TENTH 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

Wednesday, May 22, 2002

The House of Representatives was called to order at 2:00 P.M., by the Honorable Charlie DeWitt, Speaker of the House of Representatives.

Morning Hour

ROLL CALL

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

PRESENT

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<th>Mr. Speaker</th>
<th>Futrell</th>
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<td>Arnold</td>
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<td>Carter, K</td>
<td>Jackson, L</td>
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<td>Carter, R</td>
<td>Jackson, M</td>
<td>Smith, G.—56th</td>
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<td>Cazayoux</td>
<td>Johns</td>
<td>Smith, J.D.—50th</td>
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<td>Crane</td>
<td>Katz</td>
<td>Smith, J.H.—8th</td>
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<td>Crowe</td>
<td>Kennard</td>
<td>Smith, J.R.—30th</td>
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<td>Curtis</td>
<td>Kenney</td>
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<td>Damico</td>
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<td>Daniel</td>
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<td>Devillier</td>
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<td>Erdey</td>
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<td>Farrar</td>
<td>Montgomery</td>
<td>Walsworth</td>
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Total—105

ABSENT

Total—0

The Speaker announced that there were 105 members present and a quorum.

Prayer

Prayer was offered by Rev. William J. Gearheard, Jr.

Pledge of Allegiance

Rep. Peychaud 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 21, 2002, was adopted.

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. 27—
BY REPRESENTATIVE FUTRELL
A RESOLUTION
To commend Dr. B.G. Buchanan, Sr., pastor of Central Baptist Church in Baton Rouge, for his many accomplishments and for twenty-five years of devoted service to the church and its members.

Read by title.

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

HOUSE CONCURRENT RESOLUTION NO. 44—
BY REPRESENTATIVE STRAIN
A CONCURRENT RESOLUTION
To endorse the Canine Good Citizen programs sponsored by the American Kennel Club.

Read by title.

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

HOUSE CONCURRENT RESOLUTION NO. 45—
BY REPRESENTATIVE BEARD
A CONCURRENT RESOLUTION
To encourage the citizens of Louisiana to recognize the importance of the principles of the Declaration of Independence.

Read by title.

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

Ordered to the Senate.
HOUSE CONCURRENT RESOLUTION NO. 46—
BY REPRESENTATIVE DANIEL
A CONCURRENT RESOLUTION
To commend the coaches and members of the boys basketball team, girls golf team, boys golf team, and girls tennis team of Louisiana State University Laboratory High School for winning the Louisiana Class 2A state championships.

Read by title.

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

Ordered to the Senate.

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. 38—
BY SENATORS ELLINGTON, BARHAM, LENTINI, SMITH AND HOLDEN, CAIN AND SCHEDLER AND REPRESENTATIVES MONTGOMERY, TOWNSEND AND WOOTON
AN ACT
To amend R.S. 47:293(7) and to enact R.S. 47:293(6)(a)(vii), 297.3, 300.6(B)(2)(d), and 300.7(C)(2)(c), relative to income tax inclusions; to provide for an exclusion from income for shareholders of banks organized as S corporations; to provide an effective date; and to provide for related matters.

Called from the calendar.

Motion

Rep. Montgomery moved that Senate Bill No. 38 be designated as a duplicate of House Bill No. 265.

Which motion was agreed to.

Rep. Montgomery moved that Senate Bill No. 38 be amended to conform with House Bill No. 265 and sent up the following floor amendments:

HOUSE FLOOR AMENDMENTS
Conforming Amendments proposed by Representative Montgomery to Reengrossed Senate Bill No. 38 by Senator Ellington (Duplicate of House Bill No. 265)

AMENDMENT NO. 1
On page 1, line 4, after "exclusion" delete "from income for" and insert "for certain income reported to"

AMENDMENT NO. 2
On page 2, line 22, after "§297.3." insert "Exclusion from income;"

AMENDMENT NO. 3
On page 2, line 24, change "years" to "taxable periods"

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

Motion

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

SENATE BILL NO. 63—
BY SENATORS LENTINI, BARHAM, BEAN, CAIN, DUPRE, GAUTREAUX, HEITMEIER, HOYT, MCPHERSON, MOUNT, ROMERO, SCHEDLER, SMITH, THEUNISSEN AND THOMAS AND REPRESENTATIVES ALARIO, BALDONE, CURTIS, DAMICO, DANIEL, DARTEZ, DIEZ, DOWNER, DURAND, FARRAR, FLAVIN, FRUGE, FUTRELL, GUILORY, HEATON, L. JACKSON, JOHNS, LANDRIEU, MONTGOMERY, ODINET, PITRE, POWELL, RIDDLE, JACK, SMITH, STELLY, STRAIN, TOWNSEND, TUCKER, WALSWORTH, WINS顿 AND WOOTON
AN ACT
To amend and reenact R.S. 47:305.1(C) and to enact R. S. 47:305.1(D), relative to exclusions and exemptions from state and local sales and use taxes for ships and ships' supplies; to provide for an exemption for certain shipbuilding materials, equipment, and machinery from such tax; and to provide for related matters.

Called from the calendar.

Read by title.

Motion

Rep. Alario moved that Senate Bill No. 63 be designated as a duplicate of House Bill No. 182.

Which motion was agreed to.

Motion

On motion of Rep. Alario, the above bill was referred to the Legislative Bureau.

House and House Concurrent Resolutions Reported by Committee

The following House and House Concurrent Resolutions reported by committee were taken up and acted upon as follows:

HOUSE CONCURRENT RESOLUTION NO. 34—
BY REPRESENTATIVE JOHNS
A CONCURRENT RESOLUTION
To direct the Louisiana State Law Institute to study all aspects of liability relating to road hazards and make specific recommendations for limiting the liability of the state.

Read by title.

Reported favorably by the Committee on Appropriations.

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

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. 265  (Substitute for House Bill No. 152 by Representative Montgomery)—
BY REPRESENTATIVES MONTGOMERY, ALARIO, DANIEL, DURAND, HILL, ODIENET, AND TOWNSEND AND SENATORS CAIN, LENTINI, BARHAM, HOLDEN, AND HOYT

AN ACT
To amend and reenact R.S. 47:293(7) and to enact R.S. 47:293(6)(a)(vii), 297.3, 300.6(B)(2)(d), and 300.7(C)(2)(c), relative to income tax exclusions; to provide for an exclusion for certain income reported to shareholders of banks organized as S corporations; to provide an effective date; and to provide for related matters.

Read by title.

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. 266  (Substitute for House Bill No. 132 by Representative Townsend)—
BY REPRESENTATIVES TOWNSEND, DANIEL, FARRAR, AND MONTGOMERY

AN ACT
To amend and reenact R.S. 22:1065(A), relative to insurance taxes; to provide for an increase in the minimum annual license tax assessed upon the business of issuing certain insurance policies, contracts, and obligations for the year 2002; to provide for the use thereof; 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.

Reports of Committees

The following reports of committees were received and read:

Report of the Committee on Judiciary
May 22, 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. 33, by Martiny
Reported favorably. (6-0-1) (Regular)

JOSEPH F. TOOMY
Chairman

Report of the Committee on Ways and Means
May 22, 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. 68, by Thompson (Joint Resolution)
Reported with amendments. (9-0-1)

House Bill No. 84, by Thompson
Reported with amendments. (11-0-1) (Regular)

House Bill No. 157, by Landrieu
Reported with amendments. (15-0) (Regular)

House Bill No. 244, by Morrish
Reported with amendments. (10-0-1) (Regular)

BRYANT O. HAMMETT, JR.
Chairman

Suspension of the Rules
On motion of Rep. Toomy, 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. 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.

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. 68—
BY REPRESENTATIVE THOMPSON

A JOINT RESOLUTION
Proposing to add Article VII, Section 21(J) of the Constitution of Louisiana, relative to property taxation; to authorize the State Board of Commerce and Industry to contract with developers of retirement communities for the exemption of ad valorem taxes; to provide for submission of the proposed amendment to the electors; 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. 68 by Representative Thompson

AMENDMENT NO. 1
On page 2, line 2, after "from" and before "parish," delete "state," 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. 84—
BY REPRESENTATIVE THOMPSON
AN ACT
To enact Chapter 5 of Subtitle V of Title 47 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 47:4351 through 4356, relative to property taxation; to authorize the Board of Commerce and Industry to enter into ad valorem tax exemption contracts for development of retirement communities; to provide for contract terms and conditions; 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. 84 by Representative Thompson

AMENDMENT NO. 1
On page 3, delete line 3

AMENDMENT NO. 2
On page 3, at the beginning of line 4, change "(b)" to "(a)"

AMENDMENT NO. 3
On page 3, at the beginning of line 5, change "(c)" to "(b)"

AMENDMENT NO. 4
On page 3, at the beginning of line 6, change "(d)" to "(e)"

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. 157—
BY REPRESENTATIVE LANDRIEU
AN ACT
To enact R.S. 47:841(B)(4) and 841.1, relative to the tobacco tax; to increase the tax on cigarettes; to provide for deposit and use of proceeds from the tax; 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. 157 by Representative Landrieu

AMENDMENT NO. 1
On page 1, line 2, after "R.S. 47:841(B)(4)" and before "and 841.1,"
insert "and (5)"

AMENDMENT NO. 2
On page 1, line 7, after "R.S. 47:841(B)(4)" and before "and 841.1,"
insert "and (5)"

AMENDMENT NO. 3
On page 1, at the end of line 18, change "four-" to "seven-"

AMENDMENT NO. 4
On page 1, between lines 19 and 20 insert the following:
"(5) In addition to the tax levied in Paragraphs (1), (2), (3), and (4) of this Subsection, there is hereby levied an additional tax of five-twentieths of one cent per cigarette."

AMENDMENT NO. 5
On page 2, at the end of line 10, change "R.S. 47:841(B)(4)"
to "R.S. 47:841(B)(4) and (5)"

AMENDMENT NO. 6
On page 2, line 18, between "C. " and "Subject" insert "(1)"

AMENDMENT NO. 7
On page 2, line 18, between "legislature," and "the" insert "seventy-two percent of"

AMENDMENT NO. 8
On page 2, line 19, after "monies" and before "in the fund" insert "collected under authority of R.S. 47:841(B)(4)"

AMENDMENT NO. 9
On page 2, at the end of line 21, delete "and" and delete lines 22 through 24 and insert the following:
"including funding for the creation of smoking prevention mass media programs and evidence-based tobacco control programs within the public hospital system and the public school system directed at cessation among pregnant women and the screening, prevention, and treatment of tobacco use and dependence among individuals with diseases caused or exacerbated by tobacco use.

(2) Subject to an annual appropriation by the legislature, twenty-eight percent of the monies collected under authority of R.S. 47:841(B)(4) in the fund shall be used solely to provide funding for the Cancer Center of Louisiana State University Health Sciences Center in Shreveport.

(3) Subject to an annual appropriation by the legislature, twenty percent of the monies collected under authority of R.S. 47:841(B)(5) in the fund shall be used solely to provide funding for the office of addictive disorders, Department of Health and Hospitals.

(4) Subject to an annual appropriation by the legislature, twenty percent of the monies collected under authority of R.S. 47:841(B)(5) in the fund shall be used solely to provide funding for the Louisiana State University Agricultural Center.
(5) Subject to an annual appropriation by the legislature, twenty
percent of the monies collected under authority of R.S. 47:841(B)(5)
in the fund shall be used solely to provide funding for the
administration and operation of Drug Abuse Resistance Education
(D.A.R.E.) programs.

(6) Subject to an annual appropriation by the legislature, forty
percent of the monies collected under authority of R.S. 47:841(B)(5)
in the fund shall be used solely to provide funding for the office of
state police, Department of Public Safety and Corrections."

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. 244—
BY REPRESENTATIVE MORRISH
AN ACT
To enact R.S. 47:462(B)(2)(c) relative to registration tax on light
trailers; to provide for an additional tax; 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. 244 by Representative Morrish

AMENDMENT NO. 1
On page 1, line 2, after "R.S. 47:462(B)(2)(c)" and before "relative"
insert "and R.S. 56:10.1,"

AMENDMENT NO. 2
On page 1, line 3, after the semicolon ";" and before "and to" insert
"to create the Aquatic Plant Control Fund in the state treasury; to
provide for deposit of monies into the fund; to provide for
appropriation and uses of monies in the fund;"

AMENDMENT NO. 3
On page 2, between lines 3 and 4, insert the following:

"Section 2. R.S. 56:10.1 is hereby enacted to read as follows:
§10.1. Aquatic Plant Control Fund; creation; uses

A. There is hereby created in the state treasury the Aquatic
Plant Control Fund.

B. After compliance with the requirements of Article VII,
Section 9(B) of the Constitution of Louisiana relative to the Bond
Security and Redemption Fund, and after a sufficient amount is
allocated from that fund to pay all of the obligations secured by the
full faith and credit of the state which become due and payable within
any fiscal year, the treasurer shall pay into the Aquatic Plant Control
Fund an amount equal to the monies received by the state treasury
pursuant to the provisions of R.S. 47:462(B)(2)(c). The monies in
this fund shall be used solely as provided in Subsection C of this
Section and only in the amount appropriated by the legislature. All
unexpended and unencumbered monies remaining in this fund at the
end of the fiscal year shall remain in the fund. The monies in the
fund shall be invested by the state treasurer in the same manner as
monies in the state general fund and all returns of such investment
shall be deposited to the fund.

C. Subject to an annual appropriation by the legislature, the
monies in the Aquatic Plant Control Fund shall be used solely by the
office of fisheries, Department of Wildlife and Fisheries, to fund the
aquatic plant control program and to fund cooperative research and
public education efforts by the Department of Wildlife and Fisheries
and the LSU Agricultural Center relative to aquatic weed control and
eradication. The funds appropriated pursuant to the provisions of this
Section shall not displace, replace, nor supplant the level of funding
appropriated for this program in Fiscal Year 2001-2002 but shall be
in addition to that level of funding."

AMENDMENT NO. 4
On page 2, line 4, change "Section 2." to "Section 3."

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.

Senate Concurrent Resolutions on
Third Reading for Final Consideration

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

SENATE CONCURRENT RESOLUTION NO. 20—
BY SENATOR THEUNISSEN AND REPRESENTATIVE CRANE
A CONCURRENT RESOLUTION
To establish the Project for a Healthy Environment to Assist
Learning in Schools Task Force, referred to as "Project: HEAL
Schools", to review current statutory and regulatory
requirements for health screenings and procedures in schools.

Read by title.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Crane to Original Senate
Concurrent Resolution No. 20 by Senator Theunissen

AMENDMENT NO. 1
On page 2, line 24, after "(3)" and before "the" change "The president
of" to "Four nurses to be appointed by"

AMENDMENT NO. 2
On page 3, between lines 3 and 4 insert the following:

"(8) One chiropractic physician to be appointed by the
Chiropractic Association of Louisiana."

AMENDMENT NO. 3
On page 3, at the beginning of line 4, change "(8)" to "(9)"

AMENDMENT NO. 4
On page 3, line 11, after "necessary" and before "shall" insert "and"
AMENDMENT NO. 5

On page 3, line 21, after “health;” delete the remainder of the line and insert “the Chiropractic Association of Louisiana;” and the state"

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

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

House Bills and Joint Resolutions on Third Reading and Final Passage

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

Regular Calendar

HOUSE BILL NO. 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 Eighty-five Thousand Eight Hundred Eighty-seven and No/100 ($53,385,887.00) 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 Eight Hundred Forty-six Thousand Six Hundred Forty-eight and No/100 ($7,846,648.00) 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.

Suspension of the Rules

On motion of Rep. LeBlanc, and under a suspension of the rules, the above bill was taken up out of its regular order at this time.

Read by title.

Rep. LeBlanc moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker  
Alario  
Alexander, E  
Alexander, R  
Ansardi  
Arnold  
Baldone  
Baudoin  
Baylor  
Beard  
Bowler  
Broome  
Bruce  
Bruneau  
Capella  
Carter, K  
Carter, R

Gallot  
Glover  
Green  
Guilford  
Hammett  
Heaton  
Hebert  
Hill  
Honey  
Hopskins  
Hudson  
Hunter  
Iles  
Jackson, L  
Jackson, M  
Johns

Perkins  
Peychaud  
Pierre  
Pinac  
Pitre  
Quezaire  
Richmond  
Riddle  
Salter  
Scalese  
Schneider  
Schwegmann  
Shaw  
Smith, G.—56th  
Smith, J.D.—50th  
Smith, J.H.—8th

Cazayoux  
Crane  
Crowe  
Curtis  
Damico  
Daniel  
Devillier  
Diez  
Doerge  
Downer  
Durand  
Erdey  
Farrar  
Faucheux  
Flavin  
Fruge  
Futrell  
Gaffney  
Gallot  
Glover  
Green  
Guilford  
Hammett  
Heaton  
Hebert  
Hill  
Honey  
Holton  
Hudson  
Hunter  
Iles  
Jackson, L  
Jackson, M  
Johns  
Katz  
Kennard  
Kenney  
LaFleur  
Lancaster  
Landrieu  
LeBlanc  
Lucas  
Martiny  
McCallum  
McDonald  
McVeA  
Montgomery  
Morrell  
Morrish  
Murray  
Nevers  
Odinet  
Perkins  
Peychaud  
Pierre  
Pinac  
Pitre  
Quezaire  
Richmond  
Riddle  
Salter  
Scalese  
Schneider  
Schwegmann  
Shaw  
Smith, G.—56th  
Smith, J.D.—50th  
Smith, J.H.—8th

Katz  
Kennard  
Kenney  
LaFleur  
Lancaster  
Landrieu  
LeBlanc  
Lucas  
Martiny  
McCallum  
McDonald  
McVeA  
Montgomery  
Morrell  
Morrish  
Murray  
Nevers  
Odinet

Total—103

NAYS

Romero  
Dartez

Total—1

ABSENT

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. LeBlanc 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. 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.

Suspension of the Rules

On motion of Rep. LeBlanc, and under a suspension of the rules, the above bill was taken up out of its regular order at this time.

Read by title.

Rep. LeBlanc moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker  
Alario  
Alexander, E  
Alexander, R  
Ansardi  
Arnold  
Baldone  
Baudoin  
Baylor  
Beard  
Bowler  
Broome  
Bruce  
Bruneau  
Capella  
Carter, K  
Carter, R

Frith  
Futrell  
Gallot  
Green  
Guilford  
Hammett  
Heaton  
Hebert  
Hill  
Honey  
Holton  
Hudson  
Hunter  
Iles  
Jackson, L  
Jackson, M  
Johns  
Katz  
Kennard  
Kenney  
LaFleur  
Lancaster  
Landrieu  
LeBlanc  
Lucas  
Martiny  
McCallum  
McDonald  
McVeA  
Montgomery  
Morrell  
Morrish  
Murray  
Nevers  
Odinet

Perkins  
Peychaud  
Pierre  
Pinac  
Pitre  
Quezaire  
Richmond  
Riddle  
Salter  
Scalese  
Schneider  
Schwegmann  
Shaw  
Smith, G.—56th  
Smith, J.D.—50th  
Smith, J.H.—8th

Total—103

NAYS

Romero  
Dartez

Total—1

ABSENT

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

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

Suspension of the Rules

On motion of Rep. LeBlanc, and under a suspension of the rules, the above bill was taken up out of its regular order at this time.

Read by title.

Rep. LeBlanc moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker  
Alario  
Alexander, E  
Alexander, R  
Ansardi  
Arnold  
Baldone  
Baudoin  
Baylor  
Beard  
Bowler  
Broome  
Bruce  
Bruneau  
Capella  
Carter, K  
Carter, R

Frith  
Futrell  
Gallot  
Green  
Guilford  
Hammett  
Heaton  
Hebert  
Hill  
Honey  
Holton  
Hudson  
Hunter  
Iles  
Jackson, L  
Jackson, M  
Johns  
Katz  
Kennard  
Kenney  
LaFleur  
Lancaster  
Landrieu  
LeBlanc  
Lucas  
Martiny  
McCallum  
McDonald  
McVeA  
Montgomery  
Morrell  
Morrish  
Murray  
Nevers  
Odinet

Perkins  
Peychaud  
Pierre  
Pinac  
Pitre  
Quezaire  
Richmond  
Riddle  
Salter  
Scalese  
Schneider  
Schwegmann  
Shaw  
Smith, G.—56th  
Smith, J.D.—50th  
Smith, J.H.—8th

Romero  
Dartez

Total—1

ABSENT

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. LeBlanc 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.
AMENDMENT NO. 1
On page 5, line 2, change "Act" to "Acts" and delete "House Bill No. 175" and insert "House Bill Nos. 4 and 175"

AMENDMENT NO. 2
On page 5, line 3, change "is" to "are" and change "becomes" to "become"

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

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

HOUSE FLOOR AMENDMENTS
Amendments proposed by Representative DeWitt to Engrossed House Bill No. 174 by Representative DeWitt

AMENDMENT NO. 1
On page 4, between lines 22 and 23, insert:

"(vi) For taxable years beginning after December 31, 2002, if there has been no increase in the excess federal itemized personal deductions pursuant to this Subparagraph, then the excess federal itemized personal deductions as defined in Subparagraph (b) shall be increased by two and one-half percent of the excess federal itemized personal deductions as defined in Subparagraph (a) of this Paragraph."

AMENDMENT NO. 2
On page 4, line 23, change "(vi)" to "(vii)"

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

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

ROLL CALL
The roll was called with the following result:

YEAS

Mr. Speaker
Alario
Alexander, R
Baylor
Bruce
Carter, K
Cazayoux
Curtis
Damico
Dartez
Diez
Doerge
Downer
Durand
Erdey
Farrar
Faucheux
Flavin
Mr. Speaker
Alario
Alexander, R
Baylor
Bruce
Carter, K
Cazayoux
Curtis
Damico
Dartez
Diez
Doerge
Downer
Durand
Erdey
Farrar
Faucheux
Flavin

Guillory
Hammett
Heaton
Hebert
Hill
Hudson
Hunter
Iles
LaFleur
Landrieu
LeBlanc
Lucas
McDonald
McVea

Montgomery
Morrell
Morrish
Murray
Odinet
Pierre
Pinac
Riddle
Salter
Smith, G.—56th
Smith, J.D.—50th
Smith, J.R.—30th
Thompson
Townsend
Welch
Wooton

NAYS

Alexander, E
Ansardi
Arnold
Baudoin

Green
Honey
Hutter
Johns

Schneider
Schwegmann
Shaw
Smith, J.H.—8th

Total—4

Total—99

Total—2

Total—4

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

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

Suspension of the Rules

On motion of Rep. Winston, the rules were suspended to limit the author or proponent handling the legislative instrument to ten minutes for opening remarks and all subsequent speakers on the instrument to five minutes.

HOUSE BILL NO. 174—
BY REPRESENTATIVES DEWITT, HAMMETT, LEBLANC, PINAC, AND DIEZ
AN ACT
To amend and reenact R.S. 47:293(2)(b) and to enact R.S. 47:293(2)(c), relative to the individual income tax; to reduce the excess itemized deduction for a certain period; to phase out the reduction when certain revenue growth is achieved; to provide for an effective date; and to provide for related matters.

Read by title.

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

HOUSE FLOOR AMENDMENTS
Amendments proposed by Representative DeWitt to Engrossed House Bill No. 174 by Representative DeWitt
The bill, not having received a two-thirds vote of the elected members, failed to pass.

Motion to reconsider pending.

HOUSE BILL NO. 166—
BY REPRESENTATIVES DEWITT AND HAMMETT
AN ACT
To amend and reenact R.S. 47:551(A) and to enact R.S. 47:551(D)(3) and (4), relative to the taxation of rental of automobiles; to extend the automobile rental tax; to provide for the dedication of a portion of the tax; to provide for an effective date; and to provide for related matters.

Suspension of the Rules
On motion of Rep. Hammett, and under a suspension of the rules, the above bill was taken up out of its regular order at this time.

Read by title.

Rep. Hammett moved the final passage of the bill.

ROLL CALL
The roll was called with the following result:

YEAS

Mr. Speaker
Guillory
Guillory

Alario
Hammett
Heaton

Alexander, R
Hammett
Heaton

Ansardi
Hill
Pitre

Baudoin
Honey
Powell

Baylor
Hudson
Quezaire

Bowler
Hunter
Richmond

Broome
Hutter
Riddle

Bruce
Iles
Salter

Capella
Jackson, L
Schwegmann

Carter, K
Jackson, M
Shaw

Carter, R
Johns
Smith, G.—56th

Carayoux
Katz
Smith, J.D.—50th

Crane
Kennard
Smith, J.R.—30th

Curtis
Kenney
Sneed

Damico
LaFleur
Stelly

Daniel
Lancaster
Strain

Dartez
Landrieu
Swilling

Diez
LeBlanc
Thompson

Doerge
Lucas
Toomy

Downer
Martiny
Townsend


NAYS

Erdey
McCallum
Tucker

Faucheux
McDonald
Walsworth

Frith
McVea
Welch

Frug
Montgomery
Winston

Futrell
Morrell
Wooton

Gallot
Morrish
Wright

Glover
Murray

Green
Odinet

Total—85

Alexander, E
Flavin
Scalise

Beard
Hebert
Schneider

Crowe
Nevers
Smith, J.H.—8th

Devillier
Perkins
Triche

Farrar
Romero
Waddell

Total—15

Arnold
Bruneau
Hopkins

Baldone
Durand

Total—5

The Chair declared the above bill, having received a two-thirds vote of the elected members, was finally passed.

The title of the above bill was read and adopted.

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

Suspension of the Rules
On motion of Rep. Jane Smith, and under a suspension of the rules, the above roll call was corrected to reflect her as voting nay.

Suspension of the Rules
On joint motion of Reps. Tucker and Walsworth, and under a suspension of the rules, the above roll call was corrected to reflect them as voting yea.

HOUSE BILL NO. 167—
BY REPRESENTATIVES DEWITT AND HAMMETT
AN ACT
To amend and reenact Section 4 of Act No. 32 of the 2000 Regular Session, relative to the tobacco tax; to extend the additional tax of four-twentieths of one cent per cigarette; to provide for an effective date; and to provide for related matters.

Suspension of the Rules
On motion of Rep. Hammett, and under a suspension of the rules, the above roll call was corrected to reflect them as voting yea.

ROLL CALL
The roll was called with the following result:

YEAS

Mr. Speaker
Green
Odinet

Alario
Guillory
Perkins

Alexander, R
Hammett
Peychaud

Ansardi
Heaton
Pierre


ABSENT

Baldone
Bruneau
Hopkins

Browne
Durand
Psycheaud

Total—6

The bill, not having received a two-thirds vote of the elected members, failed to pass.

Motion to reconsider pending.

The title of the above bill was read and adopted.

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

Suspension of the Rules
On motion of Rep. Jane Smith, and under a suspension of the rules, the above roll call was corrected to reflect her as voting nay.

Suspension of the Rules
On joint motion of Reps. Tucker and Walsworth, and under a suspension of the rules, the above roll call was corrected to reflect them as voting yea.

Suspension of the Rules
On motion of Rep. Hammett, and under a suspension of the rules, the above roll call was corrected to reflect them as voting yea.

ROLL CALL
The roll was called with the following result:

YEAS

Mr. Speaker
Green
Odinet

Alario
Guillory
Perkins

Alexander, R
Hammett
Peychaud

Ansardi
Heaton
Pierre


ABSENT

Baldone
Bruneau
Hopkins

Browne
Durand
Psycheaud

Total—6

The bill, not having received a two-thirds vote of the elected members, failed to pass.

Motion to reconsider pending.

The title of the above bill was read and adopted.

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

Suspension of the Rules
On motion of Rep. Jane Smith, and under a suspension of the rules, the above roll call was corrected to reflect her as voting nay.

Suspension of the Rules
On joint motion of Reps. Tucker and Walsworth, and under a suspension of the rules, the above roll call was corrected to reflect them as voting yea.
Arnold  Hebert  Pinac
Baudoin  Hill  Piter
Baylor  Honey  Powell
Beard  Hopkins  Quezaire
Bowler  Hudson  Richmond
Broome  Hunter  Riddle
Bruce  Hunter  Salter
Capella  Iles  Schwegmann
Carter, K  Jackson, L  Shaw
Carter, R  Jackson, M  Smith, G.—56th
Cazayoux  Johns  Smith, J.D.—50th
Crane  Katz  Smith, J.H.—8th
Curtis  Kennard  Smith, J.R.—30th
Damico  Kenney  Sneed
Daniel  LaFleur  Stelly
Dartez  Lancaster  Strain
Diez  Landrieu  Swilling
Doerge  LeBlanc  Thompson
Downer  Lucas  Toomy
Erdey  Martiny  Townsend
Farrar  McCallum  Tucker
Faucheux  McDonald  Waddell
Flavin  McVea  Walsworth
Frith  Montgomery  Welch
Fruge  Morrell  Winston
Futrell  Morrish  Wooton
Gallot  Murray  Wooton
Glover  Nevers  Wooton
Total—94

Alexander, E  Romero  Triche
Crowe  Scalice  Wright
Devillier  Schneider  Wright
Total—8

Baldone  Bruneau  Durand
Total—3

The roll was called with the following result:

YEAS

Mr. Speaker  Hebert  Pinac
Alario  Honey  Powell
Alexander, R  Hopkins  Quezaire
Arnold  Hudson  Richmond
Baylor  Hunter  Riddle
Broome  Iles  Salter
Bruce  Jackson, L  Schwegmann
Carter, R  Jackson, M  Smith, J.D.—50th
Cazayoux  Johns  Smith, J.H.—8th
Curtis  Kenney  Smith, J.R.—30th
Damico  LaFleur  Stelly
Dartez  Lancaster  Strain
Diez  Landrieu  Swilling
Doerge  LeBlanc  Tucker
Farrar  McCallum  Waddell
Futrell  Morrell  Walsworth
Gallot  Murray  Welch
Glover  Odinet  Wooton
Hammett  Peychaud  Wooton
Heaton  Pierre  Wooton
Total—68

ABSENT

Alexander, E  Faucheux  Perkins
Ansardi  Futrell  Pitre
Baudoin  Green  Romer
Beard  Guillory  Scalice
Bowler  Hutter  Schneider
Capella  Katz  Shaw
Carter, K  Kennard  Smith, G.—56th
Carter, R  Lancaster  Sneed
Crowe  McCallum  Triche
Erdey  Nevers  Wright
Farrar  Total—32

Baldone  Bruneau  Durand  Hill
Total—5

The bill, not having received a two-thirds vote of the elected members, failed to pass.

Motion to reconsider pending.

HOUSE BILL NO. 171—

BY REPRESENTATIVES DEWITT AND HAMMETT

AN ACT

To amend and reenact R.S. 47:293(2)(b), relative to the individual income tax; to limit the deductibility of excess federal itemized deductions; to provide for an effective date; and to provide for related matters.

Suspension of the Rules

On motion of Rep. Hammett, and under a suspension of the rules, the above bill was taken up out of its regular order at this time.

Read by title.

Rep. Hammett moved the final passage of the bill.

The title of the above bill was read and adopted.

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

Suspension of the Rules

On joint motion of Reps. Hudson and Morrell, and under a suspension of the rules, the above roll call was corrected to reflect their vote as voting yea.

HOUSE BILL NO. 172—

BY REPRESENTATIVES DEWITT AND HAMMETT

AN ACT

To amend and reenact R.S. 47:297(D)(3), relative to the individual income tax; to extend the time period for which the credit for certain educational expenses incurred for each dependent child is inapplicable, inoperable, and of no effect; to provide for an effective date; and to provide for related matters.

Suspension of the Rules

On motion of Rep. Hammett, and under a suspension of the rules, the above bill was taken up out of its regular order at this time.

Read by title.

Rep. Hammett moved the final passage of the bill.
Rep. Hammett sent up floor amendments which were read as follows:

**HOUSE FLOOR AMENDMENTS**
Amendments proposed by Representative DeWitt to Engrossed House Bill No. 171 by Representative Dewitt

**AMENDMENT NO. 1**
On page 1, line 15, change “2012,” to “2004.”

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

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

**ROLL CALL**
The roll was called with the following result:

<table>
<thead>
<tr>
<th>YEAS</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr. Speaker</td>
<td>Hebert</td>
</tr>
<tr>
<td>Alario</td>
<td>Hill</td>
</tr>
<tr>
<td>Alexander, R</td>
<td>Honey</td>
</tr>
<tr>
<td>Baylor</td>
<td>Hudson</td>
</tr>
<tr>
<td>Broome</td>
<td>Hunter</td>
</tr>
<tr>
<td>Bruce</td>
<td>Iles</td>
</tr>
<tr>
<td>Carayoux</td>
<td>Jackson, L</td>
</tr>
<tr>
<td>Curtis</td>
<td>Jackson, M</td>
</tr>
<tr>
<td>Daniel</td>
<td>Johns</td>
</tr>
<tr>
<td>Dartez</td>
<td>Kenney</td>
</tr>
<tr>
<td>Diez</td>
<td>LaFleur</td>
</tr>
<tr>
<td>Doerge</td>
<td>Landrieu</td>
</tr>
<tr>
<td>Downer</td>
<td>LeBlanc</td>
</tr>
<tr>
<td>Faucheux</td>
<td>Lucas</td>
</tr>
<tr>
<td>Frith</td>
<td>McCallum</td>
</tr>
<tr>
<td>Gallot</td>
<td>McDonald</td>
</tr>
<tr>
<td>Glover</td>
<td>McVea</td>
</tr>
<tr>
<td>Guillory</td>
<td>Montgomery</td>
</tr>
<tr>
<td>Hammett</td>
<td>Morrell</td>
</tr>
<tr>
<td>Heaton</td>
<td>Morrish</td>
</tr>
<tr>
<td>Total—58</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>NAYS</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Alexander, E</td>
<td>Flavin</td>
</tr>
<tr>
<td>Ansardi</td>
<td>Fruge</td>
</tr>
<tr>
<td>Arnold</td>
<td>Futrell</td>
</tr>
<tr>
<td>Baudoin</td>
<td>Green</td>
</tr>
<tr>
<td>Beard</td>
<td>Hutter</td>
</tr>
<tr>
<td>Bowler</td>
<td>Katz</td>
</tr>
<tr>
<td>Capella</td>
<td>Kennard</td>
</tr>
<tr>
<td>Carter, R</td>
<td>Lancaster</td>
</tr>
<tr>
<td>Crane</td>
<td>Martin</td>
</tr>
<tr>
<td>Crowe</td>
<td>Nevers</td>
</tr>
<tr>
<td>Damico</td>
<td>Perkins</td>
</tr>
<tr>
<td>Devillier</td>
<td>Pitre</td>
</tr>
<tr>
<td>Erdey</td>
<td>Powell</td>
</tr>
<tr>
<td>Farrar</td>
<td>Quezaire</td>
</tr>
<tr>
<td>Total—42</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ABSENT</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Baldone</td>
<td>Carter, K</td>
</tr>
<tr>
<td>Bruneau</td>
<td>Durand</td>
</tr>
<tr>
<td>Total—5</td>
<td></td>
</tr>
</tbody>
</table>

The bill, not having received a two-thirds vote of the elected members, failed to pass.

Motion to reconsider pending.
The Chair declared the above bill, having received a two-thirds vote of the elected members, was finally passed.

The title of the above bill was read and adopted.

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

Suspension of the Rules

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

Suspension of the Rules

On motion of Rep. Triche, the rules were suspended in order to take up and consider Introduction of Resolutions at this time.
On motion of Rep. Iles, and under a suspension of the rules, the resolution was adopted.

Ordered to the Senate.

Privileged Report of the Committee on Enrollment

May 22, 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. 22—
BY REPRESENTATIVE DIEZ
A RESOLUTION
To commend the East Ascension High School Symphonic Winds Band on its outstanding achievements at the National Adjudicator Invitational 2002 Grand National Music Festival in Chattanooga, Tennessee.

HOUSE RESOLUTION NO. 23—
BY REPRESENTATIVE DIEZ
A RESOLUTION
To commend the St. Amant High School Wind Symphony Band on its outstanding achievements at the National Adjudicator Invitational 2002 Grand National Music Festival in Chattanooga, Tennessee.

HOUSE RESOLUTION NO. 24—
BY REPRESENTATIVE HONEY
A RESOLUTION
To commend Dr. Kirk Marshall Clayton for his outstanding accomplishments.

HOUSE RESOLUTION NO. 25—
BY REPRESENTATIVE MURRAY
A RESOLUTION
To express the sincere and heartfelt condolences of the House of Representatives of the Legislature of Louisiana upon the death of Thomas Lee Gives, Sr. of New Orleans.

HOUSE RESOLUTION NO. 26—
BY REPRESENTATIVES GALLOT, MONTGOMERY, ARNOLD, BALDONE, BAYLOR, K. CARTER, CAZAYOUX, DEWITT, DOWNER, GLOVER, GREEN, GUILLORY, HEATON, L. JACKSON, KENNEY, LAFLEUR, MURRAY, PIERRE, PINAC, POWELL, QUEZAIRE, RIDDLE, SALTER, SCHWEGMANN, THOMPSON, AND WOOTON
A RESOLUTION
To commend J. R. "Snap" Oakes for his outstanding accomplishments as he retires as United States Marshal in the Western District of Louisiana.

Respectfully submitted,
DONALD RAY KENNARD
Chairman

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

Suspension of the Rules

On motion of Rep. Broome, the rules were suspended to permit the Committee on Municipal, Parochial and Cultural Affairs to meet upon adjournment on Wednesday, May 22, 2002, and consider the following legislative instruments that were not listed on the weekly committee schedule as required by House Rule 14.23:

House Bill No. 262

Leave of Absence

Rep. Bruneau- 1/2 day

Adjournment

On motion of Rep. Kenney, at 4:15 P.M., the House agreed to adjourn until Thursday, May 23, 2002, at 10:00 A.M.

The Speaker of the House declared the House adjourned until 10:00 A.M., Thursday, May 23, 2002.

ALFRED W. SPEER
Clerk of the House