

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

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

Mr. Speaker	Futrell	Odinet
Alario	Gallot	Perkins
Alexander, E	Glover	Peychaud
Alexander, R	Green	Pierre
Ansardi	Guillory	Pinac
Arnold	Hammett	Pitre
Baldone	Heaton	Powell
Baudoin	Hebert	Quezairé
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
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
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. 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.

Ordered to the Senate.

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.

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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.

Read by title.

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"

AMENDMENT NO. 4

On page 2, line 26, after "to the" insert "S Bank" and after "shareholder's" delete "S Bank"

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, GUILLORY, HEATON, L. JACKSON, JOHNS, LANDRIEU, MONTGOMERY, ODINET, PITRE, POWELL, RIDDLE, JACK SMITH, STELLY, STRAIN, TOWNSEND, TUCKER, WALSWORTH, WINSTON 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 tax 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, ODINET, 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.

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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 "(c)"

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	Gallot	Perkins
Alario	Glover	Peychaud
Alexander, E	Green	Pierre
Alexander, R	Guillory	Pinac
Ansardi	Hammett	Pitre
Arnold	Heaton	Powell
Baldone	Hebert	Quezaire
Baudoin	Hill	Richmond
Baylor	Honey	Riddle
Beard	Hopkins	Salter
Bowler	Hudson	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
Crane	Kennard	Sneed
Crowe	Kenney	Stelly
Curtis	LaFleur	Strain
Damico	Lancaster	Swilling
Daniel	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	
Futrell	Odinot	
Total—103		

NAYS

Romero
Total—1

ABSENT

Dartez
Total—1

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	Frith	Nevers
Alario	Futrell	Perkins
Alexander, E	Gallot	Peychaud
Alexander, R	Green	Pierre
Ansardi	Guillory	Pinac
Arnold	Hammett	Pitre
Baldone	Heaton	Powell
Baudoin	Hebert	Quezaire
Baylor	Hill	Richmond
Beard	Honey	Riddle
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
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	McCallum	Tucker
Downer	McDonald	Waddell
Durand	McVea	Walsworth
Erdey	Montgomery	Welch
Farrar	Morrell	Winston
Faucheux	Morrish	Wooton
Flavin	Murray	Wright
Total—99		

NAYS

Fruge	Romero
Total—2	

ABSENT

Glover	Odinet
Martiny	Smith, J.R.—30th
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

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	Guillory	Montgomery
Alario	Hammett	Morrell
Alexander, R	Heaton	Morrish
Baylor	Hebert	Murray
Bruce	Hill	Odinet
Carter, K	Hudson	Pierre
Cazayoux	Hunter	Pinac
Curtis	Iles	Riddle
Damico	Jackson, L	Salter
Dartez	Jackson, M	Smith, G.—56th
Diez	Kenney	Smith, J.D.—50th
Doerge	LaFleur	Smith, J.R.—30th
Downer	Landrieu	Thompson
Faucheux	LeBlanc	Townsend
Frith	Lucas	Welch
Gallot	McDonald	Wooton
Glover	McVea	
Total—50		

NAYS

Alexander, E	Green	Schneider
Ansardi	Honey	Schwegmann
Arnold	Hutter	Shaw
Baudoin	Johns	Smith, J.H.—8th

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Beard	Katz	Sneed
Bowler	Kennard	Stelly
Capella	Lancaster	Strain
Carter, R	Martiny	Swilling
Crane	McCallum	Toomy
Crowe	Nevers	Triche
Daniel	Perkins	Tucker
Devillier	Pitre	Waddell
Erdey	Powell	Walsworth
Farrar	Quezaire	Winston
Flavin	Richmond	Wright
Früge	Romero	
Futrell	Scalise	

Total—49

ABSENT

Baldone	Bruneau	Hopkins
Broome	Durand	Psychaud

Total—6

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	Psychaud
Alario	Hammett	Pierre
Alexander, R	Heaton	Pinac
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
Cazayoux	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

Erdey	McCallum	Tucker
Faucheux	McDonald	Walsworth
Frith	McVea	Welch
Früge	Montgomery	Winston
Futrell	Morrell	Wooton
Gallot	Morrish	Wright
Glover	Murray	
Green	Odinet	

Total—85

NAYS

Alexander, E	Flavin	Scalise
Beard	Hebert	Schneider
Crowe	Nevers	Smith, J.H.—8th
Devillier	Perkins	Triche
Farrar	Romero	Waddell

Total—15

ABSENT

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 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	Green	Odinet
Alario	Guillory	Perkins
Alexander, R	Hammett	Psychaud
Ansardi	Heaton	Pierre

Arnold	Hebert	Pinac
Baudoin	Hill	Pitre
Baylor	Honey	Powell
Beard	Hopkins	Quezaire
Bowler	Hudson	Richmond
Broome	Hunter	Riddle
Bruce	Hutter	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	
Glover	Nevers	
Total—94		

NAYS

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

ABSENT

Baldone	Bruneau	Durand
Total—3		

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 joint motion of Reps. Hudson and Morrell, and under a suspension of the rules, the above roll call was corrected to reflect them 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.

ROLL CALL

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
Daniel	Landrieu	Strain
Dartez	LeBlanc	Swilling
Devillier	Lucas	Thompson
Diez	McDonald	Toomy
Doerge	McVea	Townsend
Downer	Montgomery	Tucker
Flavin	Morrell	Waddell
Frith	Morrish	Walsworth
Gallot	Murray	Welch
Glover	Odinet	Winston
Hammett	Peychaud	Wooton
Heaton	Pierre	
Total—68		

NAYS

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

ABSENT

Baldone	Durand	Hill
Bruneau	Fruge	
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 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:

YEAS

Mr. Speaker	Hebert	Murray
Alario	Hill	Odinot
Alexander, R	Honey	Peychaud
Baylor	Hudson	Pierre
Broome	Hunter	Pinac
Bruce	Iles	Richmond
Cazayoux	Jackson, L	Riddle
Curtis	Jackson, M	Salter
Daniel	Johns	Schwegmann
Dartez	Kenney	Smith, G.—56th
Diez	LaFleur	Smith, J.D.—50th
Doerge	Landrieu	Smith, J.R.—30th
Downer	LeBlanc	Stelly
Fauchoux	Lucas	Swilling
Frith	McCallum	Thompson
Gallot	McDonald	Townsend
Glover	McVea	Welch
Guillory	Montgomery	Wooton
Hammett	Morrell	
Heaton	Morrish	
Total—58		

NAYS

Alexander, E	Flavin	Romero
Ansardi	Fruge	Scalise
Arnold	Futrell	Schneider
Baudoin	Green	Shaw
Beard	Hutter	Smith, J.H.—8th
Bowler	Katz	Sneed
Capella	Kennard	Strain
Carter, R	Lancaster	Toomy
Crane	Martiny	Triche
Crowe	Nevers	Tucker
Damico	Perkins	Waddell
Devillier	Pitre	Walsworth
Erdey	Powell	Winston
Farrar	Quezaire	Wright
Total—42		

ABSENT

Baldone	Carter, K	Hopkins
Bruneau	Durand	
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. 169—

BY REPRESENTATIVES DEWITT AND HAMMETT
AN ACT

To enact R.S. 47:302(P), 321(H), and 331(N), relative to the state sales and use tax; to provide relative to the effectiveness of certain exemptions to the tax; 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 sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative DeWitt and LeBlanc to Engrossed House Bill No. 169 by Representative DeWitt and Hammett

AMENDMENT NO. 1

On page 1, line 2, after "R.S." and before "and" change "47:302(P), 321(H)," to "47:302(P)"

AMENDMENT NO. 2

On page 1, line 6, after "R.S." and before "and" change "47:302(P), 321(H)," to "47:302(P)"

AMENDMENT NO. 3

On page 1, line 12, after "June 30," and before "the exemptions" change "2012," to "2004,"

AMENDMENT NO. 4

On page 2, delete lines 1 through 12 in their entirety

AMENDMENT NO. 5

On page 2, line 16, after "June 30," and before "the exemptions" change "2012," to "2004,"

AMENDMENT NO. 6

On page 3, line 3, after "June 30," and before "by" change "2012," to "2004,"

AMENDMENT NO. 7

On page 3, line 3, after "R.S." and before "and" change "47:302(P), 321(H)," to "47:302(P)"

AMENDMENT NO. 8

On page 3, at the end of line 4, 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:

YEAS

Mr. Speaker	Guillory	Murray
Alario	Hammett	Odinet
Alexander, R	Heaton	Pierre
Arnold	Hebert	Pinac
Baylor	Hill	Powell
Bowler	Hopkins	Quezaire
Bruce	Hudson	Riddle
Capella	Hunter	Salter
Carter, R	Hutter	Scalise
Cazayoux	Iles	Schwegmann
Crane	Johns	Shaw
Curtis	Katz	Smith, J.D.—50th
Damico	Kennard	Smith, J.H.—8th
Daniel	Kenney	Smith, J.R.—30th
Dartez	LaFleur	Sneed
Devillier	Lancaster	Stelly
Diez	Landrieu	Strain
Doerge	LeBlanc	Thompson
Downer	Lucas	Toomy
Erdey	Martiny	Townsend
Faucheux	McCallum	Tucker
Flavin	McDonald	Waddell
Frith	McVea	Walsworth
Fruge	Montgomery	Welch
Gallot	Morrell	Winston
Glover	Morrish	Wooton
Total—78		

NAYS

Alexander, E	Futrell	Richmond
Ansardi	Green	Romero
Baudoin	Honey	Schneider
Beard	Jackson, L	Smith, G.—56th
Broome	Jackson, M	Swilling
Carter, K	Nevers	Triche
Crowe	Perkins	Wright
Farrar	Pitre	
Total—23		

ABSENT

Baldone	Durand
Bruneau	Psychaud
Total—4	

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.

**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. 47—

BY REPRESENTATIVES TRICHE, BALDONE, DOWNER, PITRE, AND WOOTON

A CONCURRENT RESOLUTION

To commend Army Reserve Lieutenant Colonel Myron M. Fonseca upon being selected to take command of the 260th Quartermaster Battalion (PS).

Read by title.

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

Ordered to the Senate.

Reports of Committees

The following reports of committees were received and read:

Report of the Committee on Natural Resources

May 22, 2002

To the Speaker and Members of the House of Representatives:

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

House Concurrent Resolution No. 37, by Hunter
Reported favorably. (8-0-1)

House Concurrent Resolution No. 42, by Townsend
Reported favorably. (8-0)

Senate Concurrent Resolution No. 14, by Gautreaux
Reported with amendments. (9-0-1)

Senate Concurrent Resolution No. 17, by Dupre
Reported with amendments. (8-0-1)

WILFRED PIERRE
Chairman

House and House Concurrent Resolutions

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

Motion

On motion of Rep. Iles, the Committee on Insurance was discharged from further consideration of House Concurrent Resolution No. 35.

HOUSE CONCURRENT RESOLUTION NO. 35—

BY REPRESENTATIVE ILES

A CONCURRENT RESOLUTION

To authorize and request the House Committee on Insurance and the Senate Committee on Insurance to meet and function as a joint committee and study the issue of requiring health insurance coverage for outpatient lactation support assistance for new mothers.

Read by title.

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