

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

FOURTH DAY'S PROCEEDINGS

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

House of Representatives
State Capitol
Baton Rouge, Louisiana

Tuesday, May 7, 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	Odinot
Alario	Gallot	Pierre
Alexander, E	Glover	Pinac
Alexander, R	Green	Pitre
Ansardi	Guillory	Powell
Arnold	Hammett	Quezaire
Baldone	Heaton	Richmond
Baudoin	Hebert	Riddle
Baylor	Hill	Romero
Beard	Honey	Salter
Bowler	Hopkins	Scalise
Broome	Hudson	Schneider
Bruce	Hunter	Schwegmann
Bruneau	Hutter	Shaw
Capella	Iles	Smith, G.—56th
Carter, K	Jackson, L	Smith, J.D.—50th
Carter, R	Jackson, M	Smith, J.H.—8th
Cazayoux	Johns	Smith, J.R.—30th
Crane	Katz	Sneed
Crowe	Kennard	Stelly
Curtis	Kenney	Strain
Damico	LaFleur	Swilling
Daniel	Lancaster	Thompson
Dartez	Landrieu	Toomy
Devillier	LeBlanc	Townsend
Diez	Lucas	Triche
Doerge	Martiny	Tucker
Downer	McCallum	Waddell
Durand	McDonald	Walsworth
Erdey	McVea	Welch
Farrar	Montgomery	Winston

Faucheux	Morrell	Wooton
Flavin	Morrish	Wright
Frith	Murray	
Fruge	Nevers	
Total—103		

ABSENT

Perkins
Total—1

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

Prayer

Prayer was offered by Rep. Salter.

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. Frith, the Journal of May 1, 2002, was adopted.

**Petitions, Memorials and
Communications**

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

May 6, 2002

House of Representatives
Speaker's Office
Mr. Charles DeWitt, Jr.
P. O. Box 94062
Baton Rouge, LA 70804

Dear Speaker DeWitt:

It is with both enthusiasm and sorrow that I inform you that I have been elected to District "B" Council seat for the City Council of the great city of New Orleans. I will take the oath of office for that new position at noon on Monday, May 6, 2002.

I hereby tender my prospective resignation as the Representative of District 91 in the Louisiana House of Representatives effective at 11:50 a.m. on May 6, 2002.

Thank you for being a great friend and Speaker.

With warm personal regards, I am

Sincerely yours,

Renee' Gill Pratt
State Representative
91st Legislative District

Thus Done and Signed in Baton Rouge, Louisiana on this 6th day of May, 2002.

Alfred W. Speer, Clerk

April 1, 2002

TO: All Members of the House of Representatives

FROM: Alfred W. Speer

RE: Appropriations Committee Election

The following member was elected to the Appropriations Committee in accordance with House Rule 6.4:

Congressional District 2 - Arthur Morrell - Elected. Election results: Arthur Morrell - 12 votes; Jim Tucker - 1 vote

Message from the Senate

HOUSE CONCURRENT RESOLUTIONS

May 6, 2002

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

I am directed to inform your honorable body that the Senate has concurred in the following House Concurrent Resolutions:

House Concurrent Resolution No. 6
Returned without amendments.

House Concurrent Resolution No. 7
Returned without amendments.

House Concurrent Resolution No. 9
Returned without amendments.

House Concurrent Resolution No. 10
Returned without amendments.

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Message from the Senate

**ASKING CONCURRENCE IN
SENATE CONCURRENT RESOLUTIONS**

May 6, 2002

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

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

Senate Concurrent Resolution No. 7

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Suspension of the Rules

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

Senate Concurrent Resolutions

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

**SENATE CONCURRENT RESOLUTION NO. 7—
BY SENATOR THEUNISSEN AND REPRESENTATIVE MORRISH
A CONCURRENT RESOLUTION**

To express the condolences of the legislature upon the death of Johnny Fruge, longtime legislative assistant and friend to the citizens in Senate District 25.

Read by title.

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

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

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

**HOUSE RESOLUTION NO. 5—
BY REPRESENTATIVE R. ALEXANDER
A RESOLUTION**

To recognize May 6 through May 12, 2002, as National Nurses Week.

Read by title.

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

**HOUSE RESOLUTION NO. 6—
BY REPRESENTATIVE L. JACKSON
A RESOLUTION**

To commend Donald L. Horton, President of Premier Management Company and Chairman and Chief Executive Officer of Fast Tax Service, Inc., for receiving the 2002 Liberty Bell Award given by the Shreveport Bar Association in accordance with their Law Day activities on May 1, 2002.

Read by title.

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

**HOUSE RESOLUTION NO. 7—
BY REPRESENTATIVE ERDEY
A RESOLUTION**

To express sincere and heartfelt condolences upon the death of Betty S. Grimmer.

Read by title.

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

**HOUSE RESOLUTION NO. 8—
BY REPRESENTATIVE ERDEY
A RESOLUTION**

To express sincere and heartfelt condolences upon the death of Eddie Jewel Harrell.

Read by title.

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

HOUSE RESOLUTION NO. 9—

BY REPRESENTATIVE JOHNS

A RESOLUTION

To recognize Mr. Charles H. Reed for serving three terms as mayor of the city of Sulphur and to commend him for his distinguished record of public service.

Read by title.

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

HOUSE RESOLUTION NO. 10—

BY REPRESENTATIVE MORRELL

A RESOLUTION

To direct the speaker of the Louisiana House of Representatives to submit the reapportionment plan for state House of Representatives districts, together with all necessary statistics, maps, and documentation, to the United States Department of Justice, Civil Rights Division, Voting Section, as expeditiously as possible, for preclearance pursuant to Section 5 of the Voting Rights Act of 1965 as amended.

Read by title.

Lies over under the rules.

HOUSE CONCURRENT RESOLUTION NO. 14—

BY REPRESENTATIVE TRICHE

A CONCURRENT RESOLUTION

To urge and request the state Board of Elementary and Secondary Education to develop and implement an age and grade appropriate curriculum for diabetes awareness education and a policy for school diabetes screenings in all city, parish, and other local public school systems, and to declare May 14, 2002, as Diabetes Awareness Day in Louisiana.

Read by title.

On motion of Rep. Triche, and under a suspension of the rules, the above resolution was referred to the Committee on Education, under the rules.

HOUSE CONCURRENT RESOLUTION NO. 15—

BY REPRESENTATIVE R. ALEXANDER

A CONCURRENT RESOLUTION

To commend the Louisiana Occupational Therapy Association for its achievements and to designate May 8, 2002, as Louisiana Occupational Therapy Association Day at the Louisiana Legislature.

Read by title.

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

Ordered to the Senate.

HOUSE CONCURRENT RESOLUTION NO. 16—

BY REPRESENTATIVE GUILLORY

A CONCURRENT RESOLUTION

To urge and request the Department of Public Safety and Corrections to review and revise its policy with regard to the temporary release of inmates for the purpose of visiting dying family members and attending their funerals.

Read by title.

Lies over under the rules.

HOUSE CONCURRENT RESOLUTION NO. 17—

BY REPRESENTATIVE CROWE

A CONCURRENT RESOLUTION

To declare May 15, 2002, as the first annual Slidell Day at the Legislature of Louisiana.

Read by title.

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

Ordered to the Senate.

HOUSE CONCURRENT RESOLUTION NO. 18—

BY REPRESENTATIVES CROWE AND SCHNEIDER AND SENATOR SCHEDLER

A CONCURRENT RESOLUTION

To commend the Honorable Salvatore A. Caruso for his distinguished term of service as he prepares to leave office as the mayor of Slidell.

Read by title.

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

Ordered to the Senate.

HOUSE CONCURRENT RESOLUTION NO. 19—

BY REPRESENTATIVE TUCKER

A CONCURRENT RESOLUTION

To urge and request the governor of the state of Louisiana to continue to work with private investors and the Millennium Port Authority and to make the development and construction of the millennium port a priority for his administration during the remainder of his term of office.

Read by title.

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

Ordered to the Senate.

HOUSE CONCURRENT RESOLUTION NO. 20—

BY REPRESENTATIVE MORRELL

A CONCURRENT RESOLUTION

To direct the Department of Health and Hospitals to provide that when there is a suspensive appeal in progress, a mental health rehabilitation agency can continue admitting new consumers until the agency has exhausted all their appeal rights including going into state courts.

Read by title.

Lies over under the rules.

HOUSE CONCURRENT RESOLUTION NO. 21—

BY REPRESENTATIVE MORRELL

A CONCURRENT RESOLUTION

To direct the Louisiana Gaming Control Board to prospectively apply any rule changes affecting the issuance of key and non-key gaming employee permits.

Read by title.

Lies over under the rules.

Introduction of House Bills and Joint Resolutions

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

HOUSE BILL NO. 2 —
BY REPRESENTATIVES HAMMETT AND LEBLANC AND SENATORS BARHAM AND DARDENNE
AN ACT

To provide with respect to the capital outlay budget and the capital outlay program for state government, state institutions, and other public entities; to provide for the designation of projects and improvements; to provide for the financing thereof making appropriations from certain sources; and to provide for related matters.

Read by title.

HOUSE BILL NO. 3 —
BY REPRESENTATIVE HAMMETT AND SENATOR BARHAM
AN ACT

To enact the Omnibus Bond Authorization Act of 2002, relative to the implementation of a five-year capital improvement program; to provide for the repeal of certain prior bond authorizations; to provide for new bond authorizations; to provide for authorization and sale of such bonds by the State Bond Commission; and to provide for related matters.

Read by title.

HOUSE BILL NO. 87 —
BY REPRESENTATIVE HEATON
AN ACT

To enact R.S. 33:2826(D), relative to the Oak Street Economically Disadvantaged Enterprise Zone in the parish of Orleans; to authorize the city of New Orleans to exempt retail purchases made at retail establishments within the Oak Street Economically Disadvantaged Enterprise Zone from sales and use taxes levied by the city; and to provide for related matters.

Read by title.

HOUSE BILL NO. 198 —
BY REPRESENTATIVE R. ALEXANDER
AN ACT

To enact R.S. 47:297(M), relative to individual income tax credits; to authorize a credit for long-term nursing home care insurance premiums paid by individuals; and to provide for related matters.

Read by title.

HOUSE BILL NO. 199 —
BY REPRESENTATIVE LEBLANC
AN ACT

To provide for the establishment and reestablishment of agency ancillary funds, to be specifically known as internal service funds, auxiliary funds, or enterprise funds for certain state institutions, officials, and agencies; to provide for appropriation of funds; and to regulate the administration of said funds.

Read by title.

HOUSE BILL NO. 200 —
BY REPRESENTATIVES LEBLANC AND DEWITT
AN ACT

To appropriate funds to defray the expenses of the Louisiana Judiciary, including the Supreme Court, Courts of Appeal,

District Courts, Criminal District Court of Orleans Parish, and other courts; and to provide for related matters.

Read by title.

HOUSE BILL NO. 201 —
BY REPRESENTATIVE SCALISE
AN ACT

To enact R.S. 47:6015, relative to tax credits; to provide for a refundable tax credit for certain payments of health insurance premiums by employers who participate in the Quality Jobs Program; to provide for an effective date; and to provide for related matters.

Read by title.

HOUSE BILL NO. 202 —
BY REPRESENTATIVE JACK SMITH
AN ACT

To enact R.S. 47:297(M), relative to the individual income tax; to provide for a reduction in taxes due for individuals sixty-five years of age or older; and to provide for related matters.

Read by title.

HOUSE BILL NO. 203 —
BY REPRESENTATIVES FAUCHEUX AND KENNARD
AN ACT

To amend and reenact R.S. 22:1080(A) and (C), relative to the insurance premium tax; to provide for the in-service fireman training program; to provide for funds; and to provide for related matters.

Read by title.

HOUSE BILL NO. 204 —
BY REPRESENTATIVE MORRISH
AN ACT

To enact R.S. 47:297.3, relative to the individual income tax; to provide for a refundable credit for payment of health insurance premiums; and to provide for related matters.

Read by title.

HOUSE BILL NO. 205 —
BY REPRESENTATIVE JOHNS
AN ACT

To enact R.S. 47:301(8)(f), relative to state and local sales and use taxes; to provide for the exclusion of purchases by blood banks and blood collection centers; to provide for an effective date; and to provide for related matters.

Read by title.

HOUSE BILL NO. 206 —
BY REPRESENTATIVE BROOME
AN ACT

To amend and reenact R.S. 46:2403(B), relative to death certificates; to charge an additional assessment on the issuance and filing of death certificates; and to provide for related matters.

Read by title.

HOUSE BILL NO. 207 —
BY REPRESENTATIVE JOHNS
AN ACT

To enact R.S. 47:301(16)(h), relative to state and local sales and use tax; to exclude apheresis kits and leuko reduction filters used by blood banks and blood collection centers from the definition of

tangible personal property; to provide for an effective date; and to provide for related matters.

Read by title.

HOUSE BILL NO. 208—

BY REPRESENTATIVES DEWITT, BRUNEAU, LANCASTER, LEBLANC, AND HUNTER AND SENATORS HAINKEL, LAMBERT, BARHAM, DARDENNE, AND ULLO

AN ACT

To appropriate the sum of Fifty-three Million Three Hundred Thirty-two Thousand Five Hundred Thirty-five and No/100 (\$53,332,535.00) Dollars, or so much thereof as may be necessary, out of the state general fund and the sum of Three Hundred Fifty Thousand and No/100 (\$350,000.00) Dollars out of the state general fund to provide for the Legislative Auditor Ancillary Enterprise Fund, and the sum of Seven Million Four Hundred Thousand and No/100 (\$7,400,000.00) Dollars out of self-generated funds, to defray the expenses of the Louisiana Legislature, including the expenses of the House of Representatives and the Senate, of legislative service agencies, and of the Louisiana State Law Institute; and otherwise to provide with respect to the appropriations and allocations herein made.

Read by title.

HOUSE BILL NO. 209—

BY REPRESENTATIVE DEWITT

AN ACT

To amend and reenact R.S. 39:1661(C) and 1765(B) and to enact R.S. 39:200(K) and 1661(D), relative to the sales and use tax of the state and its political subdivisions; to provide for provisions in certain state contracts concerning the collection of state and local sales tax; and to provide for related matters.

Read by title.

HOUSE BILL NO. 210—

BY REPRESENTATIVE DURAND

AN ACT

To enact R.S. 47:302(Q), 321(H), 322.45, and 331(O), relative to the state sales and use tax; to provide relative to the effectiveness of certain exemptions to the tax; to create the Medicaid Stabilization Fund as a special fund in the state treasury; to provide for deposit of a portion of the collections of the suspended sales and use tax exemptions to the fund; to provide for an effective date; and to provide for related matters.

Read by title.

HOUSE BILL NO. 211—

BY REPRESENTATIVE PITRE

AN ACT

To amend and reenact R.S. 51:2453(1)(b)(iii), relative to the Quality Jobs Program; to eliminate the employee pay requirement for certain oil and gas field services businesses; to provide for an effective date; and to provide for related matters.

Read by title.

HOUSE BILL NO. 212—

BY REPRESENTATIVE STRAIN

AN ACT

To amend and reenact R.S. 27:392(B)(2) and 393, relative to the Pari-mutuel Live Racing Facility Economic Redevelopment and Gaming Control Act; to increase the license tax; to provide for the use of the avails of such increase; to provide for an effective date; and to provide for related matters.

Read by title.

HOUSE BILL NO. 213—

BY REPRESENTATIVE BEARD

AN ACT

To enact R.S. 47:6007.1, relative to tax credits; to provide for a tax credit for investment in certain companies engaged in the business of acquisition and distribution of certain motion pictures; to provide for definitions; to provide for an effective date; and to provide for related matters.

Read by title.

Reports of Committees

The following reports of committees were received and read:

Report of the Committee on Appropriations

May 7, 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. 14, by Bruneau
Reported favorably. (11-0) (Regular)

House Bill No. 66, by John Smith
Reported favorably. (11-0) (Regular)

House Bill No. 78, by Cazayoux
Reported with amendments. (11-0) (Regular)

House Bill No. 83, by LeBlanc
Reported favorably. (11-0) (Regular)

House Bill No. 91, by Bruneau
Reported favorably. (11-0) (Regular)

House Bill No. 180, by Futrell
Reported favorably. (11-0) (Regular)

JERRY LUKE LEBLANC
Chairman

Report of the Committee on Ways and Means

May 7, 2002

To the Speaker and Members of the House of Representatives:

Pursuant to a meeting held on May 6, 2002, I am directed by your Committee on Ways and Means to submit the following report:

House Bill No. 70, by Diez (Joint Resolution)
Reported with amendments. (9-0-1)

House Bill No. 141, by Hammett
Reported with amendments. (10-0-1) (Regular)

House Bill No. 143, by Hammett
Reported favorably. (10-0-1) (Regular)

House Bill No. 145, by Hammett
Reported with amendments. (9-0-1) (Regular)

House Bill No. 146, by Hammett
Reported favorably. (9-0-1) (Regular)

House Bill No. 147, by Hammett
Reported favorably. (10-0-1) (Regular)

House Bill No. 148, by Hammett
Reported favorably. (9-0-1) (Regular)

House Bill No. 149, by Hammett
Reported favorably. (9-0-1) (Regular)

House Bill No. 150, by Hammett
Reported favorably. (9-0-1) (Regular)

BRYANT O. HAMMETT, JR.
Chairman

Report of the Committee on Ways and Means

May 7, 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:

House Bill No. 174, by DeWitt
Reported favorably. (15-0) (Regular)

House Bill No. 175, by DeWitt
Reported favorably. (15-0) (Regular)

BRYANT O. HAMMETT, JR.
Chairman

Suspension of the Rules

On motion of Rep. Bruneau, the rules were suspended in order to take up House Bills contained in the committee report 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. 14—
BY REPRESENTATIVE BRUNEAU
AN ACT

To appropriate funds out of the General Fund of the state of Louisiana for Fiscal Year 2001-2002 to the Department of Social Services, office of community services, to provide for reimbursement of legal expenses of E. Patrice Waldrop.

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. 66—
BY REPRESENTATIVE JOHN SMITH
AN ACT

To appropriate funds out of the General Fund of the state of Louisiana to be used to pay the final judgment in the claim against the state entitled "Trunkline Gas Company v. Cynthia Bridges, Secretary of Department of Revenue, State of Louisiana"; 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. 70—
BY REPRESENTATIVE DIEZ
A JOINT RESOLUTION

Proposing to amend Article VII, Sections 5 and 27(B) of the Constitution of Louisiana, to levy an additional motor vehicle license tax for certain types of automobiles; to provide for submission of the proposed amendment to the electors; 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. 70 by Representative Diez

AMENDMENT NO. 1

On page 1, line 4, after "automobiles;" and before "to provide" insert "to provide for the disposition of the proceeds of the tax;"

AMENDMENT NO. 2

On page 2, at the beginning of line 9, change "(D)" to "(D)(1)"

AMENDMENT NO. 3

On page 2, delete lines 13 through 15 and insert the following:

"indebtedness, the revenues from the license tax on automobiles for private use collected under authority of Subsection A of this Section shall be deposited into the Transportation Trust Fund.

(2) After satisfying the requirements of Section 9(B) of this Article, and after satisfying pledges respecting that portion of the revenues attributable to the tax rates in effect at the time of such pledges for the payment of obligations for bonds or other evidences of indebtedness, fifty percent of the revenues from the license tax on automobiles for private use collected under authority of Paragraph (B) of this Section shall be deposited into the Transportation Trust Fund and fifty percent of such revenues shall be deposited in a special fund in the state treasury to be appropriated by the legislature solely for construction and maintenance of roads in rural areas of the state which do not qualify for federal funds. Such rural road projects shall be constructed and maintained in accordance with a priority program established by the Department of Transportation and Development."

AMENDMENT NO. 4

On page 3, line 25, delete "Act No. 16" and insert "House Bill 17"

AMENDMENT NO. 5

On page 5, line 2, after "vehicle" and before "and to" insert a comma "," and insert "to provide for deposit of fifty percent of the proceeds of the additional tax into the Transportation Trust Fund and fifty

percent of such proceeds into a special treasury fund to provide monies for rural road projects,"

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

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

HOUSE BILL NO. 78—
BY REPRESENTATIVE CAZAYOUX
AN ACT

To appropriate funds out of the General Fund of the state of Louisiana to be used to pay the recommendation for payment rendered by the Board of Tax Appeals in the claim against the state entitled "Cayuse Pipeline, Inc. v. Secretary, Department of Revenue, State of Louisiana"; 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. 78 by Representative Cazayoux

AMENDMENT NO. 1

On page 1, line 5, after "Louisiana" and before the semicolon ";" insert a comma "," and insert:

"and to pay the judgment rendered by the Board of Tax Appeals in the claim against the state entitled "Louisiana Employers-Managed Insurance Company, Successor of Louisiana Employers Safety Association Self-Insurers Fund v. State of Louisiana"

AMENDMENT NO. 2

On page 1, between lines 14 and 15 insert:

"Section 2. The sum of Twenty-Six Thousand Three Hundred Seventeen and No/100 (\$26,317.00) dollars is hereby appropriated out of the General Fund of the state of Louisiana for Fiscal Year 2002-2003 to be used to pay the judgment rendered by the Board of Tax Appeals in the claim against the state entitled "Louisiana Employers-Managed Insurance Company, Successor of Louisiana Employers Safety Association Self-Insurers Fund v. State of Louisiana", bearing Number 4831 on the docket of the Board of Tax Appeals for the state of Louisiana."

AMENDMENT NO. 3

On page 1, at the beginning of line 15, change "Section 2." to "Section 3."

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.

HOUSE BILL NO. 83—
BY REPRESENTATIVE LEBLANC
AN ACT

To appropriate funds out of the General Fund of the state of Louisiana to be used to pay the recommendation for payment rendered by the Board of Tax Appeals in the claim against the state entitled "Western Auto Supply Company v. Secretary, Department of Revenue, State of Louisiana"; 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. 91—
BY REPRESENTATIVE BRUNEAU
AN ACT

To appropriate funds out of the General Fund of the state of Louisiana to be used to pay the final judgment in the claim against the state entitled "Lafourche Realty Company, Inc. v. Secretary, Department of Revenue, State of Louisiana"; 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. 141—
BY REPRESENTATIVES HAMMETT AND DEWITT
AN ACT

To amend and reenact R.S. 47:606(A)(1)(e) through (k) and to enact R.S. 47:287.95(K) and (L) and 606(A)(1)(l) and (m), relative to corporation income and franchise tax apportionment by telephone, television, and radio businesses; to provide for attribution of revenue to Louisiana; 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. 141 by Representative Hammett

AMENDMENT NO. 1

On page 2, line 9, after "services" and before "shall" insert a comma "," and insert "other than roaming charges."

AMENDMENT NO. 2

On page 2, at the end of line 11, insert "Revenue from roaming charges shall be attributed to the state where the call originates."

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AMENDMENT NO. 3

On page 2, between lines 17 and 18, insert the following:

"(3) Definitions. For the purposes of this Subsection, the following terms have the following meanings unless the context clearly indicates otherwise:

(a) "Customer" means any person or entity that contracts with a home service provider or the end user of the mobile telecommunications service if the end user is not the person or entity that contracts with the home service provider for mobile telecommunications service.

(b) "Home service provider" means the facilities-based carrier or reseller with which the customer contracts for the provision of mobile telecommunications services.

(c) "Place of primary use" of mobile telecommunications service shall be the street address representative of where the customer's use of mobile telecommunications service primarily occurs. This address must be within the licensed service area of the home service provider and must be either the residential or the primary business street address of the customer. The home service provider shall be responsible for obtaining and maintaining the customer's place of primary use as prescribed by R.S. 47:301(14)(i)(ii)(bb)(XI)."

AMENDMENT NO. 4

On page 6, line 9, after "services" and before "shall" insert a comma "," and insert "other than roaming charges."

AMENDMENT NO. 5

On page 6, at the end of line 11, insert "Revenue from roaming charges shall be attributed to the state where the call originates."

AMENDMENT NO. 6

On page 6, between lines 17 and 18, insert the following:

"(iv) Definitions. For the purposes of this Subparagraph, the following terms have the following meanings unless the context clearly indicates otherwise:

(aa) "Customer" means any person or entity that contracts with a home service provider or the end user of the mobile telecommunications service if the end user is not the person or entity that contracts with the home service provider for mobile telecommunications service.

(bb) "Home service provider" means the facilities-based carrier or reseller with which the customer contracts for the provision of mobile telecommunications services.

(cc) "Place of primary use" of mobile telecommunications service shall be the street address representative of where the customer's use of mobile telecommunications service primarily occurs. This address must be within the licensed service area of the home service provider and must be either the residential or the primary business street address of the customer. The home service provider shall be responsible for obtaining and maintaining the customer's place of primary use as prescribed by R.S. 47:301(14)(i)(ii)(bb)(XI)."

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. 143—

BY REPRESENTATIVES HAMMETT AND DEWITT
AN ACT

To amend and reenact R.S. 47:287.86(I), relative to the corporation income tax; to provide relative to the use of the net operating loss deduction after certain reorganizations; to provide for an effective date; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Ways and Means.

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. 145—

BY REPRESENTATIVES HAMMETT AND DEWITT
AN ACT

To amend and reenact R.S. 47:6006(A) and (B), 6006.1(A) and (B) (introductory paragraph), 6008(A), 6012(B), and 6014(B) and to enact R.S. 47:6006.1(B)(6) and 6014(C)(7), relative to certain tax credits; to clarify the tax credits that estates and trusts are allowed to receive; to clarify the distribution of the inventory tax credit among partners in a partnership; 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. 145 by Representative Hammett

AMENDMENT NO. 1

On page 1, line 2, after "47:6006(A)" and before the comma "," delete "and (B)"

AMENDMENT NO. 2

On page 1, at the end of line 5, delete "to"

AMENDMENT NO. 3

On page 1, delete line 6 in its entirety, and at the beginning of line 7, delete "partnership;"

AMENDMENT NO. 4

On page 1, line 10, after "47:6006(A)" and before the comma "," delete "and (B)"

AMENDMENT NO. 5

On page 2, delete lines 6 through 20 in their entirety

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. 146—

BY REPRESENTATIVES HAMMETT AND DEWITT
AN ACT

To repeal R.S. 47:633.1, relative to the severance tax; to repeal the special rate for gas sold under certain written agreements; to provide for an effective date; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Ways and Means.

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. 147—

BY REPRESENTATIVES HAMMETT AND DEWITT
AN ACT

To amend and reenact R.S. 26:345 and 347, relative to alcoholic beverage taxes; to provide for tax credit or refund of taxes paid on certain unsaleable products of low alcoholic content; to provide for an effective date; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Ways and Means.

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. 148—

BY REPRESENTATIVES HAMMETT AND DEWITT
AN ACT

To amend and reenact R.S. 47:1205(A), relative to the gift tax; to provide for an annual exclusion from the tax; to provide for an effective date; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Ways and Means.

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. 149—

BY REPRESENTATIVES HAMMETT AND DEWITT
AN ACT

To amend and reenact R.S. 47:287.92(B) and 287.93(A) and to repeal R.S. 47:287.94(H) and (I) and 287.95(I), relative to income tax; to provide for segregation of items of gross income, computation of net allocable income from Louisiana sources, computation of net apportionable income for Louisiana sources, and determination of Louisiana apportionment percent; to provide for an effective date; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Ways and Means.

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. 150—

BY REPRESENTATIVES HAMMETT AND DEWITT
AN ACT

To amend and reenact R.S. 47:287.732(A) and to enact R.S. 47:287.732(C) and 287.732.1, relative to the state income tax liability of S corporations and qualified Subchapter S subsidiary corporations; to provide for an effective date; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Ways and Means.

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. 180—

BY REPRESENTATIVE FUTRELL
AN ACT

To appropriate funds out of the General Fund of the state of Louisiana to be used to pay the recommendation for payment rendered by the Board of Tax Appeals in the claim against the state entitled "The Foxboro Company v. Secretary, Department of Revenue, State of Louisiana"; 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 and House Concurrent Resolutions

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

HOUSE RESOLUTION NO. 4—

BY REPRESENTATIVE WELCH
A RESOLUTION

To commend David A. Lovely, Jr. for forty years of service to the students and teachers of the East Baton Rouge Parish School System.

Read by title.

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

HOUSE CONCURRENT RESOLUTION NO. 11—

BY REPRESENTATIVE CAZAYOUX
A CONCURRENT RESOLUTION

To urge and request the office of state parks to study the feasibility of establishing a state park in Pointe Coupee Parish.

Read by title.

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

Ordered to the Senate.

HOUSE CONCURRENT RESOLUTION NO. 12—

BY REPRESENTATIVE BALDONE
A CONCURRENT RESOLUTION

To commend Homer Bland of Houma for his years of dedicated service as a member of the Houma Fire Department and express the sincere appreciation of the Legislature of Louisiana for his significant contributions to his community through his continuing commitment and service to the Houma Fire Department.

Read by title.

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

Ordered to the Senate.

HOUSE CONCURRENT RESOLUTION NO. 13—

BY REPRESENTATIVE BALDONE AND SENATOR DUPRE
A CONCURRENT RESOLUTION

To commend the Quiz Bowl team of Vandebilt Catholic High School of Houma upon winning the quiz bowl state championship.

Read by title.

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

Ordered to the Senate.

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. 33—

BY REPRESENTATIVE MARTINY
AN ACT

To amend and reenact Code of Criminal Procedure Article 895.4, relative to crime stoppers organizations; to provide for an additional cost of court to be imposed on offenders convicted of criminal and traffic violations; to provide for the payment of the funds derived from the additional cost of court to crime stopper organizations; to provide for the use of those funds; and to provide for related matters.

Read by title.

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

Petitions, Memorials and Communications

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

Message from the Senate

ASKING CONCURRENCE IN SENATE CONCURRENT RESOLUTIONS

May 7, 2002

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

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

Senate Concurrent Resolution Nos. 8, 9, 10, 11, and 12

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Privileged Report of the Committee on Enrollment

May 7, 2002

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

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

The following House Resolutions have been properly enrolled:

HOUSE RESOLUTION NO. 1—

BY REPRESENTATIVES PERKINS, BEARD, BROOME, CRANE, DANIEL, FUTRELL, HONEY, M. JACKSON, KENNARD, AND MCVEA
A RESOLUTION

To commend the Parkview Baptist High School Football Team for a great season and for winning the Class 3A State Championship.

HOUSE RESOLUTION NO. 2—

BY REPRESENTATIVES PERKINS, BEARD, BROOME, CRANE, DANIEL, FUTRELL, HONEY, M. JACKSON, KENNARD, AND MCVEA
A RESOLUTION

To commend the Baker High School Football Team upon an outstanding 2001 season and for being runner-up in the Class 4A State Championship.

HOUSE RESOLUTION NO. 3—

BY REPRESENTATIVES PERKINS, BRUCE, KATZ, WALSWORTH, E. ALEXANDER, ANSARDI, BALDONE, BAUDOIN, BEARD, BOWLER, K. CARTER, CAZAYOUX, CRANE, CROWE, DEVILLIER, DEWITT, DIEZ, DOERGE, DOWNER, FARRAR, FAUCHEUX, FRITH, FRUGE, GREEN, GUILLORY, HILL, HONEY, HUTTER, M. JACKSON, KENNARD, LAFLEUR, LEBLANC, LUCAS, MCCALLUM, MCDONALD, MCVEA, MONTGOMERY, NEVERS, ODINET, PIERRE, PITRE, QUEZAIRE, SALTER, SCALISE, SCHWEGMANN, GARY SMITH, JACK SMITH, JANE SMITH, JOHN SMITH, STRAIN, AND WADDELL
A RESOLUTION

To recognize May 2, 2002, as the National Day of Prayer in Louisiana and to encourage statewide participation in observance of this day.

Respectfully submitted,

DONALD RAY KENNARD
Chairman

The above House Resolutions contained in the report were signed by the Speaker of the House and taken by the Clerk of the House to the Secretary of State in accordance with the rules of the House.

Leave of Absence

Rep. Perkins- 1 day

Suspension of the Rules

On motion of Rep. LeBlanc, the rules were suspended to permit the Committee on Appropriations to meet on Wednesday, May 8, 2002.

Adjournment

On motion of Rep. Kenney, at 4:50 P.M., the House agreed to adjourn until Wednesday, May 8, 2002, at 2:00 P.M.

The Speaker of the House declared the House adjourned until 2:00 P.M., Wednesday, May 8, 2002.

ALFRED W. SPEER
Clerk of the House

