually; to provide for an effective date; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Ways and Means.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Ways and Means to Original House Bill No. 127 by Representative Hammett

AMENDMENT NO. 1

On page 1, line 9, after "hereby" and before "to" change "extracted" to "enacted"

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

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 128—

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 129—
BY REPRESENTATIVES SCHNEIDER, DEWITT, AND DANIEL
AN ACT

To amend and reenact R.S. 11:502.2(A)(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.

Read by title.

Reported favorably by the Committee on Retirement.

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 130—
BY REPRESENTATIVES SCHNEIDER AND DEWITT
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 to provide for related matters.

Read by title.

Reported with amendments by the Committee on Retirement.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Retirement to Original House Bill No. 130 by Representative Schneider

AMENDMENT NO. 1

On page 1, line 9, after "Legislature" delete the semicolon ";" and insert "and for employees who retired prior to the effective date of such Act;"

AMENDMENT NO. 5

On page 6, at the end of line 19, insert "and was rehired before the effective date of this Act"

AMENDMENT NO. 6

On page 6, at the end of line 22, delete "above." and insert:

"as provided in Section 1 of this Act. However, this Act shall have no effect upon any person who retired prior to the effective date of Act No. 455 of the 2001 Regular Session of the Legislature who is receiving retirement benefits when this Act becomes effective and such person shall continue to receive such retirement benefits."

AMENDMENT NO. 7

On page 6, between lines 22 and 23, insert:

"Section 3. A. If any provision or item of this Act or the application thereof is held invalid, such invalidity shall not affect other provisions, items, or applications of this Act which can be given effect without the invalid provisions, items, or applications, and to this end the provisions of this Act are hereby declared severable.

B. Should the application of the provisions of this Act to those persons who retired under Act No. 455 of the 2001 Regular Session of the Legislature and were rehired be held invalid, any member of that group may elect to rescind his retirement voluntarily and regain membership in the system. Upon such regaining of active membership, all service that was credited to the retiree at the time of his retirement shall be restored to his credit and he shall receive service credit for all of his service since becoming reemployed. Thereafter the member shall be subject to all conditions that apply to other members of the system as if he had never retired.

C. If a person wishing to rescind his retirement as provided in Subsection B above has had a break in service after retirement, he shall repay to the system an amount equal to the employee and employer contributions which would have been paid had he been an active member of the system during such break in service plus interest thereon at the actuarial rate compounded annually from the date of reemployment until paid. He shall also repay any retirement benefits he received during the break in service plus interest thereon at the actuarial rate compounded annually from the date of reemployment until paid. The person shall receive service credit for the time period represented by the break in service for which he repays the value of the employee and employer contributions."

AMENDMENT NO. 8

On page 6, line 23, change "Section 3." to "Section 4."

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

calendar-year basis and based on the Employee Experience Account balance for the prior fiscal year; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Retirement.

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

Under the rules, placed on the regular calendar.

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.

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

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 145—
BY REPRESENTATIVE BROOME
AN ACT

To repeal R.S. 11:411(10), relative to membership in the Louisiana State Employees' Retirement System; to repeal provisions making employees of the East Baton Rouge Parish Housing Authority members of the system and providing for related matters; to provide that neither the East Baton Rouge Parish Housing Authority nor any employee thereof shall be required or allowed to make contributions to the system pursuant to Act No. 404 of the 2001 Regular Session of the Legislature; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Retirement.

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 150—

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 151—
BY REPRESENTATIVE SALTER
AN ACT

To enact Subpart B-33 of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:130.611 through 130.616, to create the Toledo Bend Interstate Compact District as a special district for industrial, commercial, tourism, and economic development purposes; to create and provide relative to the composition, appointment, and terms of office of the Toledo Bend Interstate Compact Commission as the governing authority of the district; to provide for the powers, duties, functions, and responsibilities of the district and the commission; and to provide for related matters.

Read by title.

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

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 158—
BY REPRESENTATIVE LEBLANC
AN ACT

To amend and reenact R.S. 51:1286(C), relative to the tax levied by the Louisiana Tourism Promotion District; to provide for deposit and use of such monies; to provide for appropriations for certain tourism purposes; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Appropriations.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Appropriations to Original House Bill No. 158 by Representative LeBlanc

AMENDMENT NO. 1

On page 2, line 27, change "Paragraph (1)" to "Paragraphs (1) and (2)"

AMENDMENT NO. 2

provide for the presentation of the CAFR of the state to the committee; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Appropriations.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Appropriations to Original House Bill No. 160 by Representative LeBlanc

AMENDMENT NO. 1

On page 1, line 2, change "R.S. 39:75(A)(3)" to "R.S. 39:2(11.1) and 75(A)(3)"

AMENDMENT NO. 2

On page 1, line 8, change "R.S. 39:75(A)(3) is" to "R.S. 39:2(11.1) and 75(A)(3) are"

AMENDMENT NO. 3

On page 1, after line 17, insert the following:

(11.1) "Deficit" means the excess for any fiscal year of actual expenditures paid by warrant or transfer over the actual monies received and any monies or balances carried forward for any fund at the close of the fiscal year as such are reported by the office of statewide reporting within the division of administration. "Projected deficit" means the excess of appropriations and non-appropriated requirements over the official forecast for any fund during any fiscal year.

* * *

AMENDMENT NO. 4

On page 2, delete lines 2 and 3 and insert:

"monies received and any monies or balances carried forward over the actual expenditures paid by warrant or transfer for any fund at the close of the fiscal year as such are reported by the office of statewide reporting within the division of administration."

AMENDMENT NO. 5

On page 2, line 8, after "(3)" and before "At", insert:

"(a) At the first meeting of the Joint Legislative Committee on the Budget after publication of the Comprehensive Annual Financial

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.

Read by title.

Reported favorably by the Committee on Appropriations.

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

Under the rules, placed on the regular calendar.

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.

Read by title.

Reported with amendments by the Committee on Judiciary.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Judiciary to Original House Bill No. 165 by Representative Farrar

AMENDMENT NO. 1

On page 2, at the end of line 2, change "two hundred" to "sixty"

AMENDMENT NO. 2

On page 2, line 4, change "two hundred" to "sixty"

AMENDMENT NO. 3

On page 2, line 9, change "two hundred" to "fifty"

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

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

Under the rules, placed on the regular calendar.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 168—

BY REPRESENTATIVE LEBLANC AND SENATOR DARDENNE
AN ACT

To amend and reenact R.S. 39:87.5 and to enact R.S. 39:87.6, relative to governmental performance and accountability; to provide for implementation and administration of the Exceptional Performance and Efficiency Incentive Program; to provide for deposit and use of monies in the Incentive Fund; to establish and provide for implementation and administration of the Gainsharing Program; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Appropriations.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Appropriations to Original House Bill No. 168 by Representative LeBlanc

AMENDMENT NO. 1

On page 10, at the end of line 14, insert the following:

"Monetary savings eligible for consideration under this program shall be limited to state general fund monies and other state monies which are subject to remission to the state treasury."

AMENDMENT NO. 2

On page 11, at the end of line 20, insert "state general fund and other state"

AMENDMENT NO. 3

On page 12, at the end of line 7, change "thirty" to "sixty"

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

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

Under the rules, placed on the regular calendar.

Privileged Report of the Committee on Enrollment

April 2, 2002

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

HUTTER, ILES, L. JACKSON, M. JACKSON, JOHNS, KATZ, KENNARD, KENNEY, LAFLEUR, LANCASTER, LANDRIEU, LEBLANC, LUCAS, MARTINY, MCCALLUM, MCDONALD, MCVÉA, MONTGOMERY, MORRELL, MORRISH, MURRAY, NEVERS, ODINET, PERKINS, PIERRE, PINAC, PITRE, POWELL, PRATT, QUEZAIRE, RICHMOND, RIDDLE, ROMERO, SALTER, SCALISE, SCHNEIDER, SCHWEGMANN, 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

A CONCURRENT RESOLUTION

To express the sincere and heartfelt condolences of the Legislature of Louisiana to the family of Judge James E. Bolin upon his death.

HOUSE CONCURRENT RESOLUTION NO. 28—

BY REPRESENTATIVE SCALISE

A CONCURRENT RESOLUTION

To recognize May 2, 2002, as Space Day in 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.

Suspension of the Rules

On motion of Rep. Pierre, the rules were suspended to permit the Committee on Natural Resources to meet Wednesday, April 3, 2002, and consider the following legislative instruments without giving the notice required by House Rule 14.24(A):

House Bill No. 146, 152, 154, 159, and 164

Adjournment

On motion of Rep. Kenney, at 7:20 P.M., the House agreed to adjourn until Wednesday, April 3, 2002, at 2:00 P.M.

The Speaker Pro Tempore of the House declared the House adjourned until 2:00 P.M., Wednesday, April 3, 2002.

ALFRED W. SPEER
Clerk of the House

